Agatha-Cristiana Georgescu

SEDUCTION, NEGOTIATION (AND MARRIAGE?); BREACHES OF MARRIAGE PROMISES IN LATE MEDIEVAL RECORDS FROM SOUTHERN ENGLAND

MA Thesis in Comparative History, with a specialization
in Late Antique, Medieval, and Renaissance Studies.

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Agatha-Cristiana Georgescu

(Romania)

Thesis submitted to the Department of Medieval Studies,

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Accepted in conformance with the standards of the CEU.

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Chair, Examination Committee

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Thesis Supervisor

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External Reader

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External Supervisor

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I, the undersigned, **Your Name**, candidate for the MA degree in Comparative History, with a specialization in Late Antique, Medieval, and Renaissance Studies, with a specialization in Interdisciplinary Medieval Studies declare herewith that the present thesis is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

Vienna, 18 May 2022

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Abstract

This research focuses on the study of Ecclesiastical and Secular records concerning breaches of marriage promises in Late Medieval Southern England, focusing on the cases in which took part plaintiffs and defendants originating predominantly from the dioceses of cathedral towns, focusing primarily on those belonging to a low social stratum.

Although similar records have been studied, including some of those mentioned above, the current study wishes to encompass a closer analysis of a broad range of cases connected to the breach of contract that marriage is.

The main finds are organized in a manner meant to be following closely the factors influencing the negotiations between the couple: emotion, morality, materiality and spirituality. Coming closely in importance are the negotiations for authority and the differences in jurisdiction over the matters of marital bonds between the secular and the ecclesiastical powers, of which the current thesis wishes to offer a glimpse.

Acknowledgements

I would like to thank first my supervisor, Gerhard Jaritz, who, despite my constant struggles and anxieties, has always encouraged and supported me, showing a great deal of patience and kindness in front of my chaotic academic endeavors. Without him, in any sense, this thesis would have not been finished.

Secondly, I would like to thank the faculty and the students of the CEU Department of Medieval Studies, who have made, what could have been two terrible years, a little more bearable (if not even fun!) through their continuous support. Special thanks must go to Zsuzsa Reed, who's made life more enjoyable (even if only from behind a screen and far away) by always bringing in the equation monsters, as well as to Katalin Szende who's always been enthusiastically supporting me through some of my most wild research interests. Thanks must go to Alice Chokye (and Jack the cat!) for always making the Zoom hours furrier.

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1. Introduction

What is a breach of promise when it comes to marriage, and more specifically, what does it look like in Late Medieval England? What was often described in a more elegant manner as a seduction trial in the French speaking literature on the subject in the Early Modern and Modern period, is a trial disputed in court in order to obtain the solemnization or officialization of a marriage. Regularly, the two partners have previously consented to marry in private (or even in public) by either words in the present or future tense. Later on, this promise was not respected and at the moment the legal action is pursued, one of the parties is denying the bond is valid. Presumably, the man would be the one to break the promise more often than the woman, but the sources show a great number of women not honoring promises of marriage and the current study aims if not to challenge such assumptions, to at least clarify the various routes such cases could take. There are, however, several levels to this binding connection, and differences in the issues presented to the courts depending on the gender of the party guilty of breaking the promise. In a good number of cases, the marriage has been already consummated, which brings the intervention of the ecclesiastical authority. Especially in the cases where sexual relations resulted in pregnancy, the woman and her family would often seek justice in court in order to force the man to keep his promise, or at least offer compensations meant to assist raising the child.

This type of trial isn't restricted only to the later Middle Ages, but it spans across time and space even as far as early 19th century for some parts of Europe. This span across time and space proposes this topic as one very worthy of deeper analysis and it prompts looking further into the social and legal factors that lay at the roots of such practices. Even more so, this prompts an

evaluation of how lovers, women and men, managed to negotiate their own position in the contracting of marriages. Looking into the early days of such trials within the English space could help develop a better understanding of the origins of certain legal practices, as well as a greater understanding of the developments within the ecclesiastical courts and the respective jurisdictions of secular and ecclesiastical authorities. Apart from the negotiations of the particular actors themselves, the current approach could help better understand the negotiations between different authorities regarding their influence on the private lives of these lovers, depending on the nature of the aspects (economic, social, religious) affected by the specific cases.

The current thesis wishes to introduce to the reader, as the title suggests, a number of secular and ecclesiastical court registers and individual documents depicting the legal action taken in case of a breach of promise of a marriage contract during the Fourteenth and the Fifteenth centuries within the English space, especially among the lower social strata, focusing on those records originating from areas previously neglected by historians. This thesis wishes to approach this topic in a manner that will reveal through a close analysis of the primary sources larger legal patterns and developments following the Black Death in the English approach to marriage as a social, economic, and religious contract between the two partners, but closely monitored by secular and ecclesiastical authorities. Furthermore, this thesis wishes to evaluate the power relations between the two authorities (ecclesiastical and secular) and their involvement in what could be considered a matter of private life.

I believe that a closer analysis of both the ecclesiastical and the secular primary sources together can prove to be an important tool for the understanding of the agency women and men possess within the legal system, for the understanding of their desperation in front of rejection, as well as a way to showcase a few glimpses into the chaos of common lives within the English

Parishes, where fornication cases and multiple marriages are not so unfamiliar to the secular and ecclesiastical authorities.

1.1. Thesis structure

The current thesis is structured around the general patterns observed during the evaluation of the source material, following the key factors involved in the act of contracting a marriage. The first chapter is meant to provide a larger context for the source material, as well as the geographical, religious, and legal background, together with some short historiographical notes, before embarking in the study of the primary sources themselves. The second chapter is centered around the narratives presented in front of the courts in these cases. It follows closely into the possible reasons for common folk to appear in front of the courts, asking for the officialization of the marital bond, while trying to elaborate on the nature of such cases. The third chapter has as a focus understanding what makes a marriage bond legitimate and what doesn't, while paying close attention to the steps involved in the making of the marital contract and the order in which they are supposed to be carried out (promise, church solemnization, consummation). The fourth chapter is meant to cover certain economic aspects of the marriage contract. While the other two chapters tend to deal with the common folk, the fourth one brings in, for comparison, documents meant to illustrate how a marriage was crafted, moving the focus away for a moment to the marriage contracts found among the upper social classes. This focus shift is motivated by the available primary sources (naturally, more rich and more readily available when it comes to middle and upper classes) and tries to track down the possible economic factors that take place in the process of creating and officializing a marital bond. The fifth chapter focuses on the religious aspects at play in the marital bond, as well as the

implications of consummating a marriage yet to be officialized. This final chapter is meant to be the final incursion into the daily lives of these common folk, their sins, and the consequences they face in front of the church for consummating a marriage that was not previously solemnized.

1.2. Aims, methodology, and some brief historiographical notes

The focus of the current thesis is on analyzing patterns followed by cases connected to breaches of marital contracts within primarily *ecclesiastical*, and secondarily *secular* records. The analysis is meant to shed a light on the factors influencing the lives of these mostly common folk and their way of navigating and negotiating personal relationships, as well as economic and religious aspects of these bonds they create with each other. The current thesis wishes to briefly introduce the reader to the ways in which these people carried out these cases and pleas in front of secular and ecclesiastical authorities and how they dealt with rejection or failure within the desired or already established marital bond.

The question of gender and the agency of women is, as one would expect, a key point of the current study. The current thesis deals with cases that conform to the gender binary regarded as a norm within the studied period, as the primary sources did not provide any information on gender non-conforming individuals, or any particular cases connected to the subject of marriage or consummation of a marriage showing up as a fornication case within the record. Although the language I use often tries to be as gender neutral as possible when necessary and my wish is to approach matters without reinforcing gender stereotypes or making assumptions about the gender of the person breaking the marriage promise, there is a certain limitation to the gender binary as a norm. However, the current study wishes to stay away from

using as a hypothesis any reinforcement of traditional gender roles (e.g., assuming the stereotype of the "seduced and abandoned woman" or of the "seductress" in all cases), unless stated so in the record. Another key aspect of this research is the **agency** women possessed in these particular cases and how they managed to navigate the various social situations in which they found themselves. The legal language[1] provides rich insights into the way women were perceived as parts of such trials, but the emotional notes of disappointment in response to a failed attempt at marriage are common for men too. By looking at the sequences of legal actions taken by *both* men and women, I wish to illustrate the negotiations carried out by the common folk with one another and with the authorities, both secular and ecclesiastical, as well as their ways of expressing their emotions, their desperation when faced with rejection or loss.

The *lower and middle strata of the society* are the priority of the current study, as the norms and procedures to be followed by the upper classes were more rigid and therefore, these people were less prone to contract the marriages themselves, let alone deviate from the norm. The higher aristocracy is left out of the current study, as the matrimonial strategies were mostly far too complex and followed too strict of a procedure to often leave room for negotiations grounded on personal affections and intimate drama. Through the current thesis I propose to look at the lives and prospective marriages of lower classes from the Late Medieval English dioceses in order to follow a rather *intersectional* approach, as much as it can be for a study of the English society in the Late Middle Ages.

The time frame chosen for the current study is based upon the developments within English society in the aftermath of the Black Death. The consequences of this event on both the economic life of English towns, as well as the increased agency women held with the

[1] Ruth Mazo Karras provides great insight into that in: "The Latin Vocabulary of Illicit Sex in English Ecclesiastical Court Records." *The Journal of Medieval Latin* 02 (1992): 1–17.

higher possibility of employment of women due to labor shortages, are an important aspect that caused me to choose the current time period for the study. The expected effects of the decreased population, as well as the higher employment rate of women, are a key factor in the developments regarding the making of the marital bonds, as a delay of the age of marriage could have had a significant effect on the manner of choosing a partner.[2] At the same time, of grave importance are the developments starting from the Twelfth century on that cemented marriage as a sacrament, as well as the increase in interventions of the church in matters of sexuality and marriage control. Although the doctrine available in the Fifteenth century is based upon a conceptual framework developed from Augustine on, the Twelfth to Fifteenth century developments gave birth to a very detailed form of canon law that was paying much attention to the voluntary unions and intervened in those that were formed by mistake, fraud, or coercion. The current thesis wishes to look at the developments preceding the Council of Trent (1563) where the canon law of marriage was formalized and systematized, in order to better understand how the legal practice concerning marital bonds was evolving and changing around the time a great deal of the essential codes of law of the Higher and Later Middle Ages were developed.[3]

By comparing the trials that took place in different areas of England I aim to assess how men and women managed to navigate several constellations of power and how they interacted with different types of authorities, from the parental to the legal ones.

The limitations this type of approach brings with it, often directly dictate the methodology used. While trying to move beyond the familiar approach to archival documents coined by Natalie Zemon Davis, I faced certain issues with systemizing the finds directly determined by the nature of the primary sources. While names of those historians working on topics connected

[2] Colin Platt, *King Death: The Black Death and Its Aftermath in Late-Medieval England* (London: Routledge, 2003), 36-37.
[3] John Witte, *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville (KY): Westminster John Knox Press, 2012).

to marriage, consent and fornication such as that of Judith Bennett[4], James Brundage[5], Sara Butler[6], Barbara Hanawalt[7] and Richard Helmholz must certainly not be missing from the readings of anyone interested in the subject, I found, that more often than not, the analysis of individual cases to be an appropriate focal point of my research, and that following methodologically this familiar type of approach fits them best. As much as Natalie Zemon Davis is the pioneer in such matters and I wished I could describe my cases half as vividly as she does, I found the need to look towards a more systematic approach, as the chosen time period and space for the research are not too limited, nor too broad. One of the main challenges was finding the right approach towards organizing and comparing the sources, as they often don't paint a consistent and broad image of the legal practices regarding smaller trials, and especially for the earlier periods. As the cases are scattered around geographically and as the records kept aren't as rich in every area of England, it is hard to draw hard conclusions. One, must therefore, take great precautions when generalizing and comparing, but the possibility to follow a certain structural approach arises when one looks at the matter for different main factors that routinely influence marriage contracts (personal, economic, religious).

In interpreting trial records, the larger social context, together with the larger networks of power, must be considered in order to understand the causes for the legal outcomes of such situations and evaluate how important the role of the legal parts as social actors is in influencing the final decision. The families and the communities of which these legal actors were a part would have

[4] For example: Judith M. Bennett, „Writing Fornication: Medieval Leywrite and its Historians" in *Transactions of the Royal Historical Society 13* (2003): 131-6; "The Tie That Binds: Peasant Marriages and Families in Late Medieval England." *Journal of Interdisciplinary History* 15, no. 1 (1984): 111-129; Bennett, Judith M., and Amy M. Froide, eds. *Singlewomen in the European Past, 1250-1800*. (Philadelphia: University of Pennsylvania Press, 1999).

[5] James A. Brundage, "Concubinage and Marriage in Medieval Canon Law." *Journal of Medieval History* 1, no. 1 (1975): 1–17.

[6] Sara M. Butler, "I Will Never Consent to Be Wedded with You!: Coerced Marriage in the Courts of Medieval England." *Canadian Journal of History* 39, no. 2 (2004): 247–70.

[7] Barbara Hanawalt, *The Ties That Bound: Peasant Families in Medieval England* (Oxford: Oxford University Press, 1986).

played an important role, unfortunately not always revealed by the records, especially when it came to women. I see, therefore, that the current study must follow four sets of larger themes: the personal narratives and emotions of the legal actors, the legal process of officializing a marital bond, the economic aspects at play, and most importantly, the religious aspects of the marital bonds, together with the sinful sexual acts outside of marriage that the church wished to regulate. The cases I chose to discuss extensively often fall somewhere at the intersection of at least two of these key themes and bring into discussion various aspects of day-to-day life.

2. Chapter I: Religious and Social Background of the Primary Sources

2.1. The primary sources and their place of origin

The primary sources I will concentrate on are the trial records of such cases presented in front of local ecclesiastical courts**,** accompanied by secular records, originating from local Southern English parishes of the Fourteenth and Fifteenth centuries such as Salisbury, Exeter, Suffolk, Hereford, Somerset (see Fig. 1).

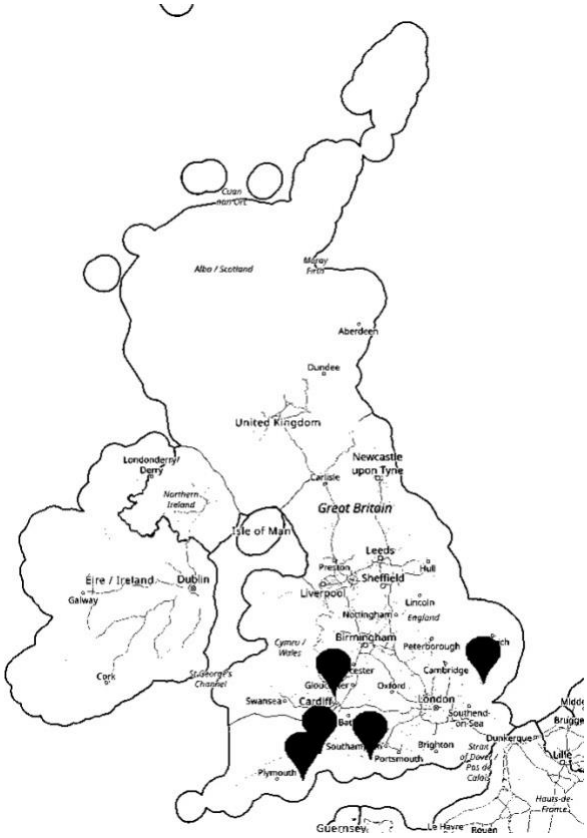

Fig. 1: Map of the dioceses the ecclesiastical records originate from (map by the author).

The registers I chose as a focus for this study wish to go beyond the richer sources that have been studied in more depth, such as those originating from political or religious centers (such as London or Canterbury), while keeping close to cathedral towns and dioceses large enough to offer a broad range of records. Salisbury benefited from the construction of a new cathedral in 1221 (by the use of spolia from the previous one) and a few years later, in 1227 was confirmed as a city by King Henry III.[8] During the Fourteenth and the Fifteenth century Salisbury gained more importance in the English political and religious scene, three parliaments being held here during the Fourteenth century.[9] Although Salisbury, as a cathedral town of the later middle ages has been studied by Andrew Brown, for example, this has been done from a different point of view, that of medieval popular piety, rather than approaching the broader social aspects connected to the religious life of the community.[10] The Exeter diocese was itself an important place for English medieval councils, as it hosted the first recorded Common Council, formed by members of aristocracy elected each year.[11] Exeter had been by this time an important market town, being among the few towns in the South-East of England with three markets a week, as well as an annual fair.[12] The late medieval urban space, as well as the diocese of Norwich, were under the influence of monastic landlords, and populated by a great proportion of freemen and independent landlords of low status.[13] The Hereford medieval diocese has been so far the object of study for various reasons (one of the most common being the famous Hereford Mappa Mundi). One of the most interesting studies for the subject at

[8] James Easton, *A Chronology of Remarkable Events Relative to the City of New Sarum: With the Year and Name of the Mayor in Whose Time They Occurred ... from A.D. 1227 to 1823 ... Including the Prices of Wheat and Barley from an Early Aera, to Which Are Added, Their Annual Average Prices for 28 Years, Being from 1796 to 1823* (Salisbury: Printed and published by the compiler, J. Easton, 1824), 1.

[9] "Parliaments Held Away from Westminster - House of Commons Library," accessed May 17, 2022, https://commonslibrary.parliament.uk/research-briefings/sn06471/ .

[10] Andrew Brown, *Popular Piety in Late Medieval England: The Diocese of Salisbury 1250-1550* (Oxford: Clarendon Press, 2002).

[11] B. Wilkinson, *The Mediaeval Council of Exeter* (Manchester, 1931).

[12] Gazetteer of markets and fairs in England and Wales to 1516, accessed May 17, 2022, https://archives.history.ac.uk/gazetteer/gazweb2.html .

[13] Mark Bailey, *Medieval Suffolk: An Economic and Social History, 1200-1500* (Woodbridge: Boydell, 2010), 7-8.

hand is that of William Dohar, who studied the evolution of the diocese following the loss of more than half the clergy due to the plague, and who managed to provide some insights into the Hereford registers.[14] Later medieval records of the Hereford diocese are studied by Jian Sun in a PhD thesis as well, although the focus falls rather on the ecclesiastical hierarchy and the careers the clergy could follow within this context.[15] During the High and Later Middle Ages, the Bath and Wells diocese was dominated by a large array of monastic settlements, while the sheep farming and wool trade kept a dominant role in the economic life of the area, while the Port of Bridgwater became important in the transport of hamstone.[16]

The reason for choosing the diocese as the administrative point and means of defining the geographical area of the study is only natural, as it provides access to a various number of records from which glimpses of the social and economic lives of the people of the parish.[17]

I believe that these variations within the status of the towns chosen as the origin place of the primary sources had as a main focal point can provide both a larger, harder to analyze sample size, as well as enough variety to be able to draw any conclusions or notice any patterns regarding the usual cases regarding marriage promises and bonds brought before these courts by people of the parish. The comparison of legal sources coming from these varied types of urban spaces can prove very useful for the broader analysis of different legal actors originating from different social and economic backgrounds. By providing a span across stories and

[14] William J. Dohar, *The Black Death and Pastoral Leadership: The Diocese of Hereford in the Fourteenth Century* (Philadelphia: Univ. of Pennsylvania Press, 1995).
[15] Jian Sun, "The Clergy of the Diocese of Hereford in the Later Middle Ages" (PhD dissertation, University of Birmingham, 2015).
[16] Christopher M. Gerrard, "Ham Hill Stone: A Medieval Distribution Pattern from Somerset," *Oxford Journal of Archaeology* 4, no. 1 (1985): 105-116.
[17] Katherine L. French analyses some of these aspects for the English space in: *The People of the Parish: Community Life in a Late Medieval English Diocese*. (Philadelphia, PA: University of Pennsylvania Press, 2001).

experiences of different low status actors, this type of comparison and analysis can help observe different patterns of marital negotiation, varying from members of upper-middle social status crafting marriage contracts that once broken fall into the jurisdiction of secular authorities and very rarely imply any sexual or romantic bond between the partners to the poor town-folk, hurt by the refusal of a loved one to finalize the marital bond or to accept it as valid.

The main limitation of archival sources gathered from these dioceses is that the information coming from within each diocese varies greatly, depending on the type of register preserved. The period of time covered by it can vary as well, and of course, the chance of finding cases concerning negotiations of marriage contracts within all of them depends on human haphazard. Therefore, it would be difficult to gain a greater perspective of the matter within the ecclesiastical registers alone, but comparisons are definitely possible and secular sources, together with canon law can help decipher general developments and observe certain patterns. Sources that directly reflect the legal and religious norms (laws and penitentials[18]) need to be closely followed, in order to understand the broader social and religious context in which these disputes took place.

One of the richest sources of this type that I used in my research is *The Register of John Chandler Dean of Salisbury (1404-17)*,[19]which contains a few cases that fall within the realm of marriage contract breaches. While extremely rich in *fornication* cases (165, more precisely), only as few as 16 imply that marriage has been consented to and will be sacralized or that this is the wish of at least one of the contracting parties. Within these 16 cases, only 6 illustrate the type of legal procedure in which I am interested, where the woman alleges that a marriage contract

[18] An important role is played by the local Councils and their statutes, such as that of Westminster one and the penitential that follows (mainly a compilation of Burgundian penitentials).
[19] John Chandler, John Lavan Kirby, and Timmins T C B., eds, *The Register of John Chandler, Dean of Salisbury*, 1404-17 (Devizes: Gloucester, Alan Sutton pr., 1984).

took place.[20] In Case 64, Christine, servant of Thomas Stoke of Bedewynde "alleges that a marriage contract was made with the words <<I, Roger, take you, Christine, as my lawful wife>> and <<I, Christine, take you, Roger, as my lawful husband>>."[21] This is a good example of how consent to marriage was defined at the beginning of the 15th century. Another case that is similar is that of Joan Howleys, where William Bentele is cited and confesses that a marriage was, in fact, contracted.[22] Curiously, in some of the cases, perhaps to avoid the penance for fornication, the man mentions a previous marriage contract.[23] A very curious case is that of Alice Stokes, who had intercourse with two men and according to the two, contracted marriages with both. When cited in court, she does not make an appearance.[24] This goes to prove that in such cases both men and women accuse the other for not respecting a marriage contract. It could be speculated that, in general, the distribution between genders on being responsible for the breach of promise could rather point to men being more avoidant, but it's hard to evaluate and unnecessary to conclude this without taking a closer look at the register, as it is clear women break the marital bond maybe just as often as men do.

A striking difference can be observed when comparing this set of records with *The Register of Bishop Robert Mascall*,[25] dating from the beginning of the 15th century. In this Register of the Diocese of Hereford, it is easily noticeable that most cases concerning marriages are focusing on other types of issues concerning cases of marriage not officialized yet, such as the legitimacy of children.[26] When comparing this register to a slightly older one, that of Thomas de Brantyngham, Bishop of Exeter (A.D. 1370-1394),[27] the issues concerning marriage are

[20] *Ibidem.*, 26, 32-33, 40, 76, 110, 125.
[21] *Ibidem.*, 32-33.
[22] *Ibidem.*, 125.
[23] *Ibidem.*, 73.
[24] *Ibidem.*, 4.
[25] *The Register of Bishop Robert Mascall:* https://www.melocki.org.uk/registers/1404_Mascall.html , last accessed July 25th, 2021.
[26] *The Register of John Chandler, Dean of Salisbury*, 54.
[27] Francis Charles Hingeston, *The Register of Thomas De Brantyngham, Bishop of Exeter (A. D. 1370-1394)* (London: G. Bell, 1901).

preoccupated with clandestine ones. Very rarely do fornication cases appear. This is most probably due to the importance of such cases in a register covering a larger period of time, as well as the importance of having evidence of officialization of a marriage bond being the primary reason for the case selection. One can easily understand the importance of analyzing a more detailed register, limited to a shorter period of time, containing more petty crimes, such as the one of John Chandler.

While John Chandler's Register has been briefly studied before,[28] I wish to bring a new insight into the matter, by the means of comparison and by bringing more primary sources into discussion, while also concentrating on analyzing a few specific cases as a blueprint for my research. By doing so I believe I can illustrate how women and men appeared in front of the ecclesiastical courts in such cases and how they negotiated both with their prospective spouses and the authorities regarding the legitimacy of marital bonds.

2.2. Defining the key themes and terms

In order to gain a better understanding of what the current work wishes to accomplish; one must first look at the key themes that need to be established and the terms which will appear countless times throughout the following thesis. Following the usual procedure of contracting a marriage, I will further introduce concepts connected with contracting a marriage (consent to marry and consummation of the said marriage), as well as what a breach of promise means for such a contract, together with some other instances in which a broken promise of marriage can appear in the context of other trials in the historical record (for example, fornication).

[28] Byron J. Hartsfield, "Marriage, sin and the community in the Register of John Chandler, Dean of Salisbury 1404-17" (2007). PhD Dissertation, University of South Florida.

2.3. Defining the marriage contract and the marriage promise

To better understand the background of canon law foundation on which the theories concerning what makes a marriage valid, we must first take a look at the theories of consent exposed by various theologians throughout the High and Late Middle Ages. During the High Middle Ages, canonists defined the conjugal bond as being created through the consent of the persons to be married, without the necessity of a public ceremony or their families 'consent, although the two were considered proper and were recommended by the Church. The sexual acts, the long cohabitation or even children did not make a marriage bond, but the partners expressing through words of present consent that they take each other in marriage,[29] regularly through a formula such as the one present in the Salisbury statutes: "Ego. N. accipio te in meum."- "I, Name, accept you as mine."[30]

The model of marriage based on the consent of the partners starts to be developed in the context of canon law with the writings of Gratian, specifically with the *Decretum*, which discussed extensively the stages of the creation of the marital bond.[31] These two stages were consent and consummation, as he put it: "quod sponsum et sponsam coniugium est, sed initiatum; inter copulatos est coniugium ratum."[32] To paraphrase it, the betrothal is what initiates the marital bond, while the consummation of the marriage is what makes the marriage complete, or valid.

[29] Conor McCarthy, *Marriage in Medieval England: Law, Literature, and Practice* (Woodbridge, Suffolk: Boydell Press, 2005), 19.
[30] Frederick M. Powicke and Dorothy Whitelock, eds., *Councils and Synods: With Other Documents Relating to the English Church,* vol. I (Oxford: Clarendon Press, 1986), 87-88.
[31] Conor McCarthy, ed, *Love, Sex and Marriage in the Middle Ages: A Sourcebook* (London: Routledge, 2022), 56-57.
[32] Gratian, *Decretum* c. 27 q. 2 c.3, printed in Driedberg, I, 1073, apud. Conor McCarthy, *Marriage in Medieval England: Law, Literature, and Practice* (Woodbridge, Suffolk: Boydell Press, 2005), 22.

In his *Sentences,* Peter Lombard moves the focus from a dual model based on consent and consummation to a model focused on consent alone, as it was crucial for defining holy marriages, such as that of Joseph and Mary, valid. He considered the wish to be married expressed in present tense as the key point of the marital bond, and his views went on to influence later medieval canon law regarding marriage.[33]

Aquinas, on the other hand, considers a marriage to be valid when it is "complete", which in his vision possessed two aspects: the union of the souls and then giving life to children. Here, the validity of the marriage did not reside on the sexual relations alone, but in the perpetuation of the species, escaping, therefore, any possible sign of the nullity of the marriage between Mary and Joseph based on the lack of sexual intercourse between the two.[34]

When it comes to the English ecclesiastical legislation, the regulations concerning marriage were expressed through synodal regulations and collections produced by bishops.[35] Following the developments from the Thirteenth Century, the statutes of law started to circulate widely and, in each diocese, the legatine and provincial canons, as well as other prelates and regular clergy required a copy of the laws, meant to disseminate among the local ecclesiastical actors current legal texts used by the Catholic Church, such as *Corpus Iuris Canonici*.[36] All these being said, the English Church based its jurisdiction closely upon the legislation produced by local synods and upon the local custom, and therefore, the courts did not always adhere to or enforce all the laws found in the aforementioned *Corpus Iuris Canonici*.[37]

[33] Conor McCarthy, *Love, Sex and Marriage in the Middle Ages*, 60.
[34] St. Thomas Aquinas, *Summa Theologiae*, ed. T.Gilby, 62 vols. (London: Blackfriars, 1964-81), LI, 63.
[35] Michael M. Sheehan and James K. Farge, "Marriage Theory and Practice in the Conciliar Legislation and Diocesan Statutes of Medieval England," in *Marriage, Family, and Law in Medieval Europe: Collected Studies* (Toronto: University of Toronto Press, 1997), 123.
[36] Conor McCarthy, *Marriage in Medieval England: Law, Literature, and Practice* (Woodbridge, Suffolk: Boydell Press, 2005), 26.
[37] R. H. Helmholz, *Canon Law and the Law of England* (London: Hambledon Press, 1988), ix.

2.4. Defining the breach of promise and its consequences

The medieval English law placed great importance on promises and keeping them. The marital contract, no less, fell into this category and infidelity to a promise was sometimes called a felony. There was a great significance given to keeping a promise, as a great deal of medieval morality was placed upon keeping faith.[38] Local secular courts carried the responsibility to make sure these promises were kept, as far as their jurisdiction allowed. Common-law regulated keeping faith through debt being placed on a bond.[39] This often applied to marriage contracts, regardless of the status of the consummation of the marriage, but more often than not appears in the records in cases where the contract was carried out as a promise between the two families, rather than between the two individuals, and it concerned much more the upper social strata with better crafted marriage contracts, carried out through letters and petitions to the secular authorities in case of breach.

It has been analyzed for other spaces and for later periods what percentage these breaches make within the types of marriage cases. For example, in an older analysis by Beatrice Gottlieb of Troyes and Châlons from the second half of the Fifteenth century we can observe: as expected, the fornication cases are the ones appearing most often, while the next few fractions are made out of an informal prolonged engagement, followed closely by the seduction of a woman by a man and a breach of promise on his side (which make up 13% of the cases), and not too far trailed by informal engagements and breach of promise on the woman's side (these cases make up 10% of the cases).[40] This has further been compared to the English space, but restricted only

[38] Morris S. Arnold, "Fourteenth-Century Promises," *The Cambridge Law Journal* 35, no. 2 (1976), 321.
[39] *Ibidem.*
[40] André Burguière et al., "The Meaning of Clandestine Marriage," in *Family and Sexuality in French History* (Philadelphia: University of Pennsylvania Press, 1980), 57-66.

to Ely and York by Charles Donahue, who found the percentages to be lower within the registers analysed, with a surprisingly higher rate of third parties involved in the marriage, which could be qualified under adultery or bigamy, rather than under a breach of promise.[41]

2.5. Defining fornication and its consequences

Views and morality attributed to sexual pleasure in and outside of the marriage were not entirely in line with the polluting connotations given to sex from Early Christianity, nor universally followed, especially by unmarried people.[42] Fornication cases from records of the later Middle Ages constitute a large enough sample that can easily illustrate how the lower strata of society resisted-or more frequently did not-sexual temptation.[43]

In penitentials, fornication commonly appears under the larger umbrella of *lechery* and is in various cases (for example, in *Perambulauit Iudas* and *Compilesion* extensively studied by Alison More) grouped together with incest, adultery and sodomy, being the most common and first to be asked about in confession.[44] Fornication was, as adultery or any other form of sexual sin, that is any digression from the settled-upon state of chastity, inappropriate and subject to a fine, but had a high possibility of appearing in the ranks of the medieval peasants, clergy, or higher positioned individuals.[45]

[41] Charles Donahue, *Law, Marriage and Society in the Later Middle Ages: Arguments about Marriage in Five Courts* (Cambridge: Cambridge University Press, 2009), 616.
[42] Ruth Mazzo Karras. *Sexuality in Medieval Europe Doing unto Othe*rs (London, Taylor and Francis, 2017), 29.
[43] Karras, *Sexuality in Medieval Europe Doing unto Othe*rs, 131.
[44] Alison More, "Penitents and the Institutionalization of Penitential Life in the Thirteenth Century," *Oxford Scholarship Online*, (2018): 106.
[45] Barbara Hanawalt,. *Of Good and Ill Repute: Gender and Social Control in Medieval England* (New York: Oxford University Press, 1998), 72.

As an umbrella-term for sexual sin, fornication frequently could have referred to different deviations and errors, sometimes even confounded with adultery.[46] However, more often than not, it simply referred to sexual intercourse[47] between an unmarried man and an unmarried woman.[48]

In a hierarchy of sin, fornication can be placed among the pettiest of the sexual sins, especially if no blood relation exists between the two partaking in the sin.[49] Before the 13th century, "adultery" and "fornication" could be used interchangeably,[50] but even later some confusion still exists. Some cases are especially difficult to define: when only one of the partners is an adulterer, but the one brought to court is still unmarried, they can still be called an adulterer.[51] Nonetheless, fornication and adultery were descriptors of sinful behaviors, used consistently in their verbal form, and only sometimes as a quality of a person (*fornicatrix* was sometimes used, for example, for women who fornicated with several men, but they weren't accused of being prostitutes or *meretrices*).[52]

Leywrwite is in legal circumstances often, but not exclusively, attributed to "all manorial fines given for illegitimate sexual intercourse, pregnancy or birth."[53] In the cases where a child is brought into the world through the means of illegitimate sexual relations, the fine is sometimes labelled as "childwite."[54] Other times, the fine is not described by any specific term.[55] Leywrite

[46] Judith M. Bennett. „Writing Fornication: Medieval Leywrite and its Historians" in *Transactions of the Royal Historical Society 13* (2003), 135.
[47] More specifically, vaginal intercourse.
[48] Bennett, „Writing Fornication: Medieval Leywrite and its Historians," 135.
[49] Andrew John Finch "Sexual Morality and Canon Law: The Evidence of the Rochester Consistory Court." *Journal of Medieval History 20,* no. 3 (1994): 261.
[50] James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago, 1987), 247, 306-7, 386.
[51] Ruth Mazo Karras. "The Latin Vocabulary of Illicit Sex in English Ecclesiastical Court Records." *The Journal of Medieval Latin 02* (1992): 4.
[52] *Ibidem.*, 16.
[53] Bennett. „Writing Fornication: Medieval Leywrite and its Historians," 132.
[54] *Ibidem.*
[55] *Ibidem.*

as a term appeared beginning with the middle of the thirteenth century and became less and less common as the Great Famine and the Great Plague took place.[56]

Leywrite appears for the first time in a Middle English text, *Hali Meiðhad*, part of the thirteenth century *Katherine Group:*[57]

> „Al for nawt thu prokest me to forgulten ant forgan the blisse upo blisse, the crune upo crune of meidenes mede, ant willes ant waldes warpe me as wrecche i thi *leirwite*, ant for thet englene song of meithhades menske, with the ant with thine greden áá ant granin i the eche grure of Helle."[58]

This fragment, although illustrative for what leywrite is, is taken from a book praising holy virginity and is intended for anchoresses. The implications of committing the sin of fornication could have been graver and of a greater spiritual importance to an anchoress sworn into holy virginity than to the peasant having sex with her neighbor at the dawn of a jolly holiday, worried more about getting caught, reported[59] to the church and being charged a fine by the court of a rural dean.[60] The leywrite in this text from the *Katherine Group*, therefore, could have more importance as the final punishment of the "eternal terror"[61] in Hell rather than the very pragmatic aspect of the legal fine.

[56] *Ibidem.*, 134: She sees the decline of the fine as a direct result of the social and especially economic environment of fourteenth century England and regards it as a female-only tax.
[57] *Ibidem.*, 133.
[58] Emily Rebekah Huber and Elizabeth Robertson, eds., Hali Meithhad, from: The Katherine Group MS Bodley 34 (2016). Available online at: https://d.lib.rochester.edu/teams/text/hali-meithhad, last accessed October 24th 2021.
[59] Jean Scammell. "The Rural Chapter in England from the Eleventh to the Fourteenth Century." *The English Historical Review* 86, no. 338 (1971): 11: For example, the Statutes of Salisbury from 1238 (44) required fornicators to be denounced by parsons to deans. (You need a citation to where one can find the Statutes of Salisbury.)
[60] *Ibidem.*, 11.
[61] Here I used Huber and Robertson's modern translation of the words "the eche grure of Helle".

The church regarded such cases of fornication, even if they ended in marriage perhaps as a notch graver than the simple peasantry. In one case from November 1408 from the Register of the Dean of Salisbury, John Chandler, one Stephen Dykere, an apostate monk, submits to the temptations and fornicates with one Emma, but they both admit that they had been married before. Their punishment was to be delivered the same day (to purge themselves of apostacy with six hands) and the consecration of the marriage to happen in less than a month.[62]

When appearing in Domesday Book and *Leges Henrici Primi* leywrite was regarded as nothing out of the ordinary, a mere manorial occurrence.[63] This often applied to never-married bondwomen who appeared for different reasons as convicted in an ecclesiastical court: for being pregnant, for being pregnant with a bastard child and simply for fornication.[64] In certain areas of England such as Norfolk and Suffolk, it was even more often visible in the records as a childwite,[65] which suggests the possible scope of this fine: to prevent poor single women from becoming single mothers, rather than focusing on the sexual sin alone, and therefore obtaining a form of control over not only sexuality, but also reproductive rates.

Therefore, the penance for the elementary act of illicit sex, was often paid as a small fine for the thirteenth century specifically, but after the second half of the fourteenth century, payments became fewer in numbers,[66] but women still paid their own fines in most cases.[67] The changes in punishment happening in the following century could be seen as a result of a decreasing population pressure, especially after the Great Plague.[68]

[62] *The Register of John Chandler, Dean of Salisbury*, 74.
[63] Bennet, „Writing Fornication: Medieval Leywrite and its Historians," 133.
[64] *Ibidem.*, 134.
[65] *Ibidem.*, 141.
[66] E.D. Jones. "The Medieval Leyrwite: A Historical Note on Female Fornication." *The English Historical Review 107*, no. 425 (1992): 945.
[67] *Ibidem.*, 949.
[68] Bennet, „Writing Fornication: Medieval Leywrite and its Historians," 145.

Leywrite were levied in the manorial court, but Ecclesiastical courts also fined people for fornication in many cases.[69] As previously shown, leywrite was a harder tax for poor women.

By comparison, in the case of Ecclesiastical courts the situation can sometimes differ, as both partners are fined, and sometimes, especially in the case where the woman would not present herself in court, both could be paid by the man.

After a better understanding of the socio-economic context through a brief introduction of the urban and religious main aspects concerning the places of origin of the ecclesiastical registers which are the main focus of the current thesis, together with the key legal terms and their implications in common and cannon law, the following chapters will embark on a journey through the primary sources, taking into account the previously laid framework modelled by their contents: personal narrative-legal aspects-economic implications-religious consequences.

[69] [69] Karras, *Sexuality in Medieval Europe Doing unto Other*s, 133.

3. Chapter II: Narratives of the common folk

The subsequent section of this thesis is concerned with the examination of the possible narratives displayed by the plaintiffs during the legal proceedings following a breach of promise. Furthermore, I wish to pay a great deal of attention to the stories these legal actors present in front of the authorities, as well as the approach authorities take to the emotion of these people.

Among the most riveting accounts of the outcome of a case of breach of promise of a marital bond is the one put in writing by William of Hoo, the sacrist of the Bury Saint Edmunds (Suffolk). In the letter containing no names but A. de B. and C. de D.,[70] William paints an emotional picture regarding the woman coming to seek his help: she had previously contracted a marriage with her now runaway husband, which was first only agreed upon by expressing consent *per verba de presenti.*[71] Subsequently, she had to plead her first case before the Commissary of Edmundsbury, who decided that they are married, confirmed by documents bearing his seal. Later, in order to escape the marital bond, the husband ran away to the "town of H" (possibly the town of Hull[72]) where he lived with another woman. The sacrist requests by the above cited letter, that the man be sent back to Bury Saint Edmunds and shall he not comply, to be sentenced with excommunication.[73] William of Hoo's letter, although not focusing on the initial case brought before the Commissary, does offer insights as to what course events can take after a supposedly joyful outcome. By looking at this short account, different from the

[70] *This was maybe the editor's choice, but it might as well be a sample letter, although my assumption is that it is not, since the name of the town seems to be of a neighboring one, and not just another standard letter.
[71] The exchange of words of the present consent. This was considered the binding and immediately valid union, not needing solemnization, nor consummation to deem the marital contract permanent. This will further be discussed and explored in the following chapter. A. J. Finch, "Parental Authority and the Problem of Clandestine Marriage in the Later Middle Ages," *Law and History Review* 8, no. 2 (1990), 189.
[72] Hull is the closest town to Bury Saint Edmund belonging to the same archdeaconry.
[73] *The Letter-Book of William of Hoo:* no 124.

regular register entries, the importance of studying such cases becomes clear. Not only do they provide a source for the legal and religious aspects of marriage, but they also provide a source for understanding the emotion and desperation in the face of bitter and confusing marital bonds, together with the tumult of daily life. These cases, such as that of the "little pauper woman"[74] from William of Hoo's letter, tell the stories of these people coming to courts in tears, asking for their loved ones back.

The core of this chapter is following this type of case, together with other similar narratives of common folk, just like the one first brought before the Commissary of Edmundsbury, involving promises of marriage among common folk. Here, the understanding of the legal procedure and the most common outcomes of these cases is closely interconnected with understanding the narratives and emotions these people present in front of the courts.

3.1. Losing a loved one's affection

Certainly, cases of marital matters appear in secular courts as well, such as manorial courts and even the Court of Chancery. In the following section, I will address this issue and compare the types of cases brought before these courts, through examples, in order to gain a better understanding of the overlaps and major dissimilarities between these marital issues. By comparing the previous cases from the Hereford Register to cases from a manorial court and from the Court of Chancery, I hope to highlight the different layers of factors that influenced marital contracts, as well as the major differences between the cases brought to said courts.

[74] Here *pauper* can be used to signify both the economic status of the woman, as well as the social one, having been left without her husband.

At the opposite pole, in the Manorial Court of Gressenhall (Norfolk), on July 8th 1298, one Vincent Buncheswell, brings to court one Alexander Wymer, who had allegedly spread scandal about him among his neighbors. Not only had Alexander Wymer ill spoken of the plaintiff, but he also told the woman he (Vincent) was going to marry, one Mary of Hecham, that Vincent did now sow or plough his land and that he was not a good farmer, which later made Mary reconsider the prospective marriage. Therefore, Vincent suffered a serious loss: that of the love of Mary.[75] Here, the matter is not one of salvation, but rather a matter of the heart among others of social status. By damaging Vincent's reputation, Alexander, among other things, contributed to the loss of a prospective wife's affections. As opposed to the above-mentioned cases from ecclesiastical courts, it is evident that the issue at hand had less to do with the soul, and more to do with the reputation. The unfortunate Vincent had, first of all, suffered an offence regarding his abilities (economic or reproductive) as seen in the community he is a part of. Secondly, his role as a husband did not seem appealing to Mary anymore, which left him without a wife. No accusation is brought to Mary for breaking off the marriage, as the apparent status of her prospective partner was, according to Alexander Wymer and possibly the rest of the local community, deplorable and not worthy of marrying into. It is unclear if anything other than a promise was made or if there was any kind of sexual action that could have put in danger the salvation of the two (although it is highly unlikely), but it is evident that the issue discussed is one of marriage as a social and economic contract, as seen through the lenses of secular actors on all sides of the barricade.

This case proves how the emotion, together with the honor and morals of those pleading for the validation of a marital bond or for keeping a marriage promise is not reserved only to one gender, although we might be able to speculate that the accent is falling on the scandalous aspect

[75] Gressenhall Manor Court, July 8 1298, n. 59 *apud.* Elaine Clark, "The Decision to Marry in Thirteenth- and Early Fourteenth-Century Norfolk," *Mediaeval Studies* 49 (1987), 509.

of the story. Furthermore, even if dealing with events happening a little earlier than the period I am focusing on, it proves that emotion had a place in the secular, as well as ecclesiastical courts from the Thirteenth century on.

3.2. Losing the loved one to another

The following section will be moving away from secular courts and return to ecclesiastical records, as the comparison has served its purpose. Although common themes and requests might exist between the cases concerning marriage contracts between the two types of courts, the differences are discernible. Although not completely different from one another, the ecclesiastical courts and the secular ones provide different layers of the contracts of marriage carried in England thought-out the late Middle Ages.

There are certainly also men who come before ecclesiastical courts and ask for women to marry them as well. Such is the case of one Thomas Wrothe, who claims to have contracted a marriage with Maud Cheseman. At the time of the inquiry, Maud has made a marriage contract and had sexual intercourse (without witnesses) with John Gouderich, also present in court. Thomas claims that his marriage contract to Maud Cheseman was just as valid as her with John Gouderich, followed as well by intercourse, but with witnesses. The intercourse with Thomas Wrothe, however, happened by force. Later, Maud brought William and Alice Cheseman (probably members of her family, if not her parents) as witnesses. The outcome is not entirely clear, but it seems to have been in favor of Maud, considering that the witnesses' statements were considered valid by the court. That is, supposing William and Alice were supporting her claim, which I believe to be true, since they are related.

The outcome seems to me to have been in the favor of her marriage to John Gouderich and to dismiss the marriage to Thomas Wrothe, as it is noted at the end that the case was ended with the approval, or at least the consent, of all the present parties. It seems very unlikely to me that the opposite could have happened, especially considering that John Gouderich, whom Maud considers her lawful husband, was present, alongside with her family members as witnesses. The scale leans towards her outcome, especially since she brought into discussion that the sexual intercourse happened against her will. In this case, the legal attitude towards forced sexual intercourse is transparent: consent, both for the marriage itself, and for sexual intercourse is necessary from both partners for the act to have any value in front of the church.

Similarly, what has been presented in the first part of the chapter regarding runaway husbands, contained within the statements they had to make in front of the court that there was still an implied need for consent from both partners, confessed about or against under oath.

3.3. Losing their souls to sin

Reminiscent of the example above, but with different parties involved and a completely different outcome, is the case selected from the register of the bishop of Hereford, John Trefnant.[76] The case is fought on one side, between Margery, the daughter of David Deheubarth,[77] and Roger ap Jevum on the other side, married previously to another woman, Sybil[78] the daughter of Robert Herdemoun. Here, the point of view is reversed: unlike in the previous and earlier example all three participants in front of the Hereford court. Roger and

[76] *Episcopi Herefordensis: Registrum Johannis Trefnant* (1390-1404): 143-144. The current case is first brought to court on July 9th 1397. Available online at: https://www.melocki.org.uk/registers/1389_Trefnant.html#p001. Last accessed on February 14th 2022.
[77] As the spelling wasn't fixed, my suggestion that the name of the father is Deheubarth-possibly because of the Welsh origin. The original transcription from F.N. Davies' edition was Dehenbarth.
[78] Original in Latin: Sibilla.

Sybil claim that they were the first married, and therefore, the court proceeds to declare the second marriage, that between him and Margery, invalid. This time, it is not the first wife who is accusing Roger, but the second. From the name of her father, we might be able to deduce she was from a different parish, possibly belonging to a Welsh neighboring area. This follows the same pattern as that reproduced in William of Hoo's letter: the man seeks another wife from a nearby town, with whom he contracts (in one way or another) a marriage. In this case, the woman found in the position of the second wife claims that the marriage between her and Roger was a legitimate one and is prepared to prove this: they have contracted a marriage *per verba de presenti*, and afterwards they were *de facto* married. She was ready to prove it, but this does not seem to happen in the end. Roger denies all these allegations and brings into question his first marriage, to Sibyl, who also is present. As the second marriage does not seem to have any witnesses proving it and there is a previous marriage legally contracted (with witnesses and with both the partners agreeing on having consented to marry), the court decides in favor of Robert and Sybil being married, and of Sybil to be free to remarry someone else. The marriage between Robert and Sybil, however, has yet to be officiated and the bishop ordains it to be done in the church.

The abovementioned case is a standard example of how these procedures were taking place and fits right into the pattern of negotiation I was particularly interested in studying. This negotiation, brought in front of the court, between the abandoned women, promised to be taken as wives and men with different partners from two nearby communities. It is not entirely clear how easily could these men break out of the marital bond by simply leaving town, but it can be deduced, from both the late Thirteenth century letter and from the 1397 Hereford Register, that this is a common occurrence. The parishes, as we can clearly notice from the existence of the William Hoo letter, had their own means to track down runaway husbands.

Apart from these cases being of the competence of the ecclesiastical courts, as marriage was slowly becoming a church sacrament, it is easily apparent that these cases concern themselves with the morals of those brought to court. It is more apparent through the letter why this is a matter of the church, long before the sacrament was well established:

> "We therefore ask you, in the interest of mutual cooperation and for the salvation of the souls imperiled thereby, to warn the aforesaid C., and induce him as effectively as you can, to give up this adulteress, if he has her, and then to receive back the said A. as his wife and treat her with marital affection; otherwise you should compel him to do this by sentencing him to suspension and excommunication from day to day as necessary."[79]

Although not visible through the register but through William's letter, this is a matter of the "imperiled souls", of not living in sin, of appropriate marital affection.

As we've seen in the section above, the motivation people held behind such a plea can be of various types: either pressing need to convince the potential partner to marry them, the public scandal and gossip of which they became the target, being left by the partner for another or being in danger of living in sin. Regardless of the reasons behind the legal action, these people constructed certain narratives around the marriage bond they wished to clarify; and these narratives make transparent some of the emotions at play in these promises.

[79] *The Letter-Book of William of Hoo*: letter no. 124.

4. Chapter III: Defining a legitimate marriage

In the following section of the thesis, I will address through yet another set of distinct cases what makes a marriage bond valid and how can one prove the true nature of the bond and convince the prospective partner to marry them (or return to them in some cases) in front of the court.

4.1. Promises *per verba de presenti*, promises *per verba de future* and publication of the banns

A promise to marry one another *per verba de futuro* meant expressing consent by words in the future tense, which did not grant a valid marriage bond, but rather a promise. This contract could be terminated if the two parties agreed without any legal action being needed. If intercourse took place after this initial promise, however it became just as valid as a promise by words in the present tense. A promise to marry one another through an exchange of words of the present consent (*per verba de presenti*), however, granted a marriage. This was considered a binding and immediately valid union, not needing solemnization, nor consummation to deem the marital contract permanent. Even if all these marriages were considered valid through the theory of consent, the church started intervening in the solemnization following the Fourth Lateran Council (1215), when the publication of the banns became the common practice in local communities. From this point on, the banns were the ones properly declaring whether or not a union was valid. Had one not solemnized their marital bond in this way, they were object of court action. [80]

In the Register of John Trefnant, the Bishop of Hereford one of the cases concerns a man, Roger Jevum who contracted marriages with two women by words in the present tense. The

[80] A. J. Finch, "Parental Authority and the Problem of Clandestine Marriage in the Later Middle Ages," 189-190.

marriages between Roger Jevum and one Sibylla, daughter of Robert Hermon of Montgomer, on one side,

and one Margery, daughter of David Dehenbarth, on the other, are put into question. Roger agreed when presented in front of the ecclesiastical court that he proposed to Margery by words of present and that he presented it to be issued in the banns, as custom and made it official to be published. In the other supposed marriage, Sibylla alleges that the marriage between her and Roger was contracted by words of present as well, long before the marriage of Margery and Roger and that she could present witnesses in front of the court to prove her case, together with other legal documents. Although her allegations were found to be true, the marriage itself was considered legally invalid, as it was not publicly declared in the banns.[81] This example serves as a perfect demonstration of the implication and authority of the church in these matters. Although the first marriage of Roger to Sibylla is considered to be a "real" marriage, as it follows the theory of consent, it is to be considered null and for the two to be separated, as the other marriage, of Roger and Margery, was not only following the theory of consent closely, but it was also publicly declared according to the customs set in place following the Fourth Lateran Council. In this case it is easily apparent where the difference lays between the two marital bonds that makes one valid and one null: the approval of the church and of the community.

4.2. Clandestine marriages and the theory of consent

In the following section of this chapter, I will be addressing clandestine marriages and their outcome, as well as their validity or invalidity within the theory of consent, as well as its connection to the other crucial aspect of the conjugal bond, the consummation of the marriage. The issue with consent as the concept that lays the foundation of the marriage is that more often than not, this conferred the liberty of getting married to people who otherwise were driving away from the correct, proper way of creating such a bond, using the consent theory as

[81] *Registrum Johannis Trefnant*, 143-4.

a loophole for otherwise not only "incorrectly" contracted marriages, but even forbidden ones.[82] In the Thirteenth Century, as stated in the Statute of Salisbury, it is stated that these bonds, made between the partners alone, are to be considered valid by the ecclesiastical authorities. These marriages, initially regarded as clandestine, once officialized in front of the Church, were according to most later statutes, considered valid due to their nature, meaning that they do not violate any bans or prohibitions. [83] Even if these marriages were, ultimately approved, according once again to the Salisbury statute, clandestine marriages are prohibited and marriage must be contracted in public, in front of the Church: "prohibemus similiter clandestine matrimonia precipientes quod publice fiant in facie ecclesie," and a suitable penance was to be borne.[84]

In the *Register of Edmund Stafford, Bishop of Exeter* it can be found that on November 5th 1410 the Bishop writes to the Dean of Barnstaple, the Vicar of Bishop's Tawton, and the other Clergy of the Deanery, intervening in a case where a marriage was prohibited. The Bishop removes the interdict which had been laid on this union by the church which previously considered it a clandestine marriage between a baker, John Godecherle, and Englisia (alias Engge) Jaunte, of the same parish of Barnstaple. This union had been celebrated in another parish, by an Augustinian Friar from Bristol, according to the two, named Johannis Mulys.[85] This case serves to prove how declaring for the banns in place could have been deceived by the couple that wanted to contract a clandestine marriage, or, simply, how the church would have resolved a case where the marriage, although valid, took place in another parish than the one where the

[82] Conor McCarthy, *Marriage in Medieval England: Law, Literature, and Practice* (Woodbridge, Suffolk: Boydell Press, 2005), 28.
[83] *Ibidem*., 29.
[84] F. M. Powicke and C. R. Cheney, eds., *Councils and Synods, with Other Documents Relating to the English Church*, vol. I (Oxford: Clarendon Press, 1964), 190.
[85] *Register of Edmund Stafford, 261.*

couple lived. This could have proven to be an issue, as the whole concept behind the banns was betrayed by such unions, the local parish being unable to comment on the validity of the bond in case there was an issue, as well as the local ecclesiastical authority being deprived of its authority over marital bonds.

In other less favorable cases, a clandestine marriage meant not only a null bond, but also the risk of excommunication for those facilitating the bond. Such is the case of another Roger, this time Damarl, a priest. On January 21st 1412, Roger was brought in front of the Bishop of Exeter, because he knowingly took part in the clandestine marriage of Robert Martyn and Ebblesia, the daughter of John Toker, celebrated in the church of Milton Abbey by one Geoffrey Aleyn, the chaplain of Brentor. Luckily enough, he was absolved of guilt upon presenting in front of the court. [86]

These cases are proof that clandestine marriages were quite common, and more often than not, a matter of serious legal disputes. They are meant to showcase the amount of power the church held in such cases and how permissive it often was in such situations, granted that the parts were just unknowingly committing the offence. However, as the first example showed, a clandestine bond was not to be considered entirely valid according to the theory of consent, unless there was either proof that the bond faced no other impediments. The control exercised by the church in the matters of marital bonds becomes clearly apparent when banns get introduced into the local legal practice.

[86] *Ibidem.,* 280.

As we could see throughout the previous examples, the authority of the church on marital cases was not as limited as simply imposing and preaching the theory of consent, but also to the officialization of the bond within the community that had a right to disapprove of the marriage.

5. Chapter IV: Marriage as an economic contract

The following chapter will be moving the focus away from the lowest social strata and make an incursion into the lives and marriage promises among the higher-ranking members of the Southern English communities, trying to observe closely, through the analysis of the procedures followed by the couple and the family prior to the officialization of the marriage or after the promise has been broken. In these cases, more often than not, as the promise of marriage becomes just like any other economic contract, the secular authorities need to be involved in solving the issues with either keeping the promises or paying the debt owed due to the breach.

5.1. Well-crafted marriage promises among the middle and upper-middle classes

Among the upper classes, marriage settlements are quite often very well defined, especially as, in these cases, marriage is not only a personal bond, but an economic contract. A few examples from Gloucestershire Archives are illuminating for such situations. Conventionally the marriage contract among the upper classes is discussed between the father and the son-in-law, in the form of a grant from the father (in cases of more distinguished nobles), describing in detail the property given as a gift. For example, such is the case with a Charter from 1304, given by William of Stauntone to Roger Burrich, especially as it involves pieces of royal land obtained by way of reward.[87] In other cases, which don't involve royal property, an agreement is made between the father and the son-in-law. This is the case for the marriage between Agnes, daughter of lord Richard of Wykwane and Geoffrey, son of Odo of Dubmbletone, whose

[87] D1677/GG/22.

marriage is confirmed by Agnes' father in front of no less than seven witnesses, together with a detailed description of the lands given to the newlywed couple as a gift.[88]

Of particular interest are the settlements between dowagers and their second husbands, which can be found in abundance in the records. These contracts, where the noble woman *can* be an active part of the negotiation (especially if her husband or father died without other heirs), tend to be just as carefully crafted, as the lands these women have in their possession tend to be quite large. For example, in the case of Elizabeth, daughter of William Tanner, a marriage settlement with no seal from 1403 is issued in front of five witnesses, describing her large possessions, which are a condition of the marriage.[89] In some cases, these situations become apparent in the record especially through the transfers of the lands. For Alice of Avening, the marriage agreement between her and a clerk called Thomas from 1300, is apparent in the record through a quitclaim made by her son on the land given as a gift in her previous marriage by her brother, Walter de la Broke.[90] All of these documents serve to prove the careful planning behind marital bonds within the upper classes of late medieval England, but what would happen from a secular legal standpoint, in the case of breaking such a promise? What will the economic consequences be for the man breaking the promise made to a prospective wife's father?

As the previous sections of this chapter have shown, in most cases, the secular authorities are more concerned with the marriages of wealthier and noble people, as the interactions between the prospective couple are closely monitored by their families, therefore leaving less chances for the consummation of the marriage before the legitimization of the bond.

[88] D4431/2/26/3/1.
[89] P86/1/CH/1/2.
[90] D1866/T12.

But there are cases when the ecclesiastical authorities must intervene, especially in cases of consanguinity, which are the most common in the Ecclesiastical records around this period. Some couples choose to separate, even after the marriage has been consummated, while others request papal bulls to keep their union intact, even if they are third degree cousins. These cases do not necessarily mention all the time the social and economic status of the two partners, but we can safely assume that, for greater degrees of consanguinity, requesting a papal bull was an effort made only by those who either were very fond of each other, or they had socio-economic interests in keeping the marital bond intact.

Three cases of papal dispensation are present in the *Register of the Bishop of Hereford, Robert Muscall.* While two of them present marriages invalid because widows have married men related in a fourth degree to their first husband, the first case, from the 10th of November 1407, the two partners, Walter and Sibyl Spicere are related in the fourth degree, declare they have contracted the marriage without any knowledge of the relation between them and they obtain a dispensation from Pope Gregory the XII.[91]

5.2. The economic consequences of breaking a marriage promise

These remain matters of the common law, as a consummation of the marriage wouldn't have been allowed until all the legal and economic aspects were set in stone. Therefore, the souls of the prospective couple had no chances of being in moral peril due to sin. Nonetheless, these agreements do happen to fail at times. In these cases, the economic aspect is the one that prevails as the focal point of the breach of contract.

[91] RRM: Fol. 30, Fol. 30b: cases from November 10th, November 14th and November 18th 1407.

When a marital bond is broken by a noble of lesser importance, like the Walter Daundeseye, lord of la Wyke by Oxford does in 1391, according to a document kept in the archives of the marquesses of Berkley, the secular implications and obligation of the man are of economic nature: he is bound to pay £40 in less than a month from the date of the document.[92] After just a few days of negotiations between the two, another document is issued, stating that Robert Craunford of South Newington will accept the prospective marriage bond as null, as long as he keeps paying for his daughter's food, drink, clothes, shoes and other expenses directly or gives her 40s every year.[93]

Moving forward to examples from the Court of Chancery, it is evident that the nature of the cases concerning possible contracted marriages that reach the Chancellor are quite different from those discussed in local ecclesiastical courts. One example from Oxfordshire is the case discussed between John Dyer of Boreford against John Sclatter brought before the Lord Chancellor: not only did John Sclatter seize goods from Boreford, but he also abducts the plaintiff's daughter.[94] These cases of abduction followed by a marriage are often brought before the Chancellor, usually by the woman's (or girl's) father. In a case from a later complaint to the Court of Chancery a father complains that his daughter was abducted and married to a man by force. Not only did this man abduct his daughter, but he also coerced him into giving a feoffment of his lands to a person close to the abductor. Here the

[92] GC3860.
[93] GC3861.

[94] Dyer v. Sclatter (C 1/75/26) from the collection of Chancery pleadings in English, addressed to the Lord Chancellor (with no further identification of which Lord Chancellor) from 1368-1468, currently held by the National Archives in Kew. Details available online at: https://discovery.nationalarchives.gov.uk/details/r/C7453644 . Last accessed: February 14th 2022.

abduction of the daughter is entwined with other types of economic loss, apart from the profit he would have gained from her marriage.[95]

As seen above, there is a clear difference between abduction (and possibly rape) and simple clandestine marriages: "Forcibly took possession of the plaintiff's daughter, aged 11, and married her."[96]

The consent of the woman is not completely neglected, although the one bringing these accusations in front of the chancery this time is the father. In this case, not only the girl is very young (especially considering this is a trial from the first half of the Fourteenth century), but she is also most probably the daughter of a man of a higher social and economic status. In these cases, there is often an underlying economic reason for the plaintiff, which is a matter under the jurisdiction of the chancery. These situations are clearly set apart from the ones presented to the local ecclesiastical courts. By comparison with other cases brought to manorial courts, these cases brought in front of the Chancellor, are of rather grave importance, both for the honor of the family of the woman who partakes in the trial, and for their economic situation. It is worth mentioning that, typically, these people belong to higher ranks of society (but not necessarily).

Together with the other cases brought before secular courts, these cases are often concerned with the social and economic status of the plaintiffs. Often the plaintiffs are men-whether they are insulted and lose the affections of a prospective wife, or they are concerned with the well-being and the economic aspects of marrying off their daughters.

[95] *Select Cases in Chancery, A.D. 1364 to 1471*: Cal. I.XXXI.
[96] *Ibidem.*

5.3. Transgressing social classes

As there are many cases of fornication and adultery with servants brought before the ecclesiastical courts, one could wrongly assume that often there could have been a promise from the master to marry the servant. These, however, are, statistically, singular, isolated cases. The registers are filled with cases of fornication where men in positions of power fornicate with their servants, and often enough, with their neighbors' servants as well.

They are often brought to court in extreme cases, such as that of John Smyth was brought to court for adultery with two of the wives of his neighbours, but also with Juliana Farman and Agnes, the former servant of one John Dyghton, as well as his (John Dyghton) current servant Emma, as well as another servant of William Hoppegrass, called Magota. He is excused of all of these and cleared of the accusations by the indulgence of the court.[97]

In the case of William Ferrour, accused of adultery with a former servant, Maud, and two of his current servants, Alice, and another Maud, it is apparent that his status and the power relations between him and the women he committed adultery with are the reasons for his purging.[98]

The case of one Maud, the servant of John Macy, and her master, they are brought in front of the Dean of Salisbury's court in 1412. Here, the supposedly previously contracted marriage is once again contracted through *verba de praesenti* ("I take you for my husband" and "I take you for my wife") before the commissary at Chermynstre Chapter.[99] One cannot say that this was not a consensual marriage or agreed upon previously, but had John changed his mind and only promised to marry Maud in exchange of sexual favors, being brought to court to make the marriage union official solidifies the bond. Most probably than not, the marriage had been

[97] *The Register of John Chandler, Dean of Salisbury*, 88.
[98] *Ibidem*., 88.
[99] *Ibidem.*, 110.

consummated previously to the official ceremony. The number of witnesses named in the record is significantly lower compared to the number of witnesses present at marriage agreements between couples where both partners originate from upper classes, but two of them are named: John Warham and Thomas Rylee, together with notaries and possibly other witnesses.

The comparison between these cases of fornication with servants showcase how the amount of transgression within larger gaps in social rank is nearly impossible, and how, more often than not, men in positions of power took advantage of their servants repeatedly, rather than their servants traying to accede the social ladder by fornicating with them, let alone obtain a marriage, as the one singular case that ends with a marriage seems to have been based on a promise that the master was more or less keen to keep from the beginning. It is, however, notable, that the women mentioned in these fornication cases are, in fact, not asked to present before the court or be subject toany penance, which could mean that a certain type of wish to protect them might have been present.

6. Chapter V: Marriage for the salvation of the soul

While looking at breaches of promise of marriage, one must closely pay attention and understand fornication cases and how they, at times, end with not only a penalty, but also with a marriage, especially if the couple confesses that they have contracted or promised to marry each other before or after they had sexual intercourse. Often, the promise can be broken or forgotten or dismissed altogether by one of the partners (more often, but not exclusively, the man). How did the people of the early fifteenth century navigate this sort of personal drama and what were the legal means they had to obtain a certain marriage contract from their unsettled partner? Furthermore, did subtracting oneself from the penalty of fornication constitute a motive to solidify marriages otherwise uncertain?

In the following chapter I wish to explore these issues, especially those encountered when searching for breaches of promise among fornication cases in the historical record. In order to do so, I believe it is crucial to first define fornication as form of sexual sin, as well as the implications of being accused of this sin in an ecclesiastical court. Before isolating certain cases where a promise of marriage has supposedly been broken, I consider it pivotal to understand what the penance was for such a sin and if this penance could have influenced the couple or one of the partners to confess a marriage contract had taken place before they were brought to court. The following cases fall into the jurisdiction of the local ecclesiastical courts during the early fifteenth century, but their roots and many of the ways of navigating them (by both the judges and the judged) lay in earlier legal and theological developments of the previous two centuries.

The cases discussed in the following chapter from the local registers fall mostly under the umbrella of fornication cases reported to the church (*ex-officio*), even if differences exist between the accused partners.

6.1. At the intersection of fornication cases and breaches of promise

By comparison (to what?), in the case of Ecclesiastical courts the situation can sometimes differ, as both partners are fined, and sometimes, especially in the case where the woman would not present herself in court, both of them could be paid by the man. Such is the case of one Robert Barbour and one Alice Webbe from Salisbury: both are cited for fornication (most probably were discovered and gained the common fame of being fornicators), but only Robert appeared in court. He was sentenced to being beaten three times, although he confessed to a marriage contract being sealed, but that sexual relations had still taken place before that, and therefore, still had to pay the fines for fornication for both of them.[100] This example is further showcasing the advantages of fornicating with a wealthier man who, in all good faith, intended to marry the woman with whom he was fornicating, as the fine doesn't become a burden on the woman, while she also escapes without partaking in any humiliating public ritual. One other example, also appearing in the same Register from Salisbury, records one Adam Stoke being cited for fornication with one Alice. He confesses that they had, in fact, married. Maybe out of fear she did not appear in court, but her fine was paid by Adam once again, and therefore, she was dismissed.[101] It appears that, women would, if possible, avoid the public humiliation of the punishment, even if, in the end, they were married to their sexual partner.

[100] *The Register of John Chandler, Dean of Salisbury*, 97.
[101] *Ibidem.*, 73.

Nonetheless, sexual sin was continuously supervised by the Church throughout the entire medieval period, regardless of the economic context, sometimes punishing both men and women harshly for fornication through humiliating rituals involving public whippings through churchyards or marketplaces, barefoot and stripped of their clothes.[102] Marketplaces were mostly reserved for adultery, rather than simple fornication, but depending on the gravity of the sin, the fornicator could have had to endure public punishment in both spaces.[103] John Cole and Magota commit adultery (although it's not entirely clear if any of them or who was previously married to someone else) and they have to show a certificate for the alleged marriage contracted between them in a month after the trial. Both were punished by being beaten three times both through the market and the church.[104] It is unclear what the adultery consisted of in this case, but the mere mention in the record as adultery rather than fornication and the double punishment (through the market *and* the church) seem to be a consequence of a greater sexual misconduct than mere fornication. By comparison, in the case of William Bentele and Joan Howkleys from the same Salisbury register, where only fornication had taken place and a marriage has also been contracted, the punishment for both of them consisted of only being beaten three times in the church and perhaps due to various reasons that one can only suspect about, they were asked for the marriage to be solemnized in a bit over a couple of months.[105]

In some cases, the only punishment, although to some extent still public, still shameful in nature, and therefore contributing to the bad common fame, only implied a number of processions around the church while carrying a candle. This seems to have been of a greater

[102] Bennet, „Writing Fornication: Medieval Leywrite and its Historians" 153.
[103] James Masschaele, "The Public Space of the Marketplace in Medieval England" Speculum , Apr., 2002, Vol. 77, No. 2 (Apr., 2002): 412.
[104] *The Register of John Chandler, Dean of Salisbury*,124.
[105] *Ibidem.,* 125.

importance for women than for men, considering that a male fornicator could have been less humiliated by such a reputation. [106]

6.2. The solution for the imperiled souls: abjuration *sub pena nubiendi*

Sexual intercourse could be seen frequently as a prelude to marriage (and sometimes a regular part of courtship[107]), especially for wage workers, and more often than not, in cases concerning breaches of promises of marriage, the testimony often includes considerations about carnal relations between the partners.[108] Cases of fornication, in general, belonged to the category of *ex officio* church court cases-usually as a result of visitations or by the existence of "common fame"[109], as opposed to those clearly defined as breaches of promise, which were often *ab instantia*-usually brought to court by one of the participants.[110] While this holds true to most cases, as we will see in the following chapter that, at times, maybe as a proof of pure wit, or as a result of shame, the two types of cases merge and one called for fornication could easily confess to a previously existing promise of marriage that was not honored. The most common solution in fornication cases would have been penance by a public three-fold beating around the church or more rarely around the marketplace.[111] Abjuration *sub pena nubiendi* (obligation to get married) were quite often present, but (in theory) only if the two consented to be married, as the theory of consent imposed by Alexander III and Innocent III, was already the one to prevail. All things considered, the wish to transform these repeated

[106] Karras, *Sexuality in Medieval Europe Doing unto Othe*rs, 172.
[107] Karras, *Sexuality in Medieval Europe Doing unto Othe*rs, 169.
[108] Karras, *Sexuality in Medieval Europe Doing unto Othe*rs, 133.
[109] Finch, "Sexual Morality and Canon Law: The Evidence of the Rochester Consistory Court.", 264.
[110] Ruth Mazo Karras, "The Regulation of Sexuality in the Late Middle Ages: England and France." *Speculum 86*, no. 4 (2011): 1013.
[111] Finch, "Sexual Morality and Canon Law: The Evidence of the Rochester Consistory Court.", 268.

deviant sexual behaviors into marriages was widespread, the couple being often ordered to solemnize the bond and sometimes also bear the usual sanction for fornication.[112] If the bond was not to be solemnized, excommunication was imminent in most cases.[113] Such is the case for Richard Lombe and Edith Smyth, both cited for fornication and both refusing to marry. They were ordered, as adulterers were, to be beaten three times both through the market and the church, and they were asked to get married at the risk of being excommunicated if they kept refusing to get married. Richard invoked a previous intercourse he had with Edith's mother.[114] Unfortunately, the register entry is unfinished, but in such cases, having previously known one's relative carnally would be enough reason to be excused from marrying one another.[115] It is unclear what happened in this case and one can only assume, but it is possible that Richard was not trusted to tell the truth about Edith's mother, or perhaps, another possibility is that of the court deciding in the favor of a union that would have seemed more natural, between the man and the younger (for certain unmarried) woman.

Entering into a marriage was either allegedly done previously, or later, upon being brought to court by words of consent meant to close the marital contract.[116] These situations arise from the vague differences in some cases between marriage and cohabitation, at least in the case of medieval peasants, for whom marriage-making did not always need to be public and sanctified to be considered legitimate, as even for the Church, a pledge between two people (even without witnesses, such as in the case of trothplight-as-marriage) meant that they were *ipso facto* married.[117] This naturally, could lead to further disagreements and misunderstandings, some of

[112] *Ibidem.,* 268.
[113] *Ibidem.,* 275.
[114] *The Register of John Chandler, Dean of Salisbury*, 110.
[115] Finch has found such a case from a register of Rochester, during William Whittlesey's episcopacy (second half of the fourteenth century), where the man accused of fornication was excused, but not without being asked to pay a regular allowance for the child resulted from the act of fornication. (Finch, 268).
[116] Richard Helmholz. "Canonical Remedies in Medieval Marriage Law: The Contributions of Legal Practice". 1 U. St. Thomas L. J. (2003-2004): 652.
[117] Bennet, "Writing Fornication: Medieval Leyrwite and Its Historians.", 144-5.

which brought forth trials for breaches of marriage. The 1405 case of the same Salisbury register mentioned above, where Andrewe Fisshere and Joan Algar were brought to court for fornication,[118] serves as a blueprint for the analysis of such cases implying breaches of marriage. In this case she invokes a marriage contract previously made even before witnesses. Here, for further authority, she calls upon the exact words they said to each other ("I take you as my husband", "I take you as my wife") in her house last Lent, all being followed by sexual intercourse. He denies all of these things and brings his own witness, Philip Cotiler. The court called for a further investigation, where the woman was supposed to bring her own witnesses then, to be judged along with his witness(es[119]), that he had to bring again to court. This proves that the process was, if not in the advantage, at least not in the disadvantage of the woman, both being given equal chances to prove that they are telling the truth about the supposedly contracted marriage.

[118] *The Register of John Chandler, Dean of Salisbury*, 40.

[119] Even if he first brought one witness, this seems to not be enough, and therefore, both are asked to bring in court several witnesses to prove they are telling the truth.

7. Conclusions

The current research aimed to explore patterns the legal procedure in the marital cases of breaches of promise present in Late Medieval Southern English Records, with a main focus on ecclesiastical records, accompanied by secular ones, in order to explain the ways in which legal actors negotiate in these situations. The current finds, as they have been showcased in the four main chapters, although limited, revealed a certain trends and tendencies among those who were brought to court on grounds of being guilty of breaking a promise.

First of all, both genders are usually present on both sides of the trials, both as defendants and as plaintiffs, but there was a difference in the manners of breaking the promise. Women, although not all of them, tended to break the promises more often before they were solemnized or most importantly, before they were consummated, while men tend to appear as defendants slightly more often in cases where the marriage has already been consummated, but not properly solemnized.

Secondly, as it is probably expected, the breaches tend to appear at an earlier stage of the making of the contract among upper classes, as opposed to the lower classes, where marriage might as well be already consummated and solemnized within the church, but not properly published in the banns when a breach might appear.

Finally, it is clearly noticeable how the influence and mediation of the church in these negotiations is more active than the secular one, concerned mostly with the economic aspects of the bond. Furthermore, there is a change that can be noticed between the end of the Thirteenth century and the beginning of the Fifteenth, especially in the amount of concern the lay authorities place upon the moral and social aspect of the bond, which decreases as time goes by

and is transferred to the church, which creates a system for both regulating sexual behaviors and for regulating the legal duty of the community towards the church and towards each other.

Therefore, I believe the current study has managed to shed a small light on the subject of breaches of promise, although not entirely and not in the most systematic manner that could have been available in a broader study, but it did succeed at identifying the key factors in the making and breaking of a marriage promise in the desired time period and can serve as a prompt for further research on the matter.

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