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THE RECEPTION OF THE DECREE *TAMETSI* IN NORTHERN OTTOMAN EUROPE (1580S–1680S)

Abstract

Throughout the early modern world of Catholic reform and evangelization, the proclamation and implementation of the Tridentine marriage decree *Tametsi* was complicated by a series of factors, including local demography, geography, and religious politics. Focusing on the Ottoman-governed regions of Bosnia, Slavonia-Srem, and the Banat (northern Ottoman Europe), this paper analyzes how the local dynamics of these areas conditioned the reception and enforcement of *Tametsi* between the end of the 16th and the end of the 17th centuries. In the broadest sense, this article aims to demonstrate how various case studies from northern Ottoman Europe can enrich our understanding of the variety of marital customs and their continuous reconfiguration throughout the Early Modern world.

Keywords: Tridentine marriage reforms; *Tametsi*; clandestine marriage; northern Ottoman Europe; Catholic missionaries

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Introduction

In 1580, the papal visitor Bonifacije Drakolica embarked on a journey across the northern parts of Ottoman Europe to visit Dalmatia, Slavonia, Croatia, Bosnia, Serbia, and Hungary.[1] Before his second mission to these lands, Drakolica had gotten an extensive list of papal instructions to propagate the orders of the Council

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[1] Bonifacije Drakolica (also known as Bonifacio da Ragusa; d. 1582) was a Ragusan Observant Franciscan. He was the custos of the Franciscan province in the Holy Land between 1551 and 1560 and from November 1564 until his death, he was the bishop of Ston (Stagno, present-day Croatia). On his visitations, see I.G. Tóth, *Raguzai Bonifác, a hódoltság első pápai vizitátora (1581–1582)*, 'Történelmi Szemle', 3–4 (1997) pp. 447–473.

of Trent (1545–1563), including the administration of the sacraments with a priority focus on marriage.[2] The instruction detailed numerous potential local scenarios the visitor might encounter. For instance, it described that if the Tridentine marriage decrees, especially *Tametsi*[3] had not been publicized in a certain area, marriages contracted without the involvement of the local parish priest and witnesses were valid. It also stated that in those places where there was a shortage of priests and the conciliar decrees on matrimony had not yet been pronounced, the visitor should postpone their publication not to burden the local Christians with such a difficult requirement.[4]

Throughout the early modern world of Catholic reform and evangelization, the proclamation and implementation of the Tridentine marriage decree *Tametsi* was complicated by a series of factors, including local demography, geography, and religious politics. The lack of favorable local circumstances in a particular area would often prompt the papacy to postpone the announcement of the conciliar reforms, often for an indefinite time. At the same time, the absence of optimal local conditions would also become a tool in the hands of Catholic missionaries globally to influence papal authorities to show leniency towards local digressions from standard marriage norms. The motivation of the missionaries in employing different types of negotiation techniques, both on the ground and with their Roman superiors, was informed by the specificities of the territory in which they operated as well as by the nature of the various local groups and communal leaders with whom they interacted.

Focusing on the Ottoman-governed regions of Bosnia, Slavonia-Srem, and the Banat (hereafter, northern Ottoman Europe),[5] my paper analyzes how the local dynamics of these areas conditioned the reception and enforcement of *Tametsi* between the end of the 16th and the end of the 17th centuries. I concentrate on the strategies used by Catholic missionaries as well as local Catholics to legitimize clandestine marital practices (for instance, marriages not administered by the local parish priest or marriages in the prohibited degrees of kinship). To this end, I draw primarily on published and unpublished Catholic missionary sources (i.e., letters,

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[2] E. Fermendžin, *Acta Bosnae potissimum ecclesiastica ab a. 925 usque ad. a 1752*, Zagreb 1892, pp. 321–334.

[3] The decree *Tametsi* (from the Latin word, although, the first word of Chapter 1, Session XXIV, *De reformatione matrimonii*) contained the legislation of the post-Tridentine Catholic Church concerning the regulation of clandestine marriage practices. In the Late Middle Ages, the legal concept of *clandestine marriage* denoted a type of marriage that did not conform to one or more of the public formalities that were prescribed by the ecclesiastical or secular authorities (i.e., no marriage banns announced, no witnesses present, or the lack of proper location). For more details on the development and flexibility of the term, see B. Gottlieb, *The Meaning of Clandestine Marriage*, in: *Family and Sexuality in French History*, ed. R. Wheaton, T.K. Hareven, Philadelphia 1980, pp. 49–84; E. Eisenach, *Husbands, Wives, and Concubines. Marriage, Family, and Social Order in 16th--Century Verona*, Kirksville 2004, pp. 87–134.

[4] Fermendžin, *Acta Bosnae*, pp. 329–330.

[5] In Ottoman administrative terms these areas approximately corresponded to the *eyalet*s (provinces; the primary administrative units of the Ottoman Empire) of Bosnia, the southern parts of Kanije and Budin, and Tımışvar.

reports, and decisions of the Roman congregations), which constitute the largest number of available primary documents that inform researchers about the variety of communal interactions in the regions under analysis. In the broadest sense, the goal of my paper is to demonstrate how various case studies from northern Ottoman Europe can enrich our understanding of the variety of marital customs and their continuous reconfiguration throughout the early modern world.

The Study of Marriage in Early Modern Europe

The study of the institution of marriage has been high on the agenda of scholars in the field of medieval and early modern studies for several decades. Thanks to the historiographical developments of the past 25 years, historians have been approaching marriage as a flexible legal, religious, and social category, and as a dialectic process between official norms and everyday practice. Accordingly, more and more studies have been devoted to the examination of the variety of ways in which lived experience challenged, embraced, tested, experimented with, rejected, or paralleled the normative and regulated model of marriage.[6] The studies of Silvana Seidel Menchi, Cecilia Cristellon, Daniela Lombardi, Benedetta Albani, Emlyn Eisenach, Keith Luria, or Benjamin J. Kaplan – to name some of the most defining scholars of the field – have illuminated the many facets of the socio-cultural, economic, political, and religious functions of marriage in different premodern societies.[7]

The privileged sources for examining the variety of conjugal experiences throughout early modern Europe have been the matrimonial court records of ecclesiastical and secular archives. The preference for marital litigation documents has inevitably circumscribed the territorial focus of international scholarship. Consequently, areas with richer church and/or municipal archives (like Italy, Spain, England, or Germany) have received far more attention than regions with poorer archival collections. As regards early modern Southeast Europe, the study

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[6] Representative studies from the past 15 years include but are not limited to: *Matrimoni in dubbio. Unioni controverse e nozze clandestine in Italia dal XIV al XVIII secolo*, ed. S. Seidel Menchi, D. Quaglioni, Bologna 2001; Eisenach, *Husbands, Wives, and Concubines*; D. Hacke, *Women, Sex and Marriage in Early Modern Venice*, Aldershot 2004; J. Sperling, *Marriage at the Time of the Council of Trent (1560–70): Clandestine Marriages, Kinship prohibitions, and Dowry Exchange in European Comparison*, 'JEMH', 1–2 (2004) pp. 67–108; K. Luria, *Sacred Boundaries. Religious Coexistence and Conflict in Early Modern France*, Washington 2005; B.J. Kaplan, *Divided by Faith. Religious Conflict and the Practice of Toleration in Early Modern Europe*, Cambridge 2007; C. Cristellon, *Does the Priest Have to be There? Contested Marriages before Roman Tribunals*, 'Österreichische Zeitschrift für Geschichtswissenschaften', 3 (2009) pp. 10–30; *Regional Variations in Matrimonial Law and Custom in Europe, 1150–1600*, ed. M. Korpiola, Leiden 2011; L. Schmugge, *Marriage on Trial. Late Medieval German Couples at the Papal Court*, Washington 2012; *Marriage in Europe, 1400–1800*, ed. S. Seidel Menchi, Toronto 2016; B. Albani, *Sposarsi a Roma dopo il Concilio di Trento. Matrimonio e comunità forestiere attraverso le 'posizioni matrimoniali' dell'inizio del XVII secolo*, in: *Venire a Roma, restare a Roma. Forestieri e stranieri fra Quattro e Settecento*, ed. S. Cabibbo, A. Serra, Rome 2017, pp. 57–81; *A Cultural History of Marriage in the Renaissance and Early Modern Age*, ed. M.J. Ferraro, London 2020.

[7] See the references of the previous footnote.

of marriages has been mostly reserved for regional scholars, whose work yielded important results.[8] Nonetheless, owing to the availability of the preferred working primary sources, i.e., Ottoman and/or ecclesiastical court registers, studies have primarily focused on the conjugal experiences of Orthodox Christians and Muslims in what is present-day Bulgaria and Greece. Due to the lack of existing/known court documents, the northern and north-eastern areas of early modern Southeast Europe have for the most part been less studied.[9]

It is important to keep in mind that non-Muslim subjects within the administrative and legal system of the Ottoman Empire formally had the right to resort to their own ecclesiastical or communal courts for solving different intra-communal affairs (pertaining to marriage, divorce, or inheritance) that did not involve Muslims. Non-Muslim courts, however, were not generally available throughout the empire, and even when they were accessible, they were not always the favored option. Non-Muslim imperial subjects, including Catholics, brought their various complaints to the local sharia (Islamic) court, whenever they found it more practical and/or beneficial. The problem of the availability of ecclesiastical or communal courts seems to have been a problem for the Catholics in 16th–17th-century northern Ottoman Europe as well. There is no contemporary source-based evidence that would testify to the existence of any kind of Catholic-affiliated courts in these regions. Nevertheless, the Catholic missionaries sent by Rome, or the local Bosnian Franciscan friars would often function as sort of judges when it came to resolving different communal issues, especially in terms of marriage. Concerning Islamic court documents, regrettably, most 16th–17th-century court registers (*kadi sicil*s) concerning the regions in question were destroyed.[10] Therefore, most of the available data about local marriage patterns come from Catholic missionary sources. Naturally, this type of material poses its own interpretative challenges, and its amount hardly allows for a proper engagement in a quantitative analysis of regional marriage customs. Still, these missionary documents convey invaluable and exclusive information about the local constellations of conjugal practices.

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[8] S. Ivanova, *Judicial Treatment of the Matrimonial Problems of Christian Women in Rumeli during the Seventeenth and Eighteenth Centuries*, in: *Women in the Ottoman Balkans: Gender, Culture and History*, ed. A. Buturović, I.C. Schick, London 2007, pp. 153–201; S. Laiou, *Christian Women in an Ottoman World: Interpersonal and Family Cases Brought before the Shari ‘a Courts During the Seventeenth and Eighteenth Centuries (Cases Involving the Greek Community)*, in: *Women in the Ottoman Balkans*, ed. A. Buturović, I.C. Schick, pp. 243–273; G. Erdélyi, *Turning Turk as Rational Decision in the Hungarian-Ottoman Frontier Zone*, 'Hungarian Historical Review', 4 (2015) pp. 314–345.

[9] A. Magina, L. Magina, *'Mores et ceremonias ecclesiasticas ignorabant'. Religie populară în comunitățile catolice din Banat în secolul XVII-lea*, 'Banatica', 18 (2008) pp. 321–346; R.-D. Chelaru, *Between Coexistence and Assimilation: Catholic Identity and Islam in the Western Balkans (17th–18th Centuries)*, 'Revista istorică', 22 (2012) pp. 294–324.

[10] The available court registers are the *sicil*s of Sarajevo from 1551–1552, 1556–1558, and 1565–1566, a partial register from Tuzla from the first half of the 17th century, Mostar from 1632–1634, and Timișoara from 1652–1653.

Religious Communities in Early Modern Northern Ottoman Europe

The reform program of the post-Tridentine papacy was characterized, among other things, by a new interest in the condition of the Catholic population of the Ottoman Empire and of its European dominions. Between the end of the 16th and the end of the 17th century, the primary aim of Catholic missionary projects in Ottoman Europe was to locate various Catholic groups who were scattered in this part of the Ottoman Empire and reinforce their Catholicism. Concerning the regions under analysis, the papacy built its missionary program on a variety of actors, including first and foremost, the members of the regular orders, like Ragusan Benedictines and Franciscans, secular priests, Jesuits, and Bosnian Franciscans, who after the Ottoman conquest of the Bosnian Kingdom in 1463 legally became Ottoman subjects. The visitation records of Bonifacije Drakolica and other subsequent papal visitors, as well as the Jesuit reports compiled after the official launching of the Jesuit mission in 1612–1613 in Pécs (today Hungary), Belgrade (today Serbia), and Timișoara (today Romania), constituted the main source of information upon which the papacy built its missionizing agenda.[11]

In this respect, one needs to bear in mind that although the Ottoman conquest of Southeast Europe ushered in a gradual process of conversion of the local populations to Islam as well as settlement of Muslim populations from other parts of the empire, this process affected distinct areas in various ways and was more acute in the cities.[12] In many parts of the Balkan lands, especially in the rural areas, the population remained mostly Christian throughout the period of Ottoman rule. The majority of them were Orthodox Christians, but Catholic groups (in parts of Bosnia, Hungary, Serbia, Albania, Kosovo, and Bulgaria) and even some Protestant communities (in parts of Slavonia, Hungary, and the Banat) continued to live in various regions. This amalgam of Orthodox, Catholics, Protestants, and Muslims of various ethnic and linguistic backgrounds (South-Slavic-, Romanian, Hungarian, and Turkic-speaking) made the area a desired yet complicated ground for Catholic missionary activity.

The dynamics of 16th–17th century Catholic missions in Ottoman Europe were informed by the political and demographic transformations distinct regions had undergone during the process of Ottoman conquest. The establishment of the

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[11] The Hungarian scholar Antal Molnár has devoted extensive research to analyze the characteristics and special dynamics of this exploratory phase of the Catholic missionary endeavors in these regions. His meticulous work has shown that in the case of Ottoman Hungary, Rome-directed Catholic missions were eventually restricted to the southern parts of the country, i.e., to Slavonia-Srem and the Banat. See A. Molnár, *Katolikus missziók a hódolt Magyarországon I. (1572–1647)*, Budapest 2002 (French translation: *Le Saint-Siège, Raguse et les missions Catholiques de la Hongrie Ottomane, 1572–1647*, Rome–Budapest 2007).

[12] On the vast regional differences in the dynamics of conversion to Islam, see G. Ágoston, *Muslim Cultural Enclaves in Hungary under Ottoman Rule*, 'Acta Orientalia Academiae Scientiarum Hungaricae', 45 (1991) no. 2–3, pp. 181–204; N. Antov, *Emergence and Historical Development of Muslim Communities in the Ottoman Balkans: Historical and Historiographical Remarks*, in: *Beyond Mosque, Church, and State. Alternative Narratives of the Nation in the Balkans*, ed. Th. Dragostinova, Y. Hashamova, Budapest–New York 2016, pp. 31–57.

Ottoman administrative system in the Bosnian lands sparked major population movements from the mid-15th to the end of the 16th century. This did not only redraw the demographic map of Bosnia but also changed the ethno-religious composition of the western and northern parts of the Balkan lands. Since certain urban as well as rural parts of Bosnia were heavily depopulated because of warfare,[13] Orthodox Christian Vlachs came to play a crucial role in repopulating the northeastern and northwestern areas and the basin of the Neretva.[14] At the same time, these events marked the gradual intensification of conversions of the local population to Islam.[15] As regards the Catholic population of the region, even though some people migrated north in multiple waves and settled in various areas of Slavonia-Srem and the Banat, Catholic groups continued to live in the *sanjak*s (~sub-provinces) of Bosnia, Zvornik, and Herzegovina and the Bosnian Franciscans provided them with pastoral care.

The conquest of Belgrade in 1521, the battle of Mohács (today Hungary) in 1526 and the subsequent Ottoman conquering wars between the 1530s and 1590s on the southern marches marked the final phase of the incorporation of the southernmost parts of the Kingdom of Hungary into the Ottoman realm. From the 15th century onwards the number of South-Slavic-speaking Catholic, as well as Orthodox groups, gradually increased in Slavonia-Srem due to population migra-

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[13] E.O. Filipović, *The Ottoman Conquest and the Depopulation of Bosnia in the Fifteenth Century*, in: *State and Society in the Balkans Before and After the Establishment of Ottoman Rule*, ed. S. Rudić, S. Aslantaş, Belgrade 2017, pp. 79–103.

[14] For more details about the migrations of Orthodox groups to Northeast as well as Central Bosnia and the proliferation of Orthodox monasteries in those areas, see A. Handžić, *Etničke promjene u Sjeveroistočnoj Bosni i Posavini u XV I XVI v.*, in: *Studije o Bosni – historijski prilozi iz osmansko-turskog perioda*, A. Handžić, Istanbul 1994, pp. 7–14. The origin, history, and ethno-religious affiliation of the Vlachs of Southeast Europe have been major and controversial topics in Balkan historiographies. What seems mostly accepted in contemporary scholarship is that the term *Vlach/vlach* or *Eflak* in Ottoman parlance was a legal and an administrative term, rather than an ethnic one. It was used to denote nomadic and/or semi-nomadic pastoral clan groups who for their various services to the state enjoyed several taxation privileges. In terms of their religious affiliation, it is generally accepted that most of them were Slavic- and/or Romanian-speaking Orthodox Christians. The existence of Catholic and Muslim Vlachs, however, should not be neglected either. V. Kursar, *Being an Ottoman Vlach: On Vlach Identity(ies), Role and Status in Western Parts of the Ottoman Balkans (15th–18th Centuries)*, 'OTAM', 34 (2013) pp. 115–161; *Ius Vallachicum*, ed. I. Czamańska, M. Diaconescu, 'Balcanica Posnaniensia', 22 (2015) no. 1, pp. 5–175.

[15] Bosnia became one of the regions of the Balkan lands that experienced the quickest and most intense process of conversion to Islam. This phenomenon was informed by several factors, including urbanization, the presence of Sufi brotherhoods, and the military as well as economic stability that was brought by the Ottomans. The literature on the spread of Islam in Bosnia is immense. For a more recent overview, see: S. Kadrić, *The Islamisation of Ottoman Bosnia: Myths and Matters*, in: *Islamisation. Comparative Perspectives from History*, ed. A.C.S. Peacock, Edinburg 2017, pp. 277–296.

tions.[16] The continuously growing number of Catholics[17] in the area was conducive to the development of prosperous parishes, which in turn became essential to the sustenance of Bosnian Franciscan friaries as well as the upkeep of the Catholic missionary church organization.[18]

The conquest of Timișoara in 1552 and the subsequent establishment of the *eyalet* (province) of Tımışvar marked the final phase of the incorporation of the Banat region into the Ottoman Empire. From the beginning of the 15th century onwards, in parallel with the northward advancement of Ottoman troops, Hungarian-speaking Catholic groups gradually started abandoning the area to safer zones (to Royal Hungary or Transylvania) and their emigration accelerated in the first half of the 16th century. While the number of Hungarian-speaking Catholics was dwindling under Ottoman rule, the presence of South-Slavic-speaking Catholics who arrived in multiple waves from Bosnia, Serbia, Dalmatia, and Ragusa became more prominent in certain territories.[19] Besides Catholics and a smaller number of Protestants,[20] the largest number of Christians in the area were the South-Slavic- and Romanian-speaking Orthodox, who by the second half of the 16th century had vastly outnumbered the Catholics and except a few cities, such as Timișoara or Lipova, even the Muslims.[21] The Muslim population of the region mostly consisted of the military, local representatives of power, and some craftsmen and tradesmen.[22]

The protracted Ottoman conquest of the Balkan lands and its repercussions generated population migrations across the peninsula from the end of the 14th to the end of the 16th century. Concerning the territories under analysis, the most conspicuous effect this had is that the areas of Slavonia-Srem and the Banat gained an additional number of South-Slavic-speaking Orthodox as well as Catholic

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[16] According to the calculations of Nenad Moačanin, the Christian population of Slavonia-Srem in 1544 amounted to around 8000 households. N. Moačanin, *Town and Country on the Middle Danube 1526–1690*, Leiden 2006, p. 23.

[17] After the Fifteen Years' War (1593–1606), the population of Slavonia-Srem (Christian as well as Muslim) started to increase. Moačanin, *Town and Country*, pp. 104–113.

[18] Molnár, *Katolikus missziók*, pp. 104–105. See also J. Buturac, *Katolička crkva u Slavoniji za turskoga vladanja*, Zagreb 1970.

[19] There were Catholic groups in Timișoara and its hinterland, Lugoj and Caransebeș, along the Tisza and lower Mureș rivers, and in the Caraș valley. J. Wolf, *Development of Ethnic Structure in the Banat 1890–1992*, Vienna 2004, p. 17.

[20] Reformist ideas made inroads into the area in the 1530s–1540s, which led to the emergence of some Protestant communities mainly in the urban centers (Timișoara, Lipova, Zrenjanin/Veliki Bečkerek, Lugoj and Caransebeș). Their number, however, gradually diminished after the end of the 16th century.

[21] Wolf, *Ethnic Structure in the Banat*, p. 17. For a detailed elaboration on the distribution of settlements by ethnicity with important insights on the methodological and conceptual issues that problematize assessing the exact ethnic composition of a particular village, see K. Hegyi, *A temesvári vilájet népessége és katonaparasztjai*, 'Történelmi Szemle', 3–4 (2005) pp. 297–314.

[22] Wolf, *Ethnic Structure in the Banat*, p. 17; K. Zach, *Die Bosniche Franziskanermission des 17. Jahrhunderts im Südöstlichen Niederungarn*, Munich 1979, p. 14. According to the available data, it seems that the majority of the Muslims of Ottoman Hungary, including the region of the Banat were of Balkan origin. Ágoston, *Muslim Cultural Enclaves*, pp. 181–182.

populations, some of whom originated from Bosnia. The Vlach colonizations and migrations led to the increase in the number of Orthodox Christian population in various parts of northern Ottoman Europe.[23] Although the number of Catholic groups dwindled or even disappeared in some areas, the presence of Catholics remained continuous in several territories, with regions, such as Slavonia even having seen a gradual population gain. The emergence of Muslim communities in these territories was a protracted development informed by a variety of socio-economic, cultural as well as religious factors. And while Bosnia and parts of Slavonia-Srem experienced a more intense process of the spreading of Islam, in the Banat this change occurred on a much smaller scale and was concentrated in a couple of urban centers. Despite the penetration of the Ottoman administrative, military, and religious structures into the conquered areas, recognition of social heterogeneity and religious plurality was imperative in the Ottoman management of the population.

So, how were the marriage reforms of the Council of Trent received, enforced, and negotiated in this pluralistic setting? How did Catholic missionaries and local Catholics make sense of the new marriage regulations, and to what extent did they make these stipulations more agreeable to their own needs?

Negotiating Tridentine Marriage Reforms in 16th–17th-Century Northern Ottoman Europe

The fathers of the Council of Trent identified marriage as a dogma of faith of the Catholic Church.[24] At the same time, the new marriage decrees aimed at unifying the institution of matrimony and at regulating clandestine marital practices. However, subjecting such a custom-bound, variegated, and flexible phenomenon as marriage to the strict rules of the Council was received with skepticism, disbelief, and resistance both by the people who were supposed to accept these rules and by the agents who were supposed to enforce them.

According to the regulations of medieval canon law,[25] in accordance with natural law and Roman law, particularly as it was framed in the *Corpus iuris civilis* of Emperor Justinian, a valid marriage only depended on the verbal consent of the

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[23] On the problem of determining the number of the Orthodox and their ratio to the Catholics, see S. Džaja, *Konfessionalität und Nationalität Bosniens und der Herzegowina, Voremanzipatorische Phase 1463–1804*, Munich 1984, pp. 104–112.

[24] The discourse on marriage being one of the sacraments of the Catholic Church started in the 12th century. This was a fruitful period during which canon lawyers and theologians alike attempted to standardize the doctrine of marriage both on theoretical and practical levels. The debates continued up to the 16th century, which was a revisionist period on both Protestant and Catholic fronts. For a detailed elaboration on the theological development of marriage as a sacrament, see the magisterial work of Ph. L. Reynolds, *How Marriage Has Become One of the Sacraments. The Sacramental Theology of Marriage from its Medieval Origins to the Council of Trent*, Cambridge 2016. For the Protestant context, see J. Witte Jr., *Law and Protestantism. The Legal Teachings of the Lutheran Reformation*, Cambridge 2002; J.F. Harrington, *Reordering Marriage and Society in Reformation Germany*, Cambridge 1995.

[25] On medieval canon law and the functioning and jurisdiction of canonical courts, see J.A. Brundage, *Medieval Canon Law*, London–New York 1995.

spouses ('solus consensus') expressed in the present tense ('verba de presenti') and followed by sexual consummation. In conformity with the consensualist doctrine, a marriage was lawful and qualified as a sacrament even if the couple exchanged consent without witnesses, the presence of the parish priest,[26] parental approval, registration, or other solemnities.[27] Both secular and ecclesiastical authorities preferred public weddings and strived to enact different measures to enforce them, still, clandestine unions remained valid, yet illicit in the eyes of the Catholic Church.[28]

Overall, the consensualist doctrine created freedom, flexibility, uncertainty, and ambiguity on the ground. It was, thus, a challenge for the fathers of the Council of Trent to considerably reduce uncertainty about marriage and eliminate clandestinity 'without abolishing the consensualist doctrine that had dictated church marriage policy for centuries.'[29] The more than fifteen years of lively conciliar debates on the abolition of clandestinity demonstrate the division within the Church itself on this issue.[30] Eventually, the decree of *Tametsi* was promulgated and it introduced a new, ecclesiastically controlled notion of marriage.[31] It required the presence of the parish priest of at least one of the spouses and two or three witnesses for a marriage to be valid. The event itself had to be preceded by the promulgation of three marriage banns at mass on three consecutive Sundays, and if no impediments arose, the marriage could be administered 'in facie ecclesiae'. Subsequently, the marriage had to be registered in the local parish register. *Tametsi* also imposed new, stricter regulations over the marriages of persons without a fixed address, forbade forced marriages, regulated the permitted times of wedding celebrations,[32]

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[26] Prior to the enforcement of the conciliar decrees, the officiant at a wedding was often a family member and he did not necessarily have to be a Catholic. Cristellon, *Does the Priest Have to be There*, p. 14.

[27] For more details on pre-Tridentine marriage customs, see S. Seidel Menchi, *Percorsi variegate, percorsi obbligati. Elogio del matrimonio pre-tridentino*, in: *Matrimoni in dubbio*, pp.17–61.

[28] In the Eastern Orthodox context one can identify similar regulating attempts to control common law marriages (i.e., public weddings with familial support but without a church ceremony). For instance, in the 14th century, the Serbian ruler Stefan Dušan (r. 1331–1355) made attempts to enforce church marriage (*venčanie*). In the 15th century, the Russian Orthodox Metropolitan Fotij condemned common law marriage as a form of illicit fornication; the couples who refused to marry in a church and be blessed by a priest were placed under penance for three years and refused participation in ecclesiastical rites. E. Levin, *Sex and Society in the World of the Orthodox Slavs, 900–1700*, Ithaca 1989, pp. 84–86.

[29] D. Lombardi, *Marriage in Italy*, in: *Marriage in Europe, 1400–1800*, ed. by S. Seidel Menchi, p. 103.

[30] For a detailed elaboration on the various stages in the debate, see Reynolds, *How Marriage Has Become One of the Sacraments*, pp. 804–982.

[31] On the reception of *Tametsi* in the Catholic world, see more recently C. Cristellon, *The Roman Congregations and the Application of the Tametsi as an Instrument of Their Policies towards Mixed Marriages in Europe (1563–1798)*, 'Rechtsgeschichte – Legal History', 27 (2019) pp. 163–171; D.L. d'Avray, W. Menski, *Authenticating Marriage: The Decree Tametsi in a Comparative Global Perspective*, 'Rechtsgeschichte – Legal History', 27 (2019) pp. 71–89.

[32] Concerning the solemnity of marriages, the Tridentine rulings stipulated that weddings should not be celebrated from the Advent of Jesus Christ until the day of the Epiphany, and from Ash Wednesday until the octave of Easter, inclusively.

standardized the law concerning affinity and consanguinity, and restated the pro-hibition on concubinage among the laity.[33]

From 1571, Pope Pius V (p. 1566–1572) sent apostolic visitors to the papal state and to other parts of the Italian peninsula to hold ecclesiastical synods and to familiarize the lower clergy with the decisions of the Council.[34] According to the Tridentine instructions, the *Tametsi* had to be promulgated and explained to the people in every parish of a particular diocese, as often as possible during the first year of its declaration, and periodically repeated afterwards. Thirty days after its publication, the decree became valid and binding at the respective parishes. In practice, however, the proclamation and enforcement of *Tametsi* was not always a straightforward process – as the above-detailed experience of the papal visitor Bonifacije Drakolica also demonstrates.

As far as one can trust Drakolica's own account, the Franciscan visited the parishes of Bosnia and Herzegovina, he occasionally returned to the same place several times and held synods with the few priests he could find in the region: one, probably somewhere between Požega (today Croatia) and Pécs, and the other, most likely in Bapska (today Croatia).[35] He also preached to the Catholic groups he found in Timișoara and in the neighboring villages but his activity in this area was short-lived since he died at the beginning of 1582.[36] Assuming that Drakolica held the mentioned synods, one does still not know how exactly he translated the Tridentine decrees into understandable forms for the local clergy. Considering that he was advised not to announce the conciliar marriage reforms if there was a shortage of priests in a particular area, it remains uncertain whether he spoke about *Tametsi* or not during these synods and during his encounters with the local Catholics.[37] This uncertainty prevailed in the area in the decades to come.

When, in 1626, the bishop of Smederevo (today Serbia) Alberto Rengjić asked the advice of Propaganda Fide in two complicated marriage cases, it was still not evident whether the conciliar decrees had been publicized in the city of Belgrade

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[33] *Decree on the Reformation of Marriage*, https://www.papalencyclicals.net/councils/trent/twenty-fourth-session.htm (space: 20.10.2022).

[34] Tóth, *Raguzai Bonifác*, p. 447. The literature on the post-Tridentine reform papacy is immense. Two representative studies with further bibliographical references are P. Prodi, *Il sovrano pontefice. Un corpo e due anime: la monarchia papale nella prima età moderna*, Bologna 1982 and R.P. Hsia, *The World of Catholic Renewal*, Cambridge 2005.

[35] For more details about the difficulties in determining the exact location of the synods, see Molnár, *Katolikus misszió*k, pp. 131–133.

[36] Tóth, *Litterae, Vol. I*, pp. 101–106.

[37] Drakolica was not the only one who was entrusted to propagate the decrees of the Council among the Catholic groups as well as the local clergy of the Balkan peninsula. In 1584, Pope Gregory XIII sent a new apostolic visitor, Alexandar Komulović, prebend of Spalato and the Jesuit Thomaso Raggio to the territories of Albania, Serbia, and Bulgaria. They held a synod in Albania, where they proclaimed the decrees of the Council, but due to the great shortage of priests, they did not proclaim the *Tametsi*. Archivum Romanum Societatis Iesu (ARSI) Italia, vol. 171, fol. 386 r/v; 390 r–391 v.

and its surroundings.[38] In the first case, as presented by Rengjić, a man had been living together with his father, stepmother, and stepsister. He got his stepsister pregnant, so they contracted a marriage in front of the Ottoman judge (*kadi*). After having lived together for several years, the man simply wanted to repudiate his current wife and marry another in front of the Catholic parish priest. The man allegedly argued that he had married his first wife due to fear of the Ottoman authorities. Since the proclamation of *Tametsi* was uncertain, Rengjić had doubts about the validity of the marriage administered by the Ottoman judge.[39] In the second case, the bishop narrated the case of a man who married a woman in front of the Orthodox priest. After having had children, the man wanted to dismiss his wife and marry another woman in front of the local Catholic parish priest. The man claimed that his first marriage was null since it had not been administered by a Catholic priest.[40] The Propaganda instructed the bishop to proclaim the conciliar decisions on marriage to prevent further abuses that were justified by the fact that the Tridentine regulations were not known.[41] Rengjić was hesitant to fully comply with this order. He assured the Propaganda that he would make people observe the marriage decrees as much as possible, but he would not announce them publicly because local Catholics tended to look at the orders coming from Rome as a 'new faith'.[42] It is safe to assume that the bishop did not change his mind as regards the publication of the Tridentine decrees. In 1630, Jacob Tuglino SJ reported that in the Belgrade area there were many cases of abuse when contracting marriages. The Jesuit attributed this to the fact that it was uncertain whether the Tridentine decrees had been locally announced, and partly to the great shortage of priests that provided a perfect excuse to evade marital stipulations.[43]

On the one hand, Rengjić's experience illustrates the range of factors and complex negotiations affecting the implementation of the Tridentine reforms, involving Rome, the Catholic missionary bishops and missionaries, the Orthodox clergy, the Ottoman authorities, and the subject population. On the other hand, it also challenges the idea that the local Catholics were as ignorant as the missionaries generally portrayed them. These examples demonstrate that certain people were quite aware of the legal choices at their disposal and devised strategies for

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[38] Archivio Storico della Sacra Congregazione per l'Evangelizzazione dei Popoli o de «Propaganda Fide» (Rome) (APF) Scritture Originali riferite nelle Congregazioni Generali (SOCG), vol. 56, fol. 243 v. See also T. Vanyó, *Püspöki jelentések a Magyar Szent Korona országainak egyházmegyéiről (1600–1850)*, Pannonhalma 1933, pp. 53–54. The problem of holding an ecclesiastical synod in Belgrade also persisted in the following decades, as it is attested, for instance in the 1643-report of Giacomo Boncarpi, bishop of Himeria (*de facto* Belgrade).

[39] APF SOCG, vol. 56, fol. 242 r. Formally, marriages contracted before the proclamation of *Tametsi* were valid even if potentially contracted by a non-Catholic person, in the present case, the Ottoman *kadi*.

[40] APF SOCG, vol. 56, fol. 242 r.

[41] APF Acta Sacrae Congregationis (Acta), vol. 4, fol. 31 r.

[42] APF SOCG, vol. 56, fol. 231 r/v.

[43] F. Galla, *Magyar tárgyú pápai felhatalmazások, felmentések és kiváltságok a katolikus megújhodás korából I.*, Budapest 1947, pp. 119–120.

circumventing the system. In the first case presented here, the man allegedly claimed that the marriage was contracted 'in fear', which according to Catholic canon law could have constituted a valid ground for annulling the marriage, regardless of who contracted it and when, in case the fear was so great that it significantly altered the respective man's free will.[44] According to the second case, it seems that some local Catholics had a certain kind of knowledge about the new Tridentine marriage regulations and used them to their own advantage; in this instance claiming that the first marriage was not valid because the officiant was not the local parish priest.[45] In 1627, George Buitul SJ also reported from the area that he had many difficulties with the local Catholics, who still married clandestinely: couples first made a promise to one another, and only afterwards they went to the priest.[46] In this case, one might also assume that Catholics were not unfamiliar with the new conciliar rules, but they fitted them to their locally contingent and community-dependent needs (such as not having a Catholic priest available to contract the marriage when they wanted to).[47]

In 1638, the Jesuit Giacomo Micaglia still lamented the countless digressions in the administration of marriages he encountered among the Catholics of Timișoara and of the neighboring villages.[48] Propaganda Fide just like in other cases conditioned any further action upon the promulgation of *Tametsi,* then transferred the case to the Congregation of the Council.[49] Micaglia, just like his fellow missionaries, could or probably, sometimes rather would not provide a definite answer to the Propaganda's question. He asked for apostolic faculties[50] for the secular priests and licentiates[51] in the villages so that they could administer marriages

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[44] Galla, *Magyar tárgyú pápai felhatalmazások*, p. 117.

[45] In premodern Italy, one can observe similar patterns in terms of people's knowledge of and creative engagement with the new matrimonial regulations. Lombardi, *Marriage in Italy*, p. 101, 109.

[46] L. Periş, *Documente din arhiva Curiei generale a ordinului iezuit din Roma. Spicuiri din corespondenţa misionarilor George Forro şi George Buitul*, in: *Spiritualitate transilvană şi istorie europeană*, ed. I. Mârza, A. Dumitran, Alba Iulia 1999, p. 193.

[47] Similar cases of clandestine marriages were reported from the mountainous areas of Albania in 1682. In this case as well the validity of a marriage without a priest and witnesses was contingent upon the dissemination of the conciliar reforms, i.e., in case the *Tametsi* was not announced, these marriages were considered valid. APF Risoluzioni, no folio no.

[48] M. Vanino, *Leksikograf Jakov Mikalja SI (1601–1654)*, 'Vrela i prinosi', 2 (1933) pp. 1–43.

[49] Molnár, *Katolikus missziók*, p. 329.

[50] From the 14th century onwards, the popes accorded papal faculties, first to the Franciscans and the Dominicans, and from the mid-16th century to the Jesuits that authorized the performance of pastoral activities in the territories without a permanent Catholic ecclesiastical hierarchy. The most common authorizations gave the right to absolve in the cases reserved for the pope or the bishop, such as heresy, marriage impediments, breaking sumptuary restrictions during Lent, using portable altars, or the consecration of churches.

[51] In several parts of 16th–17th century Ottoman Europe, such as Albania, Slavonia-Srem, or the central and northern parts of Ottoman Hungary, parishes were administered by various members of the secular clergy. Due to the great shortage of ordained Catholic priests, the function of the parish priest in certain areas of Ottoman Hungary or even Moldavia was often filled by the so-called 'li-

even in the prohibited times and without the usual announcements (i.e., the three marriage banns). Missionaries in the area – Micaglia continued – often needed to be more lenient in this respect since the local Catholics tended to seek the service of the Ottoman judge or the Orthodox or Protestant priest to contract a marriage. Micaglia stated that he could not tell whether *de jure* the decrees were received or not, but in the cities the people kept these regulations which would indicate that the *Tametsi* had been pronounced. Some Catholics, for instance, considered the marriages contracted by the Ottoman judge or the Orthodox priest invalid, and they excommunicated the couples who got married in this way. However – the missionary underlined – if the Tridentine decrees were not publicized, these unions were in fact valid.[52] Because of the many doubts, the Jesuit proposed the formal pronouncement of the marriage decrees to avoid further deviations.[53]

Unlike their fellow Jesuits, some Bosnian Franciscans often spoke with confidence and pride about the fact that the conciliar decrees, including the ones on marriage, were announced in all the parishes of Bosnia at the end of the 16th century.[54] While such boasting statements ought to be taken with a grain of salt, one can observe that in some of the devotional works composed by certain friars, the topic of marriage and the Tridentine stipulations that regulated it, occupied a prominent place.[55] It is, therefore, not unlikely that the Catholic population in the various parishes was aware of the conciliar regulations. But how the Bosnian friars and their parishioners engaged with and molded these rules in practice is, of course, another issue.

A 1631 report of the bishop of Bosnia Tommaso Ivković to Propaganda Fide drew attention to the lack of marriage records in several parishes.[56] According to the bishop, initially, they tried to keep these records, but this turned out to be unsustainable, because the houses of Catholics were scattered throughout the area, in the valleys, mountains, and forests (in some places there was only one Catholic household, while in others there could be up to ten), and they were mixed with the houses of the Orthodox and Muslims.[57] Allegedly, the friars also resorted to

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centiates' (Hun. 'licenciátus', lay educators). They would receive various faculties from the local bishop to perform pastoral activities, except hearing confessions and celebrating the mass. Molnár, *Katolikus missziók*, pp. 74–121, 348–354.

[52] Vanino, *Leksikograf Jakov Mikalja*, pp. 32–33. Up to the second half of the 18th century, the issue of the validity of the marriages of Catholics that were administered by non-Catholic agents, especially Ottoman judges or Orthodox priests was a recurrent source of conflict and confusion both on the ground and in Rome. Cf., M. Caffiero, *L'Inquisizione romana e I Musulmani: le questioni dei matrimony misti*, 'Cromohs', 14 (2009) pp. 1–10.

[53] Vanino, *Leksikograf Jakov Mikalja*, pp. 32–33.

[54] Tóth, *Litterae, Vol. I*, p. 368.

[55] M. Divković, *Nauk Karstianski za Slovinski Narod*, Venice 1611; I. Bandulović, *Pisctole i Evangelya priko Svega Godiscta*, Venice 1626; I. Ančić, *Speculum Sacerdotale*, Ancona 1681.

[56] Tóth, *Litterae, Vol. I*, pp. 368–370.

[57] Tóth, *Litterae, Vol. I*, p. 369. In 1624, the apostolic visitor Pietro Massarecchi, and in 1655, Mariano Maravić, then bishop of Bosnia spoke in similar terms about the distribution of households. K. Draganović, *Izvješće apostolkog vizitatora Petra Masarechija o prilikama katol. naroda u Bugarskoj, Srbiji, Srijemu, Slavonii i Bosni g. 1623 i 1624*, 'Starine JAZU', 39 (1938) pp. 1–48; Fer-

marrying couples by proxy, sending a servant or an ecclesiastical procurator in their place.[58] The lack of marriage and baptismal records was a general problem in the areas of 16th–17th century northern Ottoman Europe. This made it more difficult to comply with some of the requirements of *Tametsi*, especially in terms of verifying that a wedding took place or proving forbidden degrees of kinship.[59]

When two Ragusan Benedictine missionaries visited the regions of Požega, Timișoara, and Srem in 1606–1607, one of their major complaints was that due to the lack of birth records, there were several marriages contracted within the prohibited degree of consanguinity.[60] In response to the deficiencies in record keeping in general, in 1613, the Holy Office ordered that in case a marriage was not registered it could be examined through witnesses whether the wedding had actually occurred,[61] and another decree from 1625 stated that in those territories where there was no priest, marriages with two witnesses were also valid.[62] In the 1610s, Jesuit missionaries reported on similar problems from the areas under analysis.[63] In their letters to the Superior General, the fathers often emphasized that they had compelled men to return to their first wives and had remedied marriages that had not been administered according to the prescribed rituals and had been contracted in the prohibited degrees of consanguinity or affinity.[64] In 1681, the bishop of Bosnia turned to Propaganda Fide for dispensations in four marriage cases contracted within the forbidden degree of kinship, in the second, third, and fourth degrees and administered by the Ottoman judge. The case was transferred to

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mendžin, *Acta Bosnae*, p. 479. The issue of Catholics living mixed with Orthodox, Protestants, and Muslims in the mountains and forests also figures in the reports of the Jesuits who were active in Timișoara. In terms of local patterns of daily coexistence, one can observe that in the mountainous and woodland rural settlements people who belonged to different religious and potentially social backgrounds lived in proximity. In the cities, one might notice a gradual transformation of the cityscape: by the second half of the 17th century, the non-Muslims were pushed to the outskirts of the cities (and even there, distinct denominational groups would have their own districts). The Muslims lived inside the town (only a few Catholic merchants could live within the city). In the cities different religious and ethnic groups would also mix, but the rural and urban patterns of daily coexistence were to a large extent informed by the geographical features of the area.

[58] Tóth, *Litterae, Vol. III*, p. 1826.

[59] Tridentine rulings prescribed that marriages contracted up to the fourth degree of consanguinity and second degree of affinity were forbidden and the parties who would not comply would be excommunicated.

[60] A. Molnár, *Raguzai bencés misszionáriusok jelentése a hódolt Dél-Magyarországról (1606)*, 'Lymbus', 3 (2005) pp. 55–62.

[61] APF Decreta, fol. 52 r.

[62] APF Risoluzioni, fol. 143 v.

[63] Marriages in the forbidden degrees of kinship were generally common in missionary territories, both overseas and inside of Europe. Considering the 17th-century Balkan peninsula see, for instance, different cases from the Greek islands: APF Acta, vol. 4, fol. 96 v.; Dalmatia: APF Acta, vol. 3, fol. 210 r, vol. 4, fol. 7 r, fol. 53 v., fol. 54 r; vol. 6, fol. 76 r; Montenegro: APF Acta, vol. 4, fol. 17 v, APF SOCG, Vol. 125, fol. 120 r/v–121 r, fol. 253 v–254 r.

[64] *Erdélyi és hódoltsági jezsuita missziók I/1– 2 (1609–1625) (EHJM)*, ed. M. Balázs et al, Szeged 1990, p. 191, 193, 201, 249; *EHJM I/2*, p. 368.

the Holy Office which ordered that if the couples were Catholic and were willing to contract the marriage in front of the Catholic priest and witnesses, the requested dispensation could be given in the mentioned degrees.[65]

According to the Tridentine stipulations, consanguineous marriages should have been dissolved, without a dispensation given retroactively.[66] That, however, could have also led to the abandoning of Catholicism, especially since Catholic couples could also appeal to the local Orthodox or Muslim communal and religious representatives – as some of the above-detailed examples demonstrated. To avoid such a loss of believers, the papacy decided to make concessions about the legitimization of endogamic marriages. In 1620, Pope Paul V issued a breve to Marino de Bonis SJ to validate those marriages where the spouses were related in the second or third degree of consanguinity or affinity, since – as the missionary had described in his supplication – the dissolution of such consanguineous marriages could not be without scandal in this region.[67] In 1626, the bishop of the diocese of Saint Stephen (Ecclesia Stephanensis)[68] in lower Herzegovina obtained a dispensation for those couples who married in the third and fourth degrees of consanguinity and affinity and legitimized the children of these unions. The dispensation was meant to prevent the local Catholics to appeal to the Orthodox priest, who thus would draw them to the Orthodox rite.[69] In 1629, Propaganda Fide allowed the Bosnian Franciscan Marco Bandulović to celebrate marriages in the prohibited times, but without festivities, so the local Catholics would not appeal to the local Ottoman *kadi* or the Orthodox or Protestant priest.[70] In 1644, the bishop of Bosnia Toma Mrnavić also turned to Propaganda Fide regarding the issue of marriages conducted in prohibited times. His query was then transferred to the Congregation of the Council which asserted that the bishop should conform to the conciliar stipulations, which only forbade celebration and sexual relationships in these times, not the marriage itself.[71]

Breaching the Tridentine marriage stipulations concerning consanguinity and affinity, permitted wedding times, or the presence of the local Catholic parish priest were common phenomena in the early modern world of Catholic reform and evangelization. Missionaries tended to write in rather standard terms about these

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[65] Archivio della Congregazione per la Dottrina della Fede (Città del Vaticano) (ACDF) Res Doctrinales (RD), vol. Dubia Varia 1669–1707, fol. 251 r.

[66] Sperling, *Marriage at the Council of Trent*, p. 71.

[67] The Jesuit asked the pope to grant a dispensation to three or four couples or to any number that seemed legitimate from the ones he had found in the 'province located between Wallachia and Transylvania' and who had contracted a marriage within the forbidden degrees of kinship. *EHJM I/2*, p. 379.

[68] On the controversy regarding this alleged diocese in southern Herzegovina, see Krunoslav Draganović, *Tobožnja 'Stjepanska Biskupija–Ecclesia Stephanensis' U Hercegovini*, 'Croatia Sacra', 4 (1934) pp. 29–58.

[69] APF Acta, vol. 4, fol. 7 r.

[70] APF Acta, vol. 6, fol. 263 v–264 r. In 1625, the Propaganda already issued a decree that stipulated that in case of an imminent Ottoman threat, weddings could be celebrated in the prohibited times. APF Acta, vol. 3, fol. 182 v.

[71] APF Acta, vol. 16, fol. 153 v–154 r; Molnár, *Katolikus missziók*, p. 441.

issues and explained their presence with the ignorance or disinterest of the local population and their unwillingness to obey the new rules. Yet, this standardizing trend should not obliterate the fact that the motivations for wanting to or having to enter a non-normative union depended on a variety of factors. As I have described above, the gradual Ottoman conquest of the Balkan peninsula and the concomitant population migrations rewrote the demographic map of northern Ottoman Europe. This demographic-ethnic redistribution, the establishment of the Ottoman administrative system, and the geographic features of the area would then play a decisive role in determining local marriage patterns.[72] Throughout 16th–17th-century Ottoman Europe, predominantly in the rural areas, Catholic households were often few, unevenly dispersed, and mixed with Orthodox, Muslim, and occasionally, Protestant households. Therefore, choosing to or being forced to marry without formal publicity or with a close relative, was probably often motivated by various everyday challenges (such as, not having a Catholic priest available, being more familiar with the local Orthodox priest or the Ottoman judge, poverty, or wanting to avoid a religiously mixed marriage).[73]

Conclusion

Like in several other places throughout the early modern Catholic world, marriage was an experimental social and legal category in 16th–17th-century northern Ottoman Europe. The above-presented cases have demonstrated that local Catholics as well as Catholic missionaries on the ground engaged with, challenged, and manipulated the Tridentine marriage decrees in multiple ways and tried to develop tactics to justify their choices. This often put the Roman congregations in precarious positions. Some of the papal orders that targeted illicit marital practices were often lenient and vague enough, and that could give missionaries a certain sense of freedom. But at the same time, these instructions could just as well contribute to the proliferation of further uncertainties and deviations on the ground as well as in Rome.

Due to the inaccuracy or lack of numerical data about the number of irregularities in marriage customs, the correlation between the propagation of *Tametsi* and the number of illicit unions cannot be determined. It is plausible that in those territories where the stipulations were pronounced (possibly, even more than once), explained to the people, and where priestly care was also regular (more prevalent in urban areas, but sometimes challenging to sustain in rural ones, especially in mountainous villages), the number of deviations was lower. Regardless of the many

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[72] Cf. Ch. Castelnau, *Le marriage des infidels au XVIe siècle: doutes missionaires et autorité pontificale*, in: *Administrer les sacraments en Europe et au Nouveau Monde: La Curie romaine et la dubia circa sacramenta*, 'Mefrim', 121 (2009) no. 1, pp. 95–121; R.P. Hsia, *Imperial China and the Christian Mission*, in: *Early Modern Catholic Global Missions*, ed. R.P. Hsia, Leiden 2018, pp. 361–363.

[73] In 1626, the bishop of Cattaro (today Kotor, Montenegro), for instance, also detailed why people would resort to contracting a marriage within the prohibited degree of kinship. The bishop highlighted two reasons: one was poverty, and the other was the fear of being taken away by the Ottomans. APF SOCG, vol. 56, fol. 364 r.

probable local scenarios, the sole fact of having officially promulgated the stipulations of Trent would not necessarily change local marriage customs embedded within the everyday life of different Catholic groups. It could, however, provide an additional set of rules for the local Catholics that they could embrace, reject, and/or experiment with in an already pluralistic legal context. At the same time, the familiarity with *Tametsi* or the lack of it was also a tool for the missionaries to obtain concessions and dispensations from the papacy to make the new and often rigid requirements more digestible to the local population. In this way, the Roman congregations were also continuously challenged to negotiate, adapt, and redefine their stance on the meaning and implementation of the conciliar marriage reforms.

Overall, there was a constant divergence between the post-Tridentine normative discourse on marriage embedded within *Tametsi* and the practical implementation of these rules in different places across the 16th–18th-century Catholic world. This apparent discrepancy demonstrates that there was a multilayered dialogue between written rule and everyday practice and the perceived matrimonial irregularities on the ground were the results of these continuous interactions.

REFERENCES / BIBLIOGRAFIA

Archival Sources

Archivio della Congregazione per la Dottrina della Fede (Città del Vaticano) (ACDF)
RD = Res Doctrinales
vol. Dubia Varia 1669–1707

Archivio Storico della Sacra Congregazione per l'Evangelizzazione dei Popoli o de «Propaganda Fide» (Roma) (APF)
Acta Sacrae Congregationis (Acta)
vols. 3, 4, 6, 16
Scritture Originali riferite nelle Congregazioni Generali (SOCG)
vols. 56, 125
Vol. Decreta
Vol. Risoluzioni

Archivum Romanum Societatis Iesu (Roma) (ARSI)
Fondo Italia
vol. 171

Published Sources and Secondary Literature

A Cultural History of Marriage in the Renaissance and Early Modern Age, ed. M.J. Ferraro, London 2020.
Ágoston Gábor, *Muslim Cultural Enclaves in Hungary under Ottoman Rule*, 'Acta Orientalia Academiae Scientiarum Hungaricae', 45 (1991) no. 2–3, pp. 181–204.

Albani Benedetta, *Sposarsi a Roma dopo il Concilio di Trento. Matrimonio e comunità forestiere attraverso le 'posizioni matrimoniali' dell'inizio del XVII secolo*, in: *Venire a Roma, restare a Roma. Forestieri e stranieri fra Quattro e Settecento*, ed. S. Cabibbo, A. Serra, Rome 2017, pp. 57–81.

Ančić Ivan, *Speculum Sacerdotale*, Ancona 1681.

Antov Nikolay, *Emergence and Historical Development of Muslim Communities in the Ottoman Balkans: Historical and Historiographical Remarks*, in: *Beyond Mosque, Church, and State. Alternative Narratives of the Nation in the Balkans*, ed. Th. Dragostinova, Y. Hashamova, Budapest–New York 2016, pp. 31–57.

D'Avray L. David, Werner Menski, *Authenticating Marriage: The Decree Tametsi in a Comparative Global Perspective*, 'Rechtsgeschichte – Legal History', 27 (2019) pp. 71–89.

Bandulović Ivan, *Pisctole i Evangelya priko Svega Godiscta*, Venice 1626.

Brundage A. James, *Medieval Canon Law*, London–New York 1995.

Caffiero Marina, *L'Inquisizione romana e I Musulmani: le questioni dei matrimony misti*, 'Cromohs', 14 (2009) pp. 1–10.

Castelnau Charlotte, *Le marriage des infidels au XVIe siècle: doutes missionnaires et autorité pontificale*, in: *Administrer les sacrements en Europe et au Nouveau Monde: La Curie romaine et la dubia circa sacramenta*, 'Mefrim', 121 (2009) no. 1, pp. 95–121.

Chelaru Rafael-Doran, *Between Coexistence and Assimilation: Catholic Identity and Islam in the Western Balkans (17th–18th Centuries)*, 'Revista istorică', 22 (2012) pp. 294–324.

Cristellon Cecilia, *Does the Priest Have to be There? Contested Marriages before Roman Tribunals*, 'Österreichische Zeitschrift für Geschichtswissenschaften', 3 (2009) pp. 10–30.

Cristellon Cecilia, *The Roman Congregations and the Application of the Tametsi as an Instrument of Their Policies towards Mixed Marriages in Europe (1563–1798)*, 'Rechtsgeschichte – Legal History', 27 (2019) pp. 163–171.

Divković Matija, *Nauk Karstianski za Slovinski Narod*, Venice 1611.

Draganović Krunoslav, *Izvješće apostolkog vizitatora Petra Masarechija o prilikama katol. naroda u Bugarskoj, Srbiji, Srijemu, Slavonii i Bosni g. 1623 i 1624*, 'Starine JAZU', 39 (1938) pp. 1–48.

Draganović Krunoslav, *Tobožnja 'Stjepanska Biskupija–Ecclesia Stephanensis' U Hercegovini*, 'Croatia Sacra', 4 (1934) pp. 29–58.

Džaja Srečko, *Konfessionalität und Nationalität Bosniens und der Herzegowina, Voremanzipatorische Phase 1463–1804*, Munich 1984.

Eisenach Emlyn, *Husbands, Wives, and Concubines. Marriage, Family, and Social Order in 16th-Century Verona*, Kirksville 2004.

Erdélyi és hódoltsági jezsuita missziók I/1– 2 (1609–1625) (EHJM), ed. M. Balázs et al, Szeged 1990.

Erdélyi Gabriella, *Turning Turk as Rational Decision in the Hungarian-Ottoman Frontier Zone*, 'Hungarian Historical Review', 4 (2015) pp. 314–345.

Fermendžin Eusebius, *Acta Bosnae potissimum ecclesiastica ab a. 925 usque ad. a 1752*, Zagreb 1892.

Filipović O. Emir, *The Ottoman Conquest and the Depopulation of Bosnia in the Fifteenth Century*, in: *State and Society in the Balkans Before and After the Establishment of Ottoman Rule*, ed. S. Rudić, S. Aslantaş, Belgrade 2017, pp. 79–103.

Galla Ferenc, *Magyar tárgyú pápai felhatalmazások, felmentések és kiváltságok a katolikus megújhodás korából I.*, Budapest 1947.

Gottlieb Beatrice, *The Meaning of Clandestine Marriage*, in: *Family and Sexuality in French History*, ed. R. Wheaton, T.K. Hareven, Philadelphia 1980, pp. 49–84.

Hacke Daniela, *Women, Sex and Marriage in Early Modern Venice*, Aldershot 2004.

Handžić Adem, *Etničke promjene u Sjeveroistočnoj Bosni i Posavini u XV I XVI v.*, in: *Studije o Bosni – historijski prilozi iz osmansko-turskog perioda*, A. Handžić, Istanbul 1994, pp. 7–14.

Harrington F. Joel, *Reordering Marriage and Society in Reformation Germany*, Cambridge 1995.

Hegyi Klára, *A temesvári vilájet népessége és katonaparasztjai*, 'Történelmi Szemle', 3–4 (2005) pp. 297–314.

Hsia Po-chia Ronnie, *Imperial China and the Christian Mission*, in: *Early Modern Catholic Global Missions*, ed. R.P. Hsia, Leiden 2018, pp. 361–363.

Hsia Po-chia Ronnie, *The World of Catholic Renewal*, Cambridge 2005.

Ius Vallachicum, ed. I. Czamańska, M. Diaconescu, 'Balcanica Posnaniensia', 22 (2015) no. 1, pp. 5–175.

Ivanova Svetlana, *Judicial Treatment of the Matrimonial Problems of Christian Women in Rumeli during the Seventeenth and Eighteenth Centuries*, in: *Women in the Ottoman Balkans: Gender, Culture and History*, ed. A. Buturović, I.C. Schick, London 2007, pp. 153–201.

Kadrić Sanja, *The Islamisation of Ottoman Bosnia: Myths and Matters*, in: *Islamisation. Comparative Perspectives from History*, ed. A.C S. Peacock, Edinburg 2017, pp. 277–296.

Kaplan J. Benjamin, *Divided by Faith. Religious Conflict and the Practice of Toleration in Early Modern Europe*, Cambridge 2007.

Kursar Vjeran, *Being an Ottoman Vlach: On Vlach Identity(ies), Role and Status in Western Parts of the Ottoman Balkans (15th–18th Centuries)*, 'OTAM', 34 (2013) pp. 115–161.

Laiou Sophia, *Christian Women in an Ottoman World: Interpersonal and Family Cases Brought before the Shari 'a Courts During the Seventeenth and Eighteenth Centuries (Cases Involving the Greek Community)*, in: *Women in the Ottoman Balkans*, ed. A. Buturović, I.C. Schick, London 2007, pp. 243–273.

Levin Eve, *Sex and Society in the World of the Orthodox Slavs, 900–1700*, Ithaca 1989.

Luria Keith, *Sacred Boundaries. Religious Coexistence and Conflict in Early Modern France*, Washington 2005.

Magina Adrian, Magina Livia, *'Mores et ceremonias ecclesiasticas ignorabant'. Religie populară in comunitățile catolice din Banat in secolul XVII-lea*, 'Banatica', 18 (2008) pp. 321–346.

Marriage in Europe, 1400–1800, ed. S. Seidel Menchi, Toronto 2016.

Matrimoni in dubbio. Unioni controverse e nozze clandestine in Italia dal XIV al XVIII secolo, ed. S. Seidel Menchi, D. Quaglioni, Bologna 2001.

Menchi Seidel Silvana, *Percorsi variegate, percorsi obbligati. Elogio del matrimonio pre-tridentino*, in: *Matrimoni in dubbio. Unioni controverse e nozze clandestine in Italia dal XIV al XVIII secolo*, ed. S. Seidel Menchi, D. Quaglioni, Bologna 2001, pp.17–61.

Molnár Antal, *Katolikus missziók a hódolt Magyarországon I. (1572–1647)*, Budapest 2002.

Molnár Antal, *Le Saint-Siège, Raguse et les missions Catholiques de la Hongrie Ottomane, 1572–1647*, Rome–Budapest 2007.

Molnár Antal, *Raguzai bencés misszionáriusok jelentése a hódolt Dél-Magyarországról (1606)*, 'Lymbus', 3 (2005) pp. 55–62.

Periș Lucian, *Documente din arhiva Curiei generale a ordinului iezuit din Roma. Spicuiri din corespondenţa misionarilor George Forro şi George Buitul*, in: *Spiritualitate transilvană şi istorie europeană*, ed. I. Mârza, A. Dumitran, Alba Iulia 1999.

Prodi Paolo, *Il sovrano pontefice. Un corpo e due anime: la monarchia papale nella prima età moderna*, Bologna 1982.

Regional Variations in Matrimonial Law and Custom in Europe, 1150–1600, ed. M. Korpiola Leiden 2011.

Reynolds R. Philip, *How Marriage Has Become One of the Sacraments. The Sacramental Theology of Marriage from its Medieval Origins to the Council of Trent*, Cambridge 2016.

Schmugge Ludwig, *Marriage on Trial. Late Medieval German Couples at the Papal Court*, Washington 2012.

Sperling Jutta, *Marriage at the Time of the Council of Trent (1560–70): Clandestine Marriages, Kinship prohibitions, and Dowry Exchange in European Comparison*, 'JEMH', 1–2 (2004) pp. 67–108.

Tóth István György, *Raguzai Bonifác, a hódoltság első pápai vizitátora (1581–1582)*, 'Történelmi Szemle', 3–4 (1997) pp. 447–473.

Vanino Miroslav, *Leksikograf Jakov Mikalja SI (1601–1654)*, 'Vrela i prinosi', 2 (1933) pp. 1–43.

Vanyó Tihamér, *Püspöki jelentések a Magyar Szent Korona országainak egyházmegyéiről (1600–1850)*, Pannonhalma 1933.

Witte John Jr., *Law and Protestantism. The Legal Teachings of the Lutheran Reformation*, Cambridge 2002.

Wolf Josef, *Development of Ethnic Structure in the Banat 1890–1992*, Vienna 2004.

Zach Krista, *Die Bosniche Franziskanermission des 17. Jahrhunderts im Südöstlichen Niederungarn*, Munich 1979.

Online sources

Decree on the Reformation of Marriage, https://www.papalencyclicals.net/councils/trent/twenty-fourth-session.htm (space: 20.10.2022).

RECEPCJA DEKRETU *TAMETSI* W PÓŁNOCNEJ EUROPIE OSMAŃSKIEJ (1580-1680)

Streszczenie

We wczesnonowożytnym świecie katolickich reform i ewangelizacji ogłoszenie oraz wdrożenie trydenckiego dekretu małżeńskiego *Tametsi* było skomplikowane z powodu szeregu czynników, w tym lokalnej demografii, geografii i polityki religijnej. Koncentrując się na kontrolowanych przez Turków regionach Bośni, Slawonii-Sremu i Banatu (północna Europa osmańska), w artykule przeanalizowano w jaki sposób lokalna specyfika tych obszarów warunkowała przyjęcie i egzekwowanie *Tametsi* od końca XVI wieku do końca XVII wieku. Artykuł ma na celu pokazanie, jak różne studia przypadków z północnej Europy osmańskiej mogą wzbogacić nasze zrozumienie

różnorodności zwyczajów małżeńskich i ich ciągłej rekonfiguracji w całym świecie wczesnej nowożytności.