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Philip L. Reynolds and John Witte, Jr., eds., *To Have and To Hold: Marrying and Its Documentation in Western Christendom, 400-1600*. Cambridge and New York: Cambridge University Press, 2007. xv + 519 pp. Maps, documents, notes, and index. \$75.00 U.S. (cl). ISBN 978-0-521-86736-8.

Review by Jacqueline Murray, University of Guelph.

To Have and To Hold is an ambitious volume, comprising thirteen essays that traverse more than 1200 years of Western European history. The volume moves from the destabilization of marriage in the late Roman world, under the twin influences of Christian and Germanic values, to the equally dislocating influence of the Reformation on the structure and meaning of medieval marriage. The collection is as broad geographically as chronologically, stretching from the North Africa of Augustine and Tertullian to the fringes of Europe, represented in studies of Iceland and Ireland. Each essay is accompanied by a number of primary documents which illustrate, or serve as the foundations for, the author's argument. The breadth of the collection means that there is likely to be an article of interest for almost any scholar of premodern marriage.

For all this breadth of coverage, though, this is also a collection with a very narrow and specific focus which is both the source of its strength and the source of its somewhat limited appeal. This is not a volume about marriage as the union of man and woman, nor as the foundation of the family, nor as the fundamental social institution, nor as a theological manifestation. Rather, it is a volume about "how, why, and when pre-modern Europeans documented their marriages—through deeds, settlements, and charters" (p. ix). Most frequently, it appears, premodern people thought it was important to record and preserve the various property transfers that were associated with agreements to marry. The editors argue that this permits us to move closer to actual practice rather than to be hobbled by the normative sources, such as canon law or theology, which have tended to dominate the historical study of marriage. Yet, for all that canonical and theological texts seem to render medieval marriage formulaic, there is also a marked similarity in the discussions across these essays dictated by their shared focus on the documentation of property transactions. The reader may find that the essays eventually begin to sound similar and cover the same ground, and that the distinctions among different modes of marital property transfer appear to have been quite fine. This, then, is a volume not so much to be read in its entirety as to be consulted for information about the practices of specific geographic areas in specific time periods, to complement information about marriage gleaned from other types of sources. For historians of France, three chapters are of specific interest.

Philip L. Reynolds focuses on the Frankish period, examining documents that span the sixth through eleventh centuries. Reynolds' main source is a group of thirty dotal charters, documents that record the property with which a man endowed his bride-to-be. Seventeen charters are printed in the appendix to the essay. Charters from these early centuries did not survive for reasons pertaining to their original purpose. Rather, they survive because they were included in formularies, to serve as examples for others who might subsequently need to draw up such documents. Some of the extant charters were written from a more secular perspective, some from a more sacred. The latter group incorporates various observations about the religious function of marriage, observations that exceed the charters' mundane purpose to record a property conveyance. These religious observations are particularly

valuable to the historian of marriage because they reveal the gradual early development of a theology of marriage. Merovingian charters reflect marriage as a process, with a series of steps moving from the initial agreement, through the consent of the couple, their parents and kin, to the transfer of the dotal gifts. The process in these charters parallels that set out by Pope Nicholas in his famous letter to Boris, the king of Bulgaria, in 866. Thus, in the Frankish world, the distance between secular and ecclesiastical procedures and expectations for marriage appears to have been small.

Of particular interest is Reynold's examination of sacred preambles to the charters. These preambles are comprised of commentary and pastoral advice, including advice that pertains to sexual morality or affirms the indissolubility of marriage. The preambles incorporate a theology of marriage that stretches back to the Church Fathers, particularly Augustine. Significantly, these Merovingian charters do not posit a break between marriage as it was practiced before the expulsion from Paradise and as it is found in the post-lapsarian world of fallen humanity. Nor do they suggest that marriage was fundamentally different before and after the Incarnation of Christ. In this regard, the charters present an important intermediate step in the development of the medieval theology of marriage. Thus, Reynolds demonstrates how documents of practice, documents intended to record property transactions, and documents preserved serendipitously, can lead us into a more evocative understanding of marriage, and one that is also closely linked to normative evaluations of the institution.

The flexibility of French dower charters is explored by Laurent Morelle. Despite this being an English translation of an essay originally published in French in 1988, it retains a freshness that does not make it appear almost twenty years older than other essays in the volume. It is well supported by three case studies and an appendix of five charters, accompanied by maps that plot the geographic proximity of the husband and wife's families. All of the charters are seventeenth- or eighteenth-century copies, either of original documents or copies from a cartulary that has subsequently disappeared.

Morelle provides a lengthy discussion of diplomatic issues and of the complexities of dating charters of this kind. Of more interest to historians, however, are his conclusions about the nature of marriage agreements, based on his close reading of the documents. These marriage charters, while based on the most secular of acts, the transfer of property, were nevertheless documents prepared by clerics and they reveal a clerical world view. For example, the preambles provided an opportunity for pastoral teaching and reflect upon the value of marriage as an act between two individuals rather than two kinships. Morelle suggests the charters may well reveal the church's contemporary struggle to disseminate the doctrine of consensual marriage. These preambles focus on the dignity of marriage and its sacramental value, although there are marked differences between those that appear in the tenth and eleventh centuries and those in the twelfth-century charters. Morelle argues that the later documents focus on marriage as a sinless union, in contrast to the anti-matrimonial perspectives disseminated by the heretics. This perspective is explicit in some of the documents, for example, a charter from 1177 states that the wedding at Cana is sufficient evidence to refute "the depraved doctrine of the heretics" (p. 179). According to Morelle, these later charters reveal a new tendency to refute heretical denunciations of marriage by critics such as the Cathars, although he also recognizes that this may have been a rhetorical strategy alone. These martial charters, prepared by clerics, were also able to promote the views of their clerical authors, although, in the end, they fundamentally reveal the values and strategies of the secular people involved in the marriage: the bride and groom and their families. What the couple and their families considered important could sometimes be quite specific: one charter incorporates instructions for where the wife's marital house shall be built, stipulating that her family will be consulted about the location. Morelle's study of marriage charters, then, reveals two distinct types of information: the theological perspectives of the clerical writers and the practical considerations of property and contract of the couple and their families, neither of which is unexpected.

The third chapter devoted to marriage in France focuses on Occitania in the twelfth century. Cynthia Johnson argues that this area had more in common culturally with Italy and Catalonia, than with

northern France and England. The study is based on a sample of seven marriage agreements written between 1127 and 1197. Johnson argues that even among quite modest folk, the financial and property transactions pertaining to marriage were recorded by secular notaries, in contrast to the clerical scribes who recorded the charters studied by Morelle. Thus, in southern areas, marriage contracts were more firmly grounded in secular culture and values.

Johnson follows Pierre Bourdieu to suggest that these legal documents record the official side of family life and were written late in the process of negotiating a marriage. Preceding the official marriage contract and property settlement, there would likely have been informal, female-led discussions that paved the way for the agreements concluded formally by the men of the families and recorded in the legal documents and contracts. In this area of southern France, prior to the revival of Roman law in the twelfth century, a mixture of Visigothic, Frankish, Christian, and customary practices meant that marital property was managed jointly by husband and wife. Indeed, both husbands and wives are revealed to have had individual property along with property jointly acquired in the course of the marriage. Even after Roman law became dominant, marriage contracts reveal the continuation of a complex system of property ownership that defied the Roman notion of the patriarchal control of all lands and goods. This may be partly accounted for by the fact that both parties brought into the marriage a variety of marital gifts: land and money, but also such assets as servants and knights, mortgages, and minting rights. Moreover, it was not always the family that provided these goods. In second and subsequent marriages, in particular, and in marriages among the lower social ranks, the spouses themselves would often make their own financial contributions, with little sense that any approval from their kin was sought or needed. Moreover, one third of Johnson's documents record cases in which the woman herself provided her own dowry. This may be related to the fact that by the twelfth century there was a decided preference for dowries of money rather than lands or chattels, reflecting the increasingly urban and mobile nature of the society.

The other ten essays in this collection are equally expert in their careful evaluation of marital property transactions, be it in areas of central scholarly interest, such as England in the thirteenth and fourteenth centuries or Renaissance Florence, or in areas that are more representative of the medieval frontiers, such as Ireland or Iceland. The essays are of consistently high quality and many of the authors (Richard Helmholtz, Thomas Kuehn and Martha Howell) are outstanding leaders in their fields. The balance of the volume will provide useful opportunities for comparison for those endeavoring to assess the implications of marriage contracts and property transfers in medieval France. While local customs remained distinctive across Europe, they were also influenced and modified by the ecclesiastical view of marriage, which was disseminated widely across Europe, especially after the consolidation of the church's teaching on marriage in the late twelfth and early thirteenth centuries. The universalizing tendencies of ecclesiastical ideology mean that local customs can be usefully assessed across regions and cultures.

Just as marriage was a union with both secular and spiritual qualities, so, too, the documents that recorded the agreements and the transfer of property, however unintentionally or subversively, recorded something of the beliefs and values of those engaged in the transaction: families, bride and groom, priests and parishioners alike. These essays help us to see the complex interweaving of sacred and profane, as recorded in contracts and property transfers. The essays in *To Have and To Hold* provide a depth of insight that contributes profoundly to our understanding of the evolution of the practices of marriage throughout the formative and transformative period of the Middle Ages.

LIST OF ESSAYS

Philip L. Reynolds, "Marrying and Its Documentation in Pre-Modern Europe: Consent, Celebration, and Property"

Judith Evans-Grubbs, "Marrying and Its documentation in Later Roman Law"

David G. Hunter, "Marrying and the *Tabulae Nuptiales* in Roman North Africa from Tertullian to Augustine"

Philip L. Reynolds, "Dotal charters in the Frankish Tradition"

Laurent Morelle, "Marriage and Diplomats: Five Dower Charters from the Regions of Laon and Soissons, 1163-1181"

Cynthia Johnson, "Marriage Agreements from Twelfth-Century Southern France"

R.H. Helmholz, "Marriage Contracts in Medieval England"

Frederik Pedersen, "Marriage Contracts and the Church Courts of Fourteenth-Century England"

Art Cosgrove, "Marrying and Marriage Litigation in Medieval Ireland"

Agnes S Arnosdottir, "Marriage Contracts in Medieval Iceland"

Thomas Kuehn, "Contracting Marriage in Renaissance Florence"

Martha C. Howell, "Marital Property Law as Socio-Cultural Text: The Case of Late-Medieval Douai"

John Witt, Jr., "Marriage Contracts, Liturgies, and Properties in Reformation Geneva"

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