this were true, her improper words might have been a direct consequence of the abduction sentence. Perhaps the authorities had already intervened immediately after the abduction, and this led to Johanna verbally assaulting them. Whether Johanna's verbal aggression and Triest's loyalty to Maximillian explain the heavy penalties they suffered is uncertain. During the abduction trial, there was evidence presented and witnesses heard. Since there is no surviving record of these procedural elements, we only know part of the story. Nevertheless, this case makes clear that justice did not take place in a vacuum but in context, which undoubtedly had an impact on the litigants, public opinion, and the judges and bailiff who dealt with the case.

Two- and three-party cases before the consistory courts

Clandestine marriages through words of present consent were common in England but only occurred rarely in the Low Countries, where the vast majority of the clandestine marriages were contracted through words of future consent followed by sexual intercourse (i.e., presumptive marriage).[86] Cambrai synodical statutes determined that the betrothal through words of future consent should happen in public. It was binding and could only be made undone by the bishop. Betrothals conducted in private were illegal and considered clandestine if not celebrated publicly within eight days.[87] Whereas private parties initiated most legal proceedings in English consistory courts, the promotor generally initiated prosecution in the Low Countries' courts.[88] The majority of marriage cases involving abduction were begun by the so-called promotor. This public prosecutor was connected to the court and empowered to search for offences. He could initiate a case himself, or together with a private plaintiff.[89] The proportions of abductions in the registers of Cambrai, Brussels, and Liège are unevenly distributed (Table 3). The Liège register contains information about five abductions through plaintiffs' and defendants' depositions. In two of these cases, a final verdict also survives. The Brussels registers contain ninety-six cases involving abduction, and there are twelve in the Cambrai registers.[90]

86 Vleeschouwers-Van Melkebeek, 'Introduction', *Le tribunal de l'officialité*, 39–40.

87 See Chapter 1, page 55.

88 Donahue, *Law, Marriage, and Society*, 599.

89 Lefebvre-Teillard, *Les officialités*, 34.

90 The records of the diocese of Tournai are not included in this examination as they are accounts and not final sentences. Although these accounts do give partial access to the court's jurisdiction, the information offered is extremely concise. These accounts can therefore not be

In all three courts, abductions can be categorized by types of cases.[91] A two-party case concerned a marital alliance between two people that would be validated or dissolved. In a three-party case, two claims of marriage between three people were investigated. Occasionally, there were more complex cases involving four people.[92] In Cambrai, five of the twelve cases concerned abduction and rape or illicit intercourse perpetrated by a cleric. There are only very few abductions by priests for illicit intercourse or their relationships in Brussels and none at all in the other courts of the Low Countries, which led Donahue to believe that such instances were probably tried at another jurisdictional level.[93]

Table 3 Abduction cases in the registers of the Brussels diocesan court (1448-1459), the Cambrai diocesan court (1438-1454) and the Liège diocesan court (1434-1435).

	Brussels	Cambrai	Liège	Total
Two-party cases	42	2	0	44
Three-party cases	50	5	5	60
Four-party cases	4	0	0	4
Abduction by cleric	0	5	0	5
Total	96	12	5	113

Two-party abduction cases

Most cases involving only two people, an abductor and abductee, concern determining if a valid marriage existed between them and whether they needed to celebrate their (alleged) clandestine marriage officially. The records contain thirteen sentences that did not acknowledge the marriage of abductor and abductee, while twenty-eight sentences did. Three sentences

included as equal counterparts to the Cambrai and Liège records, which are sources that shed direct light on the jurisdictional process. However, the Tournai accounts have been well studied by Monique Vleeschouwers-Van Melkebeek, who has shown the value of these brief records, see her introduction to and edition of these accounts in Vleeschouwers-Van Melkebeek, *Compotus Sigiliferi*, I–IV; Ibid, *Le tribunal de l'officialité de Tounai*, I–II.

91 A detailed typology of the marriage cases in these consistory courts' registers can be found in Donahue, *Law, Marriage, and Society*, 383–520; Vleeschouwers-Van Melkebeek, 'Aspects du lien matrimonial'.

92 See the discussion of a four-party case involving abduction in the Brussels court in Donahue, *Law, Marriage, and Society*, 502–3.

93 Donahue, 393.

did not judge the alleged marriage's (in)validity but dealt only with the punishment of the abductor.

When the judges did not acknowledge the abduction marriage or consider it valid, there was usually an impediment. For example, the Brussels judge annulled the coerced betrothal between abductor Jan vanden Slyke and Katherina vanden Brugghen on 10 January 1459.[94] The judge imposed perpetual silence about the alleged marriage on the abductor and licensed the abductee to marry another man. The abductor was punished and had to pay the fines and legal costs of the case. The judge dissolved Jan and Katherina's betrothal because it was tainted by the impediment of force and fear. In 1458, an official similarly dissolved a clandestine betrothal because the abductor and abductee were related in the fourth degree of consanguinity, another impediment.[95] In each of these cases, the promotor had brought the couple, abductor and abductee, to court and asked the judge to dissolve their alleged marriage bond. These two promoters were successful. In other cases, however, the promotor asked that the alleged marriage between abductor and abductee be validated, but was unsuccessful. In some of these cases, it seems that the promotor was acting on behalf of the abductor, who wanted to have the woman he had abducted recognized as his lawful wife. The judge did not grant this request because the man had used violence and coercion, while he released the abductee from any promises of marriage.[96] The final sentence presented the abductee as a victim forced into marriage, despite the promotor's endeavour to have her marriage to her abductor validated.

However, judges frequently validated marriages between abductors and abductees. The vast majority of these verdicts followed an enforcement plea by the promotor upheld by the judge. He then ordered the couple to celebrate their clandestine marriage properly within forty days. For example, on 7 August 1456, the official of Brussels ordered abductor Jan de Witte and abductee Amelberga Roelants to celebrate their marriage. The couple had betrothed in the presence of a priest at the parish church of Baasrode (now Dendermonde in the province of Eastern Flanders). The judge ordered them to continue with the actual wedding within forty days and ordered both defendants to make amends for wilfully 'daring to go away together'

94 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 1411, 864–65 (10 January 1459).

95 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 1288, 802 (21 March 1458).

96 See for example: Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 370, 201–2 (9 May 1452), no. 703, 484 (15 October 1454).

without the consent of the abductee's mother.[97] This unusual statement will be discussed below. In a few cases, promotors requested that clandestine marriages be dissolved because the impediment of consanguinity might exist. However, the judges found that the claim of consanguinity, perhaps a rumour spread by relatives who disapproved of the abduction and subsequent marriage, was not valid. The promotors' pleas did not succeed and the couple's marriage was not dissolved because the judges did not consider the consanguinity charge either true or sufficiently proven.

Three-party abduction cases

Many abductions occurred in three-party cases. They can roughly be divided into three types. The first type, comprising approximately seventeen percent of the three-party abduction cases, involved one man and two women.[98] In most of these cases, a man abducted a woman and married her, despite his previous relationship with or alleged marriage to another woman. For example, on 25 August 1452, the official of Brussels heard a case initiated by the promotor against Agnes vander Heyen and Robert Jacops, identified as the spouse of Elisabeth Bouwens. Agnes challenged the marriage of Robert and Elisabeth, arguing that Robert was already married to her. The judge disagreed, although he acknowledged that Robert and Agnes had had sexual intercourse and ordered Robert to pay her compensation for defloration. The sentence states that Robert had also abducted Elisabeth and deflowered her and needed to make amends for that as well.[99]

However, eighty-three percent of the three-party abduction cases involved one woman and two men.[100] These belong to two different types. One type is an alleged marriage between an abductor and an abductee, with the abductor arguing it was a consensual abduction followed by the exchange of consent and sexual intercourse, and the abductee arguing the abduction was violent, she had spoken under duress, and there was no sexual intercourse. The abductee had already married another man, who was the third party. While Chapter 3 discussed examples from the Liège register, the Brussels registers also contain some cases of this type. In one example, the promotor summoned two men and one woman because one of the

97 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 1002, 647–48 (7 August 1456).

98 There are ten such cases in the Brussels register and I found none in the Cambrai or Liège registers.

99 Vleeschouwers-Van Melkebeek *Liber sentenciarum*, no. 400, 318–19 (25 August 1452).

100 I counted forty cases in the Brussels registers, five in the Cambrai registers, and five in the Liège one.

men, the abductor, opposed the future marriage of the other two. Egied Presemier and Katherina Kerkhofs had been betrothed before a priest in the church of Ranst in Antwerp. The abductor Jan Vlieghe opposed this union, claiming that he married Katherina first. The judge dismissed that accusation as unfounded and penalized Jan for violently abducting and deflowering Katherina.[101]

There were many cases belonging to the final type of the woman contracting a second marital alliance by abduction. Generally, her first alliance was a legal one, a public betrothal to the first man in the presence of a priest, friends, and family in the parish church. However, the woman corrupted this first relationship by 'allowing herself to be abducted by' a second man, exchanging promises and having sexual intercourse, which formed a presumptive clandestine marriage. On 11 July 1449, the Brussels judge decided the case of Elisabeth Eggherycx, publicly betrothed to one man and presumptively married to another. Elisabeth had contracted a betrothal with Simon Peerman publicly in front of a priest in the parish church of Steenhuffel north of Brussels. Elisabeth and Simon did not have sexual intercourse. Afterwards, Elisabeth 'did not shy away from allowing herself to be abducted' by Stefaan Aversmans.[102] He deflowered her, and they had sexual intercourse several times after exchanging promises, thereby transforming their alliance into a clandestine marriage. Because the second bond was stronger than the first one (the records calls the second bond the one with the *fortius vinculum*) the judge annulled the first betrothal and ordered Elisabeth and Stefaan to properly celebrate their presumptive marriage.[103] There are forty-three similar cases with only small variations.[104] The first alliance was sometimes a clandestine rather than a public betrothal, meaning that they did not make the exchange of words of future consent officially in the presence of a priest in a church, for example. Another sentence states that Petronella Henricus had *permissit* her abduction and betrothal to Nicolaas van Hecklegem, despite the ongoing negotiations about marriage to Jan Codde. The judge ordered the negotiations to stop and Petronella to celebrate her marriage to Nicolaas within forty days. She also had to make amends for going away without her mother's knowledge.[105]

101 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 1055, 680 (12 November 1456).

102 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 74, 129–30 (11 July 1449): 'Prefatam Elisabeth ream [...] se ab eodem correo abduci, deflorari, et pluries postmodum carnaliter cognosci permittendo non erubuit'.

103 Donahue, *Law, Marriage, and Society*, 498, 500.

104 Thirthy-seven in Brussels, four in Cambrai, and two in Liège.

105 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 570, 413 (19 January 1454).

Ecclesiastical disapproval of a lack of parental consent

In the sentences of every case, the judge not only decided on the validity of the marriage but also punished parties for contracting marriage bonds improperly. The most common punishments were fines and the obligation to pay the promotor's legal costs. Sometimes the judge added paying one of the other parties' legal costs. A few times, the judge used excommunication, but usually as a warning, which would only apply if the verdict was not respected.[106] Carole Avignon argued for reading these verdicts as encouragement for couples to solemnize their marriages, rather than focussing on punishments as acts of repression.[107] Even though the court punished people for disrespecting the rules regarding publicity, couples received a period of time, usually forty days, to rectify their errors by officially solemnizing their union. In contrast to the other courts, the Brussels court frequently awarded additional penalties to abductees for going away against their parents' wishes and marrying without their consent. It is in this context that the empowering abduction language discussed in Chapter 2 occurs most often. Women were punished for 'allowing their own abduction', and couples for 'abducting each other mutually'. The Brussels court language was a significant departure from canon law, which did not require parental consent to contract marriage. The Brussels judge ordered couples to celebrate their clandestine marriages just as the other consistory courts did. Nevertheless (*nichilominus*), he punished each couple not only for *clandestine contrahere*,[108] but also for *sese preter licentiam sui patris affidarunt,*[109] or *preter consensum suorum parentum abire*.[110]

There may have been jurisdictional differences between dioceses, within the diocese, and even between different judges sitting in the same court. The Brussels registers contain many more abduction cases than do those of the other courts. Compared to the court of Cambrai, the Brussels court dealt with more three-party cases with two sets of marital promises and one consummation.[111] The judges in Brussels considered abducting someone or running away to be married against parental wishes to be an aggravating

106 Lefebvre-Teillard, *Les officialités*, 61.

107 Avignon, 'Les officialités normandes', 237.

108 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 1513, 918 (27 July 1459).

109 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 632, 448 (8 June 1454).

110 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 1183, 747 (13 July 1457).

111 In Brussels, three-party spousal cases in which sexual intercourse was alleged constitutes thirty-one percent of all marriage cases. In Cambrai this was only nine percent, see Donahue, *Law, Marriage, and Society*, 408.

factor and often penalized both abductors and abductees for these acts.[112] In comparison to other French consistory courts, Sara McDougall similarly noted that the consistory court of Troyes acted in a much more repressive and strict regulatory manner.[113] Monique Vleeschouwers-Van Melkebeek has shown that even individual judges within the same consistory court of Brussels applied different rules in some cases.[114] One judge named Platea punished more abduction cases than his predecessor Rodolphi had (seventy-nine percent vs. twenty-one percent). Even when taking into account that Platea sat on the bench for a longer period (1452–59 vs. 1449–52), the contrast remains striking. Donahue commented that Platea saw a world 'completely out of control' when it comes to marriage.[115] The Liège register may only cover one year, but there were many abduction cases in that year. The Cambrai registers have hardly any.

A certain degree of parental involvement was considered normal, even from an ecclesiastical point of view. According to the judge of the Brussels consistory court, parental consent was not merely preferable but even indispensable. In the Brussels registers, fifty-three final sentences explicitly stated that the parties did not have approval from the woman's relatives before their abduction or marriage. The Brussels court used the 'empowering' terminology (*se mutuo abduxerunt*), which appears almost exclusively in its registers, because it allowed them to blame these women and penalize them for taking an active role in their abductions. For example, on 31 October 1455, the Brussels official made Margareta Tswoters make amends for 'allowing herself to be abducted' *contra suorum parentum et amicorum voluntatem*.[116] Although the court of Brussels respected canon law and acknowledged this marriage, it punished couples for marrying clandestinely and penalized women for willingly going with their abductors or marrying/fornicating without the consent of their relatives. Records from the other courts contain far fewer references to abduction and circumvention of familial control and certainly do not penalize couples or women for the lack of familial involvement and approval.

The sharp contrast with the register of Liège also supports the conclusion that the Brussels emphasis on abduction and lack of parental consent as aggravating factors was not typical of consistory courts. The Liège register only

112 Vleeschouwers-Van Melkebeek, 'Aspects du lien matrimonial', 52–53.
113 McDougall, *Bigamy and Christian Identity*, 120–21.
114 Vleeschouwers-Van Melkebeek, 'Bina matrimonia', 252.
115 Donahue, *Law, Marriage, and Society*, 615.
116 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 871, 580–81 (31 October 1455).

refers to abductions in three-party cases. In some, the abductee contracted a second alliance with another man to get rid of her abductor. In others, a woman escaped a coming marriage to her betrothed by letting herself be abducted by a second partner. Two Liège cases contain the final sentences in addition to the plea and/or defence. These final sentences do not refer to the fact that abduction led to one of the marital alliances, even though that is included in the plea/defence. Moreover, these verdicts remain silent on the involvement of relatives even though that information would be clear from the cases' depositions, as the previous chapter explains. The judge merely determined which marriage had to be celebrated and which alliance was now dissolved. He did not punish the people involved for contracting via abduction, going away secretly, or ignoring their parents' wishes, as the Brussels judge did, but for marrying clandestinely, ignoring previous alliances, and contracting with two different people. If the surviving sources for the Liège court only contained final sentences, as is the case for Brussels and Cambrai, modern commentators would not know that abductions were involved in some of the alliances discussed in court. The differences among the consistory courts reflect a distinct approach and sensibility regarding marriage by abduction. The Brussels court criminalized abductions and circumvention of parental control and the other courts did not.

Dealing with consent and people's creative uses of canon law

The Brussels court's strict line with individuals marrying without informing their relatives calls into question the traditional view that the consistory court was an ally in young people's struggle to make decisions independently from their parents. Furthermore, some verdicts in the consistory court registers did not favour women and young people over men and families. As the previous chapter mentioned, consent did not always mean free choice, even in ecclesiastical courts. Analysis of their approach to consent reveals nuances. In a few cases, the promotor explicitly ordered couples to celebrate their marriages, even though the records describe the preceding abductions as violent. Declaring that the claim of consanguinity was void, a judge ordered Nicolaas Pittaert and Katherina Claes to celebrate their presumptive marriage, even though the record states that Nicolaas had abducted Katherina *contra sua voluntatem*. Moreover, they were both to make amends for the abduction and the illicit sexual intercourse which led to Katherina's deflowering, as well as pay the promotor's legal costs.[117] The

117 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 1513, 918 (27 July 1459).

records also show judges forcing women or couples to celebrate marriages they did not want. Jan Clinkart and Margareta de Lescole were ordered to celebrate their marriage within forty days.[118] Not wanting the marriage to Jan, Margareta raised the impediment of fear. However, the judge did not pursue this and deemed her claim unproven. The sentence explains that Jan had to pay a fine for deflowering Margareta, and both Jan and Margareta had to pay another fine for mutual abduction without the consent of Margareta's mother and friends. There are contradictory elements in this case; the record states that the marriage was consensual, yet Margareta was trying to prevent its validation. She might have regretted going along with her abduction, her relatives might have pressured her against marrying her abductor, or she might have failed to prove that she had been taken violently.[119] These examples demand that we consider the difference between legal and social consent and the importance of seeing consent as a process. Consistory courts did not interpret the consent doctrine in canon law to mean that the individual should have a free choice of partner regardless of their families' wishes.

It is striking that the three consistory courts rarely dissolved a marriage by abduction for coercion by the abductor.[120] This corresponds to Butler's findings for late medieval England. In York, there were only a few women who brought suits against their alleged husbands for coercion.[121] Medieval views on marriage and sex made it challenging for women to prove they had been coerced into marriage, even in the consistory courts, which insisted so strongly on consent.[122] The Low Countries' consistory court records say little about the requirements for proving coercion that would invalidate the marriage. The record about Margareta and Jan explains the judge's verdict with *qui merito in constantem mulierem cadere non debuit*, a reference to the canon law stock phrase that drew the line between consent and coercion.

118 Vleeschouwers-Van Melkebeek *Liber sententiarum*, no. 1010, 652 (27 August 1456). For similar cases on consistory courts' twisted approach towards consent, see Chapter 3, page 148.

119 Donahue, *Law, Marriage, and Society,* 481.

120 The registers contain six cases of forced abductor-abductee betrothals in Brussels and one in Cambria.

121 However, the proportion of cases in which one of the litigants claimed to have been forced into marriage is relatively high in the York consistory court records, constituting sixteen per cent of all cases of marriage litigation, see Butler, 'I Will Never Consent to Be Wedded with You!', 251. Since Butler studied depositions instead of final sentences, it is possible that in the Low Countries people often made similar claims but that these were not always included in the final sentence preserved today. For comparison, the Liège records show several abductees claiming force and fear in their defence.

122 Butler, 'I Will Never Consent to Be Wedded with You!'

The meaning is that her fear was not the sort that would have influenced a 'constant woman'. Amelkin Jacops, the girl from Ghent whose abduction I discussed in the previous chapter, received the same verdict. Despite her extensive and repeated efforts to have her marriage to her abductor invalidated, the court of Tournai judged that at the time they exchanged words of consent, Amelkin had spoken willingly without being forced by her abductor. If he used force, it was not sufficient to affect her ability to consent to or refuse marriage.

However, the Brussels court did annul a few coerced marriages. In these cases, it was not the abductee who initiated the plea or assisted the promotor in bringing the case to court. The promotor, sometimes backed by the abductor, initiated these cases mostly to enforce, not to dissolve, the marriage.[123] The promotor took Isabella de Fanaerge and Jan de Hatquedal to court regarding their alleged marriage after an abduction, for example. However, the judge freed Isabella of both the promotor's claim and marriage to Jan. Although there are no surviving records of the legal proceedings, it seems that Isabella raised fear and coercion as an argument only when the court summoned her to force her into a marriage that she did not want.[124] There are also cases in Liège of female defendants only revealing the coercion they had been under in reaction to the abductor's enforcement plea. The courts annulled a few betrothals based on coercion, but not frequently. In the rare case that the court gave this verdict, the abductee had spoken in reaction.

The marriage cases involving abduction, especially three-party cases, also show that people had a good understanding of canon law and the workings of the consistory court. After all, in many of these cases, one of the parties had consciously decided to form a second marital alliance because that dissolved former alliances. In some three-party cases, the abductee contracted a second marriage to make sure she would not have to live together with her abductor as husband and wife, the fate that was bestowed on the abovementioned Amelkin Jacops and Margareta de Lescole. A brief record in the aldermen registers of Ghent about Amelkin's case further informs us of the possibility of contracting a second alliance strategically. In 1471, about five years after her abduction, Amelkin's uncle and aunt who had been Amelkin's guardians asked the aldermen to not hold them accountable

123 Only a few cases seem to have been dissolution pleas based on force and fear, see the case of Jan vanden Slyke and Katherina vanden Brugghen discussed above. See also Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 795, 538–39 (28 April 455)

124 Vleeschouwers-Van Melkebeek, *Liber sentenciarum*, no. 976, 632–33 (18 June 1456).

if Amelkin would enter into a betrothal with a third party.[125] Her relatives thus might have suspected that Amelkin, who was desperately trying to get rid of her abductor/husband, might change strategy by entering into a second alliance. Amelkin did not, but the record does reveal that abducted women may have used this as a strategy to get away from their abductors. The Liège cases reinforce this assumption. The defendant-abductees claimed they had been forced to exchange consent, but they did not go to court themselves. Instead, they married another man clandestinely and only raised the impediment of force and fear when summoned to court by their abductors. Whereas in the two-party cases, the court ordered some women to celebrate their marriages despite their claims of force, in three-party cases the alleged abduction victims had already contracted another marriage, which the court validated.

In other three-party cases, the parties strategically used abduction itself to enter into a second marriage and dissolve previous alliances, which enabled the abductee to avoid an unwanted partner and marry another man whom some or all of the abductees' relatives had rejected. In these cases, the Brussels records state that the women arranged their own abductions even though they were already betrothed to another man. Abductor and abductee then exchanged promises and had sexual intercourse, actions that de facto dissolved any previous alliances that were not yet consummated, which were then subordinate to the presumptive marriage contracted afterwards. Because sexual intercourse perfected the exchange of promises, the presumptive marriage constituted a stronger bond, a *fortius vinculum*, than the bond formed in the first non-consummated alliance. Since a betrothal was considered binding, individuals could not break it themselves, but only with the permission of the bishop.[126] It seems, however, that individuals managed to bypass this rule by entering into a second alliance with intercourse, thereby annulling the former betrothal themselves. It is tempting to conclude, as Donahue did, that a woman who did not want the first marriage 'saw to it that she did not have to enter into it by contracting and having sexual intercourse with the second man'.[127] Although this explanation is plausible, to infer it from short sentences is risky. The abductor or a relative often controlled the abductee, even though she appears to act individually

125 See edition of 'CAG, S 301, no. 51, fol. 137r (14 August 1471)' in Vleeschouwers-Van Melkebeek, 'Mortificata est', 412.

126 Donahue, *Law, Marriage, and Society*, 387. See discussion of local Cambrai legislation in Chapter 1, pages 54–55.

127 Donahue, 490.

in the records. However, whether or not it was the abductee who organized the second marriage, contracting *bina sponsalia* was an effective way to dispose of a betrothed. These cases seem to have irritated the judges. They acknowledged the second alliance and followed canon law, but they also penalized the abductee financially for leaving with the abductor against the will of some of her relatives and disrespecting her previous alliance.

The methods used to contract some of these second alliances is further testament to lay people's knowledge of the law. According to the records, many couples contracted the second alliance in a private home or even in another diocese. While contracting marriage in private was common and accepted in medieval England, it was forbidden and punishable in the Low Countries, where parishioners were supposed to celebrate their betrothal and marriage in public in their parish.[128] Michiel Decaluwé has argued that people consciously contracted marriage in another diocese because they knew there was a lack of communication between dioceses, a method that reduced the chance that ecclesiastical institutions and officials would be aware of previous alliances.[129] However, it is more likely that people changed locations or married in private to avoid objections from acquaintances and fellow parishioners. After all, if people were aware of impediments, they were obligated to report them. Cambrai statutes greatly encouraged people to raise impediments, although the court did punish people for reporting false claims.[130] Therefore, by contracting a second marriage in a new environment, couples lessened the possibility that people who knew their history would raise impediments. The example at the beginning of this chapter shows the use of this strategy; Catherina tsRijnslanders contracted a presumptive marriage to Jan 'the bastard of Wadripont' in the diocese of Utrecht shortly after an abductor coerced her into marriage. The Liège case in the previous chapter shows the same strategy; a few days after her alleged violent abduction by Joost Claeszoon in Liège, Katrien Huysman married another man in a private house in Dordrecht, a city within the diocese of Utrecht.[131] Their decisions to marry in another diocese may have been motivated more by trying to avoid someone from their community raising an impediment rather than concern over the consistory court's interference. Perhaps these couples were already on the radar of the ecclesiastical and/or secular authorities. As Katrien Huysman did, couples sometimes contracted

128 See Chapter 1.

129 Decaluwe, 'Recht kennen om het te omzeilen'.

130 Donahue, *Law, Marriage, and Society*, 390.

131 SAL, AD, no. 1, fol. 6r (19 July 1434).

a second marriage alliance in private locations. Even though the church prohibited this private exchange of marital promises in a *loco prophano*, the alliance was still valid. This could help couples who wanted to make promises quickly to make sure former alliances would be dissolved.

Conclusion

Historians should make a less sharp distinction than in the past between ecclesiastical and secular courts on abduction and marriage cases. This chapter has shown that ecclesiastical judges also punished individuals for disregarding the will of their families, while bailiff's accounts and pardon letters frequently cited the abductee's consent as an extenuating circumstance. The evidence supports the view that secular courts considered abduction a serious crime, but in practice, the harsh penalties ordered by law were rarely applied. This is not unique to abduction since historians of criminal justice have found this pattern for many crimes in late medieval Europe. Because maintaining social peace was a key concern for lawmakers and rulers, out-of-court settlements were common.

Neither secular nor ecclesiastical courts adopted uniform policies over the fifteenth century. The secular records show waves of intense prosecution rather than steady numbers, some courts and even some judges' verdicts were more tolerant than others, and, most importantly, different legal outcomes were often the result of case-specific contextual factors that today can no longer be identified. The reason for this variety is that the legislators (consciously or not) had created some leeway in the laws, which allowed judges space for interpretation and led to different judicial outcomes for individual cases. Whereas a few abductors were executed, most had to make one or more pilgrimages or managed to get the bailiff to agree on a composition. However, judges were not the only ones with space to interpret the law; the people judged by them also possessed options. Abductors petitioning for pardon pointed out the abductee's consent, while the abductor's relatives begged the bailiff not to take the case to court. The cases discussed in this chapter clearly show that abductors, abductees, and their families were aware of this legal space and tried to use it to their advantage.

Even though attorneys were no doubt responsible for many strategic legal decisions, people also talked to each other about their legal experiences. Several elements in the consistory court records, such as contracting a second marriage to negate previous alliances and doing so in a private home or another diocese, show people's knowledge of legal and jurisdictional matters,