

streitpaar - Verfahren in Ehesachen**Frühneuzeit-Info 26 (2015)**

Erscheinungsdatum: November 2015

Die diesjährige Ausgabe der *Frühneuzeit-Info* widmet sich dem Themenschwerpunkt *Ehekonflikte* und richtet den Fokus auf die vielfältigen, oft komplex ineinander verstrickten Gerichtsverfahren vor kirchlichen und weltlichen Ehegerichten sowie die darin von den Streitparteien (respektive deren Anwälten) vorgebrachten Konfliktfelder. Der obrigkeitliche Umgang mit „eigenmächtigen Trennungen“ und bigamen Verbindungen sowie die Frage nach den Trennungs- bzw. Scheidungsfolgen bilden weitere Schwerpunkte des Heftes.

Die Zeitschrift wird in wenigen Wochen erscheinen. Bis dahin wollen wir interessierten Lesern und Leserinnen wöchentlich zwei der insgesamt zwölf Beiträge vorstellen. Den Anfang machen Bronach Kane und Duane Henderson mit je einem Beitrag zum Spätmittelalter:

Courtship, Childbearing & Gender in Late Medieval England**Bronach Kane**

(in English language)

Existing studies of premarital pregnancy in late medieval English society have focused on manorial fines imposed on sex and childbearing before marriage, as well as the Church's attempts to channel sexual activity into the bonds of matrimony. This article uses extensive litigation from the church courts to argue that, while childbearing mattered little under formal canon law, pregnancy and parenthood were integral to narratives of courtship and marriage in practice. For female plaintiffs in particular, discourses of stability, cohabiting, and love underpinned legal arguments to enforce marriage contracts. Male parties could, in turn, exploit cultural perceptions to depict sexual relationships as temporary and based solely on desire. Despite these gendered patterns, young women could appropriate and reconfigure cultural models that were hostile to female sexuality in order to advance claims of marriage. Ultimately, this article argues that the discursive agency exercised by female plaintiffs and deponents suggests that gendered models were more flexible in social practice where courtship

and childbearing were concerned.

Der unglückliche Bund
Zur Praxis der gerichtlichen Ehetrennung vor dem
Freisinger Offizialat im Spätmittelalter

Duane Henderson

(in German language)

The paper investigates the practice of marriage separations “from bed and board” (*a mensa et thoro*) at the bishop’s court of Freising at the end of the fifteenth century. Beginning with a brief summary of the position of late-medieval canon law and legal opinion defining the grounds for a separation “from bed and board” and regulating its modalities, the study points out the extent of regional and individual variations in the application of these rules as has been revealed by recent research. On this evidence it becomes apparent that the medieval practice of marriage separation must primarily be studied at the local jurisdictional level, such as is documented in the records of the consistorial court of Freising (1424/1462-1524). Drawing from this both detailed and comprehensive source material, the paper presents the case study of a prolonged marital conflict which was pursued in a series of legal suits from 1476 to 1481. In its various phases, this court battle addresses the major legal and social questions involved in late-medieval marital separation cases in Freising and reveals the problems and advantages of a legal settlement.

Bestellungen über das *Institut für die Erforschung der Frühen Neuzeit*: **Bestellschein**