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Dispensation from Banns. A Data Source for Historical Demography and Social History

The marriage shall take place immediately, if it can; they shall have a licence; the formalities here are not very troublesome; the dean can do what he pleases; people are married before they have time to turn round. It is not as in France, where you must have banns, and publications, and delays, and all that fuss.

(Victor Hugo, *The Toilers of the Sea*, 1866)

As soon as he caught Tess alone he assured her: “Don’t let them tease you about the banns. A licence will be quieter for us, and I have decided on a licence without consulting you. So if you go to church on Sunday morning you will not hear your own name, if you wished to”.

“I didn’t wish to hear it, dearest”, she said proudly.

(Thomas Hardy, *Tess of the d’Urbervilles*, 1891)

The study of marriage provides interesting data not only for historical demography (such as marriage rates and age at marriage), but also for social history, by providing new insights into endogamic practices, intergenerational social mobility and the geographical mobility of a society (Van Leeuwen and Maas, 2005; Oris, 2008). These questions are generally addressed through historical studies based on systematic searches of parish registers. However, despite the major potential of this source, most of these studies (in some cases highly detailed) are confined to the limited geographical areas covered by these local registers (Gautier and Henry, 1958; Snell, 2006; Bull, 2005; Manfredini, 2003; Van Bavel and Kok, 2009).

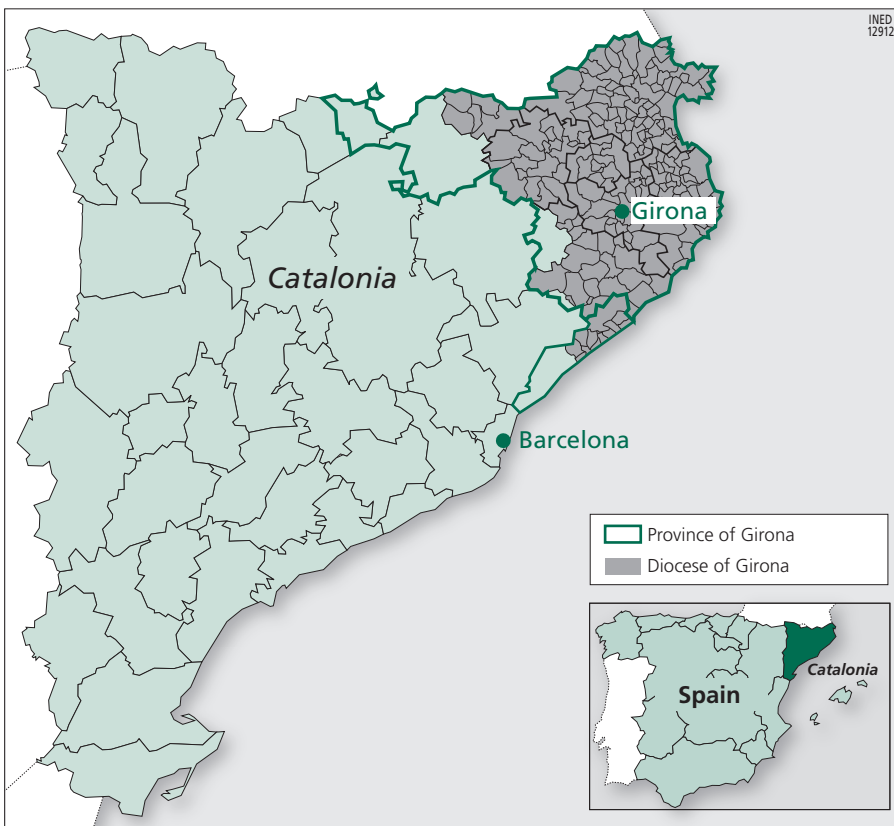
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The aim of this short paper is to present another documentary source associated with Catholic marriage which, in places where such records still exist, offers scope for broader analysis at diocesan, i.e. regional, level. This offers clear advantages in terms of both the representativeness of samples and the cost of information processing and analysis. Our investigation concerns all registers of dispensations from banns granted by the bishop of each diocese.

This type of document was often solicited to hasten the procedure for celebrating a marriage. The serial nature of the register makes it possible to combine a diachronic study over a long period with a study covering a large geographical area. This intermediate method lies between micro approaches focusing on a locality or parish, and macro approaches based on sources where individuals were grouped into large statistical aggregates. The presentation of our source, which may potentially exist in all regions where the Catholic church

Figure 1. The diocese of Girona



Note: The diocese of Girona covers an area of 4,705 sq.km and includes 383 parishes. It covers a large part of Girona province (excepting the *comarques* or Pyrenean districts of Ripollès and Cerdanya) and part of the *comarca* of Maresme (Barcelona province).

has a presence, is based on documentation from the diocese of Girona in north-western Catalonia, Spain (Figure 1). By examining the documentary collections of this diocese, we can observe the content and continuity of this data source, determine its representativeness and assess the reasons given for requesting a dispensation.

I. Publication of banns and dispensation

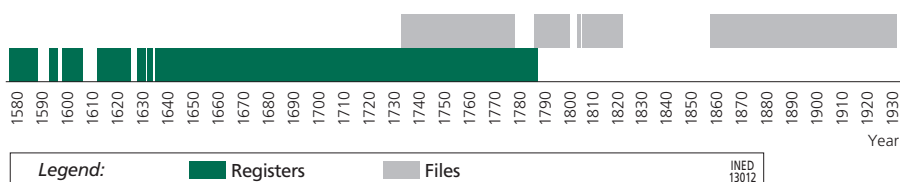
Banns are public notifications of an intended canonical marriage. They are announced during church services by the priests of all parishes in which the future spouses have resided since adolescence. Parishioners are thus able to reveal and denounce any impediment to the marriage of the couple in question. According to certain Spanish authors of treaties of canon law, the practice dates back to twelfth-century France and became widespread after the Council of the Lateran in 1213 (Carbonero, 1864). From that time on, before a marriage could be celebrated, the banns had to be proclaimed publicly three times, on three consecutive holy days, during mass in the parish church. These proclamations formed part of the general procedures used by parish priests to verify both the identity of the future spouses and the absence of bonds or situations liable to constitute an impediment to marriage under canon law. With the dispensation from banns (also called licence to marry – *remissis monitionibus*) this procedure was cancelled, with the dual effect of bringing forward the marriage date and limiting the risk that someone might thwart the intended union.

When requests for dispensations from banns were examined, the main objective was to check that the petitioners were truly single or widowed and that there were no other impediments to the marriage. For this reason, in the requests submitted to the diocesan authorities, the parish priest was required to declare that the situation of the future spouses had been examined and that no impediment had been revealed or, if such was the case, that a dispensation had been obtained. He was also required to certify that the testimonies of two or more persons had been solicited to verify the marital status of the future spouses. In principle, if one of the petitioners lived or had previously lived elsewhere, declarations by two witnesses from each of the previous parishes of residence were required. In the case of former soldiers, the army was required to certify that the man had remained single throughout his period of service via the testimony of two comrades in arms who had shared his billet. In addition, from 1776, following a royal decree that prohibited men aged under 25 and women aged under 23 from marrying without paternal consent, this became a further condition for the granting of a dispensation from banns.

II. The series of the Girona diocese

Series of requests for dispensation from banns should exist in all Catholic diocesan archives, but some may have been lost or destroyed.⁽¹⁾ According to a survey of Catalonian diocesan archives, few contain a continuous and accessible series.⁽²⁾ While requests for dispensation from an impediment, granted under the authority of the Roman Curia, were generally conserved in the diocesan archives, those relating to dispensation from banns, handled by the bishops and their vicars, were less frequently so. In the case of the diocesan archives of Girona, relatively complete series of dispensations from banns were nonetheless conserved from 1639 to 1936,⁽³⁾ although there are large gaps in the first half of the nineteenth century (Figure 2).

Figure 2. Chronogram of documentary series



Sources: Arxiu Diocesà de Girona, Cúria i Vicariat General, Matrimonials, Dispenses de Proclames. Information on "registers" comes from the series *Liber informationum circa matrimonia fienda remissis monitionibus* (92 volumes and 10 bundles). Information on "files" was established on the basis of *Llicències closes i altres dispenses de proclames* (1,460 bundles).

The holdings of the diocese of Girona comprise around 250,000 requests in two very distinct series: a) the registers of requests and b) the requests with their supporting documents (files). The first series begins with a register of foreigners, notably of French nationality, who had entered the country in the migration waves of the late sixteenth and early seventeenth centuries and who wished to marry in the diocese of Girona (Nadal and Giralt, 1960; Vilalta, 1991, pp. 290-318);⁽⁴⁾ Indeed, numerous books on how to marry a French citizen were published before 1640. The earliest records of requests for dispensation from banns submitted by two spouses born in the diocese date from 1639.

(1) For example, Barba and Gutiérrez (2008) and Gutiérrez (2008) do not mention them among the various types of marriage dispensations conserved in the diocesan archive of Jaén.

(2) In a study of prenuptial sexual relations, Molina (2010, p. 108) uses a collection of 205 marriage dispensations referring to the Sierra del Segura de Albacete, of which only two correspond to dispensations from banns.

(3) Arxiu Diocesà de Girona, Cúria i Vicariat General, Matrimonials, Dispenses de Proclames. This research, and the idea of using marriage dispensations to study demographic behaviour and social and geographical mobility was made possible by the considerable efforts of Josep M. Marqués Planagumà during the years when he worked at the Arxiu Diocesà de Girona. Summary information on these documents is available at <http://www.arxiuadg.org/>.

(4) Busquets (1994, I, pp. 307-311) later used the first years of this series of dispensations to study French immigration to the diocese of Girona in the first half of the seventeenth century.

From the mid-seventeenth century, the requests for dispensation from banns – considered as marriage licences (*remissis monitionibus*) – represented the main content of the registers, and a practically continuous series is available up to 1799.⁽⁵⁾

The second series comprises the files of requests and their supporting documents, closely linked to the registers just mentioned, though with a more voluminous content. In the diocese of Girona, this series was first conserved after the publication in 1728 of a set of instructions (*instruccions*) by the bishop Pere Copons i de Copons. This text established the procedure for interviewing witnesses in petitions for *remissis monitionibus* marriage licences, and the formal conditions to be respected by petitioners (notably, addressing of requests to the vicar-general of the diocese).⁽⁶⁾ The earliest documents date from 1732 and the series is continuous up to 1777. We thus have both files and registers covering this first period. From the nineteenth century, however, only the series of files have been conserved. They are fragmentary from 1805 to 1821 and continuous between 1857 and 1936.

The quantity and quality of the information in this source vary substantially over time. For example, for the interviews of witnesses from parishes other than the parish of residence at the time of the request, the relevant document is only included on a systematic basis from the mid-nineteenth century. Regarding the register of dispensations, the oldest series, while initially including a witness statement of varying length, progressively evolved towards a shorter, summary presentation, generally limited to the same information as that given in the parish marriage registers, i.e. name, place of residence and identity of petitioners and, for first marriages especially, the name of their parents. Here, the main advantages of this source with respect to the parish marriage registers are the centralization of information in a single location and the scope of geographical coverage. The more voluminous files generally provide more precise information, in some cases with details of the reason for the request.

III. The reasons for requesting a dispensation from banns

In theory, dispensation from banns was granted only on justified and reasonable grounds. Among the reasons for dispensation, the authors of treaties on canonical marriage mentioned “malicious” thwarting of marriage resulting in unjustified delays, pregnancy of the future wife, situations of concubinage or imminent death, or an urgent and sudden departure. While the reasons were not always specified, it was common practice in certain periods to give one or more reasons. Taking the documents of 1805 for example, a substantiated

(5) Among the dispensations from banns in the Girona series, other types of documents may also be used, but relating to other aspects, such as father’s consent to marriage, for example.

(6) *Instrucció de modo que se deuen rebre los testimonis per las llicencias que se despatxan remissis monitionibus*, Girona, 3 November 1728.

Table 1. Number of reasons given in requests for dispensation from banns, 1805

Number of reasons given	%
One	68.2
Two	22.0
Three	2.7
Four	0.1
No reason given	7.0
Number	1,360

Source: Arxiu Diocesà de Girona, Cúria i Vicariat General, Matrimonials, Dispenses de Proclames, Llicències closes, 1805.

Table 2. Types of reasons given for requesting dispensation from banns, 1805

Reason	n _i	%
Prevent malicious thwarting of the marriage	791	49
Bring forward celebration of marriage	349	21
Future spouse is needed in the house	257	16
Pregnancy or risk of incontinence	97	6
Malicious gossip	64	4
Poverty or ill-treatment of the bride-to-be	32	2
Risk of community censure (<i>charivari</i>)	31	2
Total	1,621	100

Source: Arxiu Diocesà de Girona, Cúria i Vicariat General, Matrimonials, Dispenses de Proclames, Llicències closes, 1805

reason was given in 93% of requests (Table 1). The majority state just one reason for requesting dispensation (68%), some mention two (22%), while only a small minority present three or, exceptionally, four arguments.

Almost half of the requests cited the need to avoid false or malicious denunciation of impediments that might be prompted by the publication of banns (Table 2). This was not only the most frequent reason, but also the most stereotypical one.⁽⁷⁾ The repetitive nature of this motive suggests that it was often a purely rhetorical device, although certain minor variations or additions hint at the reality of the situation in some cases. In several requests, precisions are added to the formula *ne malitiose impediatur* (avoid malicious impediments) to specify the intensity of the fear or the grounds for suspicion (because the fiancée has children from a previous marriage, for example). The second type of reason, in order of frequency,

concerns the desire to hasten the marriage procedures. We do not know exactly how much time generally elapsed between the decision to marry made by the future spouses (or their families) and the wedding celebration. To judge by the excerpt from Victor Hugo's novel cited at the beginning of this paper, in certain places – Hugo refers to France in general, by contrast with the Channel Islands – these procedures were probably tiresome and slow, prompting strategies to speed up the process. In one-quarter to one-fifth of cases, the dispensation was requested for reasons of urgency. Some requests indicate that the groom had to make a long voyage, or to leave home to find work as an itinerant farm labourer during the harvest season; others highlight the moral risk to which the petitioners

(7) In a study of 115 requests for dispensations from banns in Mexico City between 1628 and 1634, Villafuerte (1992) indicates the most frequent reasons given were the need to avoid malicious thwarting of marriage, followed by the need to bring forward the marriage as one of the two spouses was in danger of death. According to Pineda (2008), the dispensation from banns was intended to avoid malicious thwarting of marriage, but had in fact become a way of bypassing parish control.

would be exposed if the marriage was delayed, while others simply express the desire to celebrate the marriage on a particular saint's day. While certain treaties mention that the proximity of Lent or of Advent are not a sufficient reason for dispensation, several petitioners also invoke this reason.

Another group of requests refers to motives associated with "household management". They concern crisis situations in the family of one of the future spouses that require the urgent presence of the new spouse, generally to care for children or elders, or to provide manual labour: 16% of dispensations allude to problems of this type. The other reasons given for requesting dispensation, while meaningful at a certain level, were generally of minor significance. The specific risks of violating moral standards were mentioned in around 10% of dispensations, if malicious gossip is considered together with more explicit declarations. Generally, reference was made to a risk of incontinence, of excessive proximity or of public scandal, while cases of declared premarital pregnancy were much less frequent.⁽⁸⁾ Finally, dispensations were also requested in cases of hardship and poverty, of fiancées without a dowry, of ill-treatment in the parental home or the desire to avoid it, and of marriages with widows or widowers, which were often the subject of mockery and community censure (*charivari*⁽⁹⁾).

IV. Chronology and representativeness of the source

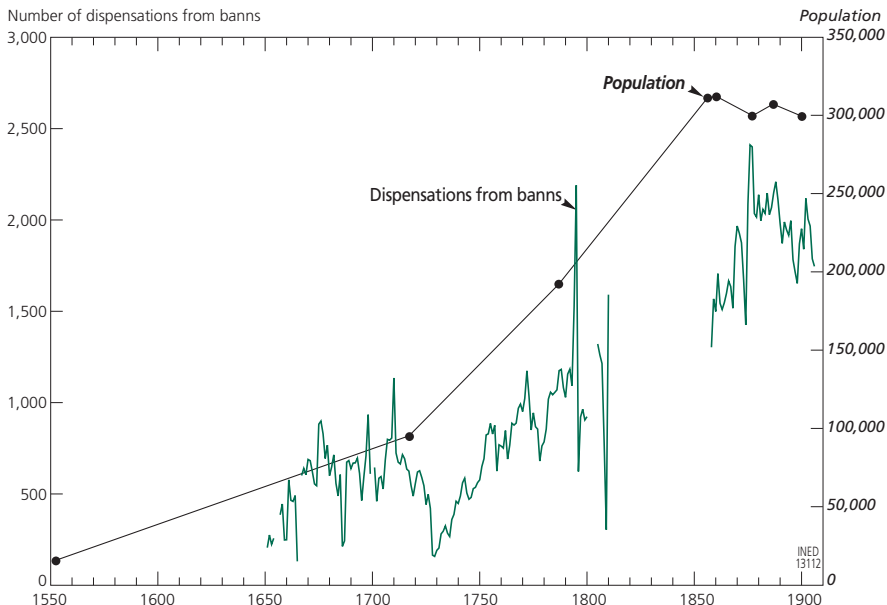
Figure 3 shows the chronology of requests for dispensation from banns deposited in the archives of the diocese of Girona (Arxiu Diocesà de Girona) and indicates the main documentary lacunae. Their trajectory roughly follows general population trends. In the second half of the seventeenth century, around 550 requests were conserved each year, and the number is of a similar magnitude (515) in the first half of the eighteenth century, despite a sudden drop after the War of Succession in Spain (1702-1714). The number then grew rapidly and continuously until after 1760, in parallel with population growth over this period. In the second half of the eighteenth century, 985 requests were conserved on average each year, and this number doubled during the second half of the nineteenth century to reach an annual average of 1,875. Some dips clearly visible on the graph can be attributed either to wars⁽¹⁰⁾ (notably the drop in 1808 and 1809), or to document losses that affected certain years over the period.

(8) In the small locality of Artois in the eighteenth century, Buon (2008) observes that, save in exceptional cases, there is no proof of a causal link between premarital pregnancy and requests for dispensation from banns.

(9) Collective rowdiness and noisemaking with bells and other improvised instruments in front of the home of newlyweds or spouses-to-be on their wedding day.

(10) On the contrary, Lussion-Houdemon (1985) suggests a positive correlation between the number of requests for dispensation from banns and situations of persecution and war in Brittany.

Figure 3. Annual requests for dispensation from bans (1651-1906)



Source: Population data: historical database of the Centre d'Estudis Demogràfics (www.ced.uab.es); requests for dispensation from bans: Arxiu Diocesà de Girona.

The use of dispensations from bans as an alternative to parish marriage registers depends on their representativeness with respect to the total number of marriages celebrated in the diocese of Girona. The first available official marriage statistics that can be used for comparison date from the mid-nineteenth century. The results of this comparison, expressed as the proportion of dispensations with respect to the total number of marriages, yields a mean of 76%, an optimal value for our purposes.⁽¹¹⁾ While the diocese and the province do not cover exactly the same territories, we can assume that this type of dispensation was requested for around 76% of marriages celebrated between 1863 and 1910. A similar result is obtained by projecting onto the eighteenth century the marriage rate (8 per 1,000) obtained from the statistics of the nineteenth century (Martínez Quintanilla, 1865). In this way, the number of marriages that must have occurred at other periods can be estimated. Taking as reference the Floridablanca census (1787), the number of dispensations from bans (1,100 per year between 1783 and 1793) and the estimated number of marriages (1,535), we obtain a value of 72%.

(11) Figueras (2001) also suggests a high level of permissiveness in the granting of dispensations from bans in the American colonies during the seventeenth century.

Representativeness of the source by geographical location of the parishes

Even though the results obtained using separate tests all indicate – at least for the period from the late eighteenth century to the last decade of the nineteenth century – that the series of dispensations from banns in the diocese of Girona concerned around three-quarters of canonical marriages celebrated there, a more detailed analysis reveals the existence of certain geographical biases. They are not systematic, however, but are of a circumstantial and changing nature. For the year 1805, a test conducted with the registers of nine parishes (Serramontmany, 2010) on a total of 170 marriages yielded the following results: 68% of unions were celebrated with a dispensation from banns, with a higher frequency in the coastal parishes (83%) than in the interior parishes (54%). However, for the year 1896 (Portell, 2009), another sample (60 marriages) taken from two parishes indicates that dispensations were more frequent in interior parishes (79%) than in coastal ones (55%).

Representativeness by petitioners' social group

It is important to check for social bias in the practice of soliciting a dispensation from banns. As shown in Table 3, based on a sample of parishes in the diocese, all social groups were concerned, although behaviours are non-linear. Setting aside the figure for the rentier group whose representativeness is poor, we note the frequency of requests among the *pagesos*⁽¹²⁾ group, who were either property owners or tenants.

Table 3. Share of marriages with dispensation from banns by future husband's social group (sample of 9 parishes, 1805)

Occupation	%	n _i
Rentiers	100	1
<i>Pagesos</i>	92	12
Professionals	71	7
Artisans	67	60
Traders	64	11
Nautical trades	63	8
Labourers	59	63
Other	50	2

Sources: Data drawn from the marriage registers of the parishes of Banyoles, Besalú, Fontcoberta, Sant Feliu de Guixols, Santa Pau, Torrent, Torroella de Montgrí, Tortellà and Vilavenut.

The largest social group, that of labourers,⁽¹³⁾ was in fact the group that requested dispensation least frequently, though the proportion who did so was still high (43% of total dispensations granted in the same period).

Unfortunately, the information on the social group of petitioners is not continuous throughout the series. Up to the early nineteenth century, the source indicates the occupation of practically all men who married, along with that of the bride's father and, to a lesser extent, that of the groom's father. But later in the century, individuals' occupations were very

(12) The word *pagès* / *pagesos* refers to family heads who, as owners or tenants, were associated with a *mas*, i.e. a family farm large enough to support a family.

(13) We have employed the term which appears in the documentation of that period. It also referred to persons who owned a house and/or a small plot of land.

rarely recorded, as reflected in Table 4.⁽¹⁴⁾ This makes it difficult to evaluate the social representativeness of the source for the nineteenth century, and its usefulness is limited by the disappearance of a key indicator for observing social dynamics.

Table 4. Dispensations from banns with information on individuals' occupations, by position in the family (%)

	1676	1755	1769	1796-1797	1805	1857	1877	1896
Groom	92.6	98.5	99.7	97.2	95.4	23.5	11.3	3.8
Groom's father	51.9	97.5	66.6	92.6	95.7	8.4	0.7	0.0
Bride's father	73.2	97.8	99.4	92.7	97.2	7.3	0.9	0.1

Sources: Arxiu Diocesà de Girona, Cúria i Vicariat General, Matrimonials, Dispenses de Proclames, Liber informationum (1676, 1755, 1769, 1796-1797) and Llicències closes (1805, 1857, 1877, 1896).

Representativeness by petitioners' civil status

Given that second marriages reflect social conditions different from those of first marriages, it is important to consider the number of widows and widowers among the petitioners. Table 5 shows that the proportion is very high, especially during the eighteenth century, when second marriages concerned 30% of male petitioners and 20% of female ones. It fell by half during the nineteenth century, however, though continuing to represent a quite high proportion of petitioners. But this does not signify that requests for dispensation from banns were more frequent for second marriages. According to the statistics on natural population change, the proportion of marriages of widows and widowers during the decade 1860-1869 was close to the tendency described in Table 5 (17% for men; 9.1% for women). Likewise, for the first decade of the twentieth century, while much lower than those of 1896 (12.1% for men; 7.3% for women), the figures do not suggest any major bias.

Table 5. Proportion of widowers and widows among petitioners for a dispensation from banns (%)

	1676	1769	1805	1806	1896
Men	30.8	31.2	19.9	21.3	16.0
Women	27.1	21.2	13.5	12.6	10.2

Sources: Arxiu Diocesà de Girona, Cúria i Vicariat General, Matrimonials, Dispenses de Proclames, Liber informationum (1676, 1769) and Llicències closes (1805, 1806, 1896).

(14) This loss of information is also observed in the parish registers of the same period.

Conclusion

In *Tess of the d'Urbervilles* by Thomas Hardy, Tess feels relieved when her future husband, Angel Clare, requests a dispensation from banns. But Angel, who is ignorant of her past, does so simply because "A licence will be quieter for us". And for centuries, most of the couples wishing to wed in the diocese of Girona did exactly likewise.

Given the high percentage of dispensations granted, the inevitable question is why was the practice so widespread? While it is true that under ecclesiastic law dispensations were granted only for legitimate reasons or in case of urgency, it would appear that in reality, requesting dispensation from banns was an established and widespread practice. Its very high frequency can be explained by the advantages it procured and by the relative simplicity of the procedure. Public banns were liable to result in public obstacles to matrimony, or could simply delay the ceremony. Moreover, as these dispensations were granted by the bishop of the diocese and not by the Roman Curia, they were more affordable for the population as a whole. But quite apart from the reasons behind the requests for dispensation, it is certain that the frequency confers considerable historical value upon this corpus of documents.

We have seen that the series of dispensations from banns deposited in the diocesan archives are a highly informative data source, providing rapid access to a continuous record of marriage characteristics in a diocese over a long period. Like all marriage series, those concerning dispensations from banns provide valuable information in addition to marriage data, such as occupational continuity, endogamy and geographical mobility at the time of marriage. The availability of data concerning an entire diocese makes it possible to analyse these phenomena at the most appropriate level, that of the region.⁽¹⁵⁾

(15) As part of the same research project, the data on dispensations will be compared and complemented with data from other documentary sources in the Girona region, notably marriage contracts and certain nominative tax lists. Regarding this first source, see Congost and Ros (2013).

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DISPENSATION FROM BANNS: A DATA SOURCE FOR HISTORICAL DEMOGRAPHY
AND SOCIAL HISTORY**

In certain regions of Spain, it was customary among the Catholic population to request a dispensation from banns. A study of this practice since the seventeenth century in Catalonia sheds new light on marriages in the region. This short paper focuses on the archives of the diocese of Girona, with a study of the content, characteristics and continuity of this data source and an assessment of its representativeness. It also examines the motives behind the requests made by most of the population for a dispensation from banns before marriage. Thanks to their serial nature, to the abundant information contained in the supporting documents associated with each request for dispensation, and the opportunities they provide to work at the diocesan level, i.e. over a relatively wide area comprising a large number of parishes, dispensations from banns provide an exceptional data source for historical demography and social history.

**Rosa CONGOST, Josep PORTELL, Enric SAGUER, Albert SERRAMONTMANY •
LES DISPENSES DE BANS. UNE SOURCE POUR LA DÉMOGRAPHIE HISTORIQUE
ET L'HISTOIRE SOCIALE**

Dans certaines régions d'Espagne, la coutume consistant à solliciter une dispense de proclamations de mariage était très répandue parmi la population catholique. Son étude depuis le XVII^e siècle en Catalogne permet d'aborder d'une autre façon les mariages. Cette note de recherche porte sur des séries documentaires du diocèse de Gérone et permet d'analyser le contenu, les caractéristiques et la continuité de cette source, d'évaluer son degré de représentativité ainsi que les motivations ayant conduit la plupart de la population, lors du mariage, à demander une dispense de bans. Par leur caractère sériel, par la richesse de l'information contenue dans les dossiers générés lors de leurs demandes, et par la possibilité qu'elles offrent de travailler à l'échelle d'un diocèse, c'est-à-dire un territoire relativement étendu comprenant un nombre considérable de paroisses, les dispenses de bans constituent une source exceptionnelle pour la démographie historique et l'histoire sociale.

**Rosa CONGOST, Josep PORTELL, Enric SAGUER, Albert SERRAMONTMANY •
LA DISPENSA DE AMONESTACIONES. UNA FUENTE PARA LA DEMOGRAFÍA HISTÓRICA
Y LA HISTORIA SOCIAL.**

En ciertas regiones de España, solicitar una dispensa de las amonestaciones de matrimonio era una costumbre bastante difundida entre la población católica. El estudio de esa costumbre en Cataluña a partir del siglo XVII permite abordar el matrimonio de una forma particular. Esta nota de investigación, basada en series documentales de la diócesis de Gerona, analiza el contenido, las características y la continuidad de esta fuente, así como las motivaciones que han conducido a la mayor parte de la población a pedir, en caso de matrimonio, la dispensa de amonestaciones. Por su carácter serial y la riqueza de la información contenida en el expediente establecido para cada demanda, así como por la posibilidad de trabajar a escala de una diócesis entera, es decir de un territorio relativamente grande conteniendo un número importante de parroquias, las dispensas de amonestaciones constituyen una fuente excepcional para la demografía histórica y la historia social.

Keywords: Spain, Catalonia, historical demography, banns, marriage, sources, social history.

Translated by Catriona Dutreuilh.

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