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Małgorzata Kołacz-Chmiel

The Situation of Children from Annulled Marriages in Peasant Communities of Late Medieval Poland – Legal Regulations vs. Reality

Sytuacja dzieci z unieważnionych związków małżeńskich w społecznościach chłopskich późnośredniowiecznej Polski – regulacje prawne a rzeczywistość

ABSTRACT

This article explores the complex situation of peasant children born into families that were initially considered legitimate by both the Church and society, until marital impediments were proven in court. The annulment of a marriage, and consequently the dissolution of the family, resulted in a complete change in their previously stable living situation. A cautious attempt has been made to estimate the number of families and children who may have been affected by this issue. Subsequently, the legal consequences of marriage annulment for the children are examined, with particular attention given to their legitimacy and the issue of their custody. The diverse practices of ecclesiastical courts are analyzed, alongside the exploration of the motivations guiding the judges in issuing their decisions. Attention has also been drawn to the fact that the issue under discussion generated certain social repercussions and represented an atypical situation within the family structures of the period.

Key words: children, marriage, peasant families, ecclesiastical courts, 15th century

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THE AUTHOR: **Małgorzata Kołacz-Chmiel**, the Institute of History of the Maria Curie-Skłodowska University, Lublin, Poland; e-mail: malgorzata.kolacz-chmiel@mail.umcs.pl; https://orcid.org/0000-0002-4410-2389

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STRESZCZENIE

W artykule została zaprezentowana skomplikowana sytuacja dzieci chłopskich, która była konsekwencją urodzenia się ich w rodzinach, które do momentu udowodnienia w przewodzie sądowym przeszkód małżeńskich były uważane przez Kościół i społeczeństwo za legalne. Unieważnienie związku i w konsekwencji rozpad rodziny powodował całkowitą zmianę w ich dotychczasowej sytuacji życiowej. Podjęto ostrożną próbę oszacowania, jak dużej liczby rodzin i urodzonego w nich potomstwa mógł dotyczyć ten problem. W dalszej części przedstawiono następstwa prawne anulowania związku dla zrodzonego w nim potomstwa. Szczególnej uwadze poddano problem legalności tych dzieci oraz kwestię opieki nad nimi. W tym względzie przedstawiono różnorodność praktyk stosowanych przez sądy kościelne i podjęto próbę odpowiedzi na pytanie o motywy, którymi kierowali się sędziowie wydając wyroki. Zwrócono także uwagę, że omawiany problem generował także pewne konsekwencje społeczne i stanowił sytuację nietypową w ówczesnych strukturach rodzinnych.

Słowa kluczowe: dzieci, małżeństwo, rodziny chłopskie, sądownictwo kościelne, XV wiek

INRODUCTION

The Middle Ages constitute a formative period with regard to marriage law in the Catholic Church. The development of this legal framework was not ultimately finalized until the Council of Trent. As a result, this area of law was exceedingly complex and often ambiguous, even to the most distinguished jurists of the time. In addition, when the marriage regulations set forth by ecumenical councils were introduced, they often had to contend with the pre-existing local customary law. Attempts to enforce these new regulations in Poland from the late 12th century onward interfered with long-standing traditions, particularly among the peasantry. Secular customs and traditions established over centuries did not easily yield to the new laws and proved resistant to eradication. Consequently, the two legal systems – ecclesiastical and customary – either intertwined or came into conflict, often contradicting each other on key issues. This led to numerous ambiguities and social problems, directly affecting the lives of families and individuals. The principles of marriage applied in medieval Poland were, in many ways, a compromise between canon law and customary law[1].

[1] M. Koczerska, *Zawarcie małżeństwa wśród szlachty w Polsce późnego średniowiecza*, "Przegląd Historyczny" 1975, 66, 1, pp. 1–22; W. Abraham, *Zawarcie małżeństwa w pierwotnym prawie polskim*, Lwów 1925, p. 73 and next; M. Kołacz-Chmiel, Mulier honesta et laborosa. *Kobieta w rodzinie chłopskiej późnośredniowiecznej Małopolski*, Lublin 2018, pp. 29–36.

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The aforementioned changes progressed at varying paces across different social groups. The choice of the peasant population for the analysis of this issue does not stem solely from the author's academic interests. Due to their strong conservatism, manifested in superficial religiosity and resistance to adopting the principles of faith, this social group was still using local customary law in matters of marriage as late as the 15th century[2]. However, the increasing involvement of the Church in peasant life, particularly through the intervention of ecclesiastical courts in disputes, was becoming more evident[3]. For the historian, observing this process becomes possible through the prism of the consistory books, which began to appear en masse precisely in this century[4].

The present article will concentrate on a single issue that arose from the chaos and contradictions during the period of conflict between customary norms and canon law. Specifically, it will address the situation of children born from marriages annulled by the Church. The problem will be examined in the context of ecclesiastical legal regulations pertaining to the matter (as seen through synodal statutes and provisions) and contrasted with reality (as observed in decrees issued by ecclesiastical

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[2] W. Abraham, *op. cit.*, p. 143; H. Zaremska, *Grzech i występek: normy i praktyka moralności społecznej*, in: *Kultura Polski średniowiecznej*, ed. B. Geremek, Warszawa 1997, p. 567; A. Krawiec, *Problematyka małżeńska w średniowiecznym ustawodawstwie synodalnym Kościoła polskiego*, in: Docendo discimus. *Studia ofiarowane profesorowi Zbigniewowi Wielgoszowi w siedemdziesiątą rocznicę urodzin*, eds. K. Kaczmarek, J. Nikodem, Poznań 2000, p. 249; S. Bylina, *Chrystianizacja wsi polskiej*, Warszawa 2002, pp. 108–109; P. Hemperek, *Sprawy małżeńskie w oficjalacie okręgowym w Lublinie w XV w.*, "Roczniki Teologiczno-Kanoniczne" 1970, 17, 5, pp. 33–34; G. Jawor, *Obraz rodziny chłopskiej w Polsce XV wieku w świetle ksiąg oficjała lubelskiego*, "Annales Universitatis Mariae Curie-Skłodowska. Sectio F" 1986–1987, 41–42, pp. 85–86.

[3] C. Donahue, *Law, Marriage, and Society in the Later Middle Ages. Arguments about Marriage in Five Courts*, Cambridge 2007, pp. 4–6; W. Wójcik, *Uprawnienia oficjałów okręgowych w Sandomierzu w sprawach małżeńskich*, "Roczniki Teologiczno-Kanoniczne" 1962, 9, 1, pp. 77–126; P. Hemperek, *Oficjalat okręgowy w Lublinie w XV–XVIII wieku. Studium z dziejów organizacji i kompetencji sądownictwa kościelnego*, Lublin 1974, pp. 170–179; A. Gąsiorowski, I. Skierska, *Średniowieczni oficjałowie gnieźnieńscy*, "Roczniki Historyczne" 1995, 61, pp. 50–51; E. Knapek, *Akta oficjalatu i wikariatu generalnego krakowskiego do połowy XVI wieku*, Kraków 2010, pp. 126–127; M. Biniaś-Szopek, *Kobiety, mężczyźni i małżeństwo w najstarszych księgach konsystorskich poznańskich*, in: *Kobieta i mężczyzna jedna przestrzeń, dwa światy*, eds. B. Popiołek, A. Chłosta-Sikorska, M. Gadocha, Warszawa 2015, pp. 27–28; eadem, *Małżonkowie przed sądem biskupiego oficjała poznańskiego w pierwszej ćwierci XV wieku*, Poznań 2018, pp. 75–77; A. Książkiewicz, *Sprawy małżeńskie w konsystorzu lwowskim w późnym średniowieczu*, "Nasza Przeszłość" 2008, 109, pp. 287–302.

[4] I. Skierska, *Źródła do badania praktyk religijnych w średniowiecznej Polsce: akta sądów kościelnych i kapituł*, "Archiwa, Biblioteki i Muzea Kościelne" 2007, 87, pp. 177–179, 185–194.

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courts). However, it must be noted from the outset that the Middle Ages were a period when little attention was devoted to issues concerning minors. In historical sources, children are even less visible than women, with one notable exception: individuals from the circles of future rulers and saints. Yet it should be emphasized that their childhood is portrayed according to conventions characteristic of the era – dominated by the topos of the 'child-adult' which attributes to minors qualities typical of adolescence (e.g., solemnity, prudence, wisdom, holiness, diligence, etc.)[5]. Meanwhile, children outside this privileged circle appear in the sources only when their fates become entangled with the adult world in an unusual way (e.g., custody after parental death, fulfillment of such duties, compensation for a maiden for fathering an illegitimate child, or miraculous resurrections and healings described in the *miracula*)[6].

The primary sources for analyzing this issue consist mainly of records from consistory courts in the fifteenth-century Lesser Poland. Twenty books of the Kraków diocesan court (oficjalat) and vicariate from this period, originating from the Kraków diocese, have been preserved of which the oldest records date back to 1410–1412[7]. They are currently stored in the Archive of the Metropolitan Curia in Kraków and form part of the collection: *Acta officialia Cracoviensia*. In addition, from the Lesser Poland region, records of the Lublin official's court have also survived in the form of five books from the 15th century, currently held in the Archdiocesan Archive in Lublin[8]. Unfortunately, the oldest records (Volume with signature 1), lost during World War II, survive only in fragments published by Bolesław Ulanowski and Stefan Wojciechowski[9]. The surviving legacy of ecclesiastical courts constitutes an invaluable source for studying this issue due to the jurisdiction of this body which had authority over all matrimonial matters[10]. Furthermore, published sources of ecclesi-

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[5] M. Delimata, *Dziecko w Polsce średniowiecznej*, Poznań 2004, pp. 37–38.

[6] A more detailed analysis of sources concerning children in medieval Poland see: M. Delimata *Dziecko*, pp. 6–9.

[7] Archiwum Kurii Metropolitalnej w Krakowie [hereinafter: AKMK], Acta officialis Cracoviensis [hereinafter: AOC], ref. no. 1–20; E. Knapek, *op. cit.*, pp. 114–118.

[8] Archiwum Archidiecezjalne Lubelskie [hereinafter: AAL], Acta officialis Lublinensis [hereinafter: AOL], ref. no. 2–6, 11, 13.

[9] *Praktyka w sprawach małżeńskich w sądach duchownych diecezji krakowskiej w XV wieku*, ed. B. Ulanowski, "Archiwum Komisji Historycznej AU" 1889, 5, passim; S. Wojciechowski, *O zaginionej księdze oficjała lubelskiego z XV wieku*, supplement to "Biuletyn Biblioteki UMCS w Lublinie" 1962, 10, 2, passim.

[10] W. Wójcik, *op. cit.*, pp. 77–126; P. Hemperek, *Oficjalat*, pp. 170–179; A. Gąsiorowski, I. Skierska, *op. cit.*, pp. 50–51; E. Knapek, *op. cit.*, pp. 126–127; M. Biniaś-Szopek, *Kobiety*, pp. 27–28.

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astical legislation will be examined in order to ascertain the regulations that govern annulment decisions and the recognition of the legitimacy of offspring from such unions. This will allow for a comparison of legal regulations with the judicial practices applied in court decrees.

RESEARCH AND RESULTS

In the records of the aforementioned consistory courts, information about minors appears in cases involving the annulment of their parents' marriage. However, these instances are not frequent enough to conduct an analysis based on estimation or statistical methods. Instead, it is necessary to perform an analysis of individual cases within the context of the realities of the studied era. It must be emphasized that this approach provides only a narrow fragment of the phenomenon under investigation, which should allow, in the author's view, the reconstruction of its overall outline. The article aims to highlight, through this specific example, how the introduction of Church norms interfered with the family structures of peasant communities based on ancient customs and traditions. It also seeks to shed light on the issue of children from annulled marriages existing in society and their functioning within 'new' families established by one of their parents. The author deliberately avoids using contemporary terminology (such as 'broken families' or 'remarriages') as it does not fully correspond to the studied era or the status of the offspring, although associations with modern post-divorce marriages and blended families arise almost automatically.

Nevertheless, this article seeks to address the most important questions concerning the issues outlined above. First, an attempt will be made to estimate how many children were affected by the annulment of their parents' marriage. Subsequently, the legal situation of these children will be discussed. In this context, the most crucial question is whether the offspring from such unions were considered illegitimate (*proles illegitima*). It will also be important to examine the issue of custody of minors – specifically whether care was provided by the mother or the father after the annulment of the marriage. Additionally, the social consequences of these children's presence in peasant communities will be considered, both during their minority and after reaching legal adulthood.

Addressing the first of these questions presents numerous difficulties. It is not possible to precisely calculate how many children or families were affected by the issue of offspring conceived/born in marriages later annulled by the Church. This cannot be achieved solely on the basis of source material directly related to the problem under study. In consistory court

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records, such cases are few and largely incidental. In the 15th-century judicial records of the Kraków and Lublin officials, mentions of minors in annulled marriages appear in only 14 entries. Considering the size of the studied territory and a time span of nearly a century, the issue seems insignificant and marginal. However, one must consider whether this small number of references in court decisions might be a consequence of the aforementioned invisibility of minors in the source material. This is reflected in the question posed by J. Le Goff: 'Did children even exist in the Middle Ages?'[11]. Given a lack of detailed information regarding the existence of offspring born among the upper classes, it is not surprising that this issue is neglected in cases concerning peasant families, particularly when the children were born from unions that were not entirely formal or legal from the perspective of the law. For this reason, constrained to examine individual cases in which, during annulment proceedings, the court decided to address the status of children born from these unions. Nevertheless, the matter of children from annulled marriages did not constitute the primary focus of the legal proceedings. Thus, the surviving records are the result of a combination of favorable circumstances. These may include the diligence of judicial authorities and notaries, but external factors should not be excluded, such as the parties to the case themselves, who may have had an interest in clearly defining the status of their children and settling custody matters following the annulment[12].

Despite the limited number of surviving records, this was not a marginal issue. Evidence for this can be found in the fact that the question of offspring from annulled marriages had been addressed by synods and ecclesiastical legislation since the 12th century[13] This topic will be discussed in more detail at a later point. However, this still does not provide a sufficient basis for determining the number of families affected by the legal and social consequences of annulled marriages. To approximate the scale of this phenomenon, even roughly. It is also necessary to estimate the number of children that may have already been

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[11] J. Le Goff, *Czy w ogóle w średniowieczu były dzieci?*, in: *Dzieci,* vol. 2, eds. M. Janion, S. Chwin, Gdańsk 1988, p. 193.

[12] Supplement to "Biuletyn Biblioteki UMCS w Lublinie" (see: M. Delimata, *Dziecko*, pp. 152–158; M. Kołacz-Chmiel, *Nieletni pochodzenia chłopskiego w praktyce sądów kościelnych w późnośredniowiecznej Małopolsce*, in: *Dzieciństwo i starość w ujęciu historyków*, eds. A. Obara-Pawłowska, M. Kołacz-Chmiel, Lublin 2016, p. 213; M. Biniaś-Szkopek, *Proles illegitima? Postępowanie wobec dzieci w praktyce sądu poznańskiego oficjała biskupiego w średniowieczu*, "Średniowiecze Polskie i Powszechne" 2021, 13 (17), p. 187).

[13] M. Delimata, *Dziecko*, p. 153.

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born, or the number of pregnancies that may have occurred at the time of the annulment. The following table provides a comprehensive overview of the key findings.

Table 1: Offspring and their potential occurrence in marriage annulment cases (1410–1499)

Grounds for annulment	Number of entries	References to children	Probability of having offspring	No probability of having offspring
Too close blood or legal relationship	21	1	18	2
Lack of consent from one of the spouses (due to coercion/force)	27	3	20	4
Impotence of the husband or incapacity of the woman to consummate the marriage	44	0	0	44
Bigamy	57	11	38	8
Together	149	14	76	58
Unions with uncertain legal status	137	66	36	35

Source: AKMK, AOC, ref. no. 1–20; AAL, AOL, ref. no. 2–6, 11, 13.

In the presented table, records concerning marriage annulments have been categorized according to the reasons for their dissolution. At the end, the author decided to add a category 'unions of uncertain legal status'. This includes situations where one party claimed the marriage was contracted through verbal oath or cohabitation – practices that were not only consistent with customary law but also recognized by the Church as a valid form of marriage[14] (this method of contracting marriages remained predominant among the peasant population until the late 15th century[15]). Conversely, the other party (most often the man) would merely acknowledge the promise of marriage. In comparison with the other numerical data cited in the table, the frequent references to offspring during the court proceedings are especially noticeable. It is significant that in certain cases, such relationships exhibit a high degree of stability, often lasting for several years, and resulted in the birth of multiple offspring[16]. A representative case is that of Małgorzata from the village of Prokocim near Bochnia. Her union with innkeeper Stanisław Puczkowicz, confirmed by verbal promise and consummation, lasted over two years during which she gave birth to two children[17]. A similar case occurred in the village

[14] S. Bylina, *op. cit.*, p. 174.
[15] G. Jawor, *op. cit.*, p. 85; M. Kołacz-Chmiel, Mulier, p. 77.
[16] M. Kołacz-Chmiel, *Nieletni*, p. 212.
[17] AKMK, AOC, ref. no. 15, fol. 384.

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of Snopków near Lublin, where Anna, widow of Mikołaj, remained for three years in a union with Jan Świątkowicz, convinced of its legality, bearing one child and being pregnant with another[18]. This indicates that from the perspective of at least one party (and likely also the peasant community), such unions were considered valid marriages. However, the manner of their contraction cast doubt on their validity in ecclesiastical court proceedings. Consequently, the party seeking to prove the validity of the marriage would cite consummation, evidenced by offspring or pregnancy. The enumeration of children served to demonstrate that the couple had 'lived together as husband and wife' maintaining a 'shared bed and table' over an extended period. For this reason, it presents a more realistic frequency of the occurrence of offspring in unions and serves as a control group for the other data.

The initial two columns present the number of records pertaining to marriage annulments, categorised according to the various marital impediments, and those which make reference to offspring[19]. The remaining two columns are more hypothetical: the first one estimates the cases where cohabitation and duration of a union suggest that children may have been conceived, while the other one counts the records where lack of cohabitation or brief duration indicate this was improbable.

The data in the column citing male impotence or female incapacity for sexual relations naturally raise – the data (plural) no doubts – the very reason for annulment precludes the existence of children in these unions. In the remaining cases, references to them are made during the court proceedings themselves, or it can be assumed that the couple had children. The small number of records concerning annulments due to close kinship/affinity or lack of consent reflects either the peasantry's ignorance of or disinterest in pursuing dissolution on these grounds. Even if the peasants were aware of the existence of this solution, they rarely

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[18] AAL, AOL, ref. no. 2, fol. 169v.

[19] Among the impediments to marriage recognized by the Church were consanguinity (the Fourth Lateran Council of 1215 restricted it to the 4th degree of canonical computation in the collateral line) and spiritual affinity. Later, the Decretals of Gregory IX (1234) recognized additional marital impediments: heresy and disparity of faith (disparitas cultus), membership in the clergy (ordo sacer), existing marital bonds (ligamen), castration, and mental illness (M. Sheehan, *The Formation and Stability of Marrige in Fourteenth-Centry England: Evidence of an Ely Register*, "Medieval Studies" 1971, 33, p. 248; B. Wojciechowska, *Małżeństwo w ustawodawstwie synodalnym Kościoła polskiego w późnym średniowieczu*, "Czasopismo Prawno-Historyczne" 2015, 67, 1, pp. 22–23; eadem, *Proles – fides – sacramentum. Małżeństwo w średniowiecznym prawie kanonicznym*, in: *Kobieta i mężczyzna. Jedna przestrzeń-dwa światy*, eds. B. Popiołek, A. Chłosta-Sikorska, M. Gadocha, Warszawa 2015, p. 24; M. Biniaś-Szkopek, *Małżonkowie*, pp. 40–42).

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used it in practice. Marriages between relatives and those related by affinity were not considered a transgression. Similarly, the use of coercion did not raise objections in a society that attached greater importance to the will of the parents than to that of the nupturients themselves, especially in the case of young girls[20]. The lack of references to offspring in this type of record, however, stems from the fact that, from the point of view of the ongoing proceedings, this information was irrelevant. The validity of a union was determined by the presence or absence of one of the listed canonical impediments. Therefore, it seems reasonable to argue that a lack of information about children does not exclude their presence in the cases under analysis. On the other hand, there are indications suggesting the likelihood that these couples had children (e.g. the length of the relationship, cohabitation of spouses, no accusations of impotence or failure to consummate the marriage). Frequently, the peasant population used the impediment of kinship/affinity to annul a union that, for various reasons, had become inconvenient or unattractive to one of the parties only after several years of its duration[21]. This is exemplified by a case heard in 1452 before the Lublin Consistory Court, in which Maciej Zysk petitioned for the annulment of his marriage to Elżbieta from the village of Bychawa on the grounds of spiritual affinity (calling her *soror baptismalis*). The woman testified that their parents were both alive when the marriage was contracted, and she insisted that at no point had either of them, or any of their kin, spoken of such an impediment. The marriage had lasted sufficiently long to produce four children[22]. It was only after this period of time had elapsed and his parents had died that Maciej decided to seek its annulment – likely motivated by his relationship with Stachna of Łuszczów, using affinity as pretext.

The most intriguing group of records concerns bigamy. It should be noted that it was the most frequent reason for marriage annulments during the period under study[23]. This comes as no surprise, given that this

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[20] M. Kołacz-Chmiel, Mulier, pp. 39–40.

[21] On the issue of exploiting consanguinity and affinity as pretexts for annulling marriages across different social strata see: G. Duby, *Rycerz, kobieta i ksiądz. Małżeństwo w feudalnej Francji*, Warszawa 1986, pp. 92–111, 215; M. Koczerska, *Rodzina szlachecka w Polsce późnego średniowiecza*, Warszawa 1975, pp. 25–26; G. Jawor, *op. cit.*, pp. 88–89.

[22] AAL, AOL, ref. no. 2, fol. 16.

[23] Similar conclusions were reached in their research based on the records of the Poznań consistory court (officialis) M. Koczerska (eadem, *Rodzina*, pp. 84–85), M. Biniaś-Szkopek (eadem, *Małżeństwo*, pp. 167–168) and W. Zarosa (idem, *Małżeństwo i relacje między małżonkami w świetle wyroków gnieźnieńskiego sądu konsystorskiego z przełomu XV i XVI wieku*, in: *Motyw miłości w wybranych tekstach literackich i innych dziedzinach kultury*, eds. P. Szymczyk, E. Chodźko, Lublin, 2018, pp. 114–124).

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was an era before the introduction of parish registers, when mandatory banns of marriage were only beginning to be implemented, and when marriages could be contracted in various forms (before a priest, through secular ceremony, by mutual oath, or through cohabitation)[24]. It must be emphasized that the Church recognized all these forms as valid, and even at the end of the century rural populations only occasionally married *in facie Ecclesiae*[25]. The inability of the Church to regulate and oversee marriages, combined with the absence of a uniform and formalized marriage procedure, created considerable chaos and uncertainty in the matrimonial sphere[26]. Not only the interested parties but even educated clergymen often struggled to determine whether a given union constituted a marriage or concubinage[27]. This situation created an opportunity for abuse and contracting of new unions while the previous ones were still in effect. The desertion of a spouse frequently led to litigation in the ecclesiastical courts. The situation becomes more complex, as both the first and second marriages of a bigamist (male or female) could potentially involve children. These cases were often adjudicated while the children were still minors or even before their birth. References to offspring appear relatively frequently in bigamy records compared to other types of annulment cases. This stems from the fact that, just as in cases of relationships with unclear legal status, the existence of children could be used in attempts to prove the legitimacy of the union. In addition, these cases required the court to determine custodial matters and financial maintenance for children born as a result of bigamous marriages.

The table indicates that out of 149 cases in which a marriage was annulled, 14 families had children, while in 79 cases there was a high probability of offspring. Although this number is not large, it represents

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[24] W. Abraham, *op. cit.*, pp. 67–78; M. Koczerska, *Zawarcie*, pp. 1–22; G. Jawor, *op. cit.*, pp. 85–86; B. Wojciechowska, *Raptus puellae jako przeszkoda małżeńska w Dekrecie Gracjana*, "Saeculum Christianum" 2016, 23, pp. 48–53; eadem, *Zaślubiny w Polsce średniowiecznej*, "Saeculum Christianum" 2017, 24, pp. 85–90.

[25] A. Krawiec, *op. cit.*, p. 249; S. Bylina, *op. cit.*, pp. 108–109.

[26] M. Koczerska, *Rodzina*, pp. 84–85. This issue was by no means peculiar to Poland. An identical pattern could be observed elsewhere in Europe, where bigamy frequently stemmed from the ecclesiastical authorities' failure to maintain proper supervision of matrimonial contracts (manifested both in clergy's neglect to proclaim banns and in failures to provide conclusive evidence of a prior spouse's death).– see: S. McDougall, *Bigamy: A Male Crime in Medieval Europe?*, "Gender & History" 2010, 22, 2, p. 343.

[27] As late as the 14th century, Bishop Nanker of Kraków clarified in his statutes the distinction between betrothal and marriage, while admonishing clergy who adjudicated matrimonial cases based on secular or customary law. (*Statuta Nankeri episcopi Cracoviensis*, in: *Starodawne Prawa Polskiego Pomniki*, vol. 4, ed. U. Heyzman, Kraków 1875, pp. 9, 24–25).

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a group that cannot be ignored. This is particularly significant given that the number of children affected by this issue was likely higher, as longer-lasting unions could have produced more offspring.

The annulment of their parents' marriage placed these children in a legally uncertain position. The declaration of a marriage as null could render them *proles illegitima* – children born out of wedlock. This issue attracted ecclesiastical attention almost simultaneously with the establishment of marital impediments, becoming their natural consequence. Legal regulations were issued both at ecumenical councils and in local church legislation. The resolution of the matter appeared in the decretals of Pope Alexander III. Regarding children from marriages annulled by the Church, he decreed that offspring would be considered legitimate if both or at least one parent was unaware of existing impediments at the time of marriage (the so-called *matrimonium putativum*)[28]. This is particularly evident in the decretal regarding the legal status of offspring from recognised bigamous unions[29]. Offspring from marriages contracted *in facie Ecclesiae* were also recognized as legitimate, even if a union was subsequently canonically annulled[30]. The key question is to what extent these legal provisions were adopted in the territory of the Polish state. Initially, these issues were not reflected in Polish synodal legislation which did not address the matter of offspring legitimacy and legitimization.

It was not until the 15th century that this problem appeared in the statutes of Mikołaj Trąba (1420). However, his approach proved to be more rigorous than the decretals of Alexander III. The document clearly states that if a marriage was not contracted *in facie Ecclesiae*, in the presence of witnesses and with the proclamation of three banns, and if impediments that prevented its continuation later came to light, then the offspring born of such a union were considered illegitimate[31]. The aforementioned legal regulations were introduced during a period when the Church was

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[28] Aleksander III, *Qui filii sint legitimi*, Liber IV, Titulus VII, Cap. 9, 11, 14, in: *Corpus iuris canonici*, ed. A. Friedberg, Lipsk 1879–1881, ed. anastatica Graz 1955. See also: P. Burzyński, *Prawo polskie prywatne*, vol. 2, Kraków 1867, p. 100; P. Dąbkowski, *Prawo prywatne polskie*, vol. 2, Lwów 1911, pp. 361, 462; J. Matuszewski, *Proles illegitima w polskim prawie ziemskim*, "Czasopismo Prawno-Historyczne" 1966, 18, 2, pp. 76–77; M. Delimata, *Potomstwo nieślubne i nieprawe (proles illegitima) w Polsce średniowiecznej*, in: *Dziecko w rodzinie i społeczeństwie. Starożytność-Średniowiecze*, vol. 1, eds. J. Jundziłł, D. Żołądź-Strzelczyk, Bydgoszcz 2002, p. 252.

[29] Aleksander III, *Qui filii sint legitimi*, Liber IV, Titulus VII, Cap. 14.

[30] *Ibidem*, Cap. 2.

[31] *Statuta synodalia episcoporum cracoviensium XIV et XV saeculi e codicibus manuscriptis typis mandata, additis statutis Vielunii et Calissii a. 1420 conditis (et ex rarissimiseditionibus – etiam authenticis – nunc iterum editis)*, ed. U. Heyzmann, in: *Starodawne Prawa Polskiego Pomniki*, vol. 4., ed. A.Z. Hencel, Kraków 1875, pp. 234–235.

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attempting to establish control over the institution of marriage, compelling society to abandon customary forms and adhere to the requirement of the threefold proclamation of the banns[32]. However, considering that even at the end of the century, the majority of marriages among the peasant class were contracted without the presence of a priest, let alone the proclamation of banns, it seems unlikely that this regulation was enforced[33]. This is particularly true considering that the Church continued to recognize alternative forms of union.

In practice, even ecclesiastical courts adhered to the decretal of Alexander III, in such cases, as is indirectly confirmed by known judgements concerning children born of such marriages. They followed the principle that the ignorance of at least one spouse regarding canonical impediments to their union determined the legitimacy of their offspring. This can be exemplified by the case of Paweł from Krzesimów, who married Petronela while his first wife Anna was still alive. Their son Jakub was recognized as legitimate offspring. The consistory court invoked the principle *quot unis fides in matrimonio legitimat filios*, explicitly citing Petronela's unawareness of her partner's previous marriage[34]. This principle appears to have been known among the peasant population, as evidenced by court cases where defendants claimed ignorance of canonical impediments, such as close kinship, affinity, or a partner's existing marriage[35].

An analysis of the few records mentioning children also makes it possible to examine ecclesiastical court judgements regarding minors born in annulled unions (most often bigamous ones). These cases were highly complex, requiring decisions regarding not only the children's legal status but also their custody and maintenance. Furthermore, following the dissolution of the first marriage, both the man and the woman would enter into new unions from which further children were born. A 1493 case before the Kraków consistory concerning Stefan Lazania from Siemianowice and Dorota from the village of Porąbka illustrates this complexity. After his first wife fled with Wojciech Masłek, Stefan married Katarzyna, fathering six children with her (with a seventh on the way during the ongoing case). Meanwhile, in a concubinage with Wojciech, Dorota gave birth to three children, the youngest of whom was still being breastfed. The court recognized Stefan and Dorota's first marriage as valid, ordering them to reunite and live in a marital relationship[36]. The annulment of their

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[32] M. Biniaś-Szkopek, *Małżonkowie*, pp. 50–51.

[33] Similar conclusions were drawn by M. Biniaś-Szkopek, *Proles*, p. 208.

[34] AAL, AOL, ref. no. 2, fol. 40v.

[35] *Ibidem*, fols. 109v, 212 and 301; AKMK, AOC, ref. no. 11, fols. 173v, 403; ref. no. 15, p. 48.

[36] AAl, AOC, ref. no. 18, p. 106.

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subsequent unions raised questions about the fate of their numerous offspring. The court ruled that Stefan could retain custody of children from his union with Katarzyna, only requiring him to return her cow and dowry items. The court made no mention of Dorota's children[37]—possibly deeming them *illegitimate*, since her second union was considered concubinage and therefore did not require regulation of their legal status.

An equally complex case involved double bigamy concerning Mikołaj Rożek from Maszyce and Barbara from Szklary. Despite having a living spouse, Mikołaj married Agnieszka from Wielowieś, with whom he had two children, while Barbara married Marcin Pulik from Owczary, with whom she had one child. The court upheld their first marriage as valid, annulling their subsequent unions. However, the issued verdict did not address the matter of custody of the children[38].

Another court decree granting child custody to the father appeared in a case of double bigamy involving Beata from Jedlcza and Grzegorz from the neighboring village of Tczyca. After abandoning her first husband, Beata entered into a second marriage with Andrzej Rogala from Jarosław, with whom she had children. Meanwhile, the abandoned Grzegorz married Dorota, a widow from Tczyca. Both spouses, now with new partners, petitioned the consistory court to annul their first marriage. However, contrary to their expectations, the court upheld their original union as valid and annulled subsequent marriages. The court also ruled on the matter of the children of Beata and Andrzej, granting custody to the father[39].

A similar decree was issued regarding children from the annulled marriage of Małgorzata and Jan from Sierosławice. The woman was ordered to return to her first husband – Grzegorz from Gruszów, while the children were entrusted to the care and upbringing of their father[40].

Rulings from Greater Poland confirm the tendency to grant custody of children from annulled marriages to fathers. The court of the Gniezno vicar general followed this practice in cases involving both townspeople and peasants. For instance, when dissolving the marriage of Agnieszka and Stanisław from Kleczew due to bigamy committed by the man, their child was placed in the father's care[41]. Similar decisions were issued in the cases involving Marek and Dorota from Górka, as well as Piotr

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37 *Ibidem*.

38 AAL, AOC, ref. no. 18a, p. 86.

39 AAL, AOC, ref. no. 15, p. 48.

40 AAL, ref. no. 16, p. 87.

41 A. Kozak, *Księga sądowa gnieźnieńskich wikariuszy generalnych Sędka z Czechła i Jana z Brzóstkowa (1449–1453, 1455). Studium źródłoznawcze i edycja krytyczna*, Poznań 2023, no. 504.

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and Jagna from Bednary[42]. Custody and the obligation of child maintenance were also imposed on Wojciech, a smallholder from Pępice[43].

It should be noted that these court decisions did not necessarily stem from men's reluctance to care for their offspring. According to M. Biniaś-Szkopek, fathers felt responsible for raising their children and contributing to their maintenance[44]. This is illustrated by the case of Tomasz, whose marriage to Święchna was annulled by the consistory court due to bigamy committed by the woman. The records show that the man voluntarily undertook to care for the children from this union[45]. These rulings likely reflected societal expectations that legitimate children were more closely associated with the father's family than the mother's.

However, there were instances when ecclesiastical courts issued different decisions on the matter. An interesting case involves Anna Tworkowa, a wife of Paweł from the village of Łąki, who committed bigamy with Wojciech from Koszyce, and four children were born from this union. In its 1476 decree, the court divided custody between both former spouses – Wojciech was to care for the three older children, while Anna was entrusted with custody of the youngest[46]. This decision may have been influenced by the mother's need to care for the infant, for example through breastfeeding, as suggested by another Kraków consistory judgement. Dorota, abandoned 14 years earlier by her first husband Maciej Szalony (whom she presumed dead), married Wojciech Mięsopust from Birków. During their six-year union, she bore three children and was pregnant with a fourth. However, when witnesses confirmed seeing Maciej alive in Ruthenia, the court annulled Dorota's second marriage. While Wojciech received custody of the born children, the unborn child was to remain with the mother, and the father was obliged to support her and to contribute to the child's maintenance and upbringing[47].

Temporary custody of very young children being granted to the mother is also documented in the rulings of the Gniezno general vicar's court. In these cases, it was explicitly stated that the child should remain under the woman's care during breastfeeding or until the child could walk[48]. Alternatively, a specific age was defined after which a child was to be transferred to the father's custody (in one case 2 years, in two

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42 *Ibidem*, no. 515, 521.

43 *Ibidem*, no. 602.

44 M. Biniaś-Szkopek, *Proles*, p. 201.

45 *Ibidem*, p. 201.

46 AKMK, AOC, ref. no. 2, fol. 386.

47 AKMK, AOC, ref. no. 16, fol. 77.

48 A. Kozak, *op. cit.*, no. 502, 543, 588, 589, 651.

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others 7 years)[49]. The first age threshold can be linked to weaning, while the latter corresponds to the symbolic transition of male children under paternal authority within the family (a new life stage traditionally marked by the first haircut ceremony)[50].

In Greater Poland, the Gniezno consistory court employed a different practice when ruling on custody of children from annulled marriages. Decisions were made based on the children's gender: sons were to remain under their father's custody, while daughters stayed with their mothers. A similar ruling was issued in a case of double bigamy involving peasants Wojciech from Radolin and Małgorzata from Dolany. The court recognized their original marriage as valid and dissolved their subsequent unions. Regarding the offspring born from their subsequent partners, custody of the sons was granted to the father, and custody of the daughter was granted to the mother[51]. A similar approach was taken in the case of Wawrzyniec from Kumów and Nastka. When annulling their marriage, custody of their two sons was granted to the father, while their daughter remained with the mother[52]. Another noteworthy ruling concerned the unborn child of townspeople Andrzej and Święchna from Kazimierz. The court decreed that after birth, the mother would nurse the child; if the child was male, Andrzej would then take custody, whereas if a girl was born, the mother would raise her, with Andrzej contributing to her dowry[53]. Notably, such gender-based custody decisions were not observed in the sources from Lesser Poland.

In contrast, the consistory court ruled differently in the case of Jan Śmietanka and Zofia Kozłówna from the village of Luborzyca, deciding to leave the children with their mother while obliging Jan to provide financial support[54]. This decision may have been influenced by the fact that the marriage was annulled due to Jan's prior sexual relationship with Zofia's first cousin, making him primarily responsible for violating canon law. On the other hand, it cannot be excluded that in this case,

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[49] *Ibidem*, no. 610, 611, 617.

[50] *Statuta Casimiri Magni*, ed. B. Ulanowski, *Archiwum Komisji Prawniczej*, vol. 2, Kraków 1921, Art. 82; M. Delimata, *Dziecko*, pp. 105, 109. Similarly, under land law [or: territorial law], after the father's death, children remained in their mother's custody until reaching 7 years of age. Only after this milestone did legal guardians assume responsibility for them. (B. Lesiński, *Stanowisko kobiety w polskim prawie ziemskim do połowy XV wieku*, Wrocław 1956, p. 133; M. Koczerska, *Rodzina*, pp. 125–126).

[51] W. Zarosa, *op. cit.*, p. 116.

[52] A. Kozak, *op. cit.*, no. 522.

[53] *Ibidem*, no. 588.

[54] AKMK, AOC, ref. no. 18a, p. 36.

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as well, the decision to leave custody with the mother was determined by the infant age of the offspring.

A lack of consistency in court judgments regarding custody arrangements can be observed. This was probably a result of probably as a result of insufficient legal regulations to guide decision-makers. The fact that children were considered legitimate offspring had little impact on the final decision. It appears that local customs regulating the issue of granting custody of minors were more significant in these cases. This is likely why the dominant trend was to grant custody to the father, suggesting a guiding principle that children belonged to the father's family line rather than to the mother's. Some exceptions to this rule can indeed be observed. In exceptional situations, particularly when a child was still in need of maternal care, the court would decide to leave the child with the mother. Usually, however, this was on the condition that the child would be transferred to the father's custody after this period. These ecclesiastical court practices are consistent with the solutions found in *ius terrestre* (land law), which regulated this issue after the father's death (in such cases, the legal guardian would be a man from the father's family, while the mother would be permitted to retain custody of the minor child until the age of seven). On the other hand, the situations in which the judges were guided by the gender of children in granting custody may be a reflection of a local custom regarding custody of minors.

Court decisions regarding custody of children from annulled unions differ markedly from ecclesiastical court practices regarding illegitimate children who invariably remained with their mothers. In such cases, fathers typically provided one-time compensation (a cow or cash), with only exceptional circumstances warranting ongoing support payments[55]. The evidence seems to suggest that granting of custody to fathers in annulment cases stemmed from recognizing the children's legitimate status and its full legal consequences, even when courts labeled their parents' union as adulterous.

The final point to be considered is the social repercussions that could have resulted from the practices of ecclesiastical courts concerning children from annulled marriages. As the above cases illustrate, judges did not attach much importance to the fact that children were born outside of marriages sanctioned by canon law. In most instances, the fate of these children failed to attract judicial attention – many rulings did not even mention their existence. However, from the few cases in which the verdicts included not only a mention of the children but also issued decisions

[55] M. Kołacz-Chmiel, *Nieletni*, pp. 213–214; D. Żołądź-Strzelczyk, *Dziecko w dawnej Polsce*, Poznań 2006, pp. 264–265; M. Biniaś-Szkopek, *Proles*, p. 201.

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regarding their fate, it can be observed that the judges were guided more by the necessity to protect the rights of the patriarchal family than by emotional considerations between parents and a child. This is hardly surprising, given the historical context. Yet it should be noted that such proceedings could lead to certain negative consequences. Court decisions frequently disrupted long-standing family units, forcibly reconstructing unions between partners whose only remaining connection was a years-old marriage contract. Children thus became trapped in these artificially reassembled, conflict-prone households. Their status within these new family arrangements remains unknown. It is questionable whether, even after the formal establishment of their legal parentage, they were actually treated on par with the other offspring. Furthermore, court-mandated custody placed them not only with a biological parent, but also with that parent's new spouse. One may presume that they could have harbored negative feelings towards the children entrusted to their care. It is conceivable that their mutual relations may have resembled those typically observed between stepchildren and their stepparents[56]. The surviving court records, however, provide no information on the subsequent lives of these children, and consequently, the matter is confined to mere speculation.

CONCLUSIONS

In conclusion, it is evident that the topic of children born of marriages annulled by the Church remains inadequately explored in existing historiography, primarily owing to the fragmentary and limited nature of the available source materials. Nevertheless, the fact remains that such cases were more frequent than the surviving records indicate. The presence of these children in communities and families created problems stemming from their ambiguous legal status. Church legislation had already addressed this matter by establishing rules regarding the legitimacy of their conception. Furthermore, the annulment of their parents' marriage raised questions about custody and maintenance costs. The analysis reveals that these issues generated significant controversy and lacked standardized resolution procedures. It can be assumed that in such cases, attempts were made to follow local customary law in settling related disputes. However, there is no doubt that ecclesiastical court annulments of marriages, which were contracted despite the existence of canonical impediments created various social complications. One significant problem was the uncertain status of these children within reconstructed or newly

[56] M. Kołacz-Chmiel, Mulier, pp. 253–254.

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formed families, resulting not only from legal considerations but also from family structures and the attitude of household members toward them. Nonetheless, the present article does not fully exhaust the topic under investigation. To achieve a more comprehensive understanding, further studies are required, based on source materials pertaining to other social groups.

REFERENCES

Manuscript sources

Archiwum Archidiecezjalne Lubelskie:

Acta officialis Lublinensis, ref. no. 2–6, 11, 13.

Archiwum Kurii Metropolitalnej w Krakowie:

Acta officialis Cracoviensis, ref. no. 1–20.

Printed sources

Aleksander III, *Qui filii sint legitimi*, Liber IV, Titulus VII, Cap. 9, 11, 14, in: *Corpus iuris canonici*, ed. A. Friedberg, Lipsk 1879–1881, ed. anastatica Graz 1955.

Kozak A., *Księga sądowa gnieźnieńskich wikariuszy generalnych Sędka z Czechła i Jana z Brzóstkowa (1449–1453, 1455). Studium źródłoznawcze i edycja krytyczna*, Poznań 2023.

Praktyka w sprawach małżeńskich w sądach duchownych diecezji krakowskiej w XV wieku, ed. B. Ulanowski, "Archiwum Komisji Historycznej AU" 1889, 5.

Statuta Casimiri Magni, ed. B. Ulanowski, *Archiwum Komisji Prawniczej*, vol. 2, Kraków 1921.

Statuta Nankeri episcopi Cracoviensis, in: *Starodawne Prawa Polskiego Pomniki*, vol. 4, ed. U. Heyzman, Kraków 1875.

Statuta synodalia episcoporum cracoviensium XIV et XV saeculi e codicibus manuscriptis typis mandata, additis statutis Vielunii et Calissii a. 1420 conditis (et ex rarissimiseditionibus – etiam authenticis – nunc iterum editis), ed. U. Heyzmann, in: *Starodawne Prawa Polskiego Pomniki*, vol. 4., ed. A.Z. Hencel, Kraków 1875.

Studies

Abraham W., *Zawarcie małżeństwa w pierwotnym prawie polskim*, Lwów 1925.

Biniaś-Szkopek M., *Małżonkowie przed sądem biskupiego oficjała poznańskiego w pierwszej ćwierci XV wieku*, Poznań 2018.

Biniaś-Szkopek M., *Proles illegitima? Postępowanie wobec dzieci w praktyce sądu poznańskiego oficjała biskupiego w średniowieczu*, "Średniowiecze Polskie i Powszechne" 2021, 13 (17).

Biniaś-Szopek M., *Kobiety, mężczyźni i małżeństwo w najstarszych księgach konsystorskich poznańskich*, in: *Kobieta i mężczyzna jedna przestrzeń, dwa światy*, eds. B. Popiołek, A. Chłosta-Sikorska, M. Gadocha, Warszawa 2015.

Burzyński P., *Prawo polskie prywatne*, vol. 2, Kraków 1867.

Bylina S., *Chrystianizacja wsi polskiej*, Warszawa 2002.

Dąbkowski P., *Prawo prywatne polskie*, vol. 2, Lwów 1911.

Delimata M., *Dziecko w Polsce średniowiecznej*, Poznań 2004.

Delimata M., *Potomstwo nieślubne i nieprawe (proles illegitima) w Polsce średniowiecznej*, in: *Dziecko w rodzinie i społeczeństwie. Starożytność-Średniowiecze*, vol. 1, eds. J. Jundziłł, D. Żołądź-Strzelczyk, Bydgoszcz 2002.

DOI:10.17951/rh.2025.60.245-264

Donahue C., *Law, Marriage, and Society in the Later Middle Ages. Arguments about Marriage in Five Courts*, Cambridge 2007.

Duby G., *Rycerz, kobieta i ksiądz. Małżeństwo w feudalnej Francji*, Warszawa 1986.

Gąsiorowski A., Skierska I., *Średniowieczni oficjałowie gnieźnieńscy*, "Roczniki Historyczne" 1995, 61.

Hemperek P., *Sprawy małżeńskie w oficjalacie okręgowym w Lublinie w XV w.*, "Roczniki Teologiczno-Kanoniczne" 1970, 17, 5.

Hemperek P., *Oficjalat okręgowy w Lublinie w XV–XVIII wieku. Studium z dziejów organizacji i kompetencji sądownictwa kościelnego*, Lublin 1974.

Jawor G., *Obraz rodziny chłopskiej w Polsce XV wieku w świetle ksiąg oficjała lubelskiego*, "Annales Universitatis Mariae Curie-Skłodowska. Sectio F" 1986–1987, 41–42.

Knapek E., *Akta oficjalatu i wikariatu generalnego krakowskiego do połowy XVI wieku*, Kraków 2010.

Koczerska M., *Rodzina szlachecka w Polsce późnego średniowiecza*, Warszawa 1975.

Koczerska M., *Zawarcie małżeństwa wśród szlachty w Polsce późnego średniowiecza*, "Przegląd Historyczny" 1975, 66, 1.

Kołacz-Chmiel M., Mulier honesta et laborosa. *Kobieta w rodzinie chłopskiej późnośredniowiecznej Małopolski*, Lublin 2018.

Kołacz-Chmiel M., *Nieletni pochodzenia chłopskiego w praktyce sądów kościelnych w późnośredniowiecznej Małopolsce*, in: *Dzieciństwo i starość w ujęciu historyków*, eds. A. Obara-Pawłowska, M. Kołacz-Chmiel, Lublin 2016.

Krawiec A., *Problematyka małżeńska w średniowiecznym ustawodawstwie synodalnym Kościoła polskiego*, in: Docendo discimus. *Studia ofiarowane profesorowi Zbigniewowi Wielgoszowi w siedemdziesiątą rocznicę urodzin*, eds. K. Kaczmarek, J. Nikodem, Poznań 2000.

Książkiewicz A., *Sprawy małżeńskie w konsystorzu lwowskim w późnym średniowieczu*, "Nasza Przeszłość" 2008, 109.

Le Goff J., *Czy w ogóle w średniowieczu były dzieci?*, in: *Dzieci*, vol. 2, eds. M. Janion, S. Chwin, Gdańsk 1988.

Lesiński B., *Stanowisko kobiety w polskim prawie ziemskim do połowy XV wieku*, Wrocław 1956.

Matuszewski J., *Proles illegitima w polskim prawie ziemskim*, "Czasopismo Prawno-Historyczne" 1966, 18, 2.

McDougall S., *Bigamy: A Male Crime in Medieval Europe?*, "Gender & History" 2010, 22, 2.

Sheehan M., *The Formation and Stability of Marrigein Fourteenth-Centry England: Evidence of an Ely Register*, "Medieval Studies" 1971, 33.

Skierska I., *Źródła do badania praktyk religijnych w średniowiecznej Polsce: akta sądów kościelnych i kapituł*, "Archiwa, Biblioteki i Muzea Kościelne" 2007, 87.

Wojciechowska B., *Małżeństwo w ustawodawstwie synodalnym Kościoła polskiego w późnym średniowieczu*, "Czasopismo Prawno-Historyczne" 2015, 67, 1.

Wojciechowska B., *Proles – fides – sacramentum. Małżeństwo w średniowiecznym prawie kanonicznym*, in: *Kobieta i mężczyzna. Jedna przestrzeń-dwa światy*, eds. B. Popiołek, A. Chłosta-Sikorska, M. Gadocha, Warszawa 2015.

Wojciechowska B., *Raptus puellae jako przeszkoda małżeńska w Dekrecie Gracjana*, "Saeculum Christianum" 2016, 23.

Wojciechowska B., *Zaślubiny w Polsce średniowiecznej*, "Saeculum Christianum" 2017, 24.

Wojciechowski S., *O zaginionej księdze oficjała lubelskiego z XV wieku*, supplement to "Biuletyn Biblioteki UMCS w Lublinie" 1962, 10.

Wójcik W., *Uprawnienia oficjałów okręgowych w Sandomierzu w sprawach małżeńskich*, "Roczniki Teologiczno-Kanoniczne" 1962, 9, 1.

DOI:10.17951/rh.2025.60.245-264

Zaremska H., *Grzech i występek: normy i praktyka moralności społecznej*, in: *Kultura Polski średniowiecznej*, ed. B. Geremek, Warszawa 1997.

Zarosa W., *Małżeństwo i relacje między małżonkami w świetle wyroków gnieźnieńskiego sądu konsystorskiego z przełomu XV i XVI wieku*, in: *Motyw miłości w wybranych tekstach literackich i innych dziedzinach kultury*, eds. P. Szymczyk, E. Chodźko, Lublin, 2018.

Żołądź-Strzelczyk D., *Dziecko w dawnej Polsce*, Poznań 2006.

ABOUT THE AUTHOR

Małgorzata Kołacz-Chmiel – PhD with habilitation, is a researcher at the Institute of History, Maria Curie-Skłodowska University in Lublin. Her academic interests focus on the socio-economic history of rural communities in the late Middle Ages and early modern period, with particular emphasis on women's roles within peasant families and communities. Another focus of her research is editing historical sources. She has published two monographs: *Społeczności chłopskie ziemi chełmskiej w późnym średniowieczu* (Lublin 2009), and *Mulier honesta et laboriosa. Kobieta w rodzinie chłopskiej późnośredniowiecznej Małopolski* (Lublin 2018).

NOTA O AUTORZE

Małgorzata Kołacz-Chmiel – doktor habilitowany, pracownik naukowy Instytutu Historii Uniwersytetu Marii Curie-Skłodowskiej w Lublinie. Jej zainteresowania naukowe koncentrują się wokół dziejów społeczno-gospodarczych wsi w późnym średniowieczu i czasach wczesnonowożytnych, ze szczególnym uwzględnieniem miejsca kobiety w rodzinie i społeczności chłopskiej. Drugim obszarem jej badań jest edytorstwo źródeł historycznych. Opublikowała dwie monografie: *Społeczności chłopskie ziemi chełmskiej w późnym średniowieczu* (Lublin 2009) oraz Mulier honesta et laboriosa. *Kobieta w rodzinie chłopskiej późnośredniowiecznej Małopolski* (Lublin 2018).

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