



ACTA HISTRIAE
27, 2019, 3



UDK/UDC 94(05)

ISSN 1318-0185 (Print)
ISSN 2591-1767 (Online)



Zgodovinsko društvo za južno Primorsko - Koper
Società storica del Litorale - Capodistria

ACTA HISTRIAE

27, 2019, 3

KOPER 2019

ISSN 1318-0185 (Tiskana izd.)
ISSN 2591-1767 (Spletna izd.)

UDK/UDC 94(05)

Letnik 27, leto 2019, številka 3

**Odgovorni urednik/
Direttore responsabile/
Editor in Chief:**

Darko Darovec

**Uredniški odbor/
Comitato di redazione/
Board of Editors:**

Gorazd Bajc, Furio Bianco (IT), Flavij Bonin, Dragica Čeč, Lovorka Čoralic (HR), Darko Darovec, Marco Fincardi (IT), Darko Friš, Aleksej Kalc, Borut Klabjan, John Martin (USA), Robert Matijašič (HR), Aleš Maver, Darja Mihelič, Edward Muir (USA), Egon Pelikan, Luciano Pezzolo (IT), Jože Pirjevec, Claudio Povoło (IT), Marijan Premović (MNE), Vida Rožac Darovec, Andrej Studen, Marta Verginella, Salvator Žitko

**Uredniki/Redattori/
Editors:**

Gorazd Bajc, Urška Lampe, Arnela Abdić

**Prevodi/Traduzioni/
Translations:**

Urška Lampe (slo.), Gorazd Bajc (it.), Petra Berlot (angl., it.)

**Lektorji/Supervisione/
Language Editor:**

Urška Lampe (angl., slo.), Gorazd Bajc (it.), Arnela Abdić (angl.)

**Stavek/Composizione/
Typesetting:**

Založništvo PADRE d.o.o.

**Izdajatelj/Editori/
Published by:**

Zgodovinsko društvo za južno Primorsko - Koper / Società storica del Litorale - Capodistria® / Inštitut IRRIS za raziskave, razvoj in strategije družbe, kulture in okolja / Institute IRRIS for Research, Development and Strategies of Society, Culture and Environment / Istituto IRRIS di ricerca, sviluppo e strategie della società, cultura e ambiente®

Sedež/Sede/Address:

Zgodovinsko društvo za južno Primorsko, SI-6000, Koper-Capodistria, Garibaldijeva 18 / Via Garibaldi 18, e-mail: actahistriae@gmail.com; www.zdjp.si

Tisk/Stampa/Print:

Založništvo PADRE d.o.o.

Naklada/Tiratura/Copies:

300 izvodov/copie/copies

**Finančna podpora/
Supporto finanziario/
Financially supported by:**

Javna agencija za raziskovalno dejavnost Republike Slovenije / Slovenian Research Agency, Mestna občina Koper, Luka Koper d.d.

**Slika na naslovnici/
Foto di copertina/
Picture on the cover:**

Laura in pesnik, hiša Francesca Petrarce, Arquà Petrarca (Padova). Neznani avtor, freska iz 16. stoletja / Laura e il Poeta, Casa di Francesco Petrarca, Arquà Petrarca (Padova). Anonimo, un affresco del Cinquecento / Laura and the Poet, Francesco Petrarca's house, Arquà Petrarca (Padua). Anonymous, a 16th-century fresco (Wikimedia Commons).

Redakcija te številke je bila zaključena 30. septembra 2019.

Revija Acta Histriae je vključena v naslednje podatkovne baze / Gli articoli pubblicati in questa rivista sono inclusi nei seguenti indici di citazione / Articles appearing in this journal are abstracted and indexed in: Thomson Reuters: Social Sciences Citation Index (SSCI), Social Scisearch, Arts and Humanities Citation Index (A&HCI), Journal Citation Reports / Social Sciences Edition (USA); IBZ, Internationale Bibliographie der Zeitschriftenliteratur (GER); International Bibliography of the Social Sciences (IBSS) (UK); Referativnyi Zhurnal Viniti (RUS); European Reference Index for the Humanities and Social Sciences (ERIH PLUS); Elsevier B. V.: SCOPUS (NL)

Vsi članki so v barvni verziji prosto dostopni na spletni strani: <http://www.zdjp.si>.
All articles are freely available in color via website <http://www.zdjp.si>.

VSEBINA / *INDICE GENERALE* / *CONTENTS*

- Claudio Povolo:** Intrusions in Arquà Petrarca (1630–2003).
 In the Name of Francesco Petrarch 371
Intrusioni in Arquà Petrarca (1630–2003).
Nel nome di Francesco Petrarca
Vdori v Arquà Petrarci (1630–2003).
V imenu Francesca Petrarce
- Milena Joksimović, Marija Mogorović Crljenko & Mario Novak:**
 Sex, Lies and Marital Violence. Divorce Case from the Records
 on Visit of Bishop Valier to Istria in 1580 and its Historical
 and Anthropological Context 417
Sesso, bugie e violenza coniugale. Un caso di divorzio
dagli atti sulla visita del vescovo Valier in Istria nel 1580
ed il relativo contesto storico e antropologico
Sex, laži in občasno nasilje. Primer ločitve iz aktov o obisku
škofa Avgustina Valiera v Istri leta 1580 in njen
zgodovinski in antropološki kontekst
- Igor Sapač:** Srednjeveška gradbena zgodovina gradu Prem 439
Storia medievale della costruzione del castello di Prem
Mediaeval Building History of Prem Castle
- Martin Bele:** Rodbina Konjiško–Rogaških 477
La dinastia dei Konjiško–Rogaški
The Konjiško–Rogaški Family

Johann Georg Lughofer: Cultural Diversity vs. National-Socialist Positions. Paula von Preradović: An Istrian and the Author of the Austrian National Anthem	495
<i>Diversità culturale contro posizioni naziste.</i> <i>Paula von Preradović: Un'istriana autrice dell'inno nazionale austriaco</i> <i>Kulturna raznolikost vs. nacionalsocialistična drža.</i> <i>Paula von Preradović: istranka in avtorica avstrijske državne himne</i>	
Gorazd Bajc & Mateja Matjašič Friš: Prednosti Italije pri zasedbi Julijske krajine ob koncu prve svetovne vojne	513
<i>I vantaggi che ebbe l'Italia nell'occupare la Venezia Giulia alla fine della Prima guerra mondiale</i> <i>Advantages of Italy in The Occupation of Venezia Giulia at the End of the First World War</i>	
Navodila avtorjem	533
<i>Istruzioni per gli autori</i>	536
<i>Instructions to authors</i>	540

SEX, LIES AND MARITAL VIOLENCE. DIVORCE CASE FROM THE
RECORDS ON VISIT OF BISHOP VALIER TO ISTRIA IN 1580 AND
ITS HISTORICAL AND ANTHROPOLOGICAL CONTEXT

Milena JOKSIMOVIĆ

Koparska 27, 52100 Pula, Croatia
e-mail: milena.z.joksimovic@gmail.com

Marija MOGOROVIĆ CRLJENKO

Juraj Dobrila University of Pula, Faculty of Humanities, Zagrebačka 30, 52100 Pula, Croatia
e-mail: mmogorov@unipu.hr

Mario NOVAK

Institute for Anthropological Research, Ljudevita Gaja 32, 10000 Zagreb, Croatia
e-mail: mario.novak@inantro.hr

ABSTRACT

In 1579 and 1580, Bishop Agostino Valier visited Istrian dioceses. This visitation is described in yet unpublished records, written originally in Latin and Old Italian. Among them, we find a record of a divorce case of Ivan Cinkopan and Dorotea Jašić from Labin that brought to light accusations of adultery, theft, and marital violence. This paper illustrates the results of a multidisciplinary study of the Cinkopans' divorce case: firstly, the transcription and English translation of the divorce trial record; secondly, the historical analysis and comparison with other relevant written sources from the same period, i.e. marital disputes from the Diocese of Poreč and statutes of Istrian towns; and thirdly, an anthropological analysis of relevant archaeological data - namely, female skeletons with injuries consistent or similar to the ones described in the divorce record.

Keywords: divorce, adultery, violence, marriage, women, Istria, 16th century

SESSO, BUGIE E VIOLENZA CONIUGALE. UN CASO DI DIVORZIO DAGLI
ATTI SULLA VISITA DEL VESCOVO VALIER IN ISTRIA NEL 1580 ED IL
RELATIVO CONTESTO STORICO E ANTROPOLOGICO

SINTESI

Nel 1579 e 1580, il vescovo Agostino Valier visitò le diocesi istriane. Questa visita è descritta in atti ancora inediti, originariamente scritti in latino e in italiano antico. Tra questi atti troviamo il resoconto di divorzio di Ivan Cinkopan e Dorotea

Jašić da Labin, che ha portato alla luce accuse di adulterio, furto e la violenza matrimoniale. Questo articolo presenta i risultati di uno studio multidisciplinare sul detto caso di divorzio: primo, la trascrizione e la traduzione inglese del resoconto di divorzio, l'analisi storica e il confronto con altre fonti scritte pertinenti dello stesso periodo, cioè le controversie coniugali della diocesi di Parenzo e gli statuti delle città istriane, e, in terzo luogo, l'analisi antropologica dei dati archeologici rilevanti, ovvero scheletri femminili con lesioni coerenti o simili a quelli descritti nel resoconto di divorzio.

Parole chiave: Divorzio, adulterio, violenza, matrimonio, donne, Istria, XVI secolo

INTRODUCTION

Marital processes from the territory of Istria, especially divorce cases, from the second half of the 16th century, following the Council of Trent, are rarely preserved and therefore represent sources of particular value. Namely, in the Diocesan Archive in Poreč only records on marital processes from the later period are preserved, from the year 1600 onwards, while the ones from the Diocese of Pula are almost nonexistent. Therefore, the record of the marital process set in Labin, which in the mentioned period belonged to the Diocese of Pula, preserved in the acts on visitation of Bishop Agostino Valier, though short, makes the source of greatest value. This paper analyses the mentioned source: at the beginning, Valier's visitation and marital processes recorded in the acts on that visitation are described, followed by Latin transcription and English translation of the abovementioned record, and by its historical and bioarchaeological analysis.

MARITAL DISPUTES IN ACTS ON THE BISHOP VALIER'S VISITATION TO ISTRIAN BISHOPRICS

Sixteenth century was a period of great turmoil and challenges in the Roman Catholic Church. The Church sought a way to respond to the criticism of Protestants, who questioned its teaching, organization and discipline, accusing it of corruption. The Counter-Reformation fought against Protestants, roughly speaking, on two levels: the Church, firstly, strived to eradicate Protestant teaching and to suppress their actions; secondly, it endeavoured to amend corrupt elements in the Church hierarchy and discipline, and thus remove cause for criticism. The reputation and,

consequently, the influence of the Church could have only been restored by a thorough moral renewal within its own ranks.

As a part of the Counter-Reformation endeavours, Catholic clergy gathered in Italian town of Trento at a series of meetings, named the Council of Trent (1545–1563), where guidelines for the aforementioned moral restoration were laid out. Bishops' visitations were defined as one of the major tools for implementation of the Tridentine reform (Perinčić, 1998, 161).

Bishops' visitations have been performed since the earliest times of Christianity. Bishops visited their own dioceses and supervised the life of the clergy and laymen. Visitations performed by bishops in their own dioceses are called 'pastoral visitations', while the ones conducted in another bishop's diocese, by an order of the Roman Pontiff, are termed 'apostolic' visitations (Krnjak, 2016, 312). Apostolic visitations became more common after the Council of Trent. Such was the visitation of Bishop Agostino Valier, who, by an order of Pope Gregory XIII, in 1579 and 1580 visited the dioceses in the territory of Venetian Istria and Dalmatia.

Agostino Valier (1531–1606) was a person of great prominence in the Republic of Venice and a passionate advocate of the Counter-Reformation and the Tridentine reform programme. At the time of his visit to Istria and Dalmatia, Valier served as Bishop of Verona. He became cardinal in 1585, and was a candidate for Pope after the death of Urban II. Since he belonged to the Venetian patrician family, he enjoyed the trust of Venetian authorities, who allowed him to inspect the dioceses in the Venetian territory. After visiting Dalmatia and Istria, Valier also visited the Diocese of Chioggia (1580), the city of Venice (1581), Padua and Vicenza (1583) (Krnjak, 2016, 334; Perinčić, 1998, 162).

Not all the territory of Istria and Dalmatia was available for Valier's inspection. In the 16th century, Istrian territory was divided between the Venetian Republic and the House of Austria. Significant part of Dalmatian territory was occupied by the Ottomans. Valier only visited areas under the control of the Venetian Republic. In Istria, he did not inspect parishes under the Austrian dominion: parts of the Diocese of Trieste, Archdeaconship of Rijeka (which then formed a part of the Diocese of Pula), and Archdeaconship in the territory of the Earldom of Pazin (Pitassio, 1968–1970, 28). It is not clear whether he visited the Diocese of Pićan, the centre of which was located in the territory of the Earldom of Pazin.¹ In Dalmatia, Valier did not visit a large part of the Diocese of Split, occupied by the Ottomans (Perinčić, 1998, 163).

Bishop Valier travelled accompanied by a big entourage, consisting of canon and civil law experts, theologians, notaries and other officials. The Visitor and his associates inspected general conditions in each visited diocese and investigated whether there had been any threats from heretic teaching, particularly from Protes-

1 The Vatican archives offer no records on such visit; however, the *Archivio storico della Curia vescovile di Verona* preserves a file on that visitation, dated 9 January 1580, which suggests that Pićan was visited in a single day (CVV–274, 14).

tants.² The main aim of the visitation was to establish whether the decisions of the Council of Trent had been observed and to provide guidelines for their implementation (Perinčić, 1998, 161–162; Krnjak, 2016, 312).

The visitation was documented comprehensively. One copy of the records is kept at the Vatican Secret Archives and another at the diocesan archive in Verona.

The records were written partly in Latin and partly in an Old Venetian dialect. Latin was the official language of the visiting bishop and his entourage, and was used in the documents they produced – questions prepared before the visitation, descriptions of visited places and churches, decrees, decisions and *sim*. Common people did not speak Latin, only Italian or Slavic language, which in visitation reports is referred to as “Illyrian”. The Visitor and his men, however, did not understand “Illyrian” language, and needed help of (Italian) translator. The answers and writings produced in Italian (or in Slavic, and afterwards translated into Italian) were recorded in Italian form.

The records on visitation contain valuable information on visited areas – their geographical features, population, political and economic conditions, life of the laymen and clergy, as well as the conditions in the Church. These records are known to the scientific public, but their text has not yet been fully transcribed or translated. At the moment of writing of this paper, a transcription of the records on the visit to the Diocese of Koper was published (Lavrič, 1986), while the transcription and translation of the records on the visit to the Diocese of Pula were made, but not published (Joksimović, forthcoming).

The records on Valier’s visitation contain, among other documents, accounts of legal proceedings held before the Visitor and his entourage. Among them, in the report on visitation of the Diocese of Pula, we find a record of the divorce trial between Ivan Cinkopan and Dorotea Jašić. It is a single divorce lawsuit in the acts on Valier’s visitation to Istrian dioceses.³ This record represents a significant piece in the mosaic of historical knowledge about the marriage, divorce, domestic abuse and gender roles in Istria, particularly in the area of Pula, at the end of the 16th century. Until now, this historical source has never been published, or analysed.

JUDICIAL PROCESSES

In order to gain information on visited dioceses, the Visitor and members of his entourage interviewed representatives of the clergy and the laity, exploring the life and the morals of the bishop, the clergy, secular authorities and the masses. They investigated whether the clergy was literate and instructed in theology and religious

2 Reformation movement was well established in the Austrian part of Istria, from where the Protestant ideas spread to the Venetian territory. After the Diet in Bruck an der Mur in 1578, the Archduke Charles II allowed the freedom of religion on his domains, so a large part of the nobility on these properties opted for Lutheranism. Protestant ideas have been spreading across Istria since about 1528, starting with Trieste (Pitassio, 1968–1970, 28, 30).

3 Text of records on the visit to Dalmatian dioceses was not available to the authors of this article. However, none of the numerous scholars who discussed Valier’s visitation to Dalmatia mentions any divorce case therein.

regulations, and visited all the sacral buildings and institutions, whose condition, inventory and possessions were described in minute detail.

Valier and members of his entourage acted, as well, as a court organ. At Valier's arrival to more important towns in each diocese, locals addressed the Visitor, asking him to mediate in their disputes. In such cases, the Visitor himself reconsidered the problem and made the decision. Besides that, in each visited diocese a set of trials was organized against laymen and clergy, on secular and theological issues, respectively. All judicial processes of this kind were presided over by Taffello Taffelli, Verona-based canon and doctor of canon and civil law. He was the main legal expert of Valier's entourage. He served as *auditor* and judge presiding over all trials. Since the visitation had its temporal limitations, often there was no time for presenting all the evidence and for reaching the final decision. In such cases, the continuation of the process begun was delegated to the bishop in charge.

The cases of this kind were threefold.

Firstly, there were processes against individuals charged with heresy; they are the least documented ones. There is only one record of such process in the acts on the visit to Istrian dioceses, namely against Ivan Librić from Labin, in the Diocese of Pula.⁴ We also read that in Vodnjan a trial was held against members of two families, suspected of "heretic perversion" (*de haeretica pravitate suspectas*).⁵ Acts on the visit to the Diocese of Trieste mention the process against Berzub from Muggia.⁶ Based on this, one may conclude that the actions against heretics undertaken by the Visitor and his entourage were few. This is due to the fact that Valier's visitation only instigated the processes that were conducted for years after his departure from Istria. Other sources complete and significantly change this image.⁷ Valier's visit to Istria initiated processes against at least 25 persons; they were held between 1581 and 1592 before a court in Venice (Joksimović & Komšo, 2017, 101–102). At least one of these cases ended with the execution of the death penalty – on 13 March 1584 Andrea Callegher from Vodnjan was sentenced to drowning in the Venetian lagoon (AMSI XVIII/1–2, 55, 58–59; Joksimović & Komšo, 2017, 102).⁸

4 ASV–86, *Visitatio Polensis*, 282r–286v.

5 ASV–86, *Visitatio Polensis*, 168r. Those families were Cineo, Paoli and Greek family Callegher (Joksimović, Komšo, 2017, 101).

6 ASV–86, *Visitatio Tergestina*, 541v.

7 The said group includes documents on trials against Istrian heretics, archived in the Venice State Archives, partially published in AMSI II and AMSI XVII–XX, under the title "Processi di luteranismo in Istria". Contrary to what the title suggests, these were not just the processes against the Lutherans, but also against Calvinists, Muslims, people accused of witchcraft, fornicators, etc. (Joksimović & Komšo, 2017, 97–98). In AMSI II, fasc. 1–2, 179–218, we find a list of trials against Istrian heretics before the Court of Venice.

8 Because of the heretic beliefs, Andrea was tried by the Bishop of Pula in 1569, when he falsely renounced his heretic convictions. He was, therefore, in 1584, sentenced to death as a *relapsus*. *Die martis 13 mensis martii 1584. Li Cl.^m S.ri Jacomo Emo et Augustin Barbarigo stante la consignation p.¹⁰ fatta del p.¹⁰ Andrea da Dignan lo hano condanato che in questa notte a hora dela meza notte in circa sia conduto in una barcha et sia butado in mar fuora dei do castelli et li sia anegato ita che in esso mar si habbi a suffogar et morir et questo in essecution dela sententia del S.¹⁰ Tribunal del Sopradetto come relapso* (AMSI XVIII, fasc. 1–2, 58–59).

Secondly, there were processes against priests, accused of fornication, drunkenness, gambling and other types of immorality and misbehaviour. Such processes were numerous; altogether, there were more than 30 processes of this kind: 8 in the Diocese of Novigrad; 1 in the Diocese of Poreč and 1 in the Diocese of Kopar, 3 in the Diocese of Pula, and 18 in the Diocese of Trieste.⁹

The third and the most diverse group consists of cases titled “Disputes or civil lawsuits” (*Actus contentiosi seu ciuiles*). Records of such trials are preserved in acts on visits to each diocese. These lawsuits were always instigated by local inhabitants, laymen or representatives of Church institutions. The common characteristic of these cases is their secular character, that is, the fact that the subject of their dispute is secular in its nature. These are predominantly property disputes between different Church institutions (capitols, fraternities...) and / or private persons.¹⁰

More rarely, these are the lawsuits dealing with issues of family law, particularly, the question of marriage and betrothal. Such cases were discussed before the Church court because at the time of the visit marriage issues were under the jurisdiction of Church authorities (Church court decided on moral issues, and secular court on property issues). Only three lawsuits of this kind were heard during Valier’s visit. In the Diocese of Novigrad, Brtonigla parish priest demanded the man, who had been engaged with his sister Helena for 8 years (and to whose four children she gave birth during that period), to be forced into finally marrying misfortunate Helena.¹¹ In the Diocese of Trieste, Juraj from Buzet requested certain Pasqua to marry him claiming that she was obliged to do so, since the marriage was contracted by Pasqua’s father, although against Pasqua’s will.¹² The third case of this kind, concerning the marriage, is the divorce case of Ivan Cinkopan and Dorotea Jašić, which is in the focus of this paper.

JUDICIAL PROCESSES IN THE DIOCESE OF PULA

The divorce case of the Cinkopan couple took place in Labin, in the Diocese of Pula. This diocese was visited from 9 to 22 January 1580. Civil lawsuits were discussed in two centres: in Pula in the course of four days (from 14 to 17 January 1580), and in Labin in the course of two days (on 19 and 21 January 1580). All the processes were presided over by *auditor* Taffello Taffelli.

The first three trial days in Pula were devoted to the property litigations initiated by the Capitol of Pula against other church institutions and clerics (canons from Vodnjan, fraternities from Galizana and Pula monasteries). The legal representative of the Capitol of Pula (in almost all cases) was Pietro Dragano, (probable) author

9 ASV–86, *Visitatio Polensis*, 260r–281v.; *Visitatio Amoniensis*, 384r–422v; *Visitatio Parentina*, 148r–163v; *Visitatio Tergestina*, 600r–670r; *Visitatio Iustinopolitana*, 515v–525r.

10 ASV–86, *Visitatio Polensis*, 252r–259v; *Visitatio Amoniensis*, 378r–379r; *Visitatio Parentina*, 146r–147r; *Visitatio Tergestina*, 597v–598r; *Visitatio Iustinopolitana*, 504r–513v.

11 ASV–86, *Visitatio Amoniensis*, 378v.

12 ASV–86, *Visitatio Tergestina*, 597v–598r.

of two *Dialoghi sulle antichità di Pola*.¹³ Last day (17 January) was reserved for laymen who claimed debts from Church institutions and clergy. Namely, Giacoma Louison and her daughter Antonia sued the Vodnjan parish priest Giacomo Cineo for the money he owed them, while Elisabeth Labiancha claimed debt from the Franciscan monastery for textiles she had previously delivered to the monastery.¹⁴

On the first trial day in Labin, 9 January, only one case was presented to the *auditor* – the divorce case of the Cinkopan couple. Property litigations were discussed on the second day of civil lawsuits, 21 January. Seven such litigations were presented to the *auditor*. In five cases, different Church institutions from Labin sued different laymen.¹⁵ In two cases, private persons initiated lawsuits; thus, Katarina Antulić sued Fraternity of St. Stephen to repay her the value of certain amends, and Katarina Dragogna sued her brothers for inheritance.¹⁶ We see that in all cases instigated by laity, in Pula as well as in Labin, women were the ones initiating trials. All these women acted in court through their (male) legal representatives. This implies that women were prompt in seeking their rights.

THE RECORD OF THE DIVORCE CASE

The divorce trial of Ivan Cinkopan and Dorotea Jašić, organized on 19 January in Labin is the only divorce trial recorded in acts on Valier's visit to Istrian dioceses. The text of its record is written on two pages, and reads, in Latin and English translation, respectively, as follows.¹⁷

fol. 256r / p. 177

Die 19 Ianuarii 1580 Albonæ

Audito Ioanne Cincopano, mediante procuratore suo, dicente et exponente alias duxisse uxorem Dorotheam Iasich' et cum ea copulam carnalem habuisse et ita consumasse matrimonium. Item quod, postquam contractum fuerit matrimonium, dictam Dorotheam permisisse se carnaliter cognosci a diuersis et propterea comisisse adulterium. Quibus sic stantibus, prædictus Ioannes petiit fieri diuortium quoad torum et mutuam seruitutem.

Respondente prædicta Dorothea et dicente petita per dictum Ioannem, maritum suum, minime fieri debere. Quinimo, reconueniendo ipsum, prædicta Dorothea deducit se sceuissime¹⁸ uerberatam extitisse a dicto Ioanne, marito suo, et propterea proponit seuitiem prædicti sui mariti, propter quam tuto uiuere non

13 ASV–86, *Visitatio Polensis*, 252r–255r.

14 ASV–86, *Visitatio Polensis*, 255r–256r.

15 ASV–86, *Visitatio Polensis*, 256v–259r.

16 ASV–86, *Visitatio Polensis*, 257r–v, 259r.

17 ASV–86, *Visitatio Polensis*, 256r–v, 77–78. Acts on visitation to each diocese were paginated by an editor. In the Vatican Library, foliation was marked with a stamp.

18 *seuissime*

potest cum eo. Quibus sic stantibus, petiit fieri diuortium hac de causa, quam declarauit esse et fuisse – quia praedicta Dorothea extitit uerberata sceuissime multoties uariis et diuersis modis et praesertim ense in manu dextera, quam ostendit Reuerendo domino auditori. Que quidem manus apparet esse debilitata adeo quod de pollice cognitio habetur et comprehenditur quod praedicta Dorothea uti non potest ad aliquid faciendum.

Replicante praedicto Ioanne quod quicquid fecerit, rationabili de causa uerberationem comisit, nempe pro adulterio quam pro surreptione bonorum, qua propter non hac de causa fieri debet diuortium, sed propter adulterium comisum faciendum est.

Duplicante praedicta Dorothea quod causa allegata per eam fieri /fol. 256v (p. 178)/ debet diuortium, stante confessione seuitiei dicti Ioannis, sui mariti, in praedictam Dorotheam et negante adulterium allegatum.

Quibus omnibus et singulis auditis et supra illis habita matura consideratione, Reuerendus dominus auditor Reuerendissimi domini uisitoris apostolici declarauit diuortium fieri debere propter allegatam seuitiem, quae fuit probata per confessionem antedicti Ioannis. Iccirco praedictus Reuerendus dominus auditor dictam Dorotheam liberauit a cohabitatione cum dicto Ioanne, mandans utriusque parti ut caste uiuant in futurum.

fol. 256r / p. 177

On 19 January 1580 in Labin

Ivan Cinkopan was heard, his representative mediating, and he said and explained that he had previously taken Dorotea Jašić as his wife, and had bonded with her in flesh, and thus consumed the marriage. In addition, after the marriage took place, Dorotea allowed various men to know her carnally, and therefore committed adultery. Since that is the way the things are standing, the aforesaid Ivan requests divorce from the common bed and mutual duties.

The aforesaid Dorotea responded by saying that the request of Ivan, her husband, should not be granted. Rather, the foresaid Dorotea made a cross-demand, stating that she had been most cruelly beaten by the foresaid Ivan, her husband, and that she, therefore, proposes (the cause of divorce to be) the cruelty of her foresaid husband, because of which cruelty she cannot live safely with him. Since that is the way the things are standing, she demanded a divorce for the reason she had pointed out – the fact that Dorotea has, now and in the past, been many times most cruelly beaten in various ways and manners, especially by the sword on her right hand, which she showed to the Reverend Lord Auditor. That hand, in turn, seems weakened to the extent that the foresaid Dorotea cannot use her thumb to do anything, as is evidently clear.

The foresaid Ivan replied that whatever he did, he did with a good reason – namely the beating – for adultery, as well as for stealing; and that therefore, that should not be the cause of divorce, but the committed adultery.

The foresaid Dorotea replied that the divorce should occur due to the cause she adduced, /fol. 256v (p. 178)/ since Ivan, her husband, confessed his cruelty against Dorotea; she denied the alleged accusation of adultery.

Having heard all this in full and in detail, and having carefully considered it, the Reverend Lord Auditor of the Most Reverend Lord Apostolic Visitator declared that the divorce should occur due to the alleged accusation of cruelty, which was proved by the confession of the said Ivan. Therefore, the Reverend Lord Auditor absolved the said Dorotea from the cohabitation with the said Ivan, enjoining both parties to live chaste in the future.

MARITAL DISPUTES – VIOLENCE AND DIVORCES

The mentioned case is one of the few preserved processes from the Diocese of Pula. While in the Archives of the Diocese of Poreč there is a series of books on marital disputes traceable back to the beginning of the 17th century (on *concupinatus*, marital disputes, dispensations and wedding permissions, abductions) (Mogorović Crljenko, 2012, 22–23), for the Diocese of Pula in the same period the preserved sources of the kind are scarce, which makes this case particularly interesting. The content itself does not differ much from other processes preserved from the Diocese of Poreč; however, it does testify that similar things were happening in neighbouring dioceses as well, specifically in the Diocese of Pula. In addition to this, the mentioned lawsuit is at least 20 years older than the proceedings from Poreč.

Its content fits in with the cases from the Diocese of Poreč. Since the divorce trial took place in the period following immediately the Council of Trent, it is significant that the spouses state that they got married and knew each other physically (that is, they had sexual intercourse), which was one of the conditions for marriage recognition in the pre-Tridentine period. Thus, it was a consummated marriage, which was anyhow valid. In the Middle Ages it was discussed whether marriage was concluded already by a ‘present consent’ (P. Lombard’s *Sententiae*) or only with its consummation (*Gratian’s Decree*) (Lombardi, 2008, 46; Gaudemet, 1989, 130–141; Seidel Menchi, 2002, 36). Finally, consensual theory prevailed, which meant marriage was valid even if spouses only made agreement *de praesenti*. Such an agreement was the beginning of an unbreakable marriage bond, that is, a marriage sacrament. However, consummation continued to play an important role, even in the case of exchanged future promises. The future promise meant a certain obligation, but not an unbreakable bond - it was actually an engagement. However, if such a promise (in future tense) was followed by a consummation, the marriage was considered concluded (Gaudemet, 1989, 134–135; Lombardi, 2008, 37–38; Janeković Römer, 2007a, 132). In the specific case, spouses had consumed the marriage and considered the marriage indeed concluded and valid, so they were seeking divorce.

According to the Church law, there were two ways of separating spouses. One was divorce from the table and bed (which was requested in this specific case), and another marriage annulment, whereby spouses proved that their marriage was not contracted in a valid way. In the first case, the marriage bond would continue, and none of the spouses could remarry (Gaudemet, 1989, 234–235; Lombardi, 2001, 175; Mogorović Crljenko, 2012, 194–198). Divorce from the table and bed was, most often, granted for a limited period, *i.e.* until the reestablishment of conditions for common life; however, it could be a lifetime long, especially in cases of marital violence, *i.e.* violence against women (Lombardi, 2001, 175; Mogorović Crljenko, 2012, 198). In such cases, secular authorities, *i.e.* certain statutes of Istrian towns, obliged the husband to support the woman. For example, the statutes of Dvigrad (DS c. 75) and Vodnjan (VS I, 15) oblige the husband to support the wife as long as they are separated. The Dvigrad statute prescribes the exact amount (two *solidi* of small *denarii* for maintenance and everyday clothes), but the amount could vary, according to the decision of the Rector and the Council. The statute of Vodnjan does not prescribe the amount a husband should provide for a wife, but states that he should pay the amount defined by authorities. It is interesting that both statutes specify that the husband should be coerced to pay the alimony for the wife, implicating that husbands were not paying the alimony on free will, despite the fact that they could dispose of and manage women's possessions during their separation (cf.: Mogorović Crljenko, 2012, 230–231). The Poreč marital disputes show that in the case of divorce women were often in a difficult position, seeking shelter and accommodation with relatives, friends, neighbours, and because of their limited business ability, their existence might have been threatened. Although the statutes obliged husbands to support wives, it is difficult to tell how many husbands really did so, and the existing sources are too scarce to allow any general conclusions. However, some processes of the Poreč diocesan court show that the diocesan, *i.e.* church court, as well, sometimes intervened by sealing the husband's property, to prevent him from alienating or spending it, to secure wife's alimony.¹⁹ This is interesting because property issues were under the jurisdiction of secular courts, and moral issues under that of church courts. However, in practice, the prerogatives of the aforementioned courts overlapped and complemented each other (in such cases Lombardi, 2000, 348–349, speaks of a mixed court).

In the event of marriage annulment, the marriage was considered to be irregularly concluded and nonexistent, therefore the spouses could enter a new marriage. Before the Council of Trent, marital processes generally aimed at proving the existence of marriage. Namely, due to the great liberality with which marriage was concluded in the Middle Ages (there was no stipulation as to where the marriage should be concluded, the presence of the minister, or even the witnesses themselves, was not necessary – only the present consent sufficed), women often had to prove that they were married if the marriage took place without witnesses (Cristellon, 2006, 115;

19 BAP–2.5, *Causae matrimoniales*, 41–42, 48–50, 60.

Janeković Römer, 2007a, 139; Mogorović Crljenko, 2012, 52–54). The Council of Trent has marked a new era in marriage, because it stipulated that, besides a spousal agreement, the presence of two or three witnesses is required, that the parish is the minister of the ceremony and that the marriage has to be registered or recorded in a book, that the ceremony must take place in front of the church (later, according to the Roman ritual, inside the church), and that before the ceremony three announcements need to be done in the church on three Sundays or feast days, in order to discover any possible obstacles before the marriage ceremony (Lombardi, 2001, 112–118, 234–236; Lombardi, 2008, 97–104; Bertoša, 2002, 48–65; Mogorović Crljenko, 2006, 42; Mogorović Crljenko, 2012, 75–80). The decisions of the Council were soon implemented in Istria, which is proved, among other, by the existence of register books (of baptized, wedded and deceased) that started to be regularly written after the Council; there are also preserved parish books from the period before the Council (Jelinčić, 1987, 172–173, Mogorović Crljenko *et al.*, 2005, 445; Mogorović Crljenko, 2012, 60–61). Consequently, after the Council of Trent, the possibility of negating a marriage was minimised. In the aforementioned divorce case, spouses were consensual on marriage validity and demanded divorce from the church judges.

Grounds for divorce could be different (see esp. Neralić, 2003, 40–41; Mogorović Crljenko, 2012, 90–100, 194–217). It is evident from this process that adultery and marital violence were considered legitimate causes for divorce from the table and bed. Penalties for adultery, besides penance, were not determined by the church court; rather they were stipulated by secular laws or statutes. For example, the Rovinj statute (RS III, 55, 56) allows the husband to punish adulterous wife by flogging. Besides, an adulteress lost her dowry and property in favour of the children, and if there were no children, in favour of the husband. The Pula Statute (PS IV, 8), as well, allowed flogging of a wife if she had taken another husband along with the first one; in this case, again, her property belonged to her (first) husband. The Labin Statute (LS, 1870) states no such thing explicitly, and at the moment there is no process to prove whether such practice existed; however, we cannot rule out the possibility that the penalty was similar. On the other hand, many marital disputes show that church judges sought to prevent violence against women by granting divorce from the table and bed.

Interesting is the claim of D. Lombardi that in the early period of reformation and separation of churches, in Protestant communities marriage was proclaimed a lay issue; therefore the father decided on children's marriage, while the Catholic Church continued to insist on the agreement of spouses, not parents. Lombardi also claims that in the first centuries after the separation of churches, it was easier for women to separate from violent husbands in Catholic than in Protestant areas, since Protestant churches at first did not admit violence as a cause for divorce (Lombardi, 2008, 90–92; Marchisello, 2004, 154; Burghartz, 2006, 229–230). On the other hand, in Catholic countries, marital violence was one of the legitimate motives for divorce (Seidel Menchi, 2000, 92–93; Chojnacki, 2000, 388–389; Esposito, 2000, 505–506;

Quagliioni, 2000, 111–112; Lombardi, 2008, 93). This is evidenced by the processes recorded in books of marital disputes of the Diocese of Poreč, which testify that in the case of marital violence (only violence against women is recorded, not against husbands), the court granted divorce from the table and bed, and sometimes prescribed the alimony to the wife.

From these proceedings we see that husbands beat their wives with weapons they accidentally found at hand, such as stones, rods, knives, bare hands, and that sometimes wives had to literally flee from home to save themselves from violent husbands. From the proceedings recorded in the area of the Diocese of Poreč, it is evident that sometimes such conflicts and violence occurred when the husband was under the influence of alcohol; that imposes the question of alcoholism in the past, specifically in the 16th and 17th century. Few cases show that a woman could have been beaten to the extent that she could not get out of bed for a few days and that she was all covered in bruises²⁰ (Mogorović Crljenko, 2012, 220–228). Proceedings from Valier's visitation show that the violence against Dorotea Jašić is very similar. She was beaten on several occasions, and she states herself that her right hand was permanently damaged, which was apparent to the judges at first glance.

The decision of the church judges shows that violence was considered a serious problem in the family; they did not accept husband's claims on her alleged adultery as grounds for divorce, but rather the wife's accusations on violence, as well as the need to protect a wife from the violent spouse at least by granting her the possibility of separation. Finally, a detailed analysis of the Diocese of Poreč in the first half of the 17th century shows that cases of such violence and, consequently, divorces were rare, less than 1% of all marriages, at least those marriages that appeared in court (Mogorović Crljenko, 2012, 200). Naturally, it is unlikely that each case of violence was brought to court, but it is also unlikely that violence was a daily form of communication. Namely, the verdicts of the church court show that violence was not considered an acceptable means for solving problems. As a rule, church judges acted as mediators and sought to find a peaceful solution and, if possible, a way for the spouses to stay together, but in cases of violence against the wife, especially if her life was endangered, they would grant the divorce from the table and bed, primarily as a measure for protecting the wife (Lombardi, 2008, 75; Mogorović Crljenko, 2009, 215–226; Mogorović Crljenko, 2012, 201; Janeković Römer, 2007b). On the other hand, some statutes show that in the case of wife's adultery the secular legislation considered corporal punishments suitable (flogging in the case of the Rovinj and Pula statutes). However, mentioned statutes stipulated corporal punishments, which were acceptable at that period (flogging, mutilation and even death), for other criminal offenses, too, for both men and women. Nevertheless, some studies show that in reality, despite statutory regulations, corporal punishments were rarely imposed, especially mutilation and death penalties; instead, they were often modified into fines (Mogorović Crljenko, 2006, 164–167).

20 See, e.g.: BAP 2.5 *Causae matrimoniales*, 61, 75–88.

The mentioned proceeding shows that in the analysed period in the Diocese of Pula there were marital disputes present, that they were not too frequent and that the decisions (of church judges) benefited the weak, in this case a wife, in order to prevent or at least reduce violence.

SKELETAL EVIDENCE OF PHYSICAL VIOLENCE AGAINST WOMEN

In order to observe the case of Dorotea Jašić from all perspectives, we can turn to relevant archaeological evidence. Here we present the bioarchaeological evidence of intentional female-oriented physical violence from several eastern Adriatic sites dated to the late medieval period that can be correlated with the case of Dorotea Jašić.

In an archaeological context, the presence of interpersonal violence is best documented through the analysis of bone trauma. Unambiguous skeletal indicators of deliberate violence include the presence of perimortem and/or sharp force injuries (e.g. Merbs, 1989; Alvrus, 1999). Again, the occurrence of the so-called ulnar “parry” fractures (e.g. Smith, 1996; Judd, 2008) and the presence of craniofacial injuries (especially in the frontal region) is an additional indicator of physical violence in a certain population (e.g. Alvrus, 1999; Jurmain *et al.*, 2009). Today, bone fractures have become one of the most studied pathological conditions in archaeological samples (e.g. Djurić *et al.*, 2006; Šlaus *et al.*, 2010) as they provide ample information on various aspects of life that cannot be gauged through conventional archaeological investigations or by written historic sources. Unfortunately, only a few bioarchaeological studies dealing with female-oriented physical violence in past populations have been published so far (e.g. Smith, 1996; Martin, 1997; Walker, 1997; Kjellström, 2009; Novak, 2009).

For the purpose of this study we analysed skeletal remains belonging to adult individuals from multiple medieval and early modern sites located on the eastern Adriatic coast and its hinterland. All analyses were conducted in Zagreb, at the Anthropological Centre of the Croatian Academy of Sciences and Arts and the Institute for Anthropological Research.²¹

This study included numerous medieval and early modern skeletal assemblages from the region of northern Adriatic – Istria, Rijeka and Kvarner archipelago.²²

-
- 21 All studied skeletons were examined macroscopically for the possible presence of trauma using methods proposed by Maples (1986) and Lovell (1997). In order to discern injuries caused by intentional violence from those that occurred as a result of accidents, we used the criteria proposed by Jurmain *et al.* (2009), and recorded the presence of four skeletal indicators of deliberate physical violence: craniofacial injuries (facial and frontal regions combined), sharp force lesions, “parry” fractures, and perimortem trauma.
- 22 The mentioned sites include Guran - Na križu (Šlaus *et al.*, 2007), Krk - Sveti Lovro (Novak, unpublished data), Mirine - Fulfinum (Perinić Muratović *et al.*, 2009; Novak, unpublished data), Novigrad (Rajić Šikanjić & Ujčić, 2003), Pula - Franciscan monastery (Bradara *et al.*, 2015), Pula - Sveti Mihael (Novak, unpublished data), Rijeka - Pul Vele crikve Square (Šlaus *et al.*, in press), Stranče - Gorica (Šlaus *et al.*, 2011), Tribalj - Sveta Marija (Premužić & Rajić Šikanjić, 2010), Umag - Sveti Martin Square (Trupković *et al.*, 2012), and Umag - Dante Alighieri Street (Novak, unpublished data).

The meticulous study of skeletal remains from these sites did not reveal any evidence of deliberate violence against women. This might suggest that this phenomenon was not common during the Middle Ages in northern Adriatic. On the other hand, there is plentiful evidence of deliberate violence in this region with males as the primary victims. These evidence include the presence of ulnar parry fractures and cranio-facial injuries, but also the presence of perimortem and/or sharp force injuries on male skeletons (Novak, unpublished data). The intentional violence was definitely present, but it seems it was mostly oriented toward males, at least according to skeletal data.

On the other hand, the analysis of skeletons from Dalmatia and its hinterland reveal a somewhat different picture. Here we recorded seven female skeletons from five late medieval sites, all dated between the 14th and 16th century,²³ that exhibit evidence of intentional physical violence.²⁴

Skeletons belonged to women of different ages, the youngest being 16–18, and the eldest over 50 years old. Only antemortem craniofacial and “parry” fractures were recorded. No perimortem and/or sharp force trauma were observed in any of the mentioned skeletons. The absence of such injuries in our case could indicate that the violent episodes in which these women were involved did not end with death of the victims, as all injuries seem completely healed. Furthermore, the lack of perimortem trauma might also suggest that these episodes did not involve the use of sharp-bladed weapons such as knives and swords. This is contrary to the case of Dorotea Jašić from Labin where, according to her testimony, her husband even used a sword besides beating her.

There is a clear predominance of craniofacial injuries (one nasal fracture and five injuries to the frontal bone). The presence of head and face trauma in a population is a conclusive proof of intentional violence (e.g. Walker, 1989; Alvrus, 1999; Jurmain *et al.*, 2009). In this context Walker (1997, 160) even hypothesizes that ‘well-placed blows to the head are also likely to produce bleeding and conspicuous bruises that serve as a highly visible symbol of the aggressor’s social dominance’. In our case, all injuries located on the frontal bone resulted from blunt-force trauma, which is usually caused by a relatively low-velocity impact over a relatively large surface and is typically produced by blunt instruments such as sticks and/or bats (Galloway *et al.*, 1999).

23 Based on recovered artefacts, radiocarbon dates and stratigraphy.

24 1) Dugopolje - Vučipolje, burial 44, 40–50 yrs. – well-healed fracture of both nasal bones; 2) Eraci - Krč, burial 6A, 16–18 yrs. – well-healed oval-shaped depressed fracture on the posterior part of the frontal bone; 3) Starigrad - Sveti Petar, burial 100, 24–32 yrs. – well-healed oval-shaped depressed fracture on the frontal bone; 4) Starigrad - Sveti Petar, burial 117, 40–50 yrs. – depressed fracture on the right side of the frontal bone; 5) Starigrad - Sveti Petar, burial 126, over 50 yrs. – well-healed oval-shaped depressed fracture on the frontal bone; 6) Nin - Sveti Anselmo, burial 94, 40–50 yrs. – depressed fracture on the frontal bone; another antemortem fracture on the 5th left rib; 7) Vrši - Sveti Toma, burial 13, 28–36 yrs. – well-healed fracture on the proximal diaphyseal third of the left ulna.

Furthermore, the nasal fracture recorded in an individual from Dugopolje could suggest an episode of domestic assault, since this type of fracture is a typical skeletal indicator of domestic abuse (e.g. Fonseca, 1974; Walker, 1997; Novak, 2009). Finally, the presence of one ulnar “parry” fracture could be an additional indicator of female-oriented physical violence in the studied sample. The aetiology of this fracture is explained by the following scenario: in an attempt to protect one’s head from a blow, an individual raises his/her arm to protect the head and face - in this position ulna is closest to the attacker and as a consequence suffers the largest amount of force from the blow, and therefore breaks (Merbs, 1989).

In terms of skeletal indicators of intentional physical violence against women, it seems there is a difference between northern and southern Adriatic. In Istria and its vicinity, we could not find any skeletal evidence that would indicate the occurrence of this phenomenon. The case of Dorotea Jašić remains an isolated episode.

In the region of Dalmatia and its hinterland, the situation is somewhat different, as we managed to identify at least seven women, who were probably the victims of intentional violence. Based on the available osteological data, most of these violent episodes could be associated with domestic assaults and involved the use of fists and/or some other blunt objects. Again, the use of sharp bladed weapons, as in the case of Dorotea Jašić whom, according to her testimony, her husband attacked using a sword, as well as beating her, remains isolated.

CONCLUSION

As a part of the Bishop Valier’s visitation to Istrian dioceses, a set of trials was arranged. One of them, held on 19 January 1580 in Labin, in the Diocese of Pula, dealt with divorce of Ivan Cinkopan, who requested separation on the grounds of alleged adultery of his wife, Dorotea Jašić, who, in turn, requested divorce because her husband abused her physically.

Church law stipulated that spouses could be separated by marriage annulment, or by divorce from the table and bed. The Cinkopans’ consummated their marriage, which made it valid, therefore they requested divorce.

Adultery and marital violence were considered legitimate causes for divorce. Penalties for adultery were stipulated by secular laws or statutes. According to them, adulterous wife lost her property in favour of the children or the husband. Husbands were allowed to punish their wives by flogging. Wife’s adultery, therefore, justified husband’s violence against her. It is possible that Ivan Cinkopan’s accusations of his wife’s adultery (as well as for theft) aimed at justifying his violence against her.

Written sources show that marital violence was not unusual at the time. Husbands beat their wives with bare hands and weapons, sometimes truly cruelly, and sometimes wives saved themselves only by escaping. Violence against Dorotea Jašić was very similar. She was beaten on several occasions, and her right hand was permanently damaged, when her husband hit her with the sword.

Nevertheless, it is unlikely that violence was a daily form of communication. Church authorities considered violence against women to be a serious problem in the family, and Church judges sought to prevent it by granting women the possibility of separation and, sometimes, right to alimony. In the case of Dorotea Jašić, Church judges did not accept husband's claims on her alleged adultery as grounds for divorce, but rather the wife's accusations on violence and protected a weak woman instead of a violent husband. No right to alimony is mentioned. Since the *Bible* claimed the marriage to be a lifelong bond, which continued even in the case of divorce, none of the spouses could remarry – the same was the case with the Cinkopans' divorce.

The fact that violence was not omnipresent in marriages is further supported by bioarchaeological data. Relevant female skeletal remains from Istria and its vicinity did not reveal any evidence of deliberate violence against women. The case of Dorotea Jašić remains an isolated episode. This might suggest that this phenomenon was not common during the Middle Ages in the region of northern Adriatic.

The situation is somewhat different in southern Adriatic, in the region of Dalmatia and its hinterland, where there are proofs of intentional violence against women. Most of these violent episodes could be associated with domestic assaults and involved the use of fists and/or some other blunt objects. None of the testified attacks ended with death – all the wounds were healed. The use of sharp bladed weapons, as in the case of Dorotea Jašić, remains isolated. The extent of the violence is what makes the Cinkopans' case specific.

SEX, LAŽI IN OBČASNO NASILJE. PRIMER LOČITVE IZ AKTOV O OBISKU ŠKOFA AVGUSTINA VALIERA V ISTRI LETA 1580 IN NJEN ZGODOVINSKI IN ANTROPOLOŠKI KONTEKST

*Milena JOKSIMOVIĆ*Koparska 27, 52100 Pulj, Hrvaška
e-mail: milena.z.joksimovic@gmail.com*Marija MOGOROVIĆ CRLJENKO*Univerza Jurja Dobrile v Pulju, Filozofska fakulteta, Zagrebačka 30, 52100 Pulj, Hrvaška
e-mail: mmogorov@unipu.hr*Mario NOVAK*Inštitut za antropološke raziskave, Ljudevita Gaja 32, 10000 Zagreb, Hrvaška
e-mail: mario.novak@inantro.hr

POVZETEK

V kontekstu reformacije je škof Avgustin Valier leta 1579–1580 obiskal istrske škofije. Ta obisk je opisan v še neobjavljenih aktih, napisanih v latinščini in stari italijanščini. V vsaki obiskani škofiji so bila organizirana sojenja laikom in duhovnikom. Tako je v Labinu v Pulski škofiji 19. januarja 1580 potekala sodna obravnava o ločitvi Ivana Cinkopana in Dorotee Jašić, ki je razkrila obtožbe prešuštva, tatvine in družinskega nasilja. Zapisnik omenjenega sojenja se nahaja med že omenjenimi akti o Valierovem obisku. Le-ta predstavlja pomemben vir za razumevanje zakona, razveze in družinskega nasilja v Istri, še posebej na območju Pulja, ob koncu 16. stoletja, saj so viri te vrste za Puljsko škofijo iz omenjenega obdobja redki.

V tem članku prvič dajemo na vpogled transkript in angleški prevod, ter zgodovinsko analizo zapisnika o omenjenem sojenju. Podatki iz zapisnika so primerjani s podatki iz drugih zgodovinskih virov, zlasti pravnih dokumentov – zapisnikov zakonskih sporov iz Poreške škofije in statutov istrskih mest iz istega obdobja. Zgodba o ločitvi je postavljena tudi v antropološko perspektivo s primerjavo relevantnih arheoloških podatkov in sicer, ženskih okostnjakov s poškodbami, ki so skladne ali podobne tistim, opisanim v zapisniku o razvezi.

Prešuštvo in zakonsko nasilje sta veljala za legitimne razloge za razvezo. Pisni viri kažejo, da zakonsko nasilje v tistem času ni bilo nenavadno. Moški so žene pretepal z golimi rokami in orožjem, včasih resnično surovo. Nasilje nad Doroteo Jašić je podobno drugim znanim primerom. Večkrat je bila pretepena, njena desna roka pa je bila trajno poškodovana, ko jo je mož udaril z mečem. Kazni za prešuštvo so določali sekularni zakoni. Statuti so moškim dovoljevali da prešuštnice kaznujejo s šibanjem. Nezvestoba je torej opravičevala nasilje nad žensko.

Kljub temu je malo verjetno, da je bilo nasilje vsakodnevna oblika komuniciranja.

Za Cerkevne organe je bilo nasilje nad ženskami resen družinski problem, ki so ga poskušali preprečiti tako, da so ženskam omogočali ločitev. V primeru Dorotee Jašić cerkveni sodniki kot razlog za ločitev niso sprejeli moževe trditve o njeni domnevni nezvestobi, temveč ženine obtožbe za nasilje – zaščitili so pravice šibke ženske in ne nasilnega moža.

Dejstvo, da nasilje ni bilo vseprisotno v zakonskih zvezah, podpirajo tudi bioarheološki podatki. Analizirani ženski okostnjaki iz Istre in njene okolice ne kažejo na obstoj namernega nasilja nad ženskami. Primer Dorotee Jašić ostaja izolirana epizoda. To lahko pomeni, da ta pojav ni bil običajen v srednjem veku na območju severnega Jadrana. Razmere so nekoliko drugačne na južnem Jadranu, v Dalmaciji in njenem zaledju, kjer obstajajo dokazi namernega nasilja nad ženskami. Večino teh nasilnih epizod se da povezati z družinskim nasiljem, vključevale pa so uporabo pesti in/ali drugih topih predmetov. Noben od pričevanih napadov se ni končal s smrtjo - vse rane so bile ozdravljene. Uporaba ostrega orožja, kot v primeru Dorotee Jašić, ostaja izoliran pojav. Primer Cinkopanov je specifičen zaradi obsega nasilja.

Ključne besede: ločitev, prešuštvo, nasilje, zakonska zveza, ženske, Istra, šestnajsto stoletje

SOURCES AND BIBIOGRAPHY

- AMSI** – Atti e Memorie della Società Istriana di Archeologia e Storia Patria. Processi di luteranismo in Istria, AMSI II (1886), fasc. 1–2, 179–218.
- AMSI** – AMSI XVII (1901), fasc. 1–2, 150–186.
- AMSI** – AMSI XVII (1901), fasc. 3–4, 283–299.
- AMSI** – AMSI XVIII (1902), fasc. 1–2, 44–74.
- AMSI** – AMSI XVIII (1902), fasc. 3–4, 248–273.
- AMSI** – AMSI XIX (1903), fasc. 1–2, 35–55.
- AMSI** – AMSI XX (1904), fasc. 1–2, 46–77.
- AMSI** – AMSI XX (1904), fasc. 3–4, 283–329.
- ASV** – 86 – Archivio Segreto Vaticano, Agostino Valier, Congr. Vescovi e Regolari, Visita Ap. 86.
- BAP** – Biskupijski arhiv u Poreču - 2.5 Causae matrimoniales.
- CVV** – 274, 14 - Curia Vescovile Di Verona, Visite apostoliche 14, Visitatio Pedenensis, 1580.
- DS** – Dvigrad Statute - Jelinčić, J. & N. Lonza (eds.) (2007): Statuta Communis Duorum Castrorum. Statut dvigradske općine. Početak 15. stoljeća. Pazin-Kanfanar.
- LS** – Labin Statute - Statuto municipale della città di Albona dell'a. 1341 (1870), ed. per cura della Società del gabinetto di Minerva in Trieste. Trieste, Tipografia di L. Herrmanstorfer.
- PS** – Pula Statute - Križman, M. (ed.) (2000): Statuta Communis Polae. Statut pulske općine. Pula, Povijesni muzej Istre.
- RS** – Rovinj Statute - Kandler, P. (1851): Statuti municipali di Rovigno. Trieste, Tipografia del Lloyd Austriaco.
- VS** – Vodnjan Statute - Lonza, N. & J. Jelinčić (eds.) (2010): Vodnjanski statut – Statuto di Dignano. Vodnjan, Grad Vodnjan / DAPA.
- Alvrus, A. (1999):** Fracture patterns among the Nubians of Semna South, Sudanese Nubia. *International Journal of Osteoarchaeology*, 9, 417–429.
- Bertoša, S. (2002):** Život i smrt u Puli. Pazin, Skupština Udruga Matice hrvatske Istarske županije.
- Bradara, T. et al. (2015):** Kapitularna dvorana franjevačkog samostana u Puli: arheološka i antropološka istraživanja. *Histria archaeologica*, 46, 241–269.
- Burghartz, S. (2006):** Tribunali matrimoniali nell'Europa della Riforma: Svizzera e Germania meridionale. In: Seidel Menchi, S. & D. Quagliani (eds.): *I tribunali del matrimonio (secoli XV–XVIII)*. Bologna, Il Mulino, 211–235.
- Chojnacki, S. (2000):** Il divorzio di Cateruzza: rappresentazione femminile ed esito processuale (Venezia 1465). In: Seidel Menchi, S. & D. Quagliani (eds.): *Coniugi nemici. La separazione in Italia dal XII al XVIII secolo*. Bologna, Il Mulino, 371–416.
- Cristellon, C. (2006):** I processi matrimoniali veneziani (1420–1545). In: Seidel Menchi, S. & D. Quagliani (eds.): *I tribunali del matrimonio (secoli XV–XVIII)*. Bologna, Il Mulino, 101–122.

- Djurić, M. P. et al. (2006):** Fractures in Late Medieval skeletal populations from Serbia. *American Journal of Physical Anthropology*, 130, 167–178.
- Esposito, A. (2000):** Convivenza e separazione a Roma nel primo Rinascimento. In: Seidel Menchi, S. & D. Quaglioni (eds.): *Coniugi nemici. La separazione in Italia dal XII al XVIII secolo*. Bologna, Il Mulino, 499–517.
- Fonseka, S. (1974):** A study of wife-beating in the Camberwell area. *British Journal of Clinical Practice*, 28, 400–402.
- Galloway, A. et al. (1999):** The role of forensic anthropology in trauma analysis. In: Galloway, A. (ed.): *Broken bones: anthropological analysis of blunt force trauma*. Springfield, C. C. Thomas, 5–31.
- Gaudemet, J. (1989):** *Il matrimonio in Occidente*. Torino, Società editrice internazionale.
- Janeković-Römer, Z. (2007a):** Maruša ili sudenje ljubavi. Bračno-ljubavna priča iz srednjovjekovnog Dubrovnika. Zagreb, Algoritam.
- Janeković-Römer, Z. (2007b):** Posrednici spasenja: senjska Spovid općena iz 1496. godine. In: Budak, N. (ed.): *Sacerdotes, iudices, notarii...: posrednici među društvenim skupinama*. Poreč, DAPA, 131–146.
- Jelinčić, J. (1987):** Najstarije matične knjige Poreča i Poreštine. *Zbornik Poreštine*, 2, 171–186.
- Joksimović, M. (forthcoming):** Spisi o vizitaciji biskupa Augustina Valiera Pulskoj biskupiji. Pazin, Poreč, Pula, DAPA, Porečka i pulska biskupija, Istarska županija, Arheološki muzej Istre.
- Joksimović, M. & D. Komšo (2017):** Postupak protiv postolara Ivana Librića iz Labina zbog hereze 1580. godine. In: Bertoša, S. (ed.): *Labinski kulturno-povijesni susreti*, 1, 91–124.
- Judd, M. A. (2008):** The parry problem. *Journal of Archaeological Science*, 35, 1658–1666.
- Jurmain, R. et al. (2009):** Paleoepidemiological patterns of interpersonal aggression in a prehistoric central California population from CA-ALA-329. *American Journal of Physical Anthropology*, 139, 462–473.
- Kjellström, A. (2009):** Domestic violence in the Middle Ages: an anthropological analysis of sex specific trauma in five Scandinavian skeletal materials. In: Regner, E. et al. (eds.): *From Ephesos to Dalecarlia. Reflections on body, space and time in medieval and early modern Europe*. Stockholm, The Museum of National Antiquities, 145–160.
- Krnjak, O. (2016):** Vjerski život. In: Bradara, T. & O. Krnjak (eds.): *Temporis signa: arheološka svjedočanstva istarskog novovjekovlja*. Pula, AMI, 307–412.
- Lavrič, A. (1986):** Vizitacijsko poročilo Agostina Valiera o Koprski škofiji iz leta 1579. Ljubljana, ZRC SAZU.
- Lombardi, D. (2000):** L'odio capitale, ovvero l'incompatibilità di carattere. Maria Falcini e Andrea Lotti (Firenze 1773–1777). In: Seidel Menchi, S. & D. Quaglioni (eds.): *Coniugi nemici. La separazione in Italia dal XII al XVIII secolo*. Bologna, Il Mulino, 335–367.

- Lombardi, D. (2008):** Storia di matrimonio. Dal medioevo a oggi. Bologna, Il Mulino.
- Lombardi, D. (2001):** Matrimoni di antico regime. Bologna, Il Mulino.
- Lovell, N. (1997):** Trauma analysis in paleopathology. *Yearbook of Physical Anthropology*, 40, 139–170.
- Maples, W. R. (1986):** Trauma analysis by the forensic anthropologist. In: Reichs, K. J. (ed.): *Forensic osteology: advances in the identification of human remains*. Springfield, C. C. Thomas, 218–228.
- Marchisello, A. (2004):** ‘Alieni thori violatio’: l’adulterio come delitto carnale in Prospero Farinacci (1544–1618). In: Seidel Menchi, S. & D. Quaglioni (eds.): *Trasgressioni: seduzione, concubinato, adulterio, bigamia (XIV–XVIII secolo)*. Bologna, Il Mulino, 133–183.
- Martin, D. L. (1997):** Violence against women in the La Plata River Valley (A.D. 1000–1300). In: Martin, D. L. & D. W. Frayer (eds.): *Troubled times: violence and warfare in the past*. Amsterdam, Gordon and Breach, 45–75.
- Merbs, C. F. (1989):** Trauma. In: Iscan, M. Y. & K. A. R. Kennedy (eds.): *Reconstructing of life from the skeleton*. New York, Alan R. Liss, 161–190.
- Mogorović Crljenko, M. et al. (2005):** SUFICIT TIBI SCRIBERE: Matična knjiga krštenih župe Labin (1536.–1583.). In: Budak, N. (ed.): *Raukarov zbornik*. Zagreb, FF press, 443–456.
- Mogorović Crljenko, M. (2006):** Nepoznati svijet istarskih žena. Zagreb, Srednja Europa.
- Mogorović Crljenko, M. (2012):** Druga strana braka. Zagreb, Srednja Europa.
- Mogorović Crljenko, M. (2009):** Biskupi i svećenici – posrednici u bračnim sporovima (područje Istre od kraja 15. do sredine 17. stoljeća). *Acta Histriae*, 17, 1–2, 215–226.
- Neralić, J. (2003):** ‘Ut matrimonium libere et licite contrahere possint’ – Papal 14th and 15th century matrimonial dispensations. In: Buczynski, A. (ed.): *Hereditas rerum croaticarum*. Zagreb, Hrvatski institut za povijest, 38–43.
- Novak, S. (2009):** Beneath the façade: a skeletal model of domestic violence. In: Gowland, R. & C. Knüsel (eds.): *The social archaeology of human remains*. Oxford, Oxbow Press, 238–252.
- Perinčić, T. (1998):** Prilog istraživanju apostolskih vizita Agostina Valiera u dalmatinskim i istarskim biskupijama. *Povijesni prilozi*, 17, 157–176.
- Perinić Muratović, Lj. et al. (2009):** Bioarheološke karakteristike triju osoba pokopanih u zidanoj grobnici narteksa crkve u Mirinama. In: Bekić, L. (ed.): *Jurišičev zbornik*. Zagreb, Zadar, HRZ, MCPA, 310–318.
- Pitassio, A. (1968–1970):** Diffusione e tramonto della riforma in Istria: la diocesi di Pola nel ‘500. *Annali della Facoltà di scienze politiche di Perugia*, 10, 7–65.
- Premužić, Z. & P. Rajić Šikanjić (2010):** Starohrvatska populacija iz Triblja - zdravlje i bolesti. *Histria archaeologica*, 41, 205–220.
- Quaglioni, D. (2000):** ‘Divortium a diversitate mentium’. La separazione personale dei coniugi nelle dottrine di diritto comune (appunti per una discussione). In: Seidel Menchi, S. & D. Quaglioni (eds.): *Coniugi nemici. La separazione in Italia dal XII al XVIII secolo*. Bologna, Il Mulino, 95–118.

- Rajić Šikanjić, P. & Ž. Ujčić (2003):** Antropološka analiza ranokršćanske/ranosrednjovjekovne populacije s groblja u Novigradu (Istra). *Histria archaeologica*, 34, 103–129.
- Seidel Menchi, S. (2000):** I processi matrimoniali come fonte storica. In: Seidel Menchi, S. & D. Quaglioni (eds.): *Coniugi nemici. La separazione in Italia dal XII al XVIII secolo*. Bologna, Il Mulino, 15–94.
- Seidel Menchi, S. (2002):** Percorsi variegati, percorsi obbligati. Elogio del matrimonio pre-tridentino. In: Seidel Menchi, S. & D. Quaglioni (eds.): *Matrimoni in dubbio. Unioni controverse e nozze clandestine in Italia dal XIV al XVIII secolo*. Bologna, Il Mulino, 17–60.
- Šlaus, M. et al. (2010):** The harsh life on the 15th century Croatia-Ottoman empire military border: analyzing and identifying the reasons for the massacre in Čepin. *American Journal of Physical Anthropology*, 141, 358–372.
- Šlaus, M. et al. (2007):** Forenzično-antropološka analiza ljudskih kostiju iz groba 1 s nalazišta Guran - Na križu u Istri. Davno počinjeno ubojstvo i primjer kako postmortalna oštećenja kostiju mogu oponašati ubojstvo. In: Bekić, L. (ed.): *Zaštitna arheologija na magistralnom plinovodu Pula - Karlovac*. Zagreb, Denona, 42–48.
- Šlaus, M. et al. (2011):** Antropološka analiza ljudskog osteološkog materijala s nalazišta Stranče-Gorica. In: Cetinić, Ž. (ed.): *Stranče-Vinodol, starohrvatsko groblje na Gorici*. Rijeka, PPM Hrvatskog primorja, 303–340.
- Šlaus, M. et al. (in press):** Antropološka analiza ljudskih koštanih ostataka s nalazišta Rijeka - Trg pul Vele crikve. In: Radić Štivić, N. & L. Bekić (eds.): *Pul Vele crikve. Arheološka istraživanja riječkog kasnosrednjovjekovnog i novovjekovnog groblja*. Rijeka, Grad Rijeka, HRZ, 537–615.
- Smith, M. O. (1996):** „Parry“ fractures and female directed interpersonal violence: implications from the Late Archaic Period of west Tennessee. *International Journal of Osteoarchaeology*, 6, 84–91.
- Trupković, M. et al. (2012):** Tuberkuloza kod djeteta s nalazišta na Trgu sv. Martina u Umagu. *Histria archaeologica*, 42, 233–243.
- Walker, P. L. (1989):** Cranial injuries as evidence of violence in prehistoric southern California. *American Journal of Physical Anthropology*, 80, 313–323.
- Walker, P. L. (1997):** Wife beating, boxing, and broken noses: skeletal evidence for the cultural patterning of violence. In: Martin, D. L. & D. W. Frayer (eds.): *Troubled times: violence and warfare in the past*. Amsterdam, Gordon and Breach, 145–180.