THE ABDUCTION OF WOMEN FOR MARRIAGE:
ISTRIA AT THE BEGINNING OF THE SEVENTEENTH CENTURY

Marija MOGOROVIĆ CRLJENKO

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

ABSTRACT

This paper deals with abductions of women for marriage in Istria in the Diocese of Poreč in the first half of seventeenth century. The research is based on unpublished sources – proceedings from court trials preserved in the abduction registers from the first half of seventeenth century – and the published Istrian statutes, such as the rules governing abductions issued by the Council of Trent. The paper analyses violent and non-violent abductions, especially in the rural areas of the Poreč Diocese.

Key words: marriage, abductions, violence, Diocese of Poreč, first half of the seventeenth century

IL RAPIMENTO DI DONNE A SCOPO DI MATRIMONIO:
L'ISTRIA AGLI INIZI DEL SECOLO XVII

SINTESI

Nel saggio viene analizzato il rapimento di donne a scopo di matrimonio, una pratica che ha avuto luogo in Istria, nel territorio della Diocesi di Parenzo nella prima metà del XVII secolo. La ricerca è basata su fonti inedite come gli atti di processi giudiziari conservati nei registri dei rapimenti (Raptuum) risalenti alla prima metà del XVII secolo, le disposizioni sui rapimenti conservate in alcuni statuti istriani, nonché le disposizioni del Concilio di Trento in materia di rapimento. Il saggio indaga i rapimenti di donne forzati e non forzati, avvenuti principalmente nelle zone rurali della Diocesi parentina.

Parole chiave: matrimonio, rapimenti, violenza, Diocesi di Parenzo, prima metà del XVII secolo

In this paper I will cover abductions of women which were processed in the court of the Poreč Diocese (Istria) in the first half of seventeenth century. Namely, very important archival records have been preserved there: the registers of abductions from the first half of seventeenth century onward.

These records are about cases from the diocesan ecclesiastical court. For this analysis, I have dealt with all cases of abductions preserved in the abduction registers in the Poreč Diocese in the first half of seventeenth century, i.e. from 1602 to 1650. This encompasses a total of 73 cases of abductions, and these cases have been preserved in four registers (BAP, 1.3. *Raptuum (1602–1609)*; 2.6. *Raptuum (1611–1624)*; 3.3. *Raptuum (1631–1644)*; 4.4. *Raptuum (1645–1657)*. The word *raptuum* is in the genitive plural rather than in the nominative case. Namely, abduction registers are annotated under precisely that name in the Poreč Diocese collection. This word implies that the word *liber* is in front of it. So, it means *Liber raptuum*). These books were written at the time of following bishops of the Poreč Diocese: Giovanni Lippomano from Venice (1598–1608), Leonardo Tritonio (1609–1631), Ruggero Tritonio (1632–1644), both from Udine, and Gianbatista del Giudice (1644–1666) from Brescia. Based on these cases, one can see where abductions were the most frequent, who the victims of abductions were, how abductions proceeded, etc. Generally, abductions marked the beginning of marriage, i.e. abductions were one of the ways – illegitimate to be sure – of getting married. These abductions can be divided into two basic groups: voluntary and coerced.

The Poreč Diocese was one of the largest dioceses in Istria. The territory of this diocese included the Venetian and Austrian parts of Istria. Namely, from the latter half of fourteenth century until the end of the Republic of Venice, Istria was divided into Austrian and Venetian parts. During that period, the population of Istria, as well as the population of Poreč Diocese, was heterogeneous. The population consisted of numerous indigenous Slavs, and far fewer "Romans" (Italians). The Romans consisted of newcomers from Florence and Venice who had adapted very soon, followed by newcomers from Carniola, Friuli and Grado. On the other hand, the Venetian government wanted to improve the demographic situation in Istria and encouraged Morlachs, a people who fled from the Ottomans in Dalmatia, Bosnia, Herzegovina and Albania, to settle in Istria. This was the second wave of settlement of Slavs, i.e. Croats, in Istria. At that time, Istria's population was depleted by epidemics and wars in the sixteenth and seventeenth centuries. At the beginning of the seventeenth century, i.e. from 1615 to 1618, Istria was devastated in the Uskok War (War of Gradisca) and after that in 1630 by the plague (Bertoša, 1995; Darovec, 1997, 50–64; Mogorović Crljenko, 2012a, 12–13; 2012b; 2010, 137–138).

The abduction of women for marriage was noted in ancient times in many completely different cultures. In abductions, the man's role was always active and the woman's passive. Abduction was connected with violence, which could vary from physical abuse to moral compulsion to marry (Mogorović Crljenko, 2006, 146; Cesco, 2004, 349; 2005, 111; Čulinović-Konstantinović, 1995–1997, 66; Klapisch-Zuber, 330).

The sources show clearly that most abductions occurred in rural areas, and that many of them involved Slavs i.e., Croats, although abducted woman could be also be of Roman

citizen. It was mainly Slavs (Croats) from Dalmatia, Bosnia, Herzegovina and Albania who in settled in the ravaged Istrian lands in the sixteenth and seventeenth centuries. In later periods, there were also abductions of women in the Dalmatian interior, e.g. in Konavle (the hinterland of Dubrovnik), so these newcomers probably brought some of their customs to their new homeland (Cesco, 2004, 372–374; 2005, 111–117; Čulinović-Konstantinović, 1995–1997, 65–78; 1986, 97–112; Vekarić et al., 2000, 97; BAP 1.3. *Raptuum*, 96; 2.6. *Raptuum*, 1–9. On the colonization of Istria, see: Bertoša, 1995).

However, there must have been a tradition of abduction in Istria prior to the new wave of settlement by Slavs, i.e. Croats. Both the civic and ecclesiastical authorities punished abductions, so there were regulations governing abductions prescribed in medieval statutes, such as in canon law. Some Istrian medieval statutes (the statutes of Novigrad, Dvigrad, Buzet, Oprtalj, Vodnjan, and Grožnjan) stipulated sanctions for abductors of women, with different punishments prescribed for abductors of virgins, married women and widows. It is unlikely that it testifies about abductions only among the Slavic population, even more because the statutes occurred in urban centres. Furthermore, abductions of women were also practiced in other parts of Europe, which was one of the reasons why the Council of Trent also prescribed sanctions for abductions of women.

Different statutes dealt with this problem in different ways. For instance, the statute of Novigrad and the statute of Grožnjan mention only abductions of married women, while the other statutes mentioned herein distinguished between the abduction of married women and the abduction of a virgin or a widow. The statutes of Buzet and Oprtalj state another category: abduction of a nun. Most of the aforementioned statutes prescribed the death penalty for the abduction of a married woman, either hanging or decapitation, while some statutes did not specify how to execute said penalty. In the case of abduction of a virgin, the statutes of Buzet and Oprtalj allowed for the possibility of marriage between the abductor and the abducted girl, but only with the consent of her parents. However, in such cases the statutes of Dvigrad and Vodnjan prescribed the death penalty without the possibility of amnesty, and the statute of Dvigrad also stipulated seizure of abductor's property by the municipality. These statutes, except for the statutes of Novigrad and Vodnjan, also foresaw a sentence for the abducted woman. The statutes of Dvigrad, Buzet and Oprtalj stipulated that the woman be burnt to death, and the statute of Dvigrad also stipulated that two thirds of her assets went to her husband and one third to the municipality. However, it is interesting that the abductor and the abducted woman could avoid punishment if the husband of abducted woman so decided (Statute of Novigrad, VI, 36; Statute of Dvigrad, 35; Statute of Buzet, 40; Statute of Oprtalj, 41; Statute of Vodnjan, IV, 19; Statute of Grožnjan, IV, 148. Compare: Mogorović Crljenko, 2006, 146–150; Benyovsky, 1999, 543-564.). The regulations in these Istrian statutes are shown in Table 1 (Cp.: Mogorović Crljenko, 2006, 184–185: Table 4).

Table 1

PENALTIES FOR ABDUCTIONS PRESCRIBED IN ISTRIAN STATUTES					
STATUTES	**ABDUCTORS**			**ABDUCTED**	
	MARRIED WOMAN	GIRL/WIDOW	NUN	MARRIED WOMAN	GIRL/ WIDOW
NOVIGRAD	hanging; severing of right hand and removal of right eye	-	-	-	-
DVIGRAD	decapitation; property ceded to municipality		-	burning at stake; division of assets	
BUZET and OPRTALJ	death	marriage death penalty in absentia	death	Burning at stake	-
VODNJAN	decapitation; prosecution and death penalty in absentia		-	-	-
GROŽNJAN	severing of right hand and removal of an eye, or 5 year as a galley slave	-	-	property ceded to husband	-

Abductions could be violent or nonviolent. In the latter case, we can talk about contractual elopement. The main characteristics of violent abductions were: violence, fornication, removal from one place to another, and the victim's life with honour. Therefore, some believe that in the case of contractual abduction no crime was perpetrated, while others thought that such abductions should be punished. Some Istrian statutes, like cases litigated in civil courts in Istria, show that in case of marriage the abductor and the abducted woman were exempt from punishment (Statute of Dvigrad, 35; Statute of Buzet, 40; Statute of Oprtalj, 41; Statute of Grožnjan, IV, 148. See: Mogorović Crljenko, 2006, 146–150; Cesco, 2004, 353–355; Gaudemet, 1989, 97).

Canon Law also sanctioned abductions, but it does not mention abductions of married women. Throughout the observed period, the most importance was attached to the provi-

sions of the Council of Trent, which prescribed many regulations about marital issues, including the abduction. The provisions of the Council of Trent concern women who could marry, i.e. unmarried women, mostly virgins or widows. (About distinction between the jurisdiction of civil (municipal) and ecclesiastical courts in the field of punishing the cases of abduction, defloration, and illicit intercourse see more in: Mogorović Crljenko, 2012a and references listed therein.)

Among the ten reform canons adopted at its 24th session, the Council of Trent included provisions on abduction in the sixth canon. The Council stipulated that the abductor and the abducted woman could not marry while she was under his power. But, if the abducted woman departed from the abductor, and if she was taken to a safe haven, and after that agreed to marry him, they could marry. Even so, the abductor and all who aided and abetted him had to be excommunicated, shamed and stripped of honour and dignity, even if they were clerics. The abductor, regardless of whether he married the abducted woman or not, had to pay her dowry in accordance with her status and according to a ruling by a judge. With this provision, the Council confirmed that not only consent is needed for wedlock, but also personal liberty, so that the decision could be made freely. The Council particularly insisted on the woman's consent, and this consent gained in importance (*The Canons*. Sess. XXIV; Mogorović Crljenko, 2012a, 150. See also: Lombardi, 2001, 119–123, 139–140; Alessi, 1990, 808–809; Cesco, 2004, 356, 376, 391; 2005, 113; Gaudemet, 1990, 244. About dowry see also: Chojnacki, 1999, 461–492; Povolo, 1994, 41–73). However, even in cases in which the woman was separated from her abductor, it is difficult to ascertain whether she decided freely. Namely, the honour and interests of the family always superseded personal interests. Therefore, sometimes it happened that the woman who had been taken to a safe haven decided to marry her abductor in order to restore her own honour and, especially, the honour of her family (About honour see: Cesco, 2004, 350; Chojnacki, 2000, 371–416; Ferraro, 2000a, 141–190; 2000b, 41–48; Bellabarba, 2004, 185–227; Mihelič, 2000, 29–40; Mogorović Crljenko 2006; 2012a).

The diocesan courts resolved the marital issues and insisted on free will. In principle, abduction was not considered abduction if the woman agreed with this act regardless of what her parents thought. But they needed to prove that the abduction was voluntary. Therefore, denunciations were declared before a court at the moment when the abductor and the abducted girl wanted to marry (Cp: Mogorović Crljenko, 2012a, 150–151; Gaudemet, 1989, 133; Cesco, 2004, 356; BAP, 1.3. *Raptuum*; 2.6. *Raptuum*; 3.3. *Raptuum*; 4.4. *Raptuum*).

Although the Istrian statutes mentioned abductions of girls (virgins), married women, widows and nuns, in practice it was mainly unmarried girls and possibly widows who were abducted, while for married women were rarely targeted for abduction (BAP, 1.3. *Raptuum*; 2.6. *Raptuum*; 3.3. *Raptuum*; 4.4. *Raptuum*. Cp.: Čulinović-Konstantinović, 1995–1997, 69). This is apparent from an analysis of abductions in the area of the Diocese of Poreč in the period from 1602 to 1650 (Mogorović Crljenko, 2012a, 152). Out of the 73 noted abductions in the observed period, in 61 cases the victim was a girl, and in 12 cases it was a widow. No cases of abduction of married women were noted. (See Chart 1).

*Chart 1: Marital status of abducted women (1602–1650):*
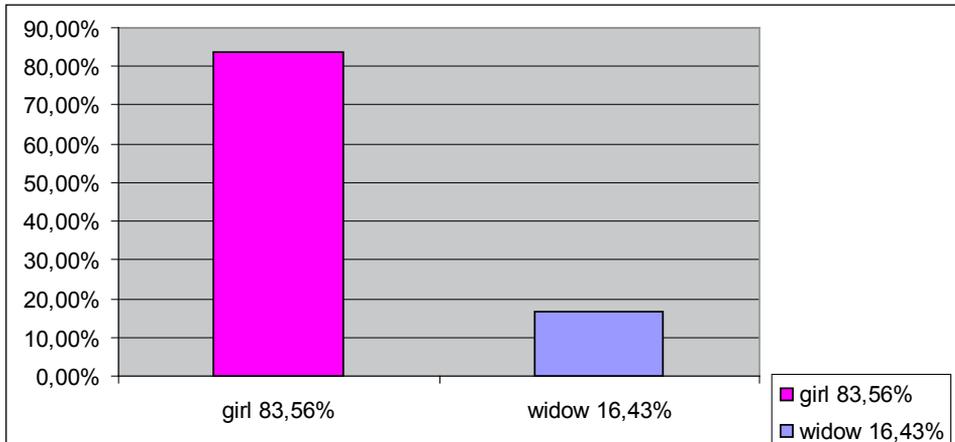
Although the statutes prescribed provisions for violent abductions, in practice voluntary abductions, i.e. contractual elopements, were also adjudicated. These contractual elopements were practiced when the parents and family did not approve of a chosen partner (Cesco, 2004, 352–353; see also Mogorović Crljenko, 2006, 146–150; Kos, 2014, 328). Istrian sources show that many abductions were contractual, i.e. voluntary (almost two thirds), while there were also the violent and coerced abductions, but in smaller numbers (slightly less than one third) (see Chart 2). However, first the voluntary nature of the abduction had to be proven.

Chart 2: Types of abduction (1602–1650):
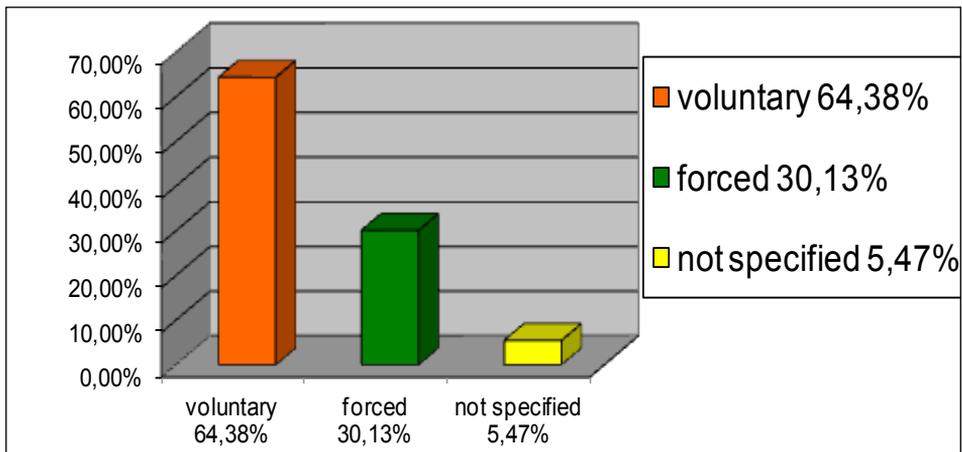
Furthermore, the sources show that abductions were mainly aimed orphaned girls, whose father or both parents were deceased, i.e. those girls who could not be adequately guarded (see Chart 3) (Mogorović Crljenko, 2012a, 153–155; cp: BAP, 1.3. *Raptuum* fol. 36v).

Chart 3: Abductions when the father was alive or deceased (1602–1650):
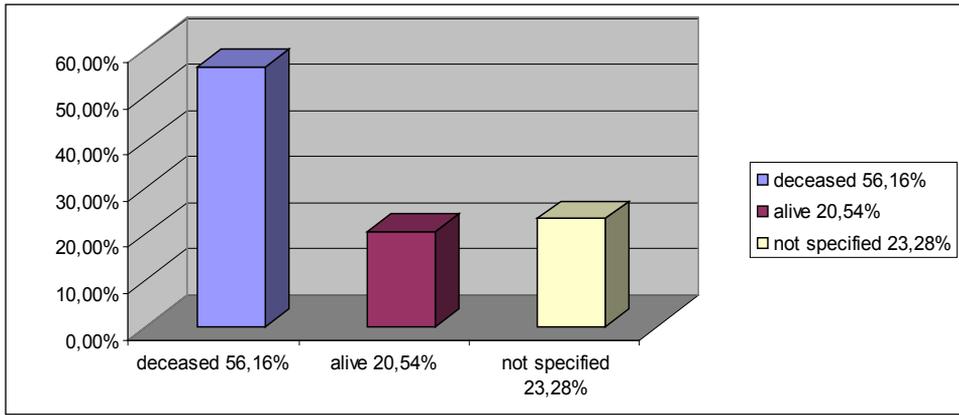
Although the analyzed sample shows that voluntary abductions prevailed, which in practice meant a secret marriage, it is also important to state that violent abductions usually ended in marriage. Namely, for woman that was almost the only way to her preserve good reputation.

This is very well illustrated in the abduction of Katarina, the daughter of the deceased Zeglio Kosinožić (*Cattarina figlia del q. Zeglio Cossinosich*) from Muntrilj (*Montrevo*). In 1611, Katarina was attending festivities in Sveta Majka Božja od Polja (*Madonna del Campo*). While returning home, she was abducted near the town Višnjan. The abductors grabbed the girl by force and took her away. She screamed and cried while they beat her. She was abducted by Grgur Košutić (*Gregorio Cossutich*) and his sons Jure (*Giure*) and Luka (*Luca*), and their relatives and friends, because they wanted her to become Luka's wife. In their defence, the abductors stated that the abduction of women was their Morlach (Slav) custom, adding that they had permission from the girl's mother, and that they did not harm her. When the case came to court (the diocesan court of Poreč), Katarina and Luka were already considered spouses. Grgur Košutić also said that his son Luka was married to Katarina. But, no wedding had been held. Namely, at the time Katarina and Luka were separated and they were waiting for permission to get married. In order to obtain permission, they had to prove that Katarina was not abducted violently and unwillingly. Luka testified that Katarina was his wife and that they took her with her consent. When he was asked about her reluctance, he said that she had resisted because it was

their custom, and that she had stayed with him for three or four days, that they had slept together, and that they had sexual congress. Katarina also testified that she was married to Luka, but that she was not living with him. She was staying with her cousin because she and Luka had had to separate. She said that she had screamed because it was their custom, but when she had recognized her abductors she went with them. She also said that the abductors had her mother's permission to take her. Luka and Katarina had to be separated before marriage because the girl had to decide freely whether or not she wanted to marry Luka. Because of the abduction, all of the abductors and their assistants, as well as Luka, were (temporarily) excommunicated. Finally, Luka and Katarina were given permission to get married. This case shows that girl resisted her abductors and this marriage. After the abduction and sexual intercourse, Katarina changed her mind and agreed to marry Luka because it was the only way to restore her honour. Namely, after the abduction no one would be interested in her for marriage (BAP, 2. 6. *Raptuum*, fol. 2–14).

There was a similar situation with Mara Miljašić (*Mare Migliassich*) who was abducted in 1611 in Sveti Petar u Šumi (*San Pietro in Selva*) while she was peddling wares. She was abducted by a male member of Vuković (*Vucovich*) family accompanied by twenty men and taken to Tar. The abductors, armed with rifles, swords and other weapons, put Mara on a horse while she screamed and cried. Antun Miljašić (*Antonio Migliassich*), Mara's brother, sued the abductors, who claimed that they had had the permission of the girl's mother, but brother questioned this because they were too violent (BAP, 2. 6. *Raptuum*, fol. 53–58).

The abduction of Elena, the daughter of the deceased Petar Kostović (*raptum Elene filiae q. Petri Costovich*) from Vabriga, who was abducted by Matej Majušić (*Matheum Maiusich*) with accomplices, also illustrated how girls change their minds after abduction. Charges were filed with the Vicar General of the Poreč Diocese on July 26, 1608. The abducted woman testified that on the feast of St. Mary Magdalene on July 22 during Vespers, a certain Marica Nogalić came and asked her if she wanted to take Matej Majušić for her husband. Elena answered that she did not. Marica said that, according to her, Elena would be taken before the sun falls behind the mountain. Elena answered that this would not happen (*la sera di Santa Maria Madalena che fù alli 22 del passato circha hora di Vespero vene da me Mariza Noghalochin et mi disse se io son contenta di tor per marito Mattio Maiusich io gli risposi che sopra la mia fede ... non lo voglio tor et la ditta Mariza disse che sopra la sua fede prima che il sol vien a monte io sara torta et li rispose che sopra la mia fede non voglio essere*). Furthermore, when asked by the Vicar General, Elena answered that she had never promised to take this Matej Majušić for husband, although he said that she would be his wife every time he saw her in the street, but she answered that this would never happen (*io non gli ho mai promesso di torlo per marito ditto Mattio Maiusich, se bene quando lui sempre mi contrava per strada mi diceva che io sarò sua moglie et io li rispondevo che non sarà mai vero*). She also said that that evening around the Hail Mary (*Ave Maria*), she went with her cousins to the fountain to drink some fresh water. When they approached the fountain, they saw Ivan Majušić. Elena was scared that he might do something violent because he had already threatened to abduct her and give her to his brother Matej as a wife. And that is exactly what happened. Ivan grabbed her by the hand and they went to the boat of Jure Nogalić. Ivan pushed her by force into the

Interior view of the Euphrasius Basilica in Poreč, Croatia. Wikimedia Commons. File: EuphrasiusBasilika.jpg

boat and they headed toward Novigrad. They kept her for two and a half days, with her crying all that time. In her testimony, she stated that she had been raped and that she had lost her virginity, that she had cried, but they did not want to let her go (*Ive mi ha violato per forza et mi ha tolto la mia virginità et ho sempre cridato oime oime lasciame stare, et con tutto cio non ha voluto lasciarmi ditto Mattio*). Before she was abducted she had never thought that she would take Matej for a husband. At the time of the testimony, she was already separated from him, and when asked she said that she wanted to take him for husband (BAP, 1.3. *Raptuum*, fol. 88–97. For a detailed description of the case, see: Mogorović Crljenko, 2012a, 155–157).

From these and other cases of violent abductions, it is clear that there was a larger number of accomplices, usually men (although there may also have been some women as well). Unlike in real, violent abductions, in voluntary abductions the number of accomplices was smaller.

This was the case in the abduction of Jelena, the daughter of the deceased Stipan Stanić of Mianić (*Jelena figlia del q. Stipan Stanich de gli Mianich*) from Sveti Vital (*San Vital*), a district of Motovun, in 1613. This case can be characterized as voluntary abduction, i.e. contractual elopement. Namely, Jelena received a marriage proposal from Andrija Kučić (*Andrea Cucich*) of Motovun. She testified that her uncles Mihael and Mate Stanić (*miei zii Michiel et Matte fratelli Stanich*) did not want to give her to Andrija, so she asked a woman from Muntrilj (*Montrevo*) to ask Andrija to take her away. Andrija came with his brother and they went to Muntrilj together. When she testified in court, she said that since the abduction she had lived with Andrija in Muntrilj, that they had had sexual congress, that he had taken her virginity and that she wanted him for her husband. When the interrogator in court reprimanded her, saying that she wanted him for husband only because he took her virginity, she answered that this was not true, that she had always wanted him and that she would not have gone with him if she had not wanted him for her husband. Andrija's testimony was almost the same as Jelena's, but he denied sexual congress. The interrogator did not believe him, because Jelena stayed with him for twenty days. Because of that, he ordered Jelena to separate from Andrija. As abductors, Andrija and his brother were immediately excommunicated, but after they were married, the excommunication could be rescinded (BAP, 3.3. *Raptuum*, fol. 6–14).

Usually there were one or two accomplices, but in cases of taking the girl to the husband's house, there could have been more accomplices, especially when there was a real danger that another abductor might steal the same girl (Mogorović Crljenko, 2012a, 157. Cp.: Cesco, 2005, 123; Čulinović-Konstantinović, 1995–1997, 67).

For example, Jelena, the daughter of the deceased Mihovil Brajković from Nova Vas (*Gellena figlia q. Michovile Boraicoviche de villa Nova di Parenzo*) was taken from Mikula Milatović (*Micula Milattovich*) in 1613. Namely, her uncle wanted to marry her to another man whom she did not like and her mother told Mikula to take her. Accompanied by four men, Mikula took her to his house with her consent, and she slept there for four or five nights and they had sexual intercourse. In this case, the group of assistants was bigger because there was a danger that the girl might be abducted from another, competing group (BAP, 2.6. *Raptuum*, fol. 76–79).

It is evident from the cases that there was competition among men for women (on competition for women see also: Cesco 2004, 373; 2005, 111–117). Namely, in abductions, either violent or voluntary, the abductor very often said that he abducted the girl so that his competitors could not. It was very often an excuse for the girls as well. Namely, they said that they went with their abductor consensually and voluntarily so that the others would not abduct them, and they said that they had heard that "others" had a plan to abduct them. From this, it is evident that there was competition and also fights over women (BAP, 1.3. *Raptuum*, fol. 1–5v, 64–70; 4.4. *Raptuum*, fol. 108–111,133).

There was also a danger of abduction in cases when a father had promised his daughter for wife to the groom. Despite this, sometimes the girl was preyed upon by the others. Until the girl was taken to the groom's house, she could be a desirable bride. That was why sometimes the girl went to the groom's house before marriage, when there were rumours that others wanted her for wife and that she could be abducted (Mogorović Crljenko, 2012a, 161; Cp.: Cesco, 2005, 123; Čulinović-Konstantinović, 1995–1997, 67; BAP, 1.3. *Raptuum*, fol. 57–58).

The reasons for abductions varied. One of the reasons could be the father's poverty, so that he was unable to cover the costs of the wedding. In the abductions of orphans, there were frequently cases when girls resorted to voluntary abductions to avoid an unwanted marriage to another arranged by relatives, usually an uncle. Namely, after a father`s death, children were under their mother's tutelage or, if the mother remarried and went to house of her new husband, they were under the guardianship of their father's family. The same applied in cases of the death of both parents (on guardianship see Mogorović Crljenko, 2006, 82–84, 97–98). In the analysed cases, as a rule, this was uncle, the father's brother. In many cases it is evident poor orphaned girls were unhappy, and mistreated, under the tutelage of their uncles. In such cases, these girls sometimes made independent arrangements with their future husbands, and sometimes they ran away from the uncle's house to the men they chose (for example BAP, 1.3. *Raptuum*, fol.112–113v, 121–122; 3.3. *Raptuum*, fol.111–113; 4.4. *Raptuum*, fol. 20–22. Cp: Mogorović Crljenko, 2012a, 164–165).

Reporting to the priest and the wedding announcement were usually the time when a case came to the diocesan court. As soon as news of an abduction arose, the parish priest reported it to the court (BAP, 1.3. *Raptuum*; 2.6. *Raptuum*; 3.3. *Raptuum*; 4.4. *Raptuum*. Cp.: Mogorović Crljenko, 2012a, 168–169; Cesco, 2004, 356). All these mentioned things happened in a short period, because in both cases, the violent abduction of a girl or voluntary departure, the aim was the same: to contract marriage. In order to make the marriage legal and valid – and is what concerned everyone the most – it was necessary to marry in compliance with the provisions of the Council of Trent, and this implied previous announcements, the presence of a priest and witnesses, and the freely declared consent of the bride and groom.

Women were abducted, especially in the cases of violent abductions, when they were alone on the road, when they went to take water alone, when they were picking grapes, in the field while they were reaping or doing other jobs, when they were returning from the mill or from the harvest, when they were carrying wood, etc. (BAP, 1.3. *Raptuum*, fol. 88–97, 101–103, 107–111; 2.6. *Raptuum*, fol. 14–24, 86–88, 139–142, 232–235,

236–237; 4.4. *Raptuum*, fol. 1–5, 9–13, 59–66, 106–107). Women were not necessarily alone at the time of their abduction. The sources show that they could be in the company of other girls or women, or accompanied by a man – a relative. Court records show that in cases of voluntary abductions, the abductor usually had few accomplices, while in real, violent abductions, there were larger groups of men, mostly young men, and no one could oppose them. Besides the young men, the older men and family members also partici-pated in abductions. In the voluntary abductions, there may have been a larger group of abductors if there was a genuine danger that the girl could be taken by another group. The abductors could be on horseback and armed, most often with swords and sabres, axes, lances, batons, and even firearms (arquebuses), so the abduction proceeded rapidly. When many people participated in the abductions, they were armed. The girl was seized and car-ried over the shoulder, or she was put on a horse, or she was held by the arms by two or just one of the abductors. Sometimes the girl was pulled by her hair, thrown to the ground and beaten. If the girl resisted and screamed, sometimes the abductors would cover her mouth with her own kerchief to keep her silent (Mogorović Crljenko, 2012a, 170–172).

In cases of young widows or young orphaned girls who lived alone or only with their mothers, the abductors sometimes invaded their homes and took the girl. The sources in-dicate that abductions were well-planned, and not random and haphazard. The abductors knew about the woman-victim's movements and the approximate times when she went somewhere. Where the woman would be taken after the abduction was also planned. It could be the house of the young man who intended to marry the abducted girl, i.e. the house of his father, or the house of some other accomplice in the abduction. After the abduction, the abductor sometimes entertained his accomplices, i.e. in court the latter testified that they had been treated to food and beverages. Unlike in violent abductions, in cases of contractual abductions, the girl went to her fiancé from her father's house alone, or sometimes accompanied by someone, such as, for example, her mother or brother. The girl may have also arranged a meeting place with her fiancé, for example in a mill or in some other prearranged location, such as a roadway or hill, and then they would flee together. Sometimes they immediately went to the house of the young man, and some-times they remained in hiding for a time. In such abductions, i.e. voluntary elopements, there was none of the violence mentioned above (BAP, 1.3. *Raptuum*, fol. 1–5v, 30–40, 88–97; 2.6. *Raptuum*, fol.14–24, 55–58, 76–79, 120–129, 173–183, 200–224, 232–261; 3.3. *Raptuum*, fol. 23–27, 111–113; 4.4. *Raptuum*, fol. 56).

During an abduction or immediately thereafter, the relationship was usually consum-mated – voluntarily if it was a contractual abduction, or violently if it was a coerced abduction. In this way, the woman was in fact preordained to marry her abductor, because after a night spent with him and after sexual congress, no one else would want her for a wife. Some of the abductors, and also some of the abducted girls, very openly admitted that they had had intercourse. However, in cases of violent abductions, both sides, the abductor as well as the abducted girl, denied intercourse in their testimony. But under pressure from the interrogator, they usually would finally admit that there had been a sexual encounter (BAP, 1.3. *Raptuum* especially fol. 30–40, 51v–56, but also all other cases: 2.6. *Raptuum*, 3.3. *Raptuum*; 4.4. *Raptuum*. Cp.: Mogorović Crljenko, 2012a, 172;

Cesco, 2005, 119–120). Namely, a reliable method for obtaining a confession was ex-communication, which automatically applied to the abductor and his accomplices – this was prescribed by the Council of Trent, and all of the examined court cases confirm this. Excommunication for offenders was declared as soon as there was news of an abduction, even if it had been voluntary. The court cases clearly show that these excommunications did not last for long. Immediately after the offenders admitted to the act and repented, or if a voluntary abduction has been proven, the abductors and their accomplices were granted remission of excommunication. Finally, almost all abductions actually ended in marriage. In that way, the offenders justified their actions and the girls preserved their honour (Mogorović Crljenko, 2012a, 173).

The background of abductions, as with rape, was connected to honour (Cesco, 2004, 350; Chojnacki, 2000, 371–416; Ferraro, 2000a, 141–190; 2000b, 41–48; Mogorović Crljenko 2012a). It was not just a matter of the woman's honour, but the honour of her entire family. Honour could be tarnished not only by violent abduction, but also by voluntary abduction. For any sexual congress with woman out of wedlock was considered dishonourable and it was thus necessary to take action to restored this sullied honour. In cases of contractual abductions, which happened due to the disagreement of all or part of the girl's family, the families usually accepted the marriage. The provisions of civic statutes stipulate that one of the conditions for marriage between the abductor and the abducted woman, or between the rapist and the raped girl, was the consent of the girl and her family. On the other hand, from the cases conducted at the diocesan court in Poreč, it is apparent that greater importance was accorded to the consent of the girl and the man, rather than of the parents or family. For although the courts accepted the denunciation of an abduction by a father or uncle, and attempted to ascertain the truth, the girl's voluntary consent was crucial for marriage. In some particularly violent abductions, when it was difficult to determine if the woman agreed to marry or not, the interrogator warned girl to think before she decided, because once she entered into marriage she could not renege it later. Honour was obviously an extremely important thing in deciding about marriage, because all girls (women) agreed to marry their abductors. Namely, the obligation of giving a dowry to the abducted girl or widow was mentioned only in seven cases (of the 73 examined), but in small Istrian rural places there was obviously no guarantee that the dowry would restore honour to the abducted and dishonoured woman. There was also no guarantee that such a woman could marry another man, just as there was no guarantee that in such impoverished Istrian settlements the dowry would be paid. Therefore the safest method to restore honour and, in fact, the only one in evidence in the examined sources was marriage to the abductor. Girls or women were aware of that, because all of them agreed to marry their abductors, even if they had previously rejected marriage whit that individual (Mogorović Crljenko, 2012a, 178–179).

UGRABITVE ŽENSK ZA ZAKON:
ISTRA NA ZAČETKU 17. STOLETJA

Marija MOGOROVIĆ CRLJENKO

Sveučilište Jurja Dobrile u Puli, Zagrebačka 30, 52100, Pula, Hrvatska
e-mail: mmogorov@unipu.hr

POVZETEK

Ugrabitve žensk, ki so se končale z zakonsko zvezo, so od nekdaj znane v številnih popolnoma različnih kulturah. Delo analizira ugrabitve, ki so se v prvi polovici 17. st. dogajale v Istri, in to na območju škofije Poreč, kjer so o tem problemu ohranjeni zelo dragoceni viri, knjige ugrabitev (Raptuum) oziroma sodni procesi, ki jih je vodilo škofijsko sodišče in so zabeleženi od 17. st. naprej. Predpisi o ugrabitvah so sicer ohranjeni tudi v nekaterih istrskih statutih, predpise o tem je ravno tako sprejemal Tridentski koncil, zato so v članku poleg omenjenih sodnih procesov obravnavani tudi statutarni predpisi. Ugrabitve so praviloma označevale začetek zakonske zveze oziroma bile eden izmed – sicer nezakonitih – načinov sklenitve zakona. Obravnavati pa jih je mogoče tudi kot tajno sklenitev zakonske zveze. Poleg tega je omenjene ugrabitve mogoče deliti v dve osnovni skupini, dogovorne in prisilne. Odvisno od tega je pri sami ugrabitvi sodelovalo manj ali več pomagačev, posledična zakonska zveza pa je bila lahko prostovoljna ali prisilna. V povezavi z ugrabitvami se obravnava tudi stališče posameznih družinskih članov do ugrabitve, ki so jo zagovarjali ali ji nasprotovali, ne glede na stališče same ugrabljenke.

Ključne besede: zakon, ugrabitve, nasilje, škofija Poreč, prva polovica 17. stoletja

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