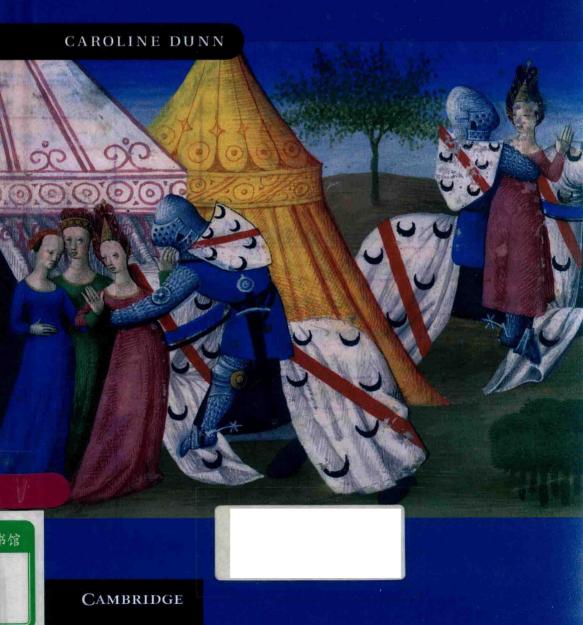# Stolen Women in Medieval England

Rape, Abduction, and Adultery, 1100–1500

CAROLINE DUNN

STOLEN WOMEN IN MEDIEVAL ENGLAND

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CAMBRIDGE
UNIVERSITY PRESS

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This study of illicit sexuality in medieval England explores links between marriage and sex, law and disorder, and property and power. Some medieval Englishwomen endured rape or were kidnapped for forced marriages, yet most ravished women were married, and many 'wife-thefts' were not forced kidnappings but cases of adultery fictitiously framed as abduction by abandoned husbands. In pursuing the themes of illicit sexuality and non-normative marital practices, this work analyses the nuances of the key Latin term *raptus* and the three overlapping offences that it could denote: rape, abduction, and adultery. This investigation broadens our understanding of the role of women in the legal system; provides a means for analysing male control over female bodies, sexuality, and access to the courts; and reveals ways in which female agency could, on occasion, manoeuvre around such controls.

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PREFACE

This book documents the traumas experienced by medieval victims of sexual assault and marital predation but celebrates women who found ways to outmanoeuvre cultural norms and legal constraints to marry or live with men of their choosing. The hardships that I have faced during the writing of this book are too trivial to mention in comparison to those endured by medieval victims of ravishment, but, nevertheless, this book would not have been possible without the assistance and support of diverse individuals and institutions, whom I wish to acknowledge now.

England and Italy', in *Regional Variations of Matrimonial Law and Custom in Europe, 1150–1600*, edited by Mia Korpiola (Leiden, 2011). I gratefully acknowledge permission to borrow from these earlier versions.

Professor Christine Carpenter read the manuscript in its entirety and offered thorough and thoughtful critiques to improve the book. I thank her for her time, effort, and encouragement. In addition, I am grateful to Liz Friend-Smith, Gillian Dadd, Jo Breeze, and Joe Garver, editors at Cambridge University Press, for their support, friendly advice, and quick turnaround times. I also thank Dr Paul Brand for his willingness to read an early draft of Chapter 1 and provide his own translations of the Westminster Statutes, Christian Opitz for suggesting the cover image, and Professor Walter Prevenier for an engaging and informative lunch at Kalamazoo. Others who offered stimulating questions and conversation along the way include Caroline Barron, Judith Bennett, Trevor Dean, Charles Donahue Jr, Katherine French, Monica Green, Vanessa Harding, Richard Helmholz, Janet Loengard, Shannon McSheffrey, Anthony Musson, David Nicholas, Julia Pope, Geneviève Ribordy, Jonathan Rose, Joel Rosenthal, Tim Stretton, David Trotter, Monique Vleeschouwers-Van Melkebeek, and Janelle Werner. Any deficiencies or errors remain my own responsibility.

During the early stages of research and writing, I was buoyed by the encouragement and advice offered by my Fordham dissertation readers Daniel Lord Smail, Wolfgang Mueller, and David Myers. Throughout the process, I have been cheered on by my supportive friends and fellow Fordham alumnae Kimberly Benard, Elizabeth Hardman, and Rebecca Slitt. I am indebted also to my Clemson University colleagues and students for their thoughts offered during formal research seminars and informal conversations.

My greatest debt is to Maryanne Kowaleski and my gratitude is equally large. Her consistent encouragement and excitement about the project kept me going from start to finish, while her tireless reading of drafts and insightful comments continually enhanced my thinking and my writing. I look forward to enjoying many more stimulating conversations about medieval history.

My husband, Paul Clark, has stood by my side for every moment of this book's creation, spending countless hours toiling over the tedious tasks of reading drafts, formatting tables and footnotes, and listening to me think through my incomplete thoughts out loud. He has provided encouragement and moral support along with welcome distractions. And, fittingly, Paul stole my heart along the way. Although she has provided more distractions than assistance, I wish also to thank our little

baby Charlotte for sleeping enough to allow me to complete the book and for teaching me to understand yet another derivation of the Latin term *raptus* – rapture. Finally, I dedicate this book to my mother, Joan Dunn Harrison, who taught me to love learning, and to my father, Fred Harrison, who nurtured my love of history.

ABBREVIATIONS

Unless otherwise noted, all references to unpublished manuscripts are to documents in the National Archives, Public Record Office, London.

Bracton   Bracton, Henry de. *De Legibus et Consuetudinibus Angliae*. Ed. G.E. Woodbine. Translated by Samuel Thorne. Cambridge, MA, 1968–77.

CCR   *Calendar of the Close Rolls Preserved in the Public Record Office, 1272–1509*. 1892–1963. Reprint, Nendeln, 1972.

CPR   *Calendar of the Patent Rolls Preserved in the Public Record Office, 1232–1578*. 1891–1963. Reprint, Nendeln, 1972.

CRR   *Curia Regis Rolls Preserved in the Public Record Office*. London, 1922–2006.

DNB   *Oxford Dictionary of National Biography*. Ed. Lawrence Goldman *et al*. Internet version. www.oxforddnb.com. Oxford, 2004.

Glanvill   Glanvill. *Tractatus de Legibus et Consuetudinibus Regni Angliae tempore Regis Henrici Secundi*. Ed. G.D.G. Hall. 1965. Reprint, Oxford, 1993.

King's Bench   *Select Cases in the Court of King's Bench*. Ed. G.O. Sayles, 7 vols. Selden Society Publications, 55, 57–8, 74, 76, 82, 88, 1936–71.

Paston Letters   *Paston Letters and Papers of the Fifteenth Century*. Ed. Norman Davis. 3 vols. 1971. Reprint, Early English Text Society Publications, s.s. 20, 21, 22, 2004–06.

Proceedings   *Proceedings Before the Justices of the Peace in the 14th and 15th Centuries: Edward III to Richard III*. Ed. Bertha H. Putnam. Cambridge, MA, 1938.

PROME	*The Parliament Rolls of Medieval England.* Ed. C. Given–Wilson *et al.* Internet version. www. sd-editions.com/PROME. Leicester, 2005.
Select Cases of Trespass	*Select Cases of Trespass from the King's Courts, 1307–1399.* Ed. Morris S. Arnold. 2 vols. Selden Society Publications, 100, 103, 1985–87.
SSP	Selden Society Publications
Statutes	*Statutes of the Realm.* Ed. A. Luders *et al.* 11 vols. London, 1810–28.

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INTRODUCTION

Alice de Lacy and Christiana Ingelwode were two medieval women who did not have much in common. Alice was married to the king's cousin and leading nobleman of England, Thomas, earl of Lancaster, while Christiana, married to the potter John Ingelwode, lived an urban life in London much lower down the social scale.[1] Yet, both of these women, along with numerous others, were stolen away from their husbands during the fourteenth century. Moreover, despite allegations of great force – Alice was captured by Lancaster's political nemesis in a planned abduction, while Christiana was kidnapped 'with force and arms' by the baker John Godfelaugh – both abductions reveal hints of the women's consent. It is possible that both Alice and Christiana were complicit in their ravishments, or at least their kidnappings were not as violent as they were depicted in the medieval sources. In this respect the kidnappings of Alice and Christiana were not unusual.[2] Some two-thirds of allegedly kidnapped women between 1100 and 1500 were, like Alice de Lacy and Christiana Ingelwode, already married. Not all of these women were necessarily committing adultery – some were escaping marital cruelty – and not all wives were departing consensually, but adultery is explicitly or implicitly documented in many wife-theft allegations.

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[1] John R. Maddicott, *Thomas of Lancaster, 1307–1322: A Study in the Reign of Edward II* (Oxford, 1970), pp.190–1, 197–8; Linda E. Mitchell, *Portraits of Medieval Women: Family, Marriage, and Politics in England, 1225–1350* (New York, 2003), pp.105–24; KB 27/229, m.13.

[2] Morris S. Arnold, 'Introduction', in *Select Cases of Trespass*, pp.xlv–xlviii; John H. Baker, *An Introduction to English Legal History*, 4th edn (London, 2002), pp.456–7; H.A. Kelly, 'Statutes of Rapes and Alleged Ravishers of Wives: A Context for the Charges Against Thomas Malory, Knight', in *Inquisitions and Other Trial Procedures in the Medieval West* (1997; repr. Aldershot, 2001), p.389; J.B. Post, 'Ravishment of Women and the Statute of Westminster', in *Legal Records and the Historian: Papers Presented to the Cambridge Legal History Conference*, ed. J.H. Baker (London, 1978), p.153; Sue Sheridan Walker, 'Punishing Convicted Ravishers: Statutory Strictures and Actual Practice in Thirteenth- and Fourteenth-Century England', *Journal of Medieval History* 13 (1987), pp.237–8, 245.

In studying medieval English abductions, one learns quickly that one must also consider the traumas suffered by some medieval women who were violently raped. This is because the Latin vocabulary used to depict the ravishment of Alice de Lacy and other medieval women often included the verb *rapere*, which in classical Latin meant 'to seize' but which became the antecedent of the modern English 'rape'. The evolution of the term *rapere* quickened over the thirteenth and fourteenth centuries – the time of Alice's and Christiana's kidnappings – so that during these years lawmakers, scribes, and chroniclers employed the word to mean both rape (a term defined herein as sexual assault against a woman's will) and abduction (forced or consensual departure of a woman).

Alice de Lacy's story in particular brings together all three elements of ravishment that are the focus of this book: women who were stolen away, whether by rapists, kidnappers, or lovers. Two of the chroniclers depicting Alice's kidnapping used the ambiguous verb *rapere* to describe the event, which might suggest to some scholars that she was raped rather than abducted. Two other chroniclers write that there was no violent attack on the countess but that she was voluntarily running away with her lover.[3] Yet, despite the attention numerous chroniclers paid to Alice's ravishment, we will never uncover her own thoughts and emotions about the episode.

Alice was kidnapped twice in her lifetime, a fact which highlights how common ravishment was in the Middle Ages. Long after Lancaster's death, Alice was stolen away for remarriage in an episode that again has scholars divided on whether or not she consented.[4] Ravishments involving higher-status women like Alice were more likely to be prosecuted and recorded in the courts, so kidnappings were probably more common than my research has uncovered. Although it would exaggerate to claim that abduction was a widespread problem in later medieval England, it appears frequently in legal records. Along with other scholars I assume that sexual assault was a crime more widespread than reported,[5] and therefore references to sexual rape in the court records are less frequent

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[3] See Chapter 5, pp. 128–9 and Chapter 6, pp. 162–3.

[4] *King's Bench*, vol. v, p. 90; *CCR, 1333–7*, pp. 561–2, 564. Michael Prestwich (*The Three Edwards: War and State in England, 1272–1377*, 2nd edn (London, 2003), p. 157) suggests Alice was 'not a wholly unwilling victim', and Joanna Chamberlayne ('Joan of Kent's Tale: Adultery and Rape in the Age of Chivalry', *Medieval Life* 5 (1996), pp. 7–9) concurs, but Linda Mitchell (*Portraits*, pp. 120–1) depicts the episode as forced abduction and rape.

[5] Kathryn Gravdal, 'The Poetics of Rape Law in Medieval France', in *Rape and Representation*, ed. Lynn A. Higgins and Brenda R. Silver (New York, 1991), p. 212; Patricia R. Orr, 'Men's Theory and Women's Reality: Rape Prosecutions in the English Royal Courts of Justice, 1194–1222', in *The Rusted Hauberk: Feudal Ideals of Order and Their Decline*, ed. Liam O. Purdon and Cindy L. Vitto (Gainesville, FL, 1994), p. 121.

than abductions. The offence more commonly targeted lower-status women, who are less visible in the historical record.[6] Although I remain more interested in the stories of consensual abduction, I hope that I have treated with sensitivity the stories of those women kidnapped by force or sexually assaulted.

This work pursues the themes of illicit sexuality and marital practices, through the nuances of the three overlapping offences of rape, abduction, and adultery. It is a long-term study of these under-examined topics, ranging from how women experienced sexual violence to the phenomenon of consensual abductions in which women eloped with suitors or abandoned existing marriages. Women like Alice de Lacy and Christiana Ingelwode lie at the heart of this book, but ravishment cannot be studied without considering the experiences and motivations of male rapists, abductors, lovers, and abandoned husbands. The study acknowledges that some men, especially priests, were falsely accused of the crimes of rape and abduction, even while it analyses why guilty offenders were often acquitted, pardoned, or given light sentences.

Sexual offences bridged the still permeable late medieval boundary between sin and crime,[7] and cases could be tried both in royal courts, which heard criminal cases and civil lawsuits involving property, and Church courts, which presided over cases involving the Church's interest in matrimony and morality. This exploration thus situates the social themes of illicit sexuality within their legal and judicial contexts. Although couples usually married with parental approval, consensual abductions – in the style of Romeo and Juliet – could enhance marital choice. Likewise, even though the rules of the medieval Church prohibited divorce, secular sources reveal a surprising degree of fluidity in the marriages of ordinary men and women. Not only did medieval men and women engage in extramarital activities, but they also informally abandoned existing marriages and, at least on some occasions, entered into new, bigamous, nuptials.[8] Marriages could be neither made nor dissolved without considering crucial issues of property and inheritance; these secular concerns for the patrimony brought many marital disputes, normally adjudicated by Church courts, under the king's legal jurisdiction.[9] In places I also

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[6] Below, pp.60–2.

[7] James Brundage, 'Sin, Crime, and the Pleasures of the Flesh: The Medieval Church Judges Sexual Offences', in *The Medieval World*, ed. Peter Linehan and Janet L. Nelson (London, 2001), p.296.

[8] Charles Donahue Jr, *Law, Marriage, and Society in the Later Middle Ages* (Cambridge, 2008), *passim*; Kelly, 'Statutes of Rapes', pp.399–400; Michael M. Sheehan, 'The Formation and Stability of Marriage in Fourteenth-Century England: The Evidence of an Ely Register', *Mediaeval Studies* 33 (1971), p.51.

[9] Robert C. Palmer, 'Contexts of Marriage in Medieval England: Evidence from the King's Courts circa 1300', *Speculum* 59 (1984), pp.42–67.

situate the English family and legal system within a wider European context – for example, by comparing parliamentary trends with legislation emerging from Italian cities that penalised adultery and clandestine marriages.

A comprehensive exploration of the ravishment allegations of medieval England provides new context for the well-studied allegations against Chaucer and Malory; both of these literary giants were accused of stealing away women. Some convict them for the heinous offence of sexually assaulting a woman against her will, while others refer lightly to 'Chaucer's escapade', or believe them guilty of no more than seduction or consensual sex.[10] Moreover, another literary figure can be added to the list of medieval English authors involved in cases of female ravishment, for Adam of Usk, a chronicler and contemporary of Chaucer, allegedly participated in a 1416 conspiracy to accuse, maliciously, John Boche of stealing the wife of the yeoman Richard Herby.[11]

Although the personal lives of Chaucer, Malory, and Usk emerge through investigating ravishment, the literary realm is not the focus of

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[10] For the full text of the incident involving Chaucer, see Martin M. Crow and Clair C. Olson, ed., *Chaucer Life-Records* (Oxford, 1966), pp.344–5. On the extensive debate over the nature of Chaucer's activities, see Christopher Cannon, 'Chaucer and Rape: Uncertainty's Certainties', in *Representing Rape in Medieval and Early Modern Literature*, ed. Elizabeth A. Robertson and Christine M. Rose (New York, 2001), pp.255–80; Cannon, '*Raptus* in the Chaumpaigne Release and a Newly Discovered Document Concerning the Life of Geoffrey Chaucer', *Speculum* 68 (1993), pp.74–94; H.A. Kelly, 'Meanings and Uses of *Raptus* in Chaucer's Time', in *Inquisitions and Other Trial Procedures in the Medieval West* (1998; repr. Aldershot, 2001), pp.101–65, at pp.101, 119; Derek Pearsall, *The Life of Geoffrey Chaucer: A Critical Biography* (Oxford, 1992), pp.135–8; Corinne Saunders, *Rape and Ravishment in the Literature of Medieval England* (Woodbridge, 2001), p.72; Haldeen Braddy, 'Chaucer, Alice Perrers, and Cecily Chaumpaigne', *Speculum* 52 (1977), pp.906–11; Martha Powell Harley, 'Geoffrey Chaucer, Cecilia Chaumpaigne, and Alice Perrers: A Closer Look', *Chaucer Review* 28 (1993–94), pp.78–82; P.R. Watts, 'The Strange Case of Geoffrey Chaucer and Cecilia Chaumpaigne', *Law Quarterly Review* 63 (1947), pp.491–513; T.F.T. Plucknett, 'Chaucer's Escapade', *Law Quarterly Review* 64 (1948), pp.33–6. The Malory accusations can be found at KB 9 265/78; KB 27/762, m.52d, and are transcribed or translated in Edward Hicks, *Sir Thomas Malory* (Cambridge, 1928), Appendix, and A.C. Baugh, 'Documenting Sir Thomas Malory', *Speculum* 8 (1933), pp.3–29. Scholars continue to debate whether this incident of *raptus* accused Malory of abduction or rape. According to Christine Carpenter ('Sir Thomas Malory and Fifteenth-Century Local Politics', *Historical Research* 54 (1980), pp.37–8, n.54) and P.J.C. Field (*The Life and Times of Sir Thomas Malory* (Woodbridge, 1999), p.106), it was probably consensual adultery. Kelly ('Statutes of Rapes', pp.413–15) and Christina Hardyment (*Malory: The Knight Who Became King Arthur's Chronicler* (New York, 2005), pp.301–2) suggest that Malory was assisting Smith to leave her husband for non-adulterous reasons, with Hardyment arguing that Malory's 'role in the Joan Smith affair was exactly what we would expect of the author of the *Morte Darthur*: that of a knight chivalrously embarking on the rescue of a damsel in distress'. Recently Catherine Batt ('Malory and Rape', in *Le Morte Darthur*, ed. Stephen H.A. Shepherd (New York, 2003), p.802) has renewed the sexual violence allegation, while Saunders (*Rape and Ravishment*, pp.234–6) discusses each interpretation.

[11] To my knowledge, this incident in the life of the chronicler had not been uncovered previously. KB 27/622, m.70.

this work. All of the cases presented here were real (or allegedly real), not imagined. They involved real women who came to a court to accuse another person (or people) of sexual violence or abduction.[12] Other scholars have devoted their attentions to literary or artistic representations of medieval ravishment; here I present the context in which the authors of medieval texts were operating and not their imagined worlds peopled with damsels in distress.[13]

Despite involving historical people, the ravishment allegations prosecuted in the courts do not necessarily represent 'actual' events of sexual violence or abduction. Legal documents represent not 'the whole truth and nothing but the truth'; rather they are constructed narratives stating what victims, defendants, and juries believed happened.[14] A female 'victim' in a ravishment prosecution may not have viewed herself as such, and a father or husband complaining that his daughter or wife had been stolen away might gloss over how she left with her so-called abductor willingly. To us, such voluntary elopements or abandonments are not crimes, but medieval authorities thought otherwise and so they enacted legislation to combat them.

Moreover, court records are circumscribed by legal conventions; their authors had to conform to the requirements prescribed by royal laws and judicial practices to initiate a case in civil and criminal courts. In civil lawsuits the aggrieved party began by purchasing a writ from the royal Chancery that allowed the case to proceed. The standardised formula of the writ, which stated that a named offender had 'seized and abducted' (*rapuit et abduxit*) a wife or a ward, was recorded by scribes in the legal record, and hence the language of the writ leads directly to the preponderance of the '*rapuit et abduxit*' phrase in complaints. It is possible, indeed probable, that the complainants used different terms when they consulted lawyers or visited Chancery to state their case and purchase the writ (and, unless they were exceptionally learned, plaintiffs certainly

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[12] Or sometimes the women's fathers and husbands prosecuted on their behalf. Legal documents also include several prosecutions for attempted ravishment rather than committed offences, and non-prosecuted attempts appear in other sources, such as Margaret Paston relating to her husband John how she had heard that their nemesis was planning to 'stele me and kepe me with jnne ye kastell'. *Paston Letters*, vol. I, 231.

[13] Saunders, *Rape and Ravishment*; Kathryn Gravdal, *Ravishing Maidens: Writing Rape in Medieval French Literature and Law* (Philadelphia, 1991); *Representing Rape in Medieval and Early Modern Literature*, ed. Elizabeth Robertson and Christine Rose (New York, 2001); Suzanne Edwards, 'Beyond Raptus: Pedagogies and Fantasies of Sexual Violence in Late-Medieval England' (Ph.D. thesis, University of Chicago, 2007); Diane Wolfthal, *Images of Rape: The 'Heroic' Tradition and Its Alternatives* (Cambridge, 1999).

[14] Donahue, *Law, Marriage, and Society*, pp.8, 59–61; Costas Douzinas, Ronnie Warrington, and Shaun McVeigh, *Postmodern Jurisprudence: The Law of Text in the Texts of Law* (London, 1991), pp.97–8; Bernard S. Jackson, *Law, Fact and Narrative Coherence* (Liverpool, 1988), pp.2, 88, 104.