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978-1-107-01700-9 - Stolen Women in Medieval England: Rape, Abduction, and Adultery, 1100–1500

Caroline Dunn

Excerpt

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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.

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–xlvi; 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.

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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

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.

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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

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.

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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

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.

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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

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. 1, 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.

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spoke in the vernacular). Attorneys and Chancery clerks knew the standard formulas for legal complaints, and directed their clients to that writ. Royal policy also circumscribed criminal prosecutions for ravishment, for the Crown did not always order justices to investigate ravishments as part of their judicial purview. The voice of the ravished woman remains largely unheard in these records, therefore, and scholars must constantly remember that we are viewing these constructed narratives from a distance of up to eight centuries and filtered through the minds and quills of the scribes who recorded these legal cases.¹⁵

Just as female experiences of ravishment were diverse, the research presented here highlights that scholars should be careful when categorising the women they encounter in their medieval documents. When women are classified merely by life-cycle position, marital status, or occupation, it disguises how a woman fulfilled different roles for different people – a woman might be concomitantly a wife and a servant, or a daughter and a ward. We should also be wary of generalising about women of the same status; thus, although historians often depict widowhood as the pinnacle of female empowerment in the Middle Ages, especially for wealthy widows,¹⁶ it was these same high-status widows who remained susceptible to abduction throughout the medieval era even after lawmakers had, to an extent, successfully curbed the abductions of maidens and wives in earlier centuries.

My search for ravishment in certain medieval English records uncovered 1,198 instances or allegations of female seizure ranging from forced sexual attacks to extramarital affairs.¹⁷ This examination of ravishment covers the entire later Middle Ages (1100–1500). The chronological analysis reveals dramatic variance in prosecution rates and the vocabulary employed by royal justices and scribes when they wished to record incidents of sexual assault, abduction, and seduction.¹⁸ Many of the cases, like those involving Alice de Lacy and Christiana Ingelwode, date to the later

¹⁵ Barbara A. Hanawalt, 'Whose Story Was This? Rape Narratives in Medieval English Courts', in *Of Good and Ill Repute: Gender and Social Control in Medieval England* (Oxford, 1998), p. 124.

¹⁶ Judith M. Bennett, 'Public Power and Authority in the Medieval English Countryside', in *Women and Power in the Middle Ages*, ed. Mary Erler and Maryanne Kowaleski (Athens, GA, 1988), p. 23; Bennett, 'Widows in the Medieval English Countryside', in *Upon My Husband's Death: Widows in the Literature and Histories of Medieval Europe*, ed. Louise Mirrer (Ann Arbor, MI, 1992), pp. 71–5; Susan M. Johns, *Noblewomen, Aristocracy and Power in the Twelfth-Century Anglo-Norman Realm* (Manchester, 2003), pp. 57–75; Jennifer Ward, *Women in Medieval Europe: 1200–1500* (Harlow, 2002), p. 59.

¹⁷ Some cases appear in two types of records – for example in both the Patent Rolls and King's Bench records – and so the 1,198 cases generated 1,213 total references. This excludes instances when a case is recorded in multiple King's Bench law terms.

¹⁸ Because of the paucity of earlier legal records, only a few cases antedating 1200 were found, and so chronological comparisons commence with the thirteenth century.

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thirteenth and fourteenth centuries, both because the legal records and Crown letters survive better from those years and because ravishment complaints became more frequent.¹⁹ Cases from the fourteenth century outnumber those from the fifteenth, however, because civil complaint rates declined.²⁰ The lack of chronological consistency makes it more difficult to compare similar types of cases across different types of sources across the centuries, but at the same time the legal shifts that dictated prosecution and litigation rates, source survival rates, and change of legal venues help us better understand medieval attitudes towards ravishment as we learn how and why people complained of the offence.

Research commenced with exploration of all volumes of the translated *Calendars of Patent Rolls* for references to rape or abduction, and, since this project hinges upon clear understanding of terminology, I also reviewed the original Latin manuscript versions.²¹ In addition to the Patent Rolls, which provided cases of royal pardons and commissions to hear and investigate crimes, gaol delivery and King's Bench rolls relating to four English counties – Bedfordshire, Devon, London/Middlesex, and Northumberland – and the court records of the Welsh Marcher lordship of Dyffryn Clwyd were sampled to explore the existence and frequency of regional variation.²² Other legal records, including the early *Curia Regis Rolls* and eyre records, have been edited and printed in much greater proportions than the gaol delivery and King's Bench records (although the edited eyre rolls in particular were selected from a wider body of surviving manuscripts). Nevertheless, since a higher proportion of these earlier records appear in print, they were not examined in manuscript form unless the editors provided only an English calendar without the original Latin terminology.²³ Likewise, many of the fourteenth-century

¹⁹ See below, pp.144–5. ²⁰ See below, pp.148–9.

²¹ The *CPR* editors were largely accurate, although some errors will be pointed out below. Editors alternated between translating *rapuit* and *raptus* as 'ravished/raped' or 'ravishment/rape', but they were more likely, especially in later volumes, to omit text rather than translate terms inaccurately. The manuscript rolls are at C 66. I did not look at the Supplementary Patent Rolls (C 67), though some are printed in the *CPR*.

²² All gaol delivery records (JUST 3) for the aforementioned four counties were included, but the abundant King's Bench rolls (KB 27) were investigated at five-year intervals at the beginning, middle, and end of each century (commencing with their late thirteenth-century inception). The Dyffryn Clwyd court rolls are at SC2, and in English calendar at 'the Dyffryn Clwyd Court Roll Database, 1294–1422, comp. L.B. Smith *et al.* (UK Data Archive, available at www.esds.ac.uk/findingData/snDescription.asp?sn=3679, 1997). I found little evidence of geographic variation, and concluded (Caroline Dunn, 'Damsels in Distress or Partners in Crime? The Abduction of Women in Medieval England' (Ph.D. thesis, Fordham University, 2007), ch. 8) that population density largely explains the distribution of cases.

²³ For example, the *London Eyre of 1276*, ed. and trans. Martin Weinbaum (London, 1976), is translated, so I examined the original manuscript (London, British Library, Additional Charter 5153) for the Latin terms. See Appendix II.

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court rolls relating to the workings of the Justices of the Peace have been printed, but, unfortunately, few manuscript rolls survive beyond the early fifteenth century.²⁴ In total, the Crown's legal and administrative sources mentioned above provided 1,167 of the 1,213 ravishment references (over 96 per cent). The remaining cases were drawn from a diverse selection of manor court rolls, monastic chronicles, petitions to Chancery and Parliament, and ecclesiastical records.²⁵ One Church court record – the late fourteenth-century casebook from the diocese of Ely – was consulted in manuscript.²⁶ As emphasised throughout, the type of source often dictates the type of case uncovered.²⁷

Three types of abduction cases that affected both men and women are excluded from the present analysis. First, wards were stolen, most often by rival guardians rather than prospective spouses, because of the profits acquired through custody of property and sale of the ward's marriage.²⁸ Since male heirs predominated over heiresses, ward-theft affected them more. By far the most significant contribution to knowledge of medieval wards remains Sue Sheridan Walker's articles from the 1970s and 1980s. Her analysis of fourteenth-century wardship highlights guardians' control over wards' estates and marriages, laws prohibiting the theft of wards, and the cases prosecuted under the laws, which increased over the late thirteenth and fourteenth centuries.²⁹ Like Walker, Scott Waugh analyses the broader themes of wardship, and not specifically the abduction of wards. His work concentrates on the political, administrative,

²⁴ Anthony Musson and W.M. Ormrod, *The Evolution of English Justice: Law, Politics and Society in the Fourteenth Century* (New York, 1999), p.119; J.B. Post, 'Some Limitations of the Medieval Peace Rolls', *Journal of the Society of Archivists* 4:8 (1973), p.634.

²⁵ Appendix II.

²⁶ Cambridge University Library, DMA, D2/1. This ecclesiastical register was calendared but not fully translated by Marcia J. Stentz, 'A Calendar and Study of a Consistory Court Record from the Diocese of Ely, 1374–1382' (Ph.D. thesis, University of Toronto, 1990).

²⁷ Anthony Musson, 'Crossing Boundaries: Attitudes to Rape in Later Medieval England', in *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe*, ed. Anthony Musson (Aldershot, 2005), pp.84–90.

²⁸ Sue Sheridan Walker, 'Common Law Juries and Feudal Marriage Customs in Medieval England: The Pleas of Ravishment', *University of Illinois Law Review* 3 (1984), p.711; Walker, 'Free Consent and Marriage of Feudal Wards in Medieval England', *Journal of Medieval History* 8 (1982), p.127.

²⁹ Walker also briefly examined wife-theft, chiefly to compare the offence with ravishment of wards. Other wardship studies by Walker not yet cited include: 'The Feudal Family and the Common Law Courts: The Pleas Protecting Rights of Wardship and Marriage, c.1225–1375', *Journal of Medieval History* 14 (1988), pp.13–31; 123–34; Walker, 'The Marrying of Feudal Wards in Medieval England', *Studies in Medieval Culture and Society* 4 (1974), pp.209–24; Walker, 'Widow and Ward: The Feudal Law of Child Custody in Medieval England', in *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia, 1976), pp.159–72; Walker, 'Wrongdoing and Compensation: The Pleas of Wardship in Thirteenth- and Fourteenth-Century England', *Journal of Legal History* 9 (1988), pp.267–307; Walker, 'Violence and the Exercise of Feudal Guardianship: The Action of "Ejectis Custodia"', *American Journal of Legal History* 16 (1972), pp.320–3.

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and economic mechanisms of wardship, rather than legal elements, and, although he provides several cases of heiress-snatching, he emphasises its general rarity.³⁰ Noël J. Menuge documents how the romances of medieval England and northern France portray contemporary anxiety about wardship. Central to the tales are questions of who should be guardians, and how they should behave.³¹ Since the topic of wardship has been studied extensively, and because ward-theft was not a female-specific offence, I omitted further analysis of the subject.

Second, my research uncovered only a few cases of women kidnapped and held for ransom, although the capture, imprisonment, and ransoming of men was more common.³² Perhaps women were infrequently targeted because their more domestic lifestyles made them less practical marks (presumably men were more easily accessible, as they more frequently wandered further away from their homestead or village in their daily labours or travelled alone). Unlike men, women were not captured in military actions, and codes of chivalry may have deemed women ineligible for ransom-taking in the Welsh and Scottish Marches, or in France during this era.³³ We may be witnessing a gender distinction between male and female hostages, whereby men were seized for their property and women were victims of sexual assault.³⁴ Because so few women were captured for ransom, their stories are excluded from the current sample.

³⁰ Scott Waugh, *The Lordship of England: Royal Wardship and Marriage in English Society and Politics, 1200–1327* (Princeton, NJ, 1988), pp.78, 219–20.

³¹ Noël J. Menuge, 'A Few Home Truths: The Medieval Mother as Guardian in Romance and Law', in *Medieval Women and the Law*, ed. Noël J. Menuge (Woodbridge, 2000), pp.164–85; Menuge, *Medieval English Wardship in Romance and Law* (Woodbridge, 2001), p.21; Menuge, 'Reading Constructed Narratives: An Orphaned Medieval Heiress and the Legal Cases as Literature', in *Medieval Women: Texts and Contexts in Late Medieval Britain*, ed. Jocelyn Wogan-Browne et al. (Turnhout, 2000), pp.115–29.

³² Instances of men taken with the terms *cepit et imprisonavit* are at KB 27/15, m.17; KB 27/510, m.62. One apparent example of a female kidnapped for ransom is the complaint made by Johanna Pyniore and her husband Nicholas against another London couple, Robert and Agatha Winchester, following Johanna's 1372 capture. The plaintiffs stated that the Winchesters came with swords and shields to seize Johanna, and then they mistreated and imprisoned her overnight until the Pyniores paid £40. As far as we can tell, the Winchesters and the Pyniores had no prior quarrel, and indeed the record informs us that the Winchesters had been named in prior offences committed in London to the point that the mayor and his council were deliberating whether to revoke their freedom. KB 27/452, m.23.

³³ Gwen Seabourne, *Imprisoning Medieval Women: The Non-Judicial Confinement and Abduction of Women in England, c. 1170–1509* (Farnham, 2011), pp.15–26.

³⁴ Yvonne Friedman ('Captivity and Ransom: The Experience of Women', in *Gendering the Crusades*, ed. Susan B. Edgington and Sarah Lambert (New York, 2001), pp.125–7) explored incidents of women captured during the crusades and found that extremely wealthy women might be ransomed, but rape, forced marriage, or slavery were more commonly experienced by female hostages. Yet Malcolm Greenshields ('Women, Violence, and Criminal Justice Records in Early Modern Haute Auvergne (1587–1664)', *Canadian Journal of History* 22 (1987), p.183) concluded that ransom was a common motive for kidnappers of women in early modern France.

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Third, a unique context for the abduction of both male and female servants emerged after the Black Death, when labour shortages made workers more valuable commodities. Because the term *rapere* was rarely used to record the theft of labourers, and because this type of kidnapping (often consensual departure from one employer to another) was not gendered, with men and women both allegedly kidnapped by rival employers, allegations of servant abduction were not included in my sample.³⁵

Historians and literary scholars have analysed the laws covering *raptus*, sexual assault, the abduction of wards, the circumstances of Chaucer's and Malory's alleged crimes, and representations of rape and seizure in literary texts. However, no one has undertaken a long-term study of the ravishment cases found in the late medieval English records. Scholarship on the seizure of women has primarily fallen into four main categories. Scholars interested in the introduction of various legislative measures aimed at combating ravishment comprise the first group. The second consists of those scholars of rape interested only in accounts of sexual violence, while the third are historians focusing largely on abduction – whether of wards or women. Lastly, literary scholars, presumably because of their sophisticated sensitivity to language, have been more attuned to the complexity of *raptus* and have thus focused on the nuanced meaning of the term, exploring both the rape and abduction definitions of the word.

Scholars primarily interested in legislation, among whom J.B. Post and H.A. Kelly have been most influential, have explored a few court cases with the aim of understanding the statutes. Nearly thirty years ago, J.B. Post argued that lawmakers conflated the separate offences of rape and abduction to punish consensual abductions (elopements). His postulation that the conflation diminished the right of recourse for genuine victims of sexual violence has been widely accepted by historians and literary scholars alike.³⁶ H.A. Kelly challenged Post's thesis, however, arguing that the ravishment statutes enacted by the English Parliament were designed to punish abduction, not rape.³⁷ E.W. Ives and A. Cameron focus on a later statute and argue that the 1487 'Acte agaynst taking awaye of Women agaynst theire Willes' clearly regulated abduction in response to one specific complaint made to

³⁵ For more on the theft of servants, see Rodney Hilton, *Class Conflict and the Crisis of Feudalism* (London, 1985), p.136, and Arnold, 'Introduction', in *Select Cases of Trespass*, pp.xliv–xlv. Examples of servants captured are at KB 27/454, m.88; KB 27/610, m.59.

³⁶ Post, 'Ravishment of Women', pp.157–64; Post, 'Sir Thomas West and the Statute of Rapes, 1382', *Bulletin of the Institute of Historical Research* 53(127) (1980), pp.24–30.

³⁷ Kelly, 'Statutes of Rapes', *passim*.