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

Caroline Dunn

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STOLEN WOMEN IN MEDIEVAL ENGLAND

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.

CAROLINE DUNN is Assistant Professor of History at Clemson University.

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[More information](#)

CONTENTS

<i>List of tables and figure</i>	<i>page</i> vi
<i>Preface</i>	vii
<i>List of abbreviations</i>	x
INTRODUCTION	I
1 LAWS AND LEGAL DEFINITIONS	18
2 RAPE	52
3 ABDUCTION AND FORCED MARRIAGE	82
4 ELOPEMENT	98
5 ADULTERY	120
6 RETALIATORY ABDUCTIONS AND MALICIOUS LEGAL PROCEEDINGS	161
CONCLUSION	192
<i>Appendix I: Ravishment legislation</i>	196
<i>Appendix II: Sources of ravishment cases</i>	204
<i>Bibliography</i>	231
<i>Index</i>	254

LIST OF TABLES AND FIGURE

TABLES

1.1	Classification of ravishment cases	<i>page</i> 22
1.2	The language of abduction before 1285	27
1.3	Proportion of references using and avoiding <i>raptus</i>	39
1.4	Chronological variance in sexual intercourse terminology	46
1.5	Chronological variance in sexual intercourse terminology, Court of King’s Bench	47
2.1	Proportion of rape cases alleging loss of virginity	59
6.1	Types of abductions motivated by quarrels	170
6.2	Social status of participants in property kidnappings	170

FIGURE

1.1	Chronology of ravishment cases	39
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Frontmatter

[More information](#)

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.

Research travel was generously supported by the Graduate School of Arts and Sciences at Fordham University and the Department of History at Clemson University.

I am a grateful recipient of the Hope Emily Allen dissertation grant from the Medieval Academy of America and a dissertation-year fellowship from the National Conference on British Studies. I appreciate that they expressed confidence in my studies from the earliest stages. During my research I received encouragement and helpful advice from members of two seminars held at the Institute of Historical Research: the Late Medieval Seminar and the Medieval and Tudor London Seminar. The staff of the National Archives in Kew were always friendly and quick to assist me.

Earlier versions of some chapters have appeared as journal articles and book chapters. Chapter 1 derives from 'The Language of Ravishment in Medieval England', *Speculum* 86 (2011), pp.79–116, while portions of Chapter 5 appeared in 'Ending English Exceptionalism: Bryce Lyon's Legacy for Constitutional and Legal Historians', in *Comparative Perspectives on History and Historians: Essays in Memory of Bryce Lyon (1920–2007)*, edited by David M. Nicholas (Kalamazoo, MI, 2012), and 'Forfeiting the Marriage Portion: Punishing Female Adultery in the Secular Courts of

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[More information](#)*Preface*

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

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[More information](#)

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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.

<i>Bracton</i>	Bracton, Henry de. <i>De Legibus et Consuetudinibus Angliae</i> . Ed. G.E. Woodbine. Translated by Samuel Thorne. Cambridge, MA, 1968–77.
<i>CCR</i>	<i>Calendar of the Close Rolls Preserved in the Public Record Office, 1272–1509</i> . 1892–1963. Reprint, Nendeln, 1972.
<i>CPR</i>	<i>Calendar of the Patent Rolls Preserved in the Public Record Office, 1232–1578</i> . 1891–1963. Reprint, Nendeln, 1972.
<i>CRR</i>	<i>Curia Regis Rolls Preserved in the Public Record Office</i> . London, 1922–2006.
<i>DNB</i>	<i>Oxford Dictionary of National Biography</i> . Ed. Lawrence Goldman <i>et al.</i> Internet version. www.oxforddnb.com . Oxford, 2004.
<i>Glanvill</i>	Glanvill. <i>Tractatus de Legibus et Consuetudinibus Regni Angliae tempore Regis Henrici Secundi</i> . Ed. G.D.G. Hall. 1965. Reprint, Oxford, 1993.
<i>King's Bench</i>	<i>Select Cases in the Court of King's Bench</i> . Ed. G.O. Sayles, 7 vols. Selden Society Publications, 55, 57–8, 74, 76, 82, 88, 1936–71.
<i>Paston Letters</i>	<i>Paston Letters and Papers of the Fifteenth Century</i> . Ed. Norman Davis. 3 vols. 1971. Reprint, Early English Text Society Publications, s.s. 20, 21, 22, 2004–06.
<i>Proceedings</i>	<i>Proceedings Before the Justices of the Peace in the 14th and 15th Centuries: Edward III to Richard III</i> . Ed. Bertha H. Putnam. Cambridge, MA, 1938.

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Caroline Dunn
Frontmatter
[More information](#)

List of abbreviations

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