

Rape in Medieval Europe

Stephen P. Pistono
University of Wisconsin-Stevens Point

ABSTRACT

In fourteenth-century Europe, Jean Froissart, an important French chronicler, defined rape as a crime of passion. Although some support for his view can be found in the sources, the greater body of evidence confirms the contrary interpretation of modern feminists, who regard rape as a crime of violence and hostility, and who further underscore the difficulty victims confront in deriving redress from the legal system. Similar circumstances prevailed in the Middle Ages as women were put through an excruciatingly painful and degrading set of procedures before charges could be brought against their attackers. Only the church began to develop a more equitable approach to the problem.

RÉSUMÉ

Au quatorzième siècle en Europe, Jean Froissart, un chroniqueur français important, a défini le viol comme étant un crime de la passion. Bien que les documents soutiennent partiellement son avis, la plus grande partie de l'évidence confirme l'interprétation contraire des féministes modernes, qui suggère que le viol est un crime de violence et d'hostilité et qui, en outre, souligne la difficulté que les victimes rencontrent en obtenant le redressement du système légal. Au Moyen Âge, des circonstances analogues prédominaient puisque les femmes étaient soumises à un régime de procédures pénibles et dégradantes, avant de pouvoir porter une accusation contre leurs assaillants. L'Église était seule à revendiquer une approche plus équitable à ce problème.

Late in the fourteenth century, Sir John of Carrouges, who was a vassal of the Count of Alençon, the ruler of a principality in north-central France, made plans to go on an expedition overseas and received permission to do so from his lord. He set out on his journey and left his young, beautiful wife behind, attended only by faithful servants. Unfortunately for her, Jacques Le Gris, the principal advisor of the Count of Alençon, became obsessed with the idea of taking advantage of Sir John's wife, whom he knew was living alone with only her servants for protection. Ultimately, Le Gris decided to pay the Lady a visit; so he left Alençon and after some hours of hard riding, reached the Carrouges castle. The servants welcomed him because he and their Master served the same lord — the Count of Alençon — and were companions-in-arms. In the same way, Sir John's wife, not suspecting Le Gris' true intentions, gave him a friendly reception. He asked to inspect the keep (i.e., the main tower or stronghold of the castle), explaining that this was partly the purpose of his visit. The Lady agreed without hesitation since she had complete faith in Le Gris' honour and the two of them went into the tower alone.

No sooner had they entered the keep than Le Gris shut the door behind them and put his arms around the woman declaring, "Lady, I swear to you that I love you better than my life, but I must have my will of you."¹ Sir John's wife was shocked and tried to cry out, but her attacker stuffed a little glove, which he carried, into her mouth to silence her, gripped her tight, pushed her to the floor and raped

her. When he had finished, Le Gris exclaimed, "Lady, if you ever mention what has happened, you will be dishonoured. Say nothing and I will keep quiet for your honour's sake."² The Lady of Carrouges revealed nothing to her servants because she thought herself "more likely to incur blame than credit"³ if she did. Undoubtedly, her decision was based upon the realization that there was still prevalent in French society the old, traditional notion of the greater sexual appetite of the female gender. That is, women, it was believed, possessed an insatiable lust which made them incapable of resisting the temptations of any sexual contact with the male.⁴

The Lady of Carrouges' apprehension about informing her servants about the rape seems justified in view of her husband's reaction to the assault. Upon his return home, she hesitated in telling him about the attack. When she finally worked up the courage to do so, the knight at first did not believe her. Even when he eventually declared his willingness to accept the accusation against Le Gris as true, he forewarned his wife that "if I find that what you have told me is not true, you shall never live with me again."⁵

It must have taken great courage for a woman under these circumstances to come forward and bring charges against the principal advisor of such a powerful lord as the Count of Alençon. Once Sir John of Carrouges decided to take action on the matter, he, too, displayed similar courage. He made the rape of his wife a question of personal

honour and insisted upon a formal hearing before his lord's court where he could air his grievance against Le Gris. The Count listened to the complaint against his advisor and after hearing the testimony of Sir John's wife, proclaimed Le Gris innocent, suggesting that the Lady had simply dreamed the incident and further commanded that no more questions ever be raised concerning this issue. Carrouges disobeyed his lord by taking the case directly to the *Parlement*—the High Court at Paris—which, after proceedings lasting a year and a half, announced that Sir John's wife was unable to prove her charges against Le Gris and that the only solution to the matter would be a duel to the death. It took place early in 1387 with the King of France and his uncles—the Dukes of Berry, Bourbon, and Burgundy—present among the large crowd which watched as the combat ended with the slaying of Le Gris by the aggrieved husband. It was reported that just before he entered the lists against his opponent Sir John had to reassure himself just one more time that his wife had been telling the truth: "Lady, on your evidence I am about to hazard my life in combat with Jacques Le Gris. You know if my cause is just." "My lord," she responded, "it is so. You can fight confidently. The cause is just."⁶

The whole episode concerning the rape of the Lady of Carrouges is painstakingly recorded by Jean Froissart, whose *Chronicles* cover the long drawn-out struggle between the kingdoms of England and France for hegemony over Western Europe in the fourteenth century. He delighted in describing how knights and squires protected women of rank from the assaults of common soldiers and how they generally treated ladies with great respect and dignity. There was, for example, the incident involving King Edward III of England, who, upon occupying a castle in northern France, found it deserted except for two noble maidens. They were rescued by a pair of noted English knights in his service from the danger of being raped by low-born archers. Edward's men acted on behalf of "the cause of chivalry."⁷ The rules of chivalry, as expressed by an outstanding writer of Arthurian romances, defined a noble's duty with respect to women as follows:

If a knight found a damsel or wench alone, he would, if he wished to preserve his good name, sooner think of cutting his own throat than of offering her dishonour; if he forced her against her will, he would have been scorned in every court.⁸

Clearly Jacques Le Gris had not been guided by these chivalric precepts, and his rape of the Lady of Carrouges,

thereby, profoundly shocked Jean Froissart, who had to find an explanation for how a nobleman could flagrantly violate the moral code of his class. He based his understanding of Le Gris' behaviour partly on the supernatural. During the Later Middle Ages, Europeans began to take the threat of the devil more seriously than ever before. The devil was blamed for plagues, famines and disastrous storms. The stress was on the ubiquity and the resourcefulness of the devil, the relative helplessness of humanity. Consequently, Froissart argued that "through a strange perverse temptation, the Devil had entered the body of Jacques Le Gris...and ensnared by the wiles of the Enemy,"⁹ he had attacked Sir John's wife. On a less dramatic and a more thoroughly secular note, the chronicler maintained that Le Gris had not come from a very good family, but indeed had been of humble birth—a person who had risen through the ranks to become a squire and a favorite of the Count of Alençon.¹⁰ In other words, the culprit had not really been a true member of the nobility in the first place which could easily explain his abominable actions toward the Lady of Carrouges.

Another explanation for the sexual assault can be found in Froissart's definition of rape as a crime of passion rather than of violence. He describes how Le Gris proclaimed his uncontrollable love for the Lady of Carrouges in the most dramatic terms before he ravished her and how afterwards, the servants saw no evidence in the appearance of their Mistress, as she was leaving the keep, which would suggest that she had been physically brutalized. She was weeping, but they thought that she had simply received some bad news concerning her husband or her relatives.¹¹ Froissart's view of rape obviously runs counter to the interpretation of many modern feminists who consider it to be a crime of violence and hostility against the victim.¹² There is, nevertheless, at least one recent study of a specific group of medieval religious women which would suggest that they, too, regarded rape as a crime of passion rather than of violence. Jane Tibbetts Schulenburg¹³ has analyzed the lives of nuns in the Early Middle Ages (500-1100) to determine how they confronted the very real and persistent danger of devastation and violence resulting from the attacks of Vikings, Magyars and Saracens during an age of invasions. Although they could be slaughtered or buried alive in their convents, the sisters feared even more sexual assault which would rob them of their *raison d'être*, namely maintaining total virginity as a prerequisite for entering heaven as untarnished brides of Christ. The basic response of most nuns, as with their male counterparts in the monastic orders, was to flee for their lives, taking with them their possessions and holy relics.

Schulenburg, however, discusses four extraordinary religious women, living in such diverse places as England, France and Spain, who responded in a different manner to the threat of rape and the loss of virginity. They engaged in self-mutilation as a means of "so hideously disfiguring themselves that no man would be tempted to sexually assault them."¹⁴ The case involving one of these nuns—St. Ebba—is especially instructive. She was the abbess of a monastery at Coldingham located on the coast of Scotland overlooking the North Sea. When an army of Danes invaded the country in 870, tales of the atrocities they inflicted upon the local inhabitants ultimately reached the sisters under Ebba's authority. As the enemy approached, the nuns followed the example of their abbess by slashing off their noses and upper lips to confront the Danes with "a line of ghastly bleeding virgins."¹⁵ The would-be rapists were so horrified at the sight that they gathered the mutilated women together in the convent and burned the place down. Thus, the victims achieved martyrdom and their purpose of preserving their virginity for Christ through the physical disfigurement of their beauty. "Convinced that rape was a crime of passion rather than of violence," Schulenburg argues, "they were following to the letter the constant admonitions for female religious to negate their physical beauty as a basic means of virginal defense."¹⁶

No such cautionary advice was given to lay women, who, in any event, would have been unwilling to engage in self-mutilation as a means of preventing rape. If set upon, they either submitted to the sexual assault as did the Lady of Carrouges or they fought back in defense of their own physical integrity. Of the cases we know about from medieval sources, there are few instances wherein women tried to defend themselves against their assailants. One of those rare exceptions involved Zaneta, a young wife from Venice, who was five months pregnant. In 1398, she was attacked by a wool worker who seriously wounded her in the face with a sword he was carrying. She so vigorously resisted him that the state attorneys paid her the unusual compliment of referring to her spirited defense as "manly." Under Venetian law, rape was not considered to be a particularly serious crime either against the victim or against society. In this case, however, the High Court meted out a severe penalty to the accused because he had attacked a pregnant woman, broken into her house, and most importantly, had struck her in the face with a blow which must have been disfiguring. The scoundrel was taken back to the neighbourhood where he and Zaneta had lived, soundly beaten, branded three times in the face, imprisoned for a year, and then, banished from the city and all its subject territories for life.¹⁷

The real significance of the brutal attack on Zaneta was the substantial amount of violence and hostility directed against the victim, the very elements modern feminists underscore as the principal characteristics of rape. Guido Ruggerio, who has analyzed Zaneta's plight as part of a larger investigation of criminal activity in fourteenth-century Venice, observes that, in some instances, rape, in the historical documents he has examined "appears to be so violent and personal that its sexual dimensions are almost lost." "Violence played a primary role in the description of the crime," he further maintains, "occasionally so major that the records are unclear about whether the rapist actually succeeded."¹⁸ Such was the situation with the culprit who assaulted Zaneta.

Violence also played an important role in the analysis of rape occurring in the towns of southeastern France located along the Rhone River in the fifteenth century. Jacques Rossiaud, a leading French historian, has examined both local and regional judicial archives in his study of 125 cases of rape recorded in the sources for the period 1436-1486.¹⁹ Of these, he asserts, 80 percent can be described as gangrapes committed by groups of young bachelors who usually possessed no previous criminal record. Without concealing their identity, they would go to the home of a woman they wanted during the night and create a public disturbance by calling their intended victim a prostitute and demanding she come out. Normally, neighbours did not interfere, and if necessary, the young men broke down the door, seized the woman, brought her outside, beat her, raped her and afterwards, tried to force her to accept money. Sometimes, they would even drag the victim through the streets, eventually pulling her into a house where they did as they pleased with her all night long. "Almost all these rapes were carried out with unbelievable brutality (pregnant women dragged through the snow, etc.)," Rossiaud concludes, "but the aggressors never attempted to maim or kill their victim."²⁰

Such consideration on the part of the assailants provided their prey with little consolation as the rape of Jeanne Jacquet reveals. She lived with her mother and step-father in a rural village near Troyes, a large town in central France. Four young men broke down the door to their home one evening and searched for Jeanne whom they eventually found hiding in the attic. They dragged her down from that place, pulled her outside where they raped her, one after the other, in the garden. They were joined by a fifth man, a cleric, who attacked the young woman only after his friends covered her eyes because he was afraid she would be able to identify him. While the scoundrels were dragging her outside, they beat her so

hard that following the assault, she was unable to return to work and ultimately she lost her position as a domestic servant.²¹

Jeanne Jacquet was one of those women who belonged to the poorest segments of society. As servant girls, chambermaids, and the daughters or wives of common labourers or textile workers, they were the most vulnerable members of the community open to sexual assault. Their victimization formed part of the larger social issue of the sexual exploitation of lower-class women by men from the upper ranks of medieval society. In 1364, for example, the Venetian state recognized the seriousness of the problem by enacting legislation directing its magistrates to actively seek out those masters who forced themselves upon female domestics and slaves because such women became vile, less efficient and often pregnant when so treated, much to the detriment of the citizen body as a whole. The government admitted, however, that enforcement of the law would be difficult and few nobles were prosecuted and fewer still convicted under its provisions.²² Across the Italian peninsula in the sister republic of Florence, legislation passed in 1325 provided monetary penalties for committing rape in accordance with a victim's age, marital status and social standing with the lowest fines applying to assaults on serving maids. It clearly reveals the low esteem in which they were held in that city.²³ Similarly, laws existed in fourteenth century Sardinia which provided for a graduated scale of penalties for rape according to a woman's condition and status, ranging from decapitation for attacking a married woman to only a modest fine for doing so to a female serf.²⁴ In thirteenth century Spain, by contrast, royal Castilian officials would not even consider prosecuting aristocrats for having ravished a household servant. A single woman who lived as a domestic servant in the home of Martin Ferrandes, a regional governor, accused her employer of having raped her one night in his house. The crime came under the jurisdiction of a local court, but the governor appealed to higher justices for a verdict and they dropped all charges against him, warning other judicial authorities never to entertain such cases again.²⁵

James A. Brundage, in a recent study of law, sex, and society in Medieval Europe, recognizes the marked class bias in criminal cases concerned with rape: "the swineherd who ravished a duchess, if by some miracle he escaped mutilation and death, would be enslaved; the duke who ravished a shepherdess, if punished at all, could make compensation by providing her with a full purse of coins."²⁶ In most cases, however, the feudal lord did not have to worry about making payment for the action he had

taken against a female from the humble classes. He could rape or seduce her with impunity. Indeed, the moral code of the feudal nobility, which presumably protected women from sexual assault, did not apply to lower-class women. Andrew the Chaplain, a twelfth-century Frenchman, who was acknowledged to be the outstanding authority on courtly love in Europe at the time, encouraged his noble audience to forget about the rules of chivalry when dealing with peasant women and to take them by force if they should feel so inclined. It would be a waste of time and words to do otherwise. Moreover, he continued, if peasant women were distracted by the finer points of courtly love, they could not do their work effectively on the manors and the production of food so necessary to sustaining the aristocratic way of life might be adversely affected.²⁷

That noble life style was seriously disrupted in 1358 when peasants in northern France exploded in a massive uprising against their masters and lords whom they blamed for oppressive taxation and the miserable condition of their lives. The rustics went on a rampage through the countryside, burning down castles, cutting the throats of nobles, raping their wives and daughters and even slaughtering their livestock. In one incident, they broke into a manorhouse, tied a knight securely to a post and forced him to watch as several men ravished his pregnant wife and little daughter. Such savage treatment of aristocratic women especially horrified Jean Froissart, who, at one point in his narration of events, exclaimed:

I could never bring myself to write down the horrible and shameful things which they did to the ladies. But, among other brutal excesses, they killed a knight, put him on a spit, and turned him at the fire and roasted him before the lady and her children. After about a dozen of them had violated the lady, they tried to force her and her children to eat the knight's flesh before putting them cruelly to death.²⁸

Only people who were beyond the bounds of humanity, in the chronicler's view, could commit such ghastly atrocities. Even in the wars between the Christians and the Saracens, this kind of barbarity had not occurred. According to Froissart, the French peasants were small and dark, virtually belonging to another race. When they rebelled against the nobility, they became leaderless, mad dogs who destroyed the public order which he so highly prized.²⁹

Froissart was clearly prejudiced against the lower classes as his comments about the French peasantry reveal. He extended those feelings to the urban poor as well, speak-

ing, for example, of the lower-class English in their capital as "the foul-mouthed, ale-swilling populace of London."³⁰ In that city, there occurred on March 9, 1320, the single most detailed case of rape of which scholars are aware for Later Medieval England. It involved Joan Seler, the eleven-year-old daughter of an artisan, who made, sold and repaired saddles in a small shop. She was seized outside her father's place of business by an assailant who dragged her through the streets of London back to his own lodgings where he fell upon his frightened victim. According to the later reconstruction of the crime based on Joan's testimony,³¹ the culprit took her

between his two arms and against her consent and laid her belly upwards and her back on the ground, and with his right hand raised the clothes of the same Joan...up to her navel, she being clothed in a blue coat and a shift of light cloth, and feloniously ...with both his hands separated the legs and thighs of the same Joan, and with his right hand took his male organ of such and such a length and size and put it in the secret parts of this same Joan, and bruised her watershed and laid her open so that she was bleeding, and ravished her maidenhead, against the peace of our Lord King...

Joan's attacker turned out to be a French merchant, who later was acquitted of all charges of rape. As a result, Joan Seler found herself at the mercy of the court which could have had her arrested and imprisoned for false accusation.

John Marshall Carter has investigated 145 incidents of rape occurring in thirteenth and early fourteenth century England and discovered that in 49 percent of these cases the alleged victim was arrested for false accusation, demonstrating that such legal action represented a serious obstacle for those women who wished to report crimes of sexual assault. A further deterrent to prosecution must have been the low rate of conviction of assailants. In only 21 percent of the cases under examination by Carter was the suspect found guilty and not all of these were punished.³² The usual punishment, rather than the harsh penalties urged in legal treatises and in the law, was a monetary fine. It had been solemnly enunciated by the famed legal theorist Henry de Bracton (d. 1268), for example, that a man convicted upon a woman's accusation of rape was liable to be blinded and castrated. This doctrine was in fact so far from representing actual practice that one mid-thirteenth century judge entertained his friends by making jokes about it.³³ In 1285, the Statute of Westminster stipulated that any man raping a married woman or a virgin would be considered guilty of a felony and

punished by death.³⁴ In practice, the Statute of Westminster was no more effective than de Bracton's doctrine had been. If the purpose of the statute was to secure the hanging of a number of rapists, it failed miserably. Not a single conviction leading to an execution can be found in the 45 years after the promulgation of the statute.³⁵

Under this system of justice, the onus of proof was on the victim in England and elsewhere in Europe as well. Spanish women in the twelfth and thirteenth centuries, for example, were put through an excruciatingly painful, degrading and humiliating set of procedures before an attacker could be put on trial for his crime. They were required to create a public outcry over the crime as soon as possible.³⁶ In one town, Sepulveda, the victim was required to walk around the walls of the place and call out her complaints and the name of the rapist as she made her way up to the gate of the castle, there summoning forth the town's elected officials to hear her grievances. The following Sunday she brought charges against the man in the presence of two of her kinsmen and two other citizens.³⁷

More widely required across the Iberian peninsula than raising the hue and cry was self-inflicted scratches on the victim's face. After clawing her face, she publicly mourned for the loss of her chastity and her honour, removed her *toca* or headband symbolizing a wife's or widow's inviolability and then demonstrated her humiliation by groveling on the ground. These desperate measures were necessary if a woman were to be believed. If a virgin were assaulted, by contrast, she could be examined for signs of physical violation by a male assailant. Heath Dillard, who has investigated the role of women in the Christian Reconquest of Spain during the Middle Ages and provided the information here on rape, argues convincingly that "the veracity of a woman who accused a man of raping her but failed to claw her face was highly questionable..." She notes, however, that "a woman...might forego tearing her face to hide the dreadful fact [of rape] or to maintain that, although forcibly abducted, she had managed to escape without being violated."³⁸

The abduction of wives was a serious problem in the frontier society of medieval Spain where women were highly prized as guarantors of permanence and stability in the newly developing Christian communities in the peninsula. Daughters were sometimes carried off by men seeking a mate, or sometimes they were simply eloping with their lovers to overcome parental disapproval of their intended marriage. When seduction or rape did not force a reluctant family to reconsider their position, illegal marriage and migration often resulted. The daughter was dis-

inherited and the couple permanently exiled from the community.³⁹

Family disapproval of an undesirable marriage ran counter to the church's insistence that there could be no interference with the right of a man and woman to marry or not to marry. From the close of the pontificate of Alexander III (1159-1181), Brundage maintains that "the free choice of matrimonial partners...took ascendancy over family interest and parental wishes in Catholic marriage law."⁴⁰ A contest developed thereafter between the church as a guarantor of choice and the family as an agent of coercion. In this struggle the family often ignored the position of the church on marriage and ultimately by the end of the Middle Ages parental authority began to overwhelm church influence in matrimonial affairs with the support of the state. In England, the Statute of Westminster of 1285 aided wealthy families in preventing daughters from eloping with undesirable suitors or later agreeing to marry a person who had forcibly abducted them. Before the law was passed, many of the "abductions" were nothing more than artifices whereby women exercised their freedom of choice in marriage and compelled their family to accept their decision. The new law, however, allowed the king on behalf of wealthy families to charge the unwanted suitor with rape. A later act in the fourteenth century extended the right of accusation directly to the father or husband and regarded eloping couples as dead in order to preserve the integrity of the family property.⁴¹

In France, the process, by which women lost the freedom of choosing their own husbands, terminated in the sixteenth and seventeenth centuries with jurisdiction over marriage passing from ecclesiastical courts to secular ones—the *Parlements*. Persons who married without parental approval could be eliminated from the family, disinherited and charged with the crime of *rapt* (rape) in one of two forms—*rapt de violence* (forced abduction) or *rapt de séduction* (willing elopement), both of which were declared capital offenses and punishable by death.⁴² "The crime of *rapt*," according to one scholar, "came to be regarded as a kind of treason against family and state."⁴³

The church in the Middle Ages would have never have accepted such a harsh judgement on either forcible abduction resulting in marriage or willing elopement. Indeed, Pope Innocent III (1198-1216) specifically maintained that marriage between abductor and victim could take place provided both parties consented freely to the union. Abduction followed by sexual intercourse, in his view, was not an impediment to marriage. As one canon lawyer

living in the first half of the thirteenth century observed, in former times an abductor had been prohibited from marrying his victim, but that in his day the law on this subject had substantially changed. Couples could wed despite family opposition. Civil law still punished a woman who eloped with her suitor; the church, by contrast, held that although a father could disinherit a daughter under twenty-five who provoked him in this way, she was still entitled to a dowry provided she married a man within her social class.⁴⁴

The church, to put the matter succinctly, was more concerned about the fate of the victim in cases involving rape and abduction than secular authorities were. Civil law, moreover, had often treated rape itself as a crime primarily against the victim's father or male guardian rather than as a violation against the person herself as the church did. Throughout antiquity and the Early Middle Ages, rape had been viewed as a property crime against the male under whose authority the victim lived. Canon law beginning in the late eleventh century made a great advance upon this position by viewing rape as a crime against the woman who suffered the assault.⁴⁵ Still, according to Brundage, "men tended to be skeptical about rape complaints and defendants often complained that the woman invited the attack..."⁴⁶

It is fitting to bring this study of rape in medieval society to an end by citing the one woman who at that time spoke out in anger against these charges. The woman was none other than Christine de Pisan, the first woman in European history to write in defense of her own sex. "I am...troubled and grieved," de Pisan exclaimed, "when men argue that many women want to be raped and that it does not bother them at all to be raped by men even when they verbally protest." Women, she urged, "take absolutely no pleasure in being raped. Indeed, rape is the greatest possible sorrow for them. Many upright women have demonstrated that this is true with their own credible examples..."⁴⁷ She concludes by approving the supreme penalty of execution for rapists.

NOTES

1. Jean Froissart, *Chronicles*, trans. and ed. Geoffrey Brereton (Penguin Books, 1968), p. 310.
2. *Ibid.*, p. 310.
3. *Ibid.*, p. 311.
4. Shulamith Shahar, *The Fourth Estate: A History of Women in the Middle Ages* (London, 1983), p. 16-17.
5. Froissart, *Chronicles*, p. 311.
6. *Ibid.*, pp. 313-314.
7. Sidney Painter, *French Chivalry: Chivalric Ideas and Practices in Medieval France* (Johns Hopkins University Press, 1940), p. 145.

8. Chretien de Troyes, *Le roman du Chevalier de la Charette* as quoted in Robert Briffault, *The Mothers* (4 vols., New York, 1927), III, p. 404.
9. Froissart, *Chronicles*, pp. 309-310.
10. *Ibid.*, p. 309. Froissart attributes Le Gris' success and ultimate demise to Fortune's Wheel, a concept inherited from late antiquity. Fortune, as an agent of God's Will, turned her wheel, now spoiling and coddling her favorites, now dropping them when it pleases her mood. From rags to riches and vice versa, they go. Fortune had brought Le Gris to the top of her wheel despite his humble origins and then dashed him "into the mire" when her feckless disposition changed.
11. *Ibid.*, pp. 310-311.
12. Heidi I. Hartmann and Ellen Ross, "Comment on 'Writing the History of Rape,'" *Signs*, III (Spring, 1978), 933; Allan Griswold Johnson, "On the Prevalence of Rape in the United States," *Signs*, VI (no. 1, 1980), 136-137.
13. Jane Tibbetts Schulenburg, "The Heroics of Virginitly: Brides of Christ and Sacrificial Mutilation," in *Women in the Middle Ages and the Renaissance*, ed. Mary Beth Rose (Syracuse University Press, 1986), pp. 29-72.
14. *Ibid.*, p. 60.
15. *Becoming Visible: Women in European History*, ed. Renate Bridenthal and Claudia Konz (Boston, 1977), p. 103.
16. Schulenburg, *Women in the Middle Ages and the Renaissance*, p. 60.
17. Guido Ruggerio, *Violence in Early Renaissance Venice* (Rutgers University Press, 1980), pp. 159-160. "In a strange coincidence with modern antirape tactics," Ruggerio observes, "many fourteenth century women are reported to have yelled 'fire' rather than 'rape' to summon assistance from their neighbors or passersby." Christine de Pisan in her *The Book of the City of Ladies*, trans. Earl J. Richards (New York, 1982), p. 164, noted that the daughters of a Northern Italian lord when confronted with the threat of rape by foreign invaders let raw chicken rot on their breasts so that their would-be assailants were driven off by the horrible stench.
18. Guido Ruggerio, *The Boundaries of Eros: Sex Crime and Sexuality in Renaissance Venice* (New York, 1985), p. 89.
19. Jacques Rossiaud, "Prostitution, Youth, and Society in the Towns of Southeastern France in the Fifteenth Century," in *Deviants and the Abandoned in French Society*, ed. Robert Forster and Orest Ranum (Johns Hopkins University Press, 1978), pp. 1-46.
20. *Ibid.*, p. 35.
21. J.L. Flanderin, "Repression and Change in the Sexual Life of Young People in Medieval and Early Modern Times," in *Family and Sexuality in French History*, ed. Robert Wheaton and Tamara K. Hareven (Philadelphia, 1980), pp. 43-44.
22. Ruggiero, *Violence in Early Renaissance Venice*, p. 118. The only cases actually prosecuted involved noblemen who had had their slaves or servants violated by others of their own class. See too, David Nicholas, *The Domestic Life of a Medieval City: Women, Children, and the Family in Fourteenth-Century Ghent* (University of Nebraska Press, 1985), pp. 67-68, who asserts that two types of women were particularly susceptible to the sexual advances of men in that community — farm girls and maids.
23. Michael Goodich, "Ancilla Dei: the Servant as Saint in the Late Middle Ages," in *Women of the Medieval World*, ed. J. Kirshner and S.F. Wemple (Oxford, 1985), pp. 122-123.
24. John Day, "On the Status of Women in Medieval Sardinia," in *Women of the Medieval World*, pp. 309-310.
25. Heath Dillard, *Daughters of the Reconquest: Women in Castilian Town Society, 1100-1300* (Cambridge University Press, 1984), pp. 179-180, 188. Many Spanish towns during this period punished the perpetrator according to the status of the victim, with highest monetary fines paid for an assault of a noblewoman, with lower penalties assigned against the attacker depending upon the class to which the victim belonged, until at the bottom of the ladder there was no penalty at all for attacking a prostitute. For more on the question of punishing the rapist of a prostitute, see Leah Lydia Otis, *Prostitution in Medieval Society* (University of Chicago Press, 1985), pp. 68-69.
26. James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (University of Chicago Press, 1987), pp. 313, 530. He adds that "courts dealt with sexual assaults on lower-class women as relatively trivial crimes, but treated sexual attacks upon women of the upper classes as a social peril that required savage reprisal."
27. Andreas Capellanus, *The Art of Love*, trans. John Jay Perry (New York, 1941), pp. 149-150.
28. Froissart, *Chronicles*, pp. 151-152.
29. *Ibid.*, pp. 20-21, 151-155.
30. *Ibid.*, p. 446.
31. John Carter, *Rape in Medieval England: An Historical and Sociological Study* (London, 1985), p. 142. Barbara Hanawalt, *Journal of Interdisciplinary History*, XVII (Winter, 1987), 656-657 and James Given, *Speculum*, LXI (July, 1986), 633-635, in their reviews of Carter's work, find his analysis seriously flawed. Nevertheless, Hanawalt does concede that his chapters on prosecution and punishment are valuable. I would add that his chapter on the rape of Joan Selser also has merit.
32. *Ibid.*, p. 109 (table 30).
33. Henry de Bracton, "Pleas of the Crown," in *On the Laws and Customs of England*, ed. S. E. Torne (2 vols., Harvard University Press, 1968), II, 414-415, 418; J.M. Kaye, "The Making of English Law: (1) The Beginnings—A General Survey of Criminal Law and Justice down to 1500," *Criminal Law Review*, IX (Jan., 1977), 8.
34. J.B. Post, "The Ravishment of Women and the Statutes of Westminster" in *Legal Records and the Historian*, ed. J.H. Baker (Royal Hist. Soc., Studies in History, 1978), p. 164.
35. Kaye, *Criminal Law Review*, IX (Jan., 1977), 9. Carter, *Rape in Medieval England*, pp. 111, 125, 140, has discovered a rape/murder case occurring in London in 1301 wherein the defendant was executed. He reveals, however, that the culprit was "tried, convicted, and hanged for murder." The attempted rape did not figure in the final verdict of death for the perpetrator.
36. Dillard, *Daughters of the Reconquest*, pp. 182-183. See too, Brundage, *Law, Sex and Society in Medieval Europe*, p. 396, who cites a leading thirteenth-century canonist on this subject. According to him, "it was the essence of forcible rape that the victim did not consent, and in practice this meant that she must resist and protest audibly; *silence signified consent.*"
37. Heath Dillard, "Women in Reconquest Castille: The Fueros of Sepulveda and Cuenca," in *Women in Medieval Society*, ed. Susan Mosher Stuard (University of Pennsylvania Press, 1976), pp. 80-81.
38. Dillard, *Daughters of the Reconquest*, p. 184. For a brief review of this work, see Stephen P. Pistono, "Women in European History," *Canadian Woman Studies*, VII (Fall, 1986), 17.
39. Dillard, *Daughters of the Reconquest*, pp. 186-187.
40. Brundage, *Law, Sex and Society in Medieval Europe*, p. 414. See also, David Herlihy, *Medieval Households* (Harvard University Press, 1985), p. 81.
41. J.B. Post, "Ravishment of Women and the Statutes of Westminster," in *Legal Records and the Historian*, ed. J.H. Baker (Royal Hist. Soc., Studies in History, 1978), pp. 150-164 and "Sir Thomas West and the Statute of Rapes, 1382," *Bulletin of the Institute of Historical Research*, LIII (May, 1980), 24-30; Sue Sheridan Walker, "Punishing Convicted Ravishers: Statutory Strictures and Actual Practice in Thirteenth in Fourteenth-Century England," *Journal of Medieval History*, XIII (1987), 237-250. Walker asserts that, based on her study of cases decided in the common law courts, there was a disparity between legislation and legal practice on the question of the abduction of wards and wives. The law provided for a term of imprisonment and a monetary fine for the guilty party with an amercement also due the crown. In actual practice, Walker reveals,

"payment of damages precluded penal servitude and...arrangement to pay while in jail effected the prisoner's release before the term ended."

42. Sarah Hanely, "Family and State in Early Modern France: The Marriage Pact" in *Connecting Spheres: Women in the Western World, 1500 to the Present*, ed. Marilyn J. Boxer and Jean H. Quataert (Oxford University Press, 1987), pp. 53-63; Mark Cummings, "Elopement, Family and the Courts: the Crime of Rapt in Early Modern France," *Proceedings of the Annual Meeting of the Western Soc. for French History*, IV (1976), 118-125.
43. *Ibid.*, p. 58.
44. Brundage, *Law, Sex and Society in Medieval Europe*, pp. 338, 397.
45. *Ibid.*, pp. 14, 47-48, 209-210 and "Rape and Seduction in Medieval Canon Law" in *Sexual Practices and the Medieval Church*, ed. Vern Bullough and James Brundage (Buffalo, 1982), pp. 141-148; Stephen P. Pistono, "Susan Brownmiller and the History of Rape," *Woman Studies*, XIV (no.3, 1988), 265-276.
46. Brundage, *Law, Sex and Society in Medieval Europe*, p. 470.
47. Christine de Pisan, *The Book of the City of Ladies*, pp. 160-162.

SAVED

you headed south
 to the sharp neon and needles
 of new orleans.
 to that place where
 you had more guns shoved in your face
 than you can count and men
 who relieved themselves in you
 for old bills or
 a slap in the face.
 but you tell me that's all
 behind you now as we sit
 on a duluth porch drinking cold pop
 in the summer sun which is not
 as hot as the one you are used to.
 it's all behind you and now
 you are married
 to a good christian man.
 to a good christian man who
 beats the shit out of you.
 you don't like that much but
 you love the jesus part in him
 so you stay because you say
 it must be god's will for you.

Ellie Schoenfeld
 Duluth, Minnesota