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Indicted Knights: Female Agency and the Adjudication of Rape in Arthurian Romances

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The University of Southern Mississippi

Indicted Knights: Female Agency and the
Adjudication of Rape in Arthurian Romances

by

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A Thesis

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The University of Southern Mississippi
in Partial Fulfillment
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Abstract

Although Arthurian Romance is a genre often thought to provide a somewhat idealized portrayal of the relationship between the sexes, there are a surprising number of instances of sexual assault represented in Middle English texts. In a genre styled towards women, it is appropriate to consider what cultural or social function the representations of such episodes serve. How, then, do such imaginative representations relate to the historical record of sexual assault accusations and adjudication? As this thesis demonstrates, examining past literary representations of the adjudication of sexual misconduct in Middle English romances such as Malory's *Le Morte d'Arthur* and Chaucer's "Wife of Bath's Tale" sheds light on important aspects of widespread gender oppression in the medieval era.

It also deepens our perspective on contemporary debates concerning the normative legal processes adjudicating sexual violence. Given the long-standing influence of English common law on modern legal systems in England and the United States, the Anglo-Norman period in English history is particularly crucial to understanding the entrenched patriarchal privilege that continues to influence the adjudication of rape (and public discourse concerning sexual assault) in our contemporary moment. The legal dismissal or discrediting of a woman's grievance due to a variety of reasons, including the assailant's social status, the victim's resulting sexual climax or pregnancy from the encounter, is common in Malory's text and still all-too-frequent in the modern adjudication of rape.

Key Terms: Medieval Literature, Arthurian Romance, Rape, Sexual Assault, Adjudication, *Le Morte d'Arthur*, *Canterbury Tales*, Wife of Bath, #MeToo Movement

Dedication

For anyone who has ever been the victim of sexual assault,

For anyone who has ever felt underrepresented,

For anyone who has ever suffered legal injustice,

For anyone who has ever felt powerless,

I hope you find your voice.

A special thank you to every woman who ever risked herself in protest for a better future for
women today – like me.

Acknowledgments

First and foremost, I would like to thank my thesis adviser, Dr. Christopher Foley. In short, this project would have never been possible without his tireless efforts and his invaluable mentorship throughout this entire process. He has cultivated me as an honors student and researcher and bettered me as an individual through his ceaseless display of support. I thank him for being a rock when I felt as if I had no footing. I also thank him for never giving up on me or this project, despite the moments I wanted to. I tested his patience, but he continued to see my potential and forced me to see it too. Most importantly, I am more confident because of him. There are few words to express the growth I have experienced under his guidance and I will be forever grateful for it.

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Introduction: “Legitimate Rape”?

In August 2012, Todd Akin, a Republican from Missouri serving in the House of Representatives, responded to a question concerning his views on whether abortions were justified in cases of rape or sexual assault in the following manner: “first of all, from what I understand from doctors...[if] it’s a legitimate rape, the female body has ways to try to shut the whole thing down” (Calamur). Though Akin’s response was shockingly ignorant of modern scientific understandings of conception and sexual reproduction, an ignorance (and insensitivity) for which he was summarily dismissed by Missouri voters in the ensuing election, the patriarchal perception that informed his response has a surprisingly long history. According to ancient Greek physician Galen, pregnancy was not possible without the sexual climax of both the male and female participants (Saunders 29). In England following the Norman Conquest, this theory was often used against pregnant women who claimed to have been sexually assaulted. According to the patriarchal logic of medieval legal theorists and judges, it seems to have been the case that if a woman did in fact conceive from an act of rape or sexual assault, it was not a “legitimate rape” because she was inferred to have experienced sexual climax, the Galenic prerequisite for pregnancy.

As this thesis seeks to demonstrate, the Anglo-Norman period in English history is particularly crucial to understanding the entrenched patriarchal privilege that continues to influence the adjudication of rape (and public discourse concerning sexual assault). Examining past literary representations of the adjudication of sexual misconduct in Middle English romances such as Malory’s *Le Morte d’Arthur* and Chaucer’s “Wife of Bath’s Tale” sheds further light on important aspects of widespread gender oppression in the medieval era. It also deepens our perspective on contemporary debates concerning the normative legal processes

adjudicating sexual violence. The legal dismissal or discrediting of a woman's grievance due to a variety of reasons, including the assailant's social status, the victim's resulting sexual climax or pregnancy from the encounter, is common in Malory's text and all-too-frequent in the modern adjudication of rape. Because the problems of female subjugation and legally unresolved sexual misconduct endure, this research has a contemporary relevance despite its focus on the medieval period in English literary history.

Although Arthurian romance is a genre often thought to provide a somewhat idealized portrayal of the relationship between the sexes, there are a surprising number of instances of sexual assault. In a genre styled towards women, as Lee C. Ramsey's *Chivalric Romances* claims, it is especially appropriate to consider what cultural or social function the representations of such episodes serve (9). How, then, this project seeks to answer, do such imaginative representations relate to the historical record of sexual assault accusations and adjudication? The driving question behind this analytical process goes beyond the genre of Arthurian Romance itself and is about the relationship between the patriarchal violation of women's bodies, legal means of redress, and the politically charged voicing of women's grievances through imaginative literature.

The first section of the thesis will explore what constitutes "rape" and other grievances towards women as defined and established in the statutes between 1066 and 1500. The second chapter will analyze Malory's *Le Morte d'Arthur* with respect to said statutes, and the third chapter will critically examine Chaucer's "Wife of Bath's Tale." While the chapters do not follow the chronological order of when these texts were written, the thesis is more concerned with comparing the style of each author. Hence Chaucer's relatively feminist friendly "Wife of Bath's Tale" is analyzed as a counterpoint to Malory's *Le Morte d'Arthur*, which is heavily

invested in the patriarchal recuperation of *raptus*. The conclusion is intended to provide readers with a tentative sense of analytical resolution in the face of the ongoing difficulty and complexity in adjudicating sexual assault in today's society. As a final preamble, in light of the recent spate of men, including prominent male writers, who have been accused of sexual misconduct in conjunction with the #MeToo movement, it may not be a shock to readers of this thesis to learn that both male authors analyzed herein were themselves accused of *raptus*.

Chapter One:

Medieval Legal Codes of *Raptus*

Though scholars investigating rape and its adjudication in medieval England have approached the research topic from a number of various angles¹, there is one generalized assessment all such scholars might agree upon: the adjudication process for the crime of *raptus*, the medieval legal term for rape and/or abduction, was thematically complex, riddled with semantic issues and ambiguity, and socially hazardous—particularly for the victims of such crimes. As the ruling political class in medieval England abruptly shifted from the Anglo-Saxons to the Anglo-Normans following the Norman Conquest (in the year 1066), English cultural and social values were transformed with respect to their reigning French conquerors. In contrast to Anglo-Saxon England, the Anglo-Norman era witnessed the ascent of patriarchal privilege, as women were increasingly perceived as the property and goods of either their fathers (if they were unmarried virgins) or husbands (if they were married). Consequently, in light of the fact that the Anglo-Normans viewed *raptus* as a devaluation of a man’s property rights inhering in the female victim, legal cases of *raptus* devolved from the adjudication of violent crimes against women to the prosecution of theft committed against the female victim’s primary male benefactor, either her father (if a virgin) or her husband (if married), as established in Corrine Saunders’ *Rape and Ravishment in the Literature of Medieval England* and Anthony Musson’s “Attitudes to Rape in Late Medieval England”. Furthermore, the previously established distinction between rape and abduction eventually collapsed into the singular term *raptus* as rape became a secondary problem to abduction, a further reflection of the chief Anglo-Norman concern that *raptus* was theft of a

¹ Corrine Saunders begins her work *Rape and Ravishment in the Literature of Medieval England* by discussing several other medievalist scholars, including: Evelyn Birge Vitz “Rereading Rape in Medieval Literature: Literary, Historical, and Theoretical Reflections”, Diane Wolfthal “A Hue and a Cry: Medieval Rape Imagery and its Transformation”, Majorie Curry Woods *Criticism and Dissent in the Middle Ages*, Kathryn Gravidal *Ravishing Maidens: Writing Rape in Medieval French Literature and Law*, and more.

man's property. One consequence for female victims was that it became more perilous for women to appeal a charge of rape and thus be shamefully recognized as an undesirably ruined woman, thereby risking chance of marriage and crucial means of support, than to suffer their grievances in silence.

Corrine Saunders expertly examines the focal point of rape in a medieval legal context from early Anglo-Saxon England to late Anglo-Norman England, afterwards analyzing several medieval narratives in consideration of relevant medieval legal practices. While arguing against the assumed anti-feminist characterization of medieval literature, Saunders' multifaceted discussion of sexual injustices against medieval women highlights the complexities involving crimes of rape; it also lobbies for contemplation of the continuing relevance of medieval texts in 21st century society. Whereas her work encompasses nearly all of the medieval period, starting at the fifth century onward, my research here is more narrowly focused on Middle English literature dating from 1066, the year marked by the Norman invasion and beginning of Post-Conquest England. Additionally, while Saunders investigates a multitude of texts included under the umbrella designation of Middle English literature, the primary texts I investigate are categorized as Arthurian romances, including Sir Thomas Malory's *Le Morte d'Arthur* and the Arthurian tale narrated by Geoffrey Chaucer's Wife of Bath in the context of his *Canterbury Tales*.

The Anglo-Norman legal codes are one of Saunders' chief analytical components, and a necessary key to understanding the nature of the statutes comes with consideration of its influential Anglo-Saxon roots. Though Saunders acknowledges the disadvantage in studying medieval legal theory during the Anglo-Saxon period because of the lack of documentation, what "evidence there is implies that women's rights in this period were greater than in the period

following the Norman Conquest” (Saunders 34). She credits this difference to the “weaker influence of Roman law” and the stronger Germanic counterpart. Despite a significant overlap of the two distinct codes, Germanic laws appear to more adequately acknowledge rape as a crime against women, one characterized by a sexual violation of their bodies without their consent, by lawfully ordering compensation for the female victim (34-35). Furthermore, the Anglo-Saxon differentiation between rape and abduction reflects more the Germanic legal tradition than the Roman. In contrast, Roman law prioritized and understood abduction as theft of property; as a result, rape was scantily recognized while abduction was the chief legal concern, an attitude that will later pervade Anglo-Norman legal thought and practice. Thus, in her analysis of Anglo-Saxon laws, Saunders introduces a recurring semantic phenomenon central to her evaluation of Anglo-Norman laws as increasingly problematic: a lack of distinction between rape and abduction. Unlike the Anglo-Saxon period, the term *raptus* becomes conceptually blurred during the Anglo-Norman reign and can indicate rape or abduction, perhaps both. Anthony Musson, in *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe*, further acknowledges “the wide variety of forms that sexual and non-sexual violence (under the heading of rape) could take in the medieval period” (Musson 6). Nevertheless, because Anglo-Normans had no written laws, Anglo-Norman law ultimately absorbed Anglo-Saxon law to serve as its adaptable foundation. As a result, the two periods share comparable legal processes for adjudicating the crime of *raptus*.

The most recognizable parallel is the legal emphasis regarding virgins, wives, and nuns. The Anglo-Saxon period is marked by statutes enacting strikingly severe punishment for sexual violation and is appreciably harsher on the offender and more favorable towards victims than later Anglo-Norman statutes. While explicating Ælfred’s manuscript (c. 890), a primary

document informing Anglo-Saxon legal practice, Saunders states that Ælfred's laws condemned "any unwanted physical approach" (Saunders 41). This same legal doctrine established that restitution for raping a "maid" (a virgin) is paid with the wrongdoer's life (41). While Ælfred's manuscript is not the sole contributor to Anglo-Saxon legal codes, the notion of due compensation for cases of both rape and abduction (each one distinctly acknowledged) is present throughout. Other than cases involving the rape of virgins, compensation for the crime of rape or abduction resulted in a monetary fine, amounting to the perceived value and status of the woman – that is, whether she was a slave, middle-class, or high-born. This fine, ranging from five shillings to the offender's "wergild", which can be understood as the monetary value of his life set in accordance with his rank, was to be paid to the woman herself, unlike the future Anglo-Norman policy when women were legally classified as property belonging to a man, either her father or husband.

The legal doctrine immediately subsequent to the Norman Conquest is known as the "Leis Willelme", attributed to William I" (Saunders 48). *Leis Willelme* also addresses sexual violation, likewise demanding monetary compensation for assaulting a wife; however, the compensation is to be "forfeited" to her lord – her husband – rather than herself. Instead of financial compensation, the *Leis Willelme* offers violated women a shockingly different attempt at legal justice: "this penalty is accompanied...by castration" (49). Saunders asserts that "these laws reject the death penalty...but encourage other 'afflictive punishments'" such as loss of member or blinding (49) The ultimate retribution of outlawry was also introduced, which "symbolized the loss of 'all, life and limb, lands and goods'", meaning the convicted was castrated, executed and his property/possessions were resold (49). However, despite William I's preferred philosophy that the "punishment fits the crime," Saunders also acknowledges that in

practice, official punishments fluctuated according to the whim of the presiding judge, and the death penalty became standardized once again in the thirteenth century (49).

Notably, the Anglo-Saxon distinction between rape and abduction continues in the legal codes of William I and Henry I (1114-18), who significantly categorized exceptionally heinous crimes, such as rape, as “‘bootless’ crimes, crimes without *bot* or compensation, which are punishable only by death or loss of member” (50). However, the discrepancy between rape and abduction would ultimately fade as the focus of Continental law followed the intellectual shift towards Rome and its legal principles, invariably leading to a gradual regression in the medieval legal adjudication of *raptus* in Anglo-Norman England. Simultaneous to this new Continental legal movement, England underwent a steady social restructuring “with profound implications for women” due to the Norman corrosion of Anglo-Saxon values, which featured “the independence and high legal status granted to women in the Anglo-Saxon law codes...in particular those of inheritance” (Saunders 51). Under the Anglo-Normans, England adopted a system of “male primogeniture” which “did not allow women to inherit land except in the absence of a male heir and then only with circumscribed rights” (51). Consequently, marriage became politicized, as heiresses were “married at the earliest opportunity, and widows and orphans fell under the wardship of the king in order to have marriages arranged for them” (51). As mentioned above, this implementation and emphasis of Norman customs and attitudes towards women as subordinates indisputably influenced the adjudication of *raptus* and means of legal redress as concerns over abduction eclipsed concerns of rape and any penance was to be paid to the victim’s male patron. Furthermore, the Church attained an authoritative status during this gradual movement away from Anglo-Saxon England. As a result, the Norman patristic perceptions of women as secondary citizens were entrenched in the traditional European view

through the powerful support of the Church, and the ensuing effect on legal attitudes towards the crime of rape was significantly regressive (52). “The Church’s concern over sexual violence was limited to rape and abduction of virgins...Thus...by the twelfth century societal pressures had begun to cause a shift away from [the distinction made between rape and abduction]” (52).

However, before this eventual semantic collapse, rape and abduction are still differentiated in the late twelfth-century legal treatise, commonly referred to as Glanvill, in which *raptus* (exclusively referring to rape) is categorized as a capital offence (52). Therefore, Glanvill’s declaration of rape as a felonious act indicates the death penalty as the preferred sentence rather than “afflictive punishments.” Glanville also necessitates “a legal recognition both of the victimization of the woman...and the sexual nature of the crime” (52). Saunders translates an exact statute from Glanville outlining the process of prosecuting rape as follows:

“A woman who suffers in this way must go, soon after the deed is done, to the nearest [village] and there show to trustworthy men the injury done to her, and any effusion of blood there may be and any tearing of her clothes” (53).

The statute illustrates the explicitly sexual nature of the crime; the interpretation of *raptus* as rape is evident. However, according to Glanvill’s statute, the recognition of a crime as rape ultimately still relied on the confirmation made by “trustworthy men,” reflecting deeply entrenched patriarchal authority over the female body.

Succeeding Glanvill’s measured example of advocacy for the rights of the victim and appropriate acknowledgement of sexual violation is the later thirteenth-century treatise credited to Henri de Bracton (Saunders 53). Bracton’s treatise echoes the laws of the Church and therefore Norman values due to his “enumeration of different categories of women and emphasis on the gravity of *raptus* committed against virgins” (53). Saunders cites an exact passage from

Bracton, detailing the appeal called the rape of virgins. In summary, he who is convicted of raping a virgin must face the loss of his corresponding members utilized in defiling her, including his eyes and testicles. Bracton equalizes this to the rape of a virgin by arguing that she loses her “member” (the hymen) when she is violated. Notably, however, this severe punishment is not considered suitable in all cases of *raptus*. Punishment corresponds to the woman’s social status: wife, respectable widow, nun, matron, concubine, or prostitute, “all of whom the king must protect for the preservation of his peace, though a like punishment will not be imposed for each” (54). Bracton’s concluding statement has clear denotations of legal patriarchy by exhibiting a dismissive attitude towards rape committed against women of lower social status or standing. Equating the victim’s perceived quality through her class with the deserving legal means of redress is implied in several medieval romances, since most wronged women granted justice by a passing knight are described as fair, noble, and wealthy. Despite this, Bracton is arguably one of the more feminist Anglo-Norman lawmakers since he invokes capital punishment and upholds the distinction between rape and abduction, employing the terms *raptus* for the former and *abductio* for the latter. Furthermore, Saunders quotes a summary by Bracton, absolutely condemning the act of rape in man-made as well as divine law. Bracton dictates that if a man is convicted of rape, even his livestock should suffer the same shame: dogs and horses will lose its scrotum and tail, and hawks will lose its beak, claws and tail; and he must forfeit his lands and money to the defiled woman. This same summary includes a fascinating example of forced coitus against the will of a prostitute, stating that “if she was a whore before, she was not a whore then, since by crying out against his wicked deed she refused her consent”(55). Bracton’s recognition that all women have the right to consent or refusal is noticeably progressive when set against Anglo-Norman standards; additionally, it initially seems at odds

with his previously mentioned statute categorizing the severity of punishment alongside a woman's social standing. However, there is still no mention of a "like punishment" relative to assaulting a virgin for assaulting a prostitute and thus a legally dismissive attitude towards lower-class women remains. But, his advanced understanding of consent as universal rather than something that results from privilege signifies Bracton's affirmation that any woman can suffer *raptus*, and this "directly counters the attitude of the Church, which...excluded prostitutes from considerations of *raptus*" (56). It is not coincidental that Bracton mentions Æthelstan, a legendary Anglo-Saxon lawmaker, and that his phrasing echoes Ælfred's laws, which suggests that Bracton's progressive attitude is directly related to an Anglo-Saxon influence. Both early Anglo-Norman treatises of Glanville and Bracton "demonstrate an intellectual awareness of forcible coition as a serious and distinct crime against women," a fact that can be explained as a consequence of Anglo-Saxon influence on their respective treatises (57).

Unfortunately, the reality of *raptus* cases were markedly different from the principles of Glanvill and Bracton. After examining several reported cases of the thirteenth century, Saunders determines that:

Justices do not seem to have been willing to carry out the recommended penalties in appeals of *raptus*. Although a number of appeals appear to have been brought, sometimes first in the county and then to the Crown, very few convictions were made. Instead, most charges seem to have been dropped, settled out of court, or occasionally punished by fine, and, despite the fact that Bracton does not define *raptus* exclusively as an appeal of virgins, in practice this seems to have been the case (57).

Victims of sexual assault faced monumental obstacles when trying to achieve legal redress, specifically when bringing forth an accusation as a felony charge. For one, the onus for appeal

and prosecution was placed solely on the victim herself, which is significantly problematic when the medieval “community was reluctant” to become involved in undesirable, private matters (Musson 84). Therefore, victims were rarely successful in finding witnesses to corroborate her accusation, unless the accuser was in high social standing (Musson 84). Furthermore, appealing accusations of *raptus* as a felony charge included a convoluted appeal process involving multiple courts and several risk factors for the victim that both Saunders and Musson mention. The court appeal process progressed as follows: appeal first to the Township, which meant appealing separately to the King’s Sergeant, the Coroner, and the King’s Sheriff. If successful, the appeal would then advance to the First County Court, and finally, the Justice’s Court. Generally, a victim’s appeal would not proceed further than the Township due the extensive difficulties when asked to present physical evidence (Saunders 63). Gynecological examinations were unsanitary and ineffective at best. Resulting pregnancies were not considered substantial evidence because medieval attitudes towards rape were influenced by the Galenic medical theory of conception: conception is possible only if orgasm occurs in both the male and female; therefore, “pregnancy [occurring] as a result of rape was impossible...pregnancy would prove that the woman had taken pleasure in the sexual act” and thereby negate the charge of rape (Saunders 29).²

Musson also explicates issues of jurisdictional authority when appealing *raptus* because “heinous sexual crimes” concerned both canonical and secular courts. Further risks occurred for the victim/accuser when canonical powers were engaged. Under the ecclesiastical concern for defamation, men accused of rape or attempted rape maintain the right to countersue in the church courts for “damage to their reputation” (Musson 87). Finally, Musson and Saunders both indicate

² As mentioned in the introduction, this medieval theory continues to persist, apparently informing Akin’s 2012 statement.

a medieval curiosity of revolving justices, meaning that few medieval towns/cities had established, stationary courts. According to Saunders, “the county court occurred only twice a year,” so the accused could easily default and not appear (Saunders 63). Musson suggests that the severity of the court’s judgment when treating violent crimes is influenced by the “proximity of the king” (Musson 9). Thus, when considering the nearly insurmountable hurdles for appeal of felony, most women resolved to prosecute *raptus* by writ of trespass, understood as a misdemeanor that treated *raptus* as a lesser crime “for which the punishment is not dismemberment or loss of life, but two-year imprisonment followed by a fine” (Saunders 60).

On the infrequent occasion that an appellee proved “successful,” marriage between the victim and aggressor was a likely resolution in cases of rape for several reasons. (This is relevant to Malory’s and Chaucer’s texts, both of which feature marriage as a means of narrative resolution.) Marriage socially restored the victim’s tainted honor and dignity and absolved the aggressor of his crime through his new husbandly obligation to provide for and protect his wife. Additionally, the resolution of marriage reinforced the belief in the Galenic medical theory of conception because when signs of pregnancy became evident, it could no longer be conclusively decided as a result of rape rather than a mutual conception between husband and wife.

Saunders cites another scholar, J.B. Post, who has argued for the possibility that this solution of marriage may have been subject to manipulation: women could falsely bring appeals of *raptus* to court “for the purpose of marrying against family wishes. Equally... families may have pressed victims of *raptus* to accept marriage as compensation” (Saunders 58). However, Saunders surprisingly fails to suggest the potential inverted situation of the “solution” deterring victims of *raptus* from bringing an appeal forward through the horrifying risk that she may be court-ordered to marry her rapist. Musson sums it up best by stating that means of legal redress

in the High Middle Ages were “more an instrument of power than an effective means of solving conflicts” (126). Both issues, legal manipulation amounting to false accusations and silencing genuine victims (an ongoing issue in modern legal climates), illustrate the multiplying complexities that arise when analyzing issues of *raptus*.

By the fourteenth century, legal statutes extended the wrong done in *raptus* to the victim’s family and it was common for *raptus* to be prosecuted as a writ of trespass “by father or husband...seeking financial compensation” (Saunders 61-62). This process of husbandly prosecution actualizes in the *raptus* case involving Thomas Malory, mentioned very briefly in the introduction, when a “Hugh Smith accuses Malory of the rape of Joan, wife of this same Hugh” (Batt 801). According to Catherine Batt’s examination of the legal documents, Malory was accused of *raptus* not once, but twice: once on May 23rd, 1450 and secondly of the same woman on August 6th, 1450 when “he is said to have again raped the same Joan Smith...and stolen her husband’s goods” (Batt 800). Malory’s famous predecessor, Geoffrey Chaucer, was likewise charged with *raptus* in much less detail in 1380 by a woman named Cecily Champaigne. In summation, unsurprisingly, neither author was convicted and the precise meaning of the extant details in the legal records is open to debate since, as often noted throughout this chapter, “the language of [medieval] law itself” creates confusion and ambiguity (Batt 800). Batt’s understanding of the charges maintains “elements in accounts of crimes against property...[and] could conceivably pertain closely to this issue of property crime” committed against fathers/husbands prioritized in Anglo-Norman legal concerns (Batt 802).

These two most legendary charges of *raptus* epitomize the already multitudinous issues of medieval adjudication thus far discussed. Additional difficulties arise when appealing rape as a married woman, something that Saunders unexpectedly neglects to acknowledge. Without

property rights, it is maintained that a woman's access to appropriate monetary funds is granted by the position of wife. If she forgoes this position, she simultaneously sacrifices the benefits attached to being a wife, a very compelling basis for silence when abuse occurs within a marriage (Musson 68). Divorce may be granted when instances of abuse is proven; however, this was relatively futile since the Church held sanction, or judicial authority, for marital separation and as previously stated, viewed a woman as her husband's property to treat as he sees best. Since the sanctimony of marriage concerned ecclesiastical authority, scenarios of adultery were more successful grounds for divorce in canonical courts as adultery violated holy conventions to remain faithful to one's marital partner. Furthermore, even if the request for divorce was successful, without an enforceable "maintenance agreement," or what we would today identify as alimony, separation was not a sensible alternative for medieval wives "who might otherwise [remain] in an abusive relationship." Perhaps this is why the Wife of Bath and so many noble ladies in Malory's work remain in an abusive or undesirable marriage, for the assurance of her survival in a medieval world legally characterized by the high value of property and the low value placed on life (Musson 69).

Chapter Two: The Patriarchal Recuperation of

Raptus in Malory's *Morte d'Arthur*

Born to Sir John Malory of Winwick and Lady Philippa of Newbold in 1415, Sir Thomas Malory achieved knighthood by 1440 and completed arguably one of the most monumental works of the Arthurian Romance genre, the *Le Morte d'Arthur*, by 1469 (Denny-Brown 565). Malory's work is far beyond the singular narrative scope of just King Arthur, additionally tracing a multitude of beautifully tragic dynasties involving more than one hundred and fifty knights of the legendary Table Round. *Le Morte d'Arthur* presents a fictional realm guided by a power relationship between the opposing sexes and conventional gender attitudes wherein the female position amounts to possess-able property reliant on male protection for preservation. As my analysis in the previous chapter suggests, this gender dynamic is emblematic of the typical Anglo-Norman perspective in relation to the female status during which the tale was written. Instances of incredible feats of masculine strength are abundant. However, the legend inevitably ends in betrayal and tragedy – a consequence quite literally born from an act of intolerable sexual promiscuity, as I will discuss below. The intent of this chapter is to reveal how ideas of “chivalry” are erroneously romanticized by focusing on how Malory's narrative repeatedly recuperates (or attempts to recuperate) acts of *raptus* in the service of patriarchal values.

To begin, the tale opens with Uther Pendragon, the reigning king of all England and the eventual sire of Arthur, issuing for the court appearance of the rebelling duke of Tintagil and his fair wife, Igraine, with the intent to reestablish peace. Upon the couple's coming however, King Uther lusts for the intimate company of Igraine despite her current marital status, desiring “to have lain by her,” despite that she “would not assent” by cause of her wifely loyalty (1). After revealing Uther's intentions to have her “dishonoured,” the duke of Tintagil flees with his wife,

placing her in the castle of Tintagil while hiding himself in the separate castle Terrabil, resulting in Uther's declaration of war (2). Within forty days, Uther begins assaults on both castles: the first to murder the duke of Tintagil and the second to fulfill his sexual desire for Igraine; however, this attempt at the outright forcible assumption of Dame Igraine is futile and he eventually employs espionage with the aid of the renowned wizard, Merlin. Through magical facilitation, Uther is effectively shrouded in the appearance of the duke of Tintagil, and thus entered the castle of Tintagil with ease and laid "with [Igraine] in likeness of her lord" – a mere three hours after Uther's forces managed to slay the duke at castle Terrabil (3). Uther's actions reflect the Anglo-Norman legal prioritization of male property since the text's primary concern is *not* an assault of Igraine, but rather the assault of a wife as evidenced by ensuring the death of her husband first. When news of her husband's premeditated death reached her, Igraine understood that she had been betrayed by someone unknown to her, and any potential means of legal redress vanished alongside her assailant's identity. Uther's realized deception under the guise of her husband's appearance arguably equates to a modern understanding of sexual assault. According to the current definition of sexual assault found on the United States Department of Justice's website, "sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient." Igraine technically never gave Uther himself "explicit consent" to access her body, but rather believed she consented to her husband. Despite the injustice inflicted, Igraine "mourned privily and held her peace," bringing forth no revelation of the attack, an adequate response representative of medieval Anglo-Norman women considering the tumultuous obstacles impeding rightful justice (3). Immediately following, it is agreed by King Uther and his barons (an entirely masculine entity) that marrying Igraine will satiate the King's nature as a "lusty knight"; and so, with royal decree, the two were married "with great

mirth and joy,” with no mention of Igraine’s mutual feelings (3). Furthermore, from this same sexual union on the night of her husband’s death, Uther impregnated Igraine with the soon-to-be king, Arthur, unbeknownst to her. After their unity is sealed by marriage, Uther discloses to his new bride that he is the “father of the child,” wherewith “the queen made great joy when she knew who was the father of her child” (3). Thus, the legend begins with an undeniable example of wish fulfillment by resolving a conflicting issue of *raptus* through a noble marriage, a narrative trend that “recurs in romance literature” and an established standard of Anglo-Norman times (Saunders 57). Furthermore, in Malory’s text, the entire cornerstone of Arthurian legend, King Arthur himself, is conceived through rape. Since the crime of *raptus* begets Arthur, hailed as the soon-to-be greatest king, the narrative recuperates the negative aspects of the sexual union between Uther and Igraine. Malory’s narrative begins in dismissal of Igraine’s non-consent, setting the tone and the preeminent pattern of higher patriarchal status permitting access to the female body soon to follow.

As the prodigious King Arthur is conceived through a case of *raptus*, so is one of his most exceptional knights of the Table Round: Sir Tor. A poor man, known as Aries the cowherd, appears alongside his eighteen-year-old son, Tor, before King Arthur with the request to have Tor knighted. Deferring to Merlin’s supernatural judgement, Arthur asks whether Tor merits knighthood, to which Merlin replies: “Yea, sir...for he is come of as good a man as any is alive, and of king’s blood” (47). Aries is obviously no king and through Merlin’s omniscient qualities, King Pellinore is revealed as Tor’s true sire. Tor’s mother is summoned to corroborate Merlin’s assessment, and her following speech confirms it when she discloses “that when she was a maid, and went to milk kine, there met with her a stern knight, and half by force he had my

maidenhead, and at that time he begat my son Tor” (47).³ Her statement “half by force” is a perfect reflection of the ambivalence and confusion associated with Anglo-Norman issues of *raptus* – the question of what constitutes forcible coition. Is it possible to “half-way” sexually assault a woman? The more likely explanation is the inability to outright “fully” condemn a king, for Merlin states that King Pellinore’s unpleasant act “is more for [Tor’s] worship than hurt, for your father is a good man and a king, and he may right well advance you and your mother” and so he does (47). Since Pellinore is recognized patriarchal royalty, his indecency is instead an act of “worship” and his son is knighted on the singular account of his bloodline, an advancement of his current social status. This is the only questionable form of recompense given and it is paid to her son, reflecting the Anglo-Norman practice of compensating men (husbands, fathers) rather than female victims for crimes of *raptus*. Tor’s mother was assaulted “half by force” before she was married, negating Aries’ possible claim for compensation and her father is never mentioned, leaving only Tor; and so, his narrative ends with no further legal restitution (or “justice”) for his sexually violated mother; instead he becomes a most worshipful knight of the Table Round because of his father’s offense – a prime example recuperating the sexual violence of *raptus* in the interests and values of patriarchy through the social and political elevation of noble/royal bastards.

This notion continues immediately afterwards, as a woman is kidnapped from Arthur’s court during a high feast when an anonymous knight “took the lady away with him...and ever she cried” (48). Conveniently enough, Merlin decrees that King Pellinore must be the one to fulfill the quest to “bring again the lady” (48). When Pellinore eventually locates the lady, he

³ The version of *Le Morte d’Arthur* cited for this project is a modern translation for convenience of the reader. However, even in the original text, the terms “half be force” are still used to describe the assault of Sir Tor’s mother (I, 101, ll. 12-17).

discovers two knights quarrelling for her: “the one [who abducted her] said he would have her by force, and the other said he would have rule of her, by cause he was her kinsman” (54). Pellinore declares to both knights that the lady will instead go with him as he promised to King Arthur. Consequently, battle commences between all three men and whichever knight finds himself victorious also finds himself the lady’s new keeper – a decision made entirely devoid of the victim’s voice, a common reoccurrence throughout Malory’s text. Pellinore ultimately wins the skirmish and, by effect, the lady, whom he returns to Camelot.

Several Arthurian principles regarding gender relations are introduced here. First, abduction is altogether frequent and is accompanied by “force”; therefore the threat of rape is implied even when it is not explicitly acknowledged. Second, demonstrations of prowess of arms warrants the effectual possession of a woman; this supports the observed superior patriarchal claim over the female since typically the only knights successful in battle are those of higher hierarchal standing. Lastly, that the security of the female and the preservation of her virtue hinges on a fellow man, commonly one among the order of knighthood. This Arthurian patriarchal ideology persists in the legend’s subsequent and most gruesome example of *raptus*, which involves a supernatural fiend: the giant of Mount St. Michael.

The protagonist of this grisly adventure must be the greatest existent knight, King Arthur himself, to overcome the ensuing abhorrent violation of civil order. In the midst of his campaign to conquer the Roman Empire, Arthur encounters a man of the country Constantine, who informs Arthur of a “great giant which had slain, murdered, and devoured...and now late he hath taken the Duchess of Brittany...for to ravish and lie by her to her life’s end” (91). The countryman’s appeal suggests that while Malory’s text recuperates as many instances of *raptus* as it can, the one glaring scenario in which recuperation is impossible (given that this crime is a rape-murder

not “just” a rape), it displaces this crime onto a monstrous Other many times over. The monster is not a human but a giant; he is also not from the Christian European lands but rather from Constantinople – the “heathen” (Ottoman/Turkish) regions of non-Europe. Furthermore, this countryman reveals that “more than five hundred” people had attempted to rescue the Duchess to no avail and therefore petitions to Arthur’s regal character, entreating him “as thou art a rightful king, have pity on this lady, and revenge us all as thou art a noble conqueror” (91). Arthur’s rank as king now bears an explicit obligation to uphold the virtue of women – a principle that will soon become a specific element established in Arthur’s code of chivalry and civility for his knights and will most significantly concern women of higher social status (such as the Duchess).

The countryman’s appeal of “revenge us all” also indicates a plurality of voices, as though the sexual violation of the Duchess is an offense to the whole of society (as it should be). However, recalling Musson’s and Saunders’ indication that the onus for appeal of legal compensation was an individual effort, there appears a seeming deviation of the literature from historical actuality. This supposed discrepancy is likely a direct consequence of the literal monstrous character of the criminal (easier to convict) and the elevated social status of the Duchess. When Arthur pursues the fiend, he finds the Duchess’ handmaiden wringing her hands in despair over a new grave, lamenting “here lieth a duchess dead, the which was the fairest of all, wife to Sir Howell, Duke of Brittany, he hath murdered in forcing her, and hath slit her unto the navel” (91). The explicitly sexual nature of the crime as rape suggests that the Duchess was split upward to the navel (and hence from her genital area). Thus, her rape-murder is overdetermined at the bodily site of sexual violence in its extremist imaginable form (murder as a direct consequence of rape), in the same way that the assailant is monstrously overdetermined along multiple axes of Otherness. Arthur appropriately exacts the greatest recompense for such a

repugnant act according to medieval law: the giant's life and limbs as Arthur mounts the giant's head on a spear for all to witness. This is effortlessly decided and without hesitation, but there are several factors to consider. Again, the violator is a supernatural fiend, an "other" that ought to be destroyed regardless, not a misbehaving noble. Secondly, the status of the victim is a double call for justice according to Anglo-Norman treatises: she is royalty and a wife, an emphasis already recognized in Anglo-Norman statutes. Finally, the crime of *raptus* is accompanied by a resulting murder. Such circumstances are exceptional, and as readers have seen, crimes of *raptus* were not so invariably punished as capital offenses, an ambiguity highlighted in King Arthur's proceeding pronounced code of chivalric law.

Proceeding from his heroic defeat of the giant, Arthur inevitably vanquishes his Roman opponents and is crowned Emperor "with all the royalty that could be made" (100). His ascension is complemented with several kingly announcements divvying land and titles amongst his deserving knights and two candid examples of avowed commandments for his "liege men": that none "should defoul nor lie by no lady, wife nor maiden" and "that no man in pain of death should not rob nor take victual, nor other thing by the way but that he should pay therefor" (100). Arthur's effectual oath for his knights to not rape is indisputably influenced by Anglo-Norman values since the statute maintains an obvious emphasis on the importance of a woman's status as "wife" or "maiden" (virgin) by definite verbal inclusion. The oath also echoes the ambiguous nature of Anglo-Norman issues of *raptus* and the prioritization of thievery; because while there is no definitive punishment or even a suggestion of punishment mentioned for rape, thievery demands death as penance. The fluctuation of penalty for *raptus* and the secondary status of women, as already perceived, permeate the legend on all accounts.

In a few select episodes, however, supernatural women take matters of retribution into their own hands. Merlin, a pivotal character responsible for much of the narrative movement, finds his ultimate death in a considerably anticlimactic predicament. Nimue, the Lady of the Lake, traps him underneath a rock as punishment for the threat of his unrequited sexual desire. Merlin “doated” on the Lady and followed her wheresoever she went by cause that he “would have had her privily away by his subtle crafts” (60). Out of dread, Nimue requests that Merlin swear to never enchant her and so he swore; yet, “always Merlin lay about the lady to have her maidenhood” (60). Hence, when the opportunity presented itself to be rid of the danger to her virtue, Nimue tricked Merlin into his own bewitched rock so that “he came never out for all the craft he could do” (60). Nimue disrupts the standard of passivity and displays a rare sense of female agency in a chiefly masculine world, offering readers a slight glimpse at a potentially favorable instance of feminist writing in Malory’s work. However, in due course of the legend, Nimue’s status as an independent woman is usurped as she effectively replaces Merlin’s role in the narrative, aiding and supporting King Arthur and his knights – satisfying the plot’s need for a magical enabler while re-inscribing female subservience to patriarchal pursuits and interests.

Another sorceress who attempts to direct her own fate is Arthur’s half-sister, the famous Morgan Le Fay. On the day of the marriage between Uther Pendragon and Igraine, Igraine’s three daughters and Arthur’s half-sisters are also all married by arrangement, including Morgan Le Fay to King Uriens. Eventually, Morgan rebels and devises a plan that would result in both King Arthur’s and King Uriens’ death, giving her the freedom she desperately desires to be with the man she truly loves, her paramour Accolon. In summary, Morgan steals King Arthur’s magical sword Excalibur, charmed to never miss a foe, and tailors a battle between Arthur and Accolon, giving Accolon Excalibur and Arthur a replica. Through his own strength, Arthur

retrieves Excalibur from Accolon's hands and defeats him, forcing Accolon to confess Morgan Le Fay's and his treason before being executed on spot. Arthur then sends false word of his death to Morgan and, in fabricated confidence, she endeavors to murder her unwanted husband while he slept, telling her maiden, "Go fetch me my lord's sword, for I saw never better time to slay him than now" (71). However, the maiden also warns Uwayne, Morgan's son, of his mother's plot to slay his father with his sword and "as she lifted up the sword to smite, Sir Uwayne leapt unto his mother, and caught her by the hand," successfully halting her attempt at murder (71). As Morgan begs for mercy, she promises to Uwayne that she will never deal in such evil doings again, until the tidings of Accolon's death finds her. Consequently, "she was so sorrowful that near her heart to-brast" and she obstinately becomes a diligent foe to King Arthur and his knights, serving as a constant source of woe and hazard to the chivalrous order throughout the remainder of the legend.

Nimue and Morgan Le Fay are effectively the only two women who occasionally demonstrate independent agency in shaping their existence in defiance of patriarchal rule, and it can be traced back to a singular quality the two shares: supernatural capability. Both pose a threat to patriarchal norms, but only one is recuperated in the interests of Arthur's kingdom. As already noted, the legend establishes that both women have the affinity for magic, the instrument responsible for facilitating their liberation. As a result, a tangible connection establishes itself between the supernatural and female independence, labelling female agency as another form of "otherness" comparable to the supernatural status of the giant of mount St. Michael. Female agency, as such, is coded as a monstrosity or witch-craft. In further likeness of the giant, both women are illustrated as particularly dangerous to the chivalrous world; Nimue through the calculated death of Merlin and Morgan Le Fay increasingly so through her continuous attacks on

Arthur and the knights of the Table Round. While there are numerous accounts of Morgan's treacherous actions, Nimue is featured in only one other example of purposeful maltreatment and it significantly results in the unexpected death of a lady and an expected resolution of marriage.

King Pelleas, distinguished as the best among five hundred knights, declared that Lady Ettard was the "fairest lady that there was" and so he chose her as his sovereign lady, never to love any other (79). However, his romantic favor is blatantly unreciprocated and Lady Ettard is condemned as "proud" and scorned by "all ladies and gentlewomen," ladies who assert that Lady Ettard should be grateful for King Pelleas' adoration "for there were fairer than she" and "they would have loved [King Pelleas] for his noble prowess" (79). Lady Ettard is wrongfully pressured by her peers for her refusal and criticized on account of King Pelleas' "noble" status, highlighting troublesome matters of social coercion and further supporting the prevalent theme of the privileged male position in Arthurian society. King Pelleas ignores Lady Ettard's lack of consent and shadows her wherever she goes, "and never to leave her till she loved him," an ironic parallel to Merlin's treatment of Nimue, for Nimue will soon aid Pelleas in his longing and punish Ettard for her rejection (79). Nimue discovers King Pelleas in a forest "making marvelous dole and great sorrow" and near death out of his unrequited love for Lady Ettard (81). Nimue then acts as "righteous judgement," telling Lady Ettard "ye ought to be ashamed for to murder such a knight" and thus "threw such an enchantment upon her that she loved [King Pelleas] sore, that well nigh she was out of her mind" and released King Pelleas from all feelings of love for Lady Ettard (81). Nimue betrays her own principles for the esteemed King Pelleas, executing the same "subtle crafts" she made Merlin swear to never inflict upon herself. As a result, the tale concludes with the death of Lady Ettard "for sorrow" and a delighted union between Nimue and King Pelleas wherein they "loved together during their life days" (82). Nimue's previous brief

spark of female agency is invariably snuffed out by the female subjugation owed to knights and kings in order to uphold Anglo-Norman conventions of marital gender roles. When the sanctity of the highly politicized institution of marriage is essentially violated, tragedy unavoidably strikes.

Before his marriage to Guinevere, King Arthur is a considerably promiscuous bachelor, impregnating at least two other women (but ironically, never his wife). In the beginning of Arthur's reign, several lords and barons, including the earl Sanam, would pay homage to their new king after he was victorious in battle as reward for his unmatched physical prowess – as is customary in Arthurian tradition. Sanam's tribute amounted to the sexual access to his daughter Lionors' body, which Arthur unsurprisingly accepted and "set his love greatly upon her...and gat on her a child: his name was Borre, that was after a good knight, and of the Table Round" (18). This is not incontestably an account of *raptus*; however, it resonates with other narrative episodes that feature *raptus*, such as Sir Tor's tale, and therefore raises the possibility. The sexual episode with Lionors results in the eventual knighthood of her illegitimate son, Sir Borre, comparable to the examined circumstance of Sir Tor's knighting: a king's "half by force" sexual assault of his mother. Furthermore, the question of "force" is raised when considering a separate occasion featuring a parallel situation to Lionors': the compulsion of Sir Persant's daughter. When the knight Beaumains defeats Sir Persant in a joust, Sir Persant charged his virgin daughter and "commanded her upon his blessing to go unto the knight's bed" to pay Beaumains deserving homage for his jousting victory (136). Beaumains rejects the offer in view of her intact virginity and she discloses that she "came not to [him] by mine own will, but as I was commanded," thus explicitly illustrating that she was compelled by her father to have carnal relations with Beaumains (137). There are suspicious similarities between the framework of

Lionors' sexual encounter with Arthur to these separate sexual scenarios characterized with "force" and lack of consent that question the assumed willingness of Lionors and therefore the lawfulness of the encounter. However, no tangible harm is done until Arthur engages with King Lot's wife of Orkney, insinuating that defiling a marriage is more socially damaging than defiling a woman. That she is also Arthur's half-sister compounds his violation of the marriage pact.

King Lot's wife is given no name but described as a "passing fair lady" such that "[Arthur] cast great love unto her, and desired to lie by her; so they were agreed, and he begat upon her Mordred" (20). Immediately afterwards, the legend reveals that "she was his sister, on his mother's side, Igraine," one of the three half-sisters arranged to marry (20). That night, Arthur dreamt of his land being invaded by "griffins and serpents, and him thought they burnt and slew all the people" (20). Merlin enlightens Arthur, informing him that it is the righteousness of God "for ye have lain by your sister, and on her ye have gotten a child that shall destroy you and all the knights of your realm," thus the disastrous consequence mentioned in the introduction of this chapter is literally born from an act of intolerable sexual promiscuity (22). Merlin's rationalization credits Camelot's impending destruction to Arthur's incestuous relationship and resultant offspring.

However, there is one other major compounding factor that enables Mordred to destroy Arthur: the division of the Table Round caused by the revelation of the adulterous affair between Guinevere and Sir Lancelot. The affair between Guinevere and Sir Lancelot is extensive and continues throughout the entire legend, but it is only until the conclusion of the legend that catastrophic consequences are rendered. Sir Mordred and his half-brother, Sir Agravaine, consistently plot to reveal the devastating truth of the affair to King Arthur. Eventually, the two

collaborate with the other knights and convince enough to bear witness and hide about Guinevere's room, waiting for Sir Lancelot to inappropriately enter in the night – and he does. When he is caught, Lancelot extraordinarily defeats over twenty of his knightly brethren, and kills Sir Agravaire. However, Sir Mordred escapes to reveal all unfortunate tidings of the night, including beholding Sir Lancelot entering the Queen's chambers. Guinevere is accordingly sentenced to be burnt at the stake for her treason – a sentence only Guinevere suffers despite several other characters committing acts of treason throughout the entirety of the legend. On the day of Guinevere's pending judgement, Sir Lancelot acts as her champion, defeating all knights who would challenge Guinevere and proving her innocent in a trial by combat (the only type of trial to be had), again echoing the female dependence on man for her preservation. Unfortunately, Sir Lancelot accidentally slays Sir Gaheris and Sir Gareth in midst of the fray. The two were considered amongst the highest quality knights and brothers to Sir Gawaine, Agravaire, and Mordred, and never took part in the plot against Sir Lancelot, loving him fully. The terrible mishap enrages Sir Gawaine, demanding the life of Sir Lancelot as price for the unjustified death of his brothers and henceforth a permanent rift occurs between the knights of the Table Round: those who follow Sir Lancelot as he flees and those who follow King Arthur and Gawaine in the chase for justice. The terminal result is the provided opportunity for Sir Mordred to conquer Arthur's lands while he is in pursuit of Sir Lancelot abroad. If not for the division of the Round Table caused by the calamitous trial of Guinevere's affair, Mordred would never have had the chance to seize control from underneath Arthur. Ultimately, the legend ends with the too-late reconciliation between King Arthur and Sir Lancelot. The two deplete the other's forces in staggering amounts until reuniting to defeat the threat back home, only half-way

successfully: Sir Mordred and King Arthur slay one another and the death of King Arthur for which the legend is named, is fulfilled.

There is a deeply disturbing misconception of chivalry to be discovered in a feminist reading of Malory's *Le Morte d'Arthur*. Chivalrous actions do not innately mean honorable, nor are they always done in the defense of women. On the contrary, many women face peril only from the same knights that they are subjected to. The situation of Arthurian females is paradoxical at best and outrightly hazardous at worst – the same beauty and status that would deliver her from harm is the same bait that would have inglorious knights covet her; if she is without both, then justice may not find her for no knight would preserve her. Feminism did not kill chivalry. It was necessary to survive it.

Chapter Three: The Adjudication of Rape in

Chaucer's "Wife of Bath's Tale"

The first chapter of this thesis explicated the notion that in comparison to late Anglo-Norman statutes, Anglo-Saxon and early Anglo-Norman legal practices were harsher on rapists and more favorable to the victims of *raptus*, since *raptus* was unquestionably recognized as an act of sexual assault deserving capital punishment. Furthermore, as the Anglo-Norman era progressed, it became significantly less advantageous to women in general, as Norman social restructuring emphasized the secondary status of women. The second chapter argues that Malory's *Le Morte d'Arthur* typically reinforces these larger textual truths and reflects the idealization of women (and attempts to repair the negative effects of *raptus*) from a patriarchal perspective that handles women more as objects than agents. In contrast, Chaucer's "Wife of Bath's Tale," written in the century prior to Malory's text, is unexpectedly more favorable to women in its treatment of *raptus* than observed in *Le Morte d'Arthur*. Chaucer's imaginative narrator, the Wife of Bath, emphasizes women's desire for agency, even if that fantasy – individual (Wife of Bath) or collective (late Middle English women) – is confined in the face of patriarchal violence.

The "Wife of Bath's Tale" is an intriguing example of a frame tale – a secondary narrative embedded in the primary; the secondary narrative included in the Wife of Bath's tale is categorized as an Arthurian romance. Her tale opens with an undeniable crime of *raptus*: "And from this maiden then, against her will, and by pure force, he took her maidenhood" (ll. 31-32). The diction employed in describing the sexual assault as "against her will, and by pure force" echoes Saunders' assessment of Anglo-Saxon and early Anglo-Norman legal treatises (Glanville

and Bracton) in which the language used clearly and unmistakably delineates *raptus* in terms of rape. Where ambiguity and confusion are raised in the “half-by force” rape of Sir Tor’s mother in *Le Morte d’Arthur*, there is no uncertainty present when understanding the crime in the “Wife of Bath’s Tale” as a foul act of sexual assault, despite the mentioned knightly status of the assailant. Thus, an early compelling indication of Chaucer’s more feminist attitude manifests itself.

While her tale unfortunately begins with an act of *raptus* akin to Malory’s chosen opening (Uther’s rape of Igraine), an adjudication process immediately follows in recognition of the injustice committed, rather than an act of marriage: “Because of this violation, there was such a clamor and such petitioning to King Arthur that this knight was condemned to die according to law, and should have lost his head- it happened such that was the statute then-” (ll. 33-37). An imaginative disconnect between historical actuality materializes in Lines 33-34: “Because of this violation, there was such a clamor and such petitioning to King Arthur.” The lines have a communal connotation, as if bringing forth the accusation was a collective effort; as the phrases “such a clamor” and “such petitioning” indicate a possible plurality of voices. As discussed in the first chapter, the onus for appeal was essentially placed solely on the victim herself. Chaucer’s contrary choice of a communal appeal suggests a collective societal sympathy towards victims of *raptus*, allowing an imaginary alternative to the grim reality victims typically faced alone. The imagined then realigns with the actual when considering the sentence disclosed in line 35-37: “that this knight was condemned to die according to law, and should have lost his head- it happened such that was the statute then-”. The early Anglo-Norman legal statutes surrounding crimes of *raptus* indeed mandated the loss of life as compensation; however, enacting this sentence was altogether infrequent, and the Wife of Bath’s tale continues to illustrate as much.

Before the anonymous knight can be executed, “the Queen and various other ladies” intervene praying “to the king for grace so long that he granted [the knight] his life on the spot, and gave him to the queen, completely at her will, to choose whether she would save or destroy him” (ll. 38-42). There are several conflicting ideas occurring here that create an interesting representation, open to many interpretations, of the tension between the opposing sexes. One could easily argue that Chaucer is continuing to give readers an imaginative alternative to the bleak reality of *raptus* cases. He follows the early Anglo-Norman ideals of women as equivalents by instating Queen Guinevere as chief justice over a *raptus* trial with an entirely feminine jury. This literary concept of placing a man’s salvation in the hands of the Queen is seemingly impossible in factual historical terms. Granting absolute judicial authority to a woman (especially over a man) was simply not a medieval legal mechanism in place. Chaucer not only realizes the contrary by bestowing judicial authority to Guinevere, but also accomplishes it in a further atypical method of feminine ventriloquism by allowing a female narrator, the Wife of Bath, to be the mouthpiece. Chaucer quite literally gives all official powers of voice to the female sex – unheard of in Malory’s *Le Morte d’Arthur*. The effect is the imaginative realization of the Wife of Bath’s own admitted desire for sovereignty and greater authority in the relationship between the sexes in marriage and society as a whole, and thus is further evidence of Chaucer’s comparatively feminist sympathies, particularly when compared with Malory’s text.

Concerning the victim herself, the “Wife of Bath’s Tale” is historically accurate insofar as it depicts her underrepresentation. In the tale, the *only* mention of the victim is found in the previously stated lines (31-32), when the rape occurs. She is given no further characterization, no voice, and no appeal as the tale moves immediately to courtly proceedings. On the other hand, the immediate advancement of her legal cause and readily accepted case under the juridical

authority of women is not historically correct and instead supports the idea that Chaucer is fashioning an imaginary alternative to gendered oppression through the Wife of Bath's sympathy towards rape victims. The tale continually confounds Anglo-Norman gender conventions, offering several forms of analyses which illustrates the perplexity surrounding Anglo-Norman issues of *raptus*.

This can also be said when analyzing the pronounced sentence of the covetous knight. After the victim's appeal is effortlessly accepted and judicial authority granted to Guinevere, the queen decrees "I will grant you life if you can tell me what thing it is that women most desire...and if you cannot tell it to me now, I will still give you leave to go a year and a day to seek and learn a sufficient answer," without which, he will be executed when he returns (ll. 48-54). Here, a unique case of female agency is juxtaposed against legal leniency commonly found in Anglo-Norman cases of *raptus* and the tale offers no definite analysis again. A female legal voice is existent in the form of Guinevere as presiding judge and the answer worthy of the knight's salvation rests in the minds of women; however, the assailant still escapes capital punishment, despite the mentioned statute, as he discovers the correct answer – what women desire the most. Furthermore, the trial scene in which the knight presents his answer is entirely dominated by a feminine presence, as indicated in lines 170-173, which state: "Many a noble wife and many a maiden, and many a widow (since widows are so wise), were assembled to hear his answer." This gathering of female witnesses is also not representative of medieval legal proceedings; although, it does represent what the knight discovered as women's greatest desire: sovereignty over man – also emblematic of the Wife of Bath's (a wise widow's) definition of good husbands.

However, on the other side of Chaucer's feminist coin still rests patriarchal power through permission. Ultimately, the Wife of Bath is a fictional construction of a male author and the Queen's judicial authority is a temporary sanction permitted by the patriarchal authority of King Arthur and supportive of the female status as subordinate. Female subjugation continues to reveal itself through a formalist reading of the same cited lines 33-42, when observing choices of naming and capitalization. King Arthur is out rightly identified as "King Arthur," while comprehension of "the Queen" as Guinevere comes from exterior knowledge of who King Arthur's wife is, not because the tale names her as Guinevere. There is an understated but existent power in naming: it creates an established, unquestionable identity. Guinevere's identity is only accessed through her marriage to King Arthur and thus, her identity is entirely reliant on her male counterpart. In other words, if King Arthur was not specifically mentioned as "King Arthur," definitive understanding of "the Queen" as Guinevere would be nearly impossible – his name permits her identity to manifest. Additionally, "King Arthur" is capitalized in line 34 and so is the first appearance of "the Queen" in line 38 in recognition of royal authority; but, after line 38, queen always appears as lowercase. Guinevere is "the Queen" when she is subjugating herself to King Arthur, praying for his grace and permanently becomes "the queen" when he grants her judicial authority. The difference can be understood as a subtle means of rebalancing the gender scales when a superficial power shift appears as Guinevere is instated as chief justice and implicitly undercutting female authority as an illusion. The capitalization difference between "Queen" and "queen" is only present in the modern translation of the tale; however, even in the original text, King Arthur is still explicitly named while Guinevere remains anonymous except in consideration of her marriage and her title as "quene" is always lowercase. As a result, Chaucer subtly undermines Guinevere's position of female power.

In the knight's typical quest for redemption, the loathly (or severely ugly) lady appears and upon bargain of the knight's promise to fulfill whatever she chose, she grants him deliverance from death, informing him that "women desire to have dominion over their husbands as well as their lovers, and to be above them in mastery," an answer undoubtedly denoting a significant feminist attitude (ll. 182-183). However, comparable to Morgan Le Fay and Nimue in *Le Morte d'Arthur*, the loathly lady reveals herself as a supernatural being by the conclusion of the tale when her form magically shifts from "ugly and old" to "so fair and so young" (l. 207, 325). The earlier suggestion of subtly undermining perceived positions of female power arguably reappears: the loathly lady is othered as is Morgan Le Fay and Nimue. Because of her supernatural character, the loathly lady's ability to rescue the knight is a direct consequence of her magical affinity rather than a superior awareness as a woman – intertwining female power with the supernatural "other" again.

Also analogous to Nimue, the loathly lady uses her magic in service to her newfound knightly husband. When the acceptable answer is given, and the knight is consequently saved, the lady demands fulfillment of the bargained promise: the knight must wed her. Her command became his "damnation" as "there was nothing but gloom and much sorrow...he was so dejected because his wife looked so ugly. Great was the woe in the knight's mind when he was brought with his wife to bed" (ll. 211-228). The quality of his wife as a woman is clearly defined singularly in terms of her beauty (or lack thereof), a decidedly un-feminist perspective. In response to her husband's grief, the loathly lady poses him a choice between two options: "to have me ugly and old until I die, and be a faithful, humble wife to you, and never displease you in all my life; or else to have me young and fair, and take your chances on the flocking of people to your house because of me" (ll. 364-370). She grants him this choice in subservience to "fulfill

[his] fleshly appetite” as a proper wife is meant to, echoing Musson’s assessment that “a wife’s place is in her husband’s bed” (l. 362) (Musson 68). The knight answers surprisingly well, telling his wife “I put myself under your wise control; you yourself choose which may be most pleasurable and most honorable to you,” thereby fulfilling the woman’s desire for sovereignty over her husband and lover. She then undergoes the previously mentioned transfiguration into a permanently beautiful woman in satisfaction of her husband’s answer (ll. 375-377). Hence, the tale concludes in a surprisingly amicable resolution of marriage to an original issue of *raptus*, commonly witnessed in Anglo-Norman legal practices and Malory’s *Le Morte d’Arthur*.

However, several significant distinctions from Malory’s text can be made. First, the marriage between the loathly lady and the anonymous knight does not nullify the crime of *raptus*, as it seems to in Malory’s work. Secondly, the resolution of the marriage, given the knight’s answer, is a direct parallel to the Wife of Bath’s most favored marriage to her husband Jankin when she reveals his statement: “he said, ‘My own faithful wife, do as you will the rest of your days; be the guard of your honor, and of my dignity also,’ we had never a dispute after that day. God help me so, I was as loving to him as any wife” (ll.819-824). Again, the imagined tale is directly influenced in consideration of the Wife of Bath as narrator, since Jankin’s proclamation of granting sovereignty to his wife was the resolution to an unfortunate violent episode during their marriage.

Several different arguments can be made about the tale’s ending specifically and Chaucer’s “Wife of Bath’s Tale” in its entirety. First, the tale does end in a resolution of marriage, an initial disappointment; but, the arranged marriage is an inverted situation of what readers have previously seen in Malory’s text. Chaucer’s version portrays the woman as the consenting organizer of the arrangement, rather than patriarchal recuperation by way of the

assailant ordaining marriage. Second, the lady marrying the knight is not the victim of *raptus*, a favorable avoidance of a considerably perverse situation in which the victim marries her rapist to restore her tainted dignity. However, Anglo-Norman gender conventions are still upheld in the conclusion when the narrator reveals that the lady “obeyed [her husband] in everything that might give him pleasure or joy,” reinforcing the principle of female subservience (ll. 399-400). Furthermore, the crime of *raptus* is frankly forgotten and overshadowed by the knight’s quest for redemption and the legal means of redress amounted to nothing more than a year-long banishment. Consideration of the narrator, the Wife of Bath, also presents a further conundrum. She has been wedded five times and begins her prologue by expressing “the woe that is in marriage” and yet her chosen tale is resolved by marriage (l. 3). So, how can readers begin to reconcile the frustrating but undeniable thematic limbo that is Chaucer’s “Wife of Bath’s Tale”?

A clear, definite answer is not possible; but, one thing is certain: Chaucer ingeniously managed to challenge medieval gender conventions while cleverly remaining in the traditional confines characteristic to the Anglo-Norman period. He allows readers an imaginative alternative to gendered oppression without necessarily breaking social structures.

Conclusion:

Breaking the Silence

This thesis has investigated medieval Anglo-Norman statutes adjudicating sexual assault in relation to relevant major works of medieval literature, highlighting how social and cultural values have shaped legal, judicial, and even imaginative literary responses to rape and sexual assault. The perpetration of such crimes, of course, has not been limited to the Anglo-Norman period in English history: rape and sexual assault have menaced women of differing gendered, ethnic, cultural, and social identities throughout the historical record. And though by comparative standards, modern legal practices adjudicating sexual violence have evolved in a positive direction since the Anglo-Norman period, there are still shockingly similar social attitudes serving patriarchal interests in normative issues concerning sexual violence. This is particularly evident when privileged male assailants commit sexual assault but receive lenient legal sentences; it also is evident in the degree to which ambiguity concerning consent continues to influence how crimes of rape and sexual assault are adjudicated.

In January of 2015, much of the nation quaked as mainstream media launched a torrent of articles detailing an explicit criminal case: the alleged rape of Emily Doe, a protective pseudonym, by Stanford swimmer, Brock Turner. Turner was indicted on five counts of rape and eventually convicted of three felony charges of sexual assault; however, his pronounced sentence of six months confinement in county jail and following three years of probation is arguably meager and woefully lenient considering the charges. Only the disingenuous or willfully naïve could suggest that Turner's social status—as a white, upper-middle class male—did not influence the lenient sentence he received from the Court. Furthermore, legal issues of questionable consent arose as a consequence of the intoxicated status of both the assailant and

the victim, illustrating a current widespread dispute in the adjudication of sexual assault: can inebriated individuals properly consent to sexual relations? The debate spurs on and simultaneously echoes the mentioned ambivalence of the “half by force” sexual assault of Sir Torre’s mother by the prominent King Pellinore, who never faced legal consequences – the same result of the *two* allegations of *raptus* against Thomas Malory and the single charge against Chaucer.

It is obvious the threat of sexual assault has not weakened since the medieval era as numerous allegations of sexual assault and/or misconduct have erupted into public view in just two years prior to now, implicating men in the highest-ranking positions of numerous fields, including the entertainment industry and national politics (Roy Moore, Harvey Weinstein, Roy Price, Lawrence G. Nassar, Kevin Spacey, Matt Lauer, Russel Simmons, Al Franken, and, most notably, Donald Trump, among others).⁴ In actuality, the argument could be made that unsolicited access to the female body has escalated with the modern rise of technology since most personal information, behavior patterns, and even locations can be discovered at the click of a button – providing an easier hunting ground for sexual predators.

However, technology and social media is also an empowering source of female solidarity; it is the birthplace of the inspiring cultural #MeToo movement and rise of the female voice connected in chorus of protest and increased public awareness of sexual assault. While Middle-English victims of sexual assault (and those in subsequent historical periods) were regularly oppressed and coerced into silence, victims of sexual violence now are taking to social media as the center stage for expressing inflicted injustices to break that silence. Anyone with an internet connection can open Instagram, a social media application, and search

⁴ These are *alleged* allegations, which have yet to be proved in a court of law.

#MeTooMovement and be confronted with thousands of global declarations against sexual assault, (I found 10,142 posts on January 11, 2018) and the number continues to grow. Women everywhere are sharing their story publicly and in unison, shattering the institutions that would quiet them – a possibility that was never available for medieval women.

Despite this observed progress, the battle against patriarchal violation is long and far from over; but, the battle rages on as women continue to rally. As famous American songstress Ashley Frangipane (professionally known as Halsey) recited from a personal poem detailing her sexual assault, in Washington D.C. for the second annual Women’s March on January 20th, 2018:

But we are not free until all of us are free
So love your neighbor, please treat her kindly
Ask her story and then shut up and listen
Black, Asian, poor, wealthy, trans, Muslim, Christian
Listen, listen and then yell at the top of your lungs
Be a voice for all those who have prisoner tongues
For the people who had to grow up way too young
There is work to be done
There are songs to be sung
Lord knows there’s a war to be won.

Halsey’s use of “prisoner tongues” signifies the enforced silence many victims of sexual assault/rape face and invokes another disturbing medieval imaginative representation of *raptus* – one Chaucer adapts in his *Legend of Good Women*: the rape of Philomela and the subsequent act physically depriving her of speech. After the perpetrator, Tereus, criminally deprives Philomela of her maidenhood, Philomela cries out for help and “Tereus’s fear of accusation causes him to

cut out her tongue” (Saunders 274). Despite being literally and metaphorically silenced by man’s violently invasive action, Philomela gains a new voice – like the victims of #MeToo – through designing “a tapestry of her story” that weaves a form of letters rather than pictures, becoming a literal mode of speech (Saunders 275).

Through the nationwide #MeToo movement, contemporary women are fulfilling the imaginative fantasy of unity and power of unified vocal persuasion in Chaucer’s “Wife of Bath’s Tale” when there is a public clamor against the crime, completely divorced from the grim reality of raptus adjudication records from Chaucer’s time. Legendary literary females such as Nimue, Morgan Le Fay, Guinevere, the Wife of Bath, and Philomela anticipated the #MeToo movement and laid the groundwork for the struggle against patriarchal systems and the desire for agency centuries ago; now, women are continuing to take up the mantle in full-force and full-voice for the fight of a better tomorrow.

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