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Author(s): Christopher Cannon
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Raptus in the Chaumpaigne Release and a Newly Discovered Document Concerning the Life of Geoffrey Chaucer

By Christopher Cannon

On May 4, 1380, Cecily Chaumpaigne brought a deed of release into the Chancery of Richard II and had it enrolled on the close rolls (i.e., recopied by a clerk on the back of those sheets of parchment used to record the "closed" or sealed letters sent by the king). In this deed Chaumpaigne released the poet Geoffrey Chaucer from "all manner of actions such as they relate to my rape or any other thing or cause" ("omnimodas acciones tam de raptu meo tam de aliqua alia re vel causa"). The deed had been witnessed three days earlier (on May 1, 1380) by several prominent members of the court of Richard II (William Beauchamp, John Clanvowe, William Neville, John Philpot, and Richard Morel).[1]

This brief description contains all that is known with any certainty about the release, although it is hard to know whether even this information can be taken as fact—presented as it is in a document that is a legal instrument (at best a highly formulaic record of the events prompting it) and a copy of a lost original (subject to error on the part of at least two scribes). Yet scholars have long hoped to know even more than these details. Since F. J. Furnivall announced the discovery of the release in 1873,[2] speculation about the events that prompted its writing has been continuous and intense. This speculation was further encouraged by the discovery in 1897 of three more records with tangential connections to the release (they are dated within a month of it, and they include two or more of the names important to the case).[3] Despite all this effort, however,

I owe thanks to Larry Benson, Thomas Bisson, Carolyn Dinshaw, Scott Gordon, Derek Pearsall, Elizabeth Scala, and the anonymous readers for *Speculum* for reading earlier versions of this essay and making many useful suggestions. I would also like to thank David Smith, who provided important bibliography at a critical point. My greatest debt of gratitude, however, goes to Charles Donahue, Jr., who provided help in the transcription and translation of many original documents as well as constant and invaluable advice on numerous points of medieval English law. It is no exaggeration to say that without Professor Donahue's kind assistance this essay could never have been written.

[1] The full contents of the release can be found in the *Chaucer Life-Records*, ed. Martin M. Crow and Clair C. Olson (Oxford, 1966), p. 343.

[2] *The Athenæum* 2405 (November 29, 1873), 698–99. For a fuller discussion of the discovery of this and related documents with some speculation about the nature of their contents see P. R. Watts, "The Strange Case of Geoffrey Chaucer and Cecilia Chaumpaigne," *Law Quarterly Review* 63 (1947), 491–513.

[3] This discovery was announced by Reginald Sharpe in *The Athenæum* 3642 (August 14, 1897), 226. For the texts of these documents see the *Chaucer Life-Records*, pp. 344–45. They are, first, a release from Richard Goodchild, cutler, and John Grove, armorer, to Chaucer for "all manner of actions, suits, and claims (omnimodas acciones querelas et demandas)"; second, a release from Cecily Chaumpaigne to Goodchild and Grove for "all manner of actions, suits, and claims both real and personal (omnimodas acciones querelas et demandas tam reales quam personales)"; and, third, a recognizance from Grove acknowledging a debt of ten pounds to Cecily Chaumpaigne.

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none of the ingenious schemes constructed to explain the release has seemed very plausible, and the more ingenious of them (for example, the elaborate credit arrangement proposed by T. F. T. Plucknett)[4] have often seemed in their very complexity to argue against the possibility that a satisfactory explanation could ever be found.

The text of the Chaumpaigne release has come to seem the only certainty about the document we are likely to have, and a great deal of scholarship has focused on this text alone, and, in particular, on the meaning of the phrase "de raptu meo" at the document's center. It is this phrase that raises the troubling possibility that Chaucer was a rapist, and it is this phrase more than any other aspect of the release that has earned it such sustained attention. Linguistic study has provided surprisingly few certainties, however, since several conflicting translations for this phrase have been advanced over the years. At least one scholar has been sure that in medieval Latin the word *raptus* necessarily meant abduction and contained no connotation of sexual violence at all.[5] A group of other scholars has been equally sure that rape or forced coitus is the only acceptable translation of *raptus* in this period.[6] Yet a third group of scholars has thought that the word *raptus* was so ambiguous in the fourteenth century that it could mean either forced coitus or abduction.[7]

For all the ink that has been spilled on the subject of the release, there have been surprisingly few attempts to place its language in either the language or practice of the English law in which it arose. F. J. Furnivall quotes a few parallel cases in the "Trial-Forewords" to his edition of the minor poems;[8] D. W. Robertson mentions a few more cases in *Chaucer's London*;[9] and P. R. Watts cites several cases in his important study of the release, although he does not quote from many of these, and when he does, he tends to quote them in translation.[10] None of these surveys focuses directly on documents from the close rolls, where the Chaumpaigne release is recorded, and none of them presents a clear picture of English legal practice in the plea rolls for this period (the third year of the reign of Richard II). The absence of detailed research on this subject has surely

[4] T. F. T. Plucknett, "Chaucer's Escapade," *Law Quarterly Review* 64 (1948), 33–36.

[5] George Saintsbury, "Chaucer," in *The Cambridge History of English Literature*, 2: *The End of the Middle Ages*, ed. A. W. Ward and A. R. Waller (Cambridge, Eng., 1908), p. 159.

[6] Watts, "Strange Case," p. 499; Plucknett, "Chaucer's Escapade," p. 34; F. J. Furnivall, "Trial-Forewords," *Parallel-Text Edition of Chaucer's Minor Poems* (London, 1871), p. 142 and passim; Paull F. Baum, *Chaucer: A Critical Appreciation* (Durham, 1958), p. 42.

[7] T. R. Lounsbury, *Studies in Chaucer: His Life and Writings*, 3 vols. (New York, 1892), 1:75; W. W. Skeat, "Life of Chaucer," in *The Complete Works of Geoffrey Chaucer*, 6 vols. (Oxford, 1894), l:xxxiii; Donald R. Howard, *Chaucer: His Life, His Works, His World* (New York, 1987), p. 317; Martin M. Crow and Virginia E. Leland, "Chaucer's Life," in *The Riverside Chaucer*, ed. Larry D. Benson (Boston, 1987), p. xxi.

[8] Furnivall, "Trial-Forewords," pp. 141–44.

[9] Robertson, *Chaucer's London* (New York, 1968), pp. 98–99.

[10] Watts, pp. 498–99, 503, and 508–9.

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a great deal to do with the fact that English legal records for the late fourteenth century are largely unpublished.[11] And it has not helped that extant studies of medieval rape focus either on the thirteenth century or only on the first half of the fourteenth century.[12]

The assumption of this essay is that the language of the Chaumpaigne release can be properly understood only in its immediate legal context, and I seek to provide that context by turning to unpublished court documents from the period just before and just after the release's enrollment. Releases contemporary with the Chaumpaigne document are examined in the close rolls first. The criminal rolls in King's Bench for 3 Richard II are also considered carefully and in full in order to show what cases of *raptus* in this period actually looked like when they were prosecuted (instead of settled out of court by release as Cecily Chaumpaigne seems to have chosen to do). Although a reading of these records cannot speak for the use of *raptus* everywhere in late-fourteenth-century English law, it does provide a great deal of new material on the subject, and it illustrates the use of this term in more depth than it has been illustrated before. A careful examination of the court records for 3 Richard II also turns up another document that names both Cecily Chaumpaigne and Geoffrey Chaucer and refers directly to her release of him. This document, which is presented here for the first time, has some inherent importance as a newly discovered Chaucer life-record. But it will be examined here carefully because it also offers important commentary on the language of the Chaumpaigne release and, specifically, on the phrase "de raptu meo" at the release's center.

A reading of legal records for 3 Richard II is best begun in the most immediate context for the Chaumpaigne release, the close rolls, where that document was itself recorded. In the rolls for the first eight years of the reign of Richard II (June 22, 1377–June 21, 1385)[13] the other releases recorded during this period are similar to the Chaumpaigne release in most of the particulars of their lan-

[11] A broad sampling of cases brought before the justices of the peace has been available for some time, most notably in the extensive compilation by Bertha Haven Putnam (*Proceedings before the Justices of the Peace in the Fourteenth and Fifteenth Centuries, Edward III to Richard III* [London, 1938]) referred to by the compilers of the *Chaucer Life-Records* (p. 345, n. 2). There are also collections published by the Selden Society of cases in the central royal courts: *Select Cases in the Court of King's Bench under Edward III*, 5–6, ed. G. O Sayles, Selden Society Series 76, 82 (London, 1958, 1965); *Select Cases in the Court of King's Bench under Richard II, Henry IV and Henry V*, 7, ed. G. O. Sayles, Selden Society Series 88 (London, 1971); *Select Cases of Trespass from the King's Courts, 1307–99*, 2 vols., ed. Morris S. Arnold, Selden Society Series 100, 103 (London, 1985, 1987). These excellent volumes have made it possible to study the case law of this period, although they still do not provide enough material in and of themselves for a study of the use of *raptus* which focuses only on the latter part of the fourteenth century.

[12] For the thirteenth century see Ruth Kittel, "Rape in Thirteenth-Century England: A Study of the Common-Law Courts," in *Women and the Law: A Social Historical Perspective*, ed. D. Kelly Weisberg, 2 vols. (Cambridge, Mass., 1982), 2:101–15, and Roger D. Groot, "The Crime of Rape *temp* Richard I and John," *Journal of Legal History* 9 (1988), 324–34. For the fourteenth century see Barbara A. Hanawalt, *Crime and Conflict in English Communities: 1300–1348* (Cambridge, Mass., 1979).

[13] *Handbook of Dates for Students of English History*, ed. C. R. Cheney (London, 1945), p. 21.

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guage, their form, and, by and large, their content.[14] So formulaic was the language of these documents, in fact, that the Chaumpaigne release matches these others in almost every word. Even a deed in which Chaucer's father releases the right to his tenement to one Henry Herbury (enrolled in the Husting rolls on July 22, 1381, but especially pertinent here as the first document presented in the *Chaucer Life-Records*) is virtually identical with the Chaumpaigne release in its particulars.[15] Both documents begin with the phrase "Noverint universi"; both use the same formula of release ("remisisse relaxasse ac omnino pro me et heredibus . . . meis imperpetuum quietum clamasse");[16] and both assert their veracity and confirm that assertion by seal at the end.

The language of the Chaumpaigne release would require comment, however, even if it did not concern a poet as famous as Geoffrey Chaucer simply by virtue of its use of the phrase "de raptu meo," which cannot be found in any other document in these rolls during any of these eight years. There are in fact only two other records in the close rolls in this period that use some form of the verb *rapere*, from which the noun *raptus* is derived, and only one other record in these rolls that actually uses the noun *raptus* itself. The bulk of the releases during these eight years are so vague in fact that their contents are described in the *Calendar of the Close Rolls* as "general." These releases do not specify any claim or wrong in their terms of release at all. Where the Chaumpaigne release names a *raptus* specifically, these other records only refer in broad terms to "all manner of actions, charges, quarrels, suits, and personal claims" ("omnimodas acciones calumpnias querelas sectas et demandas personales").[17]

The other uses of *raptus* or *rapere* in the rolls are not at all similar to the language of the Chaumpaigne release. The two entries that use the verb (in the form of the past infinitive, *rapuisse*) are not parallel to the release in their language, and they may be discounted because they are commissions from the king to justices of the peace (that is, not releases at all).[18] The one other document in the rolls that uses the noun *raptus*—a release of October 12, 1379, from Alice Edmund of Huntyngdon, also recorded in the rolls of 3 Richard II[19]—does not place any emphasis on this noun at all. In addition to releasing

[14] For a catalogue of the contents of these rolls which amounts to a translation (showing the form, content, and the general shape of the language of each document enrolled) see the *Calendar of the Close Rolls Preserved in the Public Record Office: Richard II*, 1–2 (London, 1914, 1920).

[15] *Chaucer Life-Records*, pp. 1–2.

[16] This is the exact language of the Chaumpaigne release; the release issued by Chaucer's father omits the "et" before "heredibus" and treats "quietum clamasse" as one word.

[17] This is the exact wording of a release from Katherine de la Pole to Robert Marny (London, Public Record Office, C54/221 m. 24d; *Calendar*, 2:103). Other enrollments from the same period described as "general releases" in the *Calendar* are equally vague in their language of release. These include Nicholas Knout's release of Thomas Rydell for "omnimodas acciones personales" (C54/219 m. 27d; *Calendar*, 1:341), Godfrey Cifrewast's release of William de Langeton of "omnimodas acciones reales et personales tam citra mare quam ultra mare" (C54/225 m. 39d; *Calendar*, 2:578); and William de Upton's release of Robert de Dynelay, Robert de Torbok, John de Drayton, and Nicholas Gascoigne for "omnimodas acciones tam reales quam personales" (C54/219 m. 19d; *Calendar*, 1:354).

[18] These records are in fact two separate enrollments of the same commission: C54/225 m. 2d, May 28, 1384 (*Calendar*, 2:452), and C54/225 m. 51d, May 28, 1384 (*Calendar*, 2:558).

[19] C54/219 m. 34d (*Calendar*, 1:330).

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Thomas Bishop of Huntyngdon from culpability with respect to *raptus*, it also releases him from the whole host of actions commonly found in "general releases": "all actions for rape, robbery, mayhem, and trespass and all other personal actions" ("tam omnimodas acciones raptus roberie mahemii et transgressionis quam alias acciones personales"). In the Chaumpaigne release the sharp contrast between the specificity of the phrase "de raptu meo" and the much vaguer blanket clause that follows it ("omnimodas acciones . . . de aliqua alia re vel causa") assures that the noun stands out. The mixing of so many different categories of action ("acciones," "acciones personales," "transgressiones") along with the enumeration of so many specific wrongs ("raptus," "roberia," "mahemium") in the Edmund release assures that the noun as it appears there is simply absorbed into the complicated list of which it is only one constituent part.

In singling out the phrase "de raptu meo" for its focus, recent scholarship on the Chaumpaigne release has been surprisingly to the point, even though this focus seems to have arisen more from discomfort over what *raptus* might mean than from any understanding of the unusual status of the word in contemporary releases. Moreover, despite the potentially useful direction of this scholarship, its general reliance on the standard Latin dictionaries has made its conclusions inaccurate. So malleable was this word that historical dictionaries are able to provide examples to support all the contradictory definitions advanced over the years. *Raptus* as well as *rapere* could mean either "abduction" or "forced coitus" in classical and medieval Latin texts; and since it could mean one or the other, it was sometimes the case that it might be (deliberately or accidentally) so ambiguous as to mean both.[20] A broad survey of Roman and medieval law on the Continent shows that the noun and verb were ambiguous in legal Latin as well. James Brundage finds that *raptus* "in the language of Roman law included forcible abductions as well as forcible sexual relations"[21] and that, in Gratian, *raptus* meant "either abduction of a girl without her parents' consent (even if she was a willing party to the abduction) or intercourse with her against her will."[22] Yet even the more restricted tradition of Continental legal usage is not really germane to the language of the Chaumpaigne release. Understanding the meaning of *raptus* in English law is further complicated by a clear fluctuation in the law concerning both *raptus* and a number of related wrongs across the thirteenth and fourteenth centuries. For this reason the meaning of *raptus* in the Chaumpaigne release can only be fairly approached by way of the history of this fluctuation in English law.

[20] The *Oxford Latin Dictionary*, ed. P. G. W. Glare (Oxford, 1982), s.v. *raptus*, demonstrates the ambiguity of this noun in its own inability to disentangle the two possible meanings of the word. Although the *OLD* offers several examples in which *raptus* is defined as abduction only ("the action of snatching or tearing away"), by the third sense in this definition abduction has been completely conflated with rape (as "the action of carrying off, abduction, rape"). A similar range of meaning is compressed in the definition offered in Lewis and Short's *Latin Dictionary* (Oxford, 1879), s.v. *raptus*, II B: "an abduction, rape." Du Cange's *Glossarium Mediae et Infimae Latinitatis* (Paris, 1845), s.v. *raptus*, separates rape from abduction in its examples, but, just like the other dictionaries, it includes examples of both meanings in its definition of this noun.

[21] James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987), p. 48.

[22] Brundage, *Law, Sex and Christian Society*, p. 249.

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The inheritance of English law in the fourteenth century—the inheritance, in short, of the Chaumpaigne release—was so complex because it was the result of a legal tradition that was at once more restrictive in its use of *raptus* than the Latin of either medieval literature or law as well as more consistently confused than either of those traditions. In the late twelfth century (and for some time after) the definition of *raptus* in England was actually narrower than in either Roman or Continental law until the end of the thirteenth century. In the treatise called *Glanvill* (c. 1187–89) *raptus* was defined as forced coitus ("raptus crimen est quod aliqua mulier imponit viro quo proponit se a viro vi oppressam in pace domini regis"),[23] and the *Glanvill* tradition passed virtually unchanged into the treatise *De legibus et consuetudinibus Angliae* (commonly attributed to Henry Bracton),[24] where *raptus* was even more explicitly defined as rape ("et contra pacem domini regis concubuit cum ea").[25] By the end of the thirteenth century, however, two statutes known as Westminster I (1275) and Westminster II (1285) blurred the distinction between forced coitus and abduction considerably. Although neither of these two statutes uses the noun *raptus* or the verb *rapere*—since the pertinent clause in each statute is in Anglo-Norman—their language directly affected the Latin of subsequent legal records. Westminster I lumped rape and abduction together for the first time ("le roy defend qe nul ravyse ne prengne damysele de deinze age . . . ne dame ne damisel . . . ne autre femme augre soun"),[26] and Westminster II furthered the ensuing confusion by using language that made no distinction at all between these two categories of wrong ("si homme ravise femme espose, damousele, ou autre femme deshormes . . . ensement par la ou homme ravise femme, damoysele, dame espose ou autre femme a force").[27] In his detailed article on Westminster I and II, J. B. Post traces the host of problems that "the collection of all types of ravishment of women under one simplistic chapter [of each statute]" created both theoretically and in legal practice.[28] The most dramatic effect of this conflation, however,

[23] *The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanvill*, ed. G. D. G. Hall (London, 1965), p. 175. For the dating of this treatise see the introduction to this edition (pp. xxx–xxxi).

[24] *Bracton: De legibus et consuetudinibus Angliae*, ed. George E. Woodbine, trans., with revisions and notes, Samuel E. Thorne, 4 vols. (Cambridge, Mass., 1968, 1977). The *De legibus* is probably a work of corporate authorship of which parts "go back to the 1220's and 1230's" (Thorne, 3:v). For a full discussion of of the complexities of dating the various parts of this treatise see Thorne's introduction to vol. 3 of this edition (pp. xiii–lii).

[25] Thorne, 2:416. *Raptus* is also mentioned earlier in this treatise to describe the "raptus virginum." The noun is not explicitly defined at that point in the treatise as forced coitus, but the aftereffects of the wrong ("et factum recens fuerit, secundum quod multotiens videri poterit per indicia certa, ut si huthesium levatum fuerit et recenter secutum et ruptum vestimentum, et si non ruptum, sanguine tamen intinctum") make it clear that *raptus* refers to forced coitus there as well (Thorne, 2:344–45).

[26] Statute of Westminster I, c. 13, as presented in the appendix to J. B. Post, "Ravishment of Women and the Statutes of Westminster," in *Legal Records and the Historian*, ed. J. H. Baker (London, 1978), p. 162. Another version of the text can be found in the *Statutes of the Realm* (London, 1963), 1:29. As Post notes, "there is no thoroughly satisfactory text of Westminster I" (p. 162), and I have preferred his text because it resolves certain difficulties that the text of the *Statutes* does not.

[27] Westminster II, c. 34, in Post, "Ravishment of Women," p. 164. See also *Statutes of the Realm*, 1:87. I have used Post's text once again because it is clearer than the text of the *Statutes*.

[28] Post, "Ravishment of Women," p. 159 and passim.

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was a complete shift in the emphasis of the case law of the fourteenth century. According to Post, whereas before Westminster I and II "the substance of appeals invariably and explicitly related to forcible coition," afterwards, actions for this crime became indistinguishable from those for abduction.[29]

Overlaying the confusion created by the language of the Westminster statutes was a separate, but parallel, confusion over the procedures by which rape and abduction were brought to law in the fourteenth century. The language of individual suits aside, it was theoretically possible to distinguish cases of abduction from cases of rape simply by the way in which an individual action was pursued. Abduction (or "ravishment of ward" in its most common form) was a trespass, in effect a wrong committed against those who had a material interest in the marriage of a particular ward,[30] and trespasses (at least in the royal courts at issue here) were normally pursued through the purchase of a writ which sought financial compensation for the monetary loss incurred from the wrong.[31] Rape, on the other hand, was a felony (except during the brief period between Westminster I and II, when it was a trespass), a violent crime against a person that was normally pursued by appeal or indictment in the criminal courts, which sought punishment of the accused by way of compensation for the injury suffered.[32] Yet the court records show that this procedural distinction existed only in statutes and registers of writs. As Post has pointed out, "by a procedure apparently imitative of that for ravishment of ward, it became possible, for husbands at least, to bring a trespass suit for damages" when a woman had been raped.[33] The result of this development was that "the verdict of a jury in a trespass suit for damages was tantamount to an indictment for felony triable at

[29] Post, "Ravishment of Women," p. 158. Medieval "appeal" did not, as in modern law, move a suit from court to court; rather it was one way of initiating an action: "An appeal was essentially an oral accusation of crime made by someone closely affected: either by the victim or by 'approvers' " (J. H. Baker, *An Introduction to English Legal History*, 3rd ed. [London, 1990], p. 574).

[30] For a more detailed discussion of the law on wardship see several articles by Sue Sheridan Walker: "Feudal Constraint and Free Consent in the Making of Marriage in Medieval England: Widows in the King's Gift," *Canadian Historical Association, Historical Papers* (Ottawa, 1979), pp. 97–101; "Wrongdoing and Compensation: The Pleas of Wardship in Thirteenth and Fourteenth-Century England," *Journal of Legal History* 9 (1988), 267–309; and "Free Consent and the Marriage of Feudal Wards in Medieval England," *Journal of Medieval History* 8 (1982), 123–34.

[31] Examples of these writs may be found in *Early Registers of Writs*, ed. Elsa de Haas and G. D. G. Hall, Selden Society Series 87 (London, 1970), pp. 243–44: "De herede rapto" (no. 580); "Aliter" (no. 581); "De herede ducto de uno comitatu in alium" (no. 582); "Aliter de herede" (no. 583); and "Aliter in socagio" (no. 584). This collection also contains a writ "De uxore rapta" (p. 181, no. 324) that will be discussed below. The use of the forms "rapto" and "rapta" in the headings of these writs might seem to have some bearing on the discussion of *raptus* here. While it seems clear that these writs were meant (and primarily used) to bring cases of abduction to law, for all their similarity in appearance, *rapta* and *rapto* (adjectival past participles) and *raptus* (a noun) are grammatically distinct. *Rapta* and *rapto* are thus forms of the verb *rapere* whereas *raptus* has an independent grammatical existence and a separate history of usage (as the rest of this essay tries to show).

[32] For further discussion of the felony of rape see also William Holdsworth, *A History of English Law*, 12 vols. (London, 1908; repr. 1977), 3:316.

[33] J. B. Post, "Sir Thomas West and the Statute of Rapes, 1382," *Bulletin of the Institute of Historical Research* 53 (1980), 25.

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Crown suit."[34] In other words, no matter what procedures were set out in the abstract, both abductions and rapes were tried in the end using the very same procedures. And since procedure in English courts was prescribed in many cases by the language of the law (the first step in the prosecution of trespass, for example, was the purchase of a writ whose language was codified), this procedural conflation amounted to a linguistic conflation. In the end, this confusion in legal procedure made the records of cases of rape virtually indistinguishable from cases of abduction.

The conflation of the law on rape with the law on abduction was not a deliberate goal of thirteenth- and fourteenth-century English law but, rather, the outgrowth of a developing concern in the courts to prevent women and men from using accusations of rape to manipulate or avoid marriage strictures.[35] A telling phrase of Westminster II prevents the settling of a suit for "ravise" on the basis of the victim's later consent ("tut seyt ele assentue apres").[36] It had been traditionally possible to satisfy a charge of rape by a marriage between a rapist and his victim if the victim consented to the marriage.[37] It seems to have been the case, too, that "women allowed themselves to be abducted in order to affirm their own choice of a husband and force their families to accept the relationship and they allowed themselves to be abducted in order to leave their husbands."[38] Such manipulation, if not a common occurrence,[39] produced a common anxiety throughout the fourteenth century, judging from the number of cases in both local and royal courts that concern this kind of "ravishment." It was occasionally possible that such manipulation "meant an extension of control by women over their lives,"[40] since, properly handled, rape law could introduce a degree of choice into marriages that were otherwise forced. But Westminster I and II were also the beginning of a movement that, by the end of the fourteenth century, effectively transferred the concern of the law from the wrong done to the woman who had been "ravished" to the rights of her family and its interests.[41] Although it does not seem to have been the intention behind any particular change in the law, the obsession of thirteenth- and fourteenth-century English law with the problems of controlling marriages ultimately

[34] Post, "Sir Thomas West," p. 25.

[35] This subject has been carefully traced by Post, in "Ravishment of Women and the Statutes of Westminster," and by Sue Sheridan Walker, in "Common Law Juries and Feudal Marriage Customs in Medieval England: The Pleas of Ravishment," *University of Illinois Law Review* 3 (1984), 705–18, and "Punishing Convicted Ravishers: Statutory Strictures and Actual Practice in Thirteenth and Fourteenth-Century England," *Journal of Medieval History* 13 (1987), 237–50.

[36] Westminster II, c. 34, in Post, "Ravishment of Women," p. 164. See also *Statutes of the Realm*, 1:87.

[37] J. A. Brundage, "Rape and Marriage in the Medieval Canon Law," *Revue de droit canonique* 28 (1978), 74.

[38] Walker, "Punishing Convicted Ravishers," pp. 237–38.

[39] Walker notes elsewhere that "very few of the ravishers are noted on the rolls as having actually taken the ward as a spouse" ("Common Law Juries and Feudal Marriage Customs in Medieval England," p. 711).

[40] Walker in "Punishing Convicted Ravishers," p. 238, following Brundage, "Rape and Marriage," p. 74.

[41] See Post, "Sir Thomas West," pp. 24–25 and 27.

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made a complete mess of the law on rape. Whatever small benefits accrued to women through opportunities to control their marriages through pleas of ravishment were offset by the collapse of their legal recourse for sexual violence. The changes in Westminster I and II (and the attitudes these changes reflect) ultimately drew the emphasis of rape law "away from the actual or potential plight of the victim of a sexual assault" and placed it "upon the unacceptability of an accomplished elopement."[42]

The Chaumpaigne release was drafted, then, in a legal context that had blurred the lines between abduction and forced coitus so substantially that any clear, legal distinction between the two wrongs seems to have been all but impossible to make. There were some important exceptions to this general rule. Legal records for the late fourteenth century show that the confusion in both the statutes and legal practice was actually met with a certain amount of resistance on the part of those who wished to see cases of sexual violence tried as rape. On the other hand, most of the records for this period reflect the hopeless confusion created by the language of Westminster I and II. There is an extremely large body of records in which this confusion is insurmountable—in which it is impossible to know whether rape or abduction is at issue—and these records are important here, not only because of their prominence in the legal records of the period, but because their language has so often (and so mistakenly) been used to understand the language of the Chaumpaigne release. I will call these records cases of "ravishment" here in order to preserve, at least in part, the ambiguity between sexual violence and abduction that was clearly present in their Latin. The language of these records is extremely homogeneous: all of these cases include the verb *rapere* (although they do not explicitly claim sexual violence as an issue in their plea), and almost none of them ever use the noun *raptus*. The occasional substitution of a verb like *asportare* or *ducere* for *rapere* in some of these pleas (such pleas otherwise use exactly the same language as other cases of ravishment) suggests that many of these cases were in fact concerned primarily with abduction and not sexual violence.[43] Such a suggestion is further strengthened by the frequency with which these cases couple the verb *rapere* with *abducere* or some other verb that explicitly describes abduction as well as the emphasis they often place on the value and quantity of the goods carried off.

The language of all these pleas of ravishment can be represented by the formula for a writ for the "seizure of a wife" which can be found in a register of writs from the early part of the fourteenth century:

> Ostensurus quare vi et armis .L. vxorem predicti .A. apud .B. rapuit et eam cum bonis et catallis predicti .A. ad valenciam tanti abduxit et eam adhuc detinet et alia enormia etc. ad graue etc. et contra formam statuti nostri in huiusmodi casu inde prouisi etc.

[42] Post, "Sir Thomas West," p. 25.

[43] Cases of this kind can be found in Arnold's *Select Cases of Trespass from the King's Courts*, 1:90–91, 94, and *Some Sessions of the Peace in Lincolnshire, 1381–96*, 2 vols., ed. Elisabeth G. Kimball, Lincoln Record Society 49 and 56 (Lincoln, 1955, 1962), 2:27, 35. I also find such cases in the controlment rolls for 3 Richard II: KB/29 mm. 18, 27, 65, as well as in the *coram rege* rolls for 3 Richard II: KB 27/478 m. 28d.

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> To show why with force and arms he seized .L., wife of the aforesaid .A., at .B., and carried her off together with goods and chattels of the aforesaid .A., to the value of so much, and still keeps her, and ⟨inflicted⟩ other outrages etc. to the heavy etc. and against the form of our statute provided therewith for such a case etc.[44]

The language of this writ never passes fully into specific pleas because part of its language concerns events extraneous to such a plea (the phrase "ostensurus quare," for example). Most cases also expand on the clipped formula the writ provides for describing the wrong in question. The important part of the writ for this discussion, however, is the phrase at its center—"vi et armis . . . rapuit et eam cum bonis et catallis . . . abduxit"—for this phrase is also at the center of almost all ravishment cases: it is, in fact, by the presence of this phrase that a given action can be understood to be an action for ravishment, whether it is prosecuted as a trespass or a felony. The only alteration made in the language of ravishment cases prosecuted as felonies is the addition of *felonia* to the margin of the record or, more commonly, the use of the adverb *felonice* before the main verb in the description of the crime (i.e., "felonice rapuit . . .").

The ambiguity inherent in the language of these ravishment cases in the court records of the fourteenth century, their consistent use of both the verb *rapere* and the verb *abducere*, and the sheer weight of their numbers in the rolls have contributed most to the notion that *raptus* in the Chaumpaigne release referred (or could refer) to abduction. Such cases bulk so large in the legal records of the fourteenth century that a brief examination of almost any collection of documents from the period turns up a great quantity of them.[45] There are fifty-nine separate entries using this form (reflecting fifty different actions, since some cases appear in more than one entry) in the *coram rege* rolls and the controlment rolls for 3 Richard II alone.[46] The two cases of ravishment included

[44] *Early Registers of Writs*, p. 181, no. 324. The translation is taken from this edition with a few minor adjustments. The register is Bodleian Library, Oxford, Rawlinson C 292, written "in the period 1318–20" (*Early Registers of Writs*, p. lvi).

[45] In fact, these cases are so common in the published records that it is only possible to give a representative sampling here. For cases from the fourteenth-century royal courts see Sayles's *Select Cases in the Court of King's Bench*, 6:159–60, 7:134–35, 181–82. See also Arnold's *Select Cases of Trespass from the King's Courts, 1307–99*, 1:73–98 ("Abducting Wives" and "Abducting Non-feudal Wards and Daughters"), although many of these examples elide the "common form" of the writ at the beginning of the record which I am trying to describe here (see 1:81 and 86–87 for examples of this form). For examples from sessions before justices of the peace see Putnam's *Proceedings before the Justices of the Peace*, pp. 120, 132, 276, 287, 373, 413, 442; *Some Sessions of the Peace in Lincolnshire, 1381–96*, 1:9, 42, 44, 2:18, 57, 142–43, 202; *Rolls of the Warwickshire and Coventry Sessions of the Peace, 1377–99*, ed. Elisabeth G. Kimball, Dugdale Society 16 (London, 1939), pp. 47, 101, 133, 135, 146; *Sessions of the Peace in the City of Lincoln, 1351–4, and the Borough of Stamford, 1351*, ed. Elisabeth G. Kimball, Lincoln Record Society 65 (Lincoln, 1971), pp. 4, 23; *Essex Sessions of the Peace: 1351, 1377–79*, ed. Elisabeth Chapin Furber, Essex Archaeological Society 3 (Colchester, 1953), pp. 98, 137–38, 152; *Some Sessions of the Peace in Cambridgeshire in the Fourteenth Century, 1340, 1380–3*, ed. Mary Margaret Taylor, Cambridge Antiquarian Society 55 (Cambridge, Eng., 1942), pp. 20, 42, 44; and *Records of the Sessions of the Peace in Lincolnshire, 1360–75*, ed. Rosamund Sillem, Lincoln Record Society 30 (Lincoln, 1936), p. 25.

[46] Because this material is unpublished and of primary importance for evaluating the Chaumpaigne release I include references to these cases here: PRO, KB 29/32 mm. 25, 8d, 32d, 38d, 61d; KB 27/475 mm. 10, 69, 78, 13d, 31d, 38d, 69d, 70d (two entries), 82d, 83d, 26 (crown), 37 (crown);

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in the *Chaucer Life-Records*—the *ad inquirendum* investigation of the abduction of Isabella atte Halle on which Chaucer served and the abduction of Chaucer's father (mentioned in the *Chaucer Life-Records* but not quoted in full there)—are also both of this form ("rapuerunt et abduxerunt").[47] However, almost none of these cases uses the noun *raptus*; as we have seen, this noun is not even part of the standard form for these cases. All the attention given to cases of this kind in attempts to explain the language of the Chaumpaigne release has ultimately missed the point. Cases of ravishment, whether they represent suits for sexual violence or not (and it seems unlikely that we will ever know what most of them actually represent) have nothing at all to say about the Chaumpaigne release, for the language of one is simply not the language of the other.

There are cases on the rolls for the fourteenth century that use the noun *raptus*, although they are much different in kind from cases of ravishment, and substantially fewer in number. It would seem that these cases use this noun because it was not a part of the standard form for ravishment cases and it therefore helped to differentiate their language from the general confusion that surrounded the language of the law on ravishment. Cases of *raptus* also avoid the standard language of the ravishment pleas ("vi et armis . . . rapuit et abduxit"), although they often use conjugated forms of the verb *rapere*. These cases are further distinguished by their form: where the initiating action for ravishment generally proceeded at the suit of the injured relatives (with the female victim in the accusative case of the document's Latin), the initiating action for cases of *raptus* proceeded at the suit of the female victim, generally as "appeals" (in the medieval sense of this term).[48] We can be sure that most of these cases unequivocally concerned forced coitus because many of them add to their use of the noun *raptus* an explicit description of the sexual violence at issue (i.e., "concubuit carnaliter contra voluntatem suam"). There are fewer such cases in this category in the rolls: in the *coram rege* rolls and controlment rolls for 3 Richard II, for example, there are only thirty-two separate entries of this kind (representing twenty-one separate cases) as opposed to the fifty-nine entries or cases of ravishment I have already mentioned.[49]

KB 27/476 mm. 2, 12, 22, 31, 38 (two entries), 53, 32d, 3 (crown), 13 (crown), 28d (crown); KB 27/477 mm. 3, 7, 11, 17 (two entries), 20, 30, 33, 43 (two entries), 47, 6d (two entries), 31d, 56d, 23 (crown); KB 27/478 mm. 3, 9, 17, 20, 34, 39, 59 (two cases), 17d, 16d, 44d, 55d, 64d (two entries).

[47] The *ad inquirendum* investigation appears in the *Chaucer Life-Records* (pp. 375–83); the language of the document concerning the abduction of Chaucer's father is quoted (pp. 3–4). See also *Life-Records*, p. 345, n. 2, where Crow and Olson mention these two cases in connection with the Chaumpaigne release. Although they do not claim that these records are sufficient evidence for defining *raptus* as abduction (and they do mention other cases on the plea rolls that use this noun), their association of these records with the release has been fodder for the explanations of others. See, for example, *The Riverside Chaucer*, p. xxi, and Howard, *Chaucer*, p. 317.

[48] See n. 29 above.

[49] Again, I give full references because this material is unpublished: PRO, KB 29/32 mm. 1, 31d, 43d, 52d; KB 27/475 mm. 45, 48, 61, 31d, 12 (crown), 1d (crown); KB 27/476 mm. 2, 19, 30d (two entries), 12 (crown), 27 (crown; two entries); KB 27/477 mm. 1, 33, 4d, 60d, 7 (crown), 8 (crown), 10 (crown), 25d (crown; two entries); KB 27/478 mm. 10, 50, 65, 20d (crown), 18d (crown),

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Only three of the entries in the rolls for 3 Richard II link the noun *raptus* with descriptions of forced coitus, but, because these cases are recorded more than once on these rolls (often by way of duplicate entries in a different series of records), and because these cases continued throughout the year (often by way of failed, but continuing, efforts to bring appellant and appellee together in the court) they account, in the end, for eleven different entries during the regnal year. Two of these rapes are described in entries in the controlment rolls; one of the rapes is described in the *coram rege* rolls. Since documents of this kind (especially for this particular period) have rarely been printed, and since this language is so important to an understanding of the Chaumpaigne release, I will quote the language from all three of these entries at length (the more important phrases have been italicized):[50]

Cornub' Cavendissh

Henricus Yeuelcombe attachiatus fuit ad respondendum Isabelle que fuit uxor Johannis Mann simul cum Willelmo fratre predicti Henrici et Laurencio Drewe filio Drugonis de Wryngeworth *de raptu et pace domini* et nuper Regis Anglie avi domini Regis nunc fracta unde eum appellat. Et sunt plegii de prosequendo scilicet Johannes de Whalesbrewe et Oto Godrigan. Et unde eadem Isabella in propria persona sua instanter appellat predictum Henricum de eo quod ubi ipsa fuit in pace dei et dicti domini et nuper Regis Anglie avi etc. apud Bedenek in comitatu Cornubie die mercurii proximo post festum sancte Katherine virginis anno regni dicti avi domini Regis nunc quinquagesimo hora ignitegii, ibi venit predictus Henricus simul etc. felonice ut felo domini regis insidiando et insultu premeditato contra pacem dicti avi domini Regis nunc die anno hora villa et comitatu predictis et predictus Henricus dictam Isabellam ibidem cepit et abinde usque Stanerton in comitatu Devon duxit et ibidem cum ea *contra voluntatem suam carnaliter concubuit* scilicet die lune proximo post festum sancte Katherine predictum anno superdicto. Et sic eadem Isabella sub custodia eiusdem Henrici vi et armis detenta fuit a die mercurii predicta usque ad vicesimum diem Februarii anno regni Regis Ricardi secundi primo quo die ipsa euasit et sic ipsam *felonice rapuit*. Et predicti Willelmus et Laurencius quos predicta Isabella appellaret si presentes fuissent die et anno supradicto fuerunt presentes auxiliantes consiliantes et abbettantes predicto Henrico ad feloniam predictam faciendam. Et quamcito idem Henricus feloniam predictam de raptu fecerat fugierit predictaque Isabella ipsum recenter insecuta fuit de villa in villam usque ad quattuor villatas propinquiores et ulterius quousque etc. Et si predictus Henricus feloniam predictam *de raptu* velit de-

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4d (crown). My numbers here differ significantly from those Walker reports in "Punishing Convicted Ravishers." She finds no rape cases in five of the six years for which she gives case counts (1275, 1295, 1314–15, 1334, and 1354), and for 1374 she finds "52 ravished wards, 3 in 'cepit et abduxit' form. 70 ravished wives, 4 rapes" (p. 249, n. 4). Her count includes cases from the Court of Common Pleas, but this does not really explain the discrepancy between her numbers and mine. We are either making the distinction between cases of rape and cases of ravishment on different grounds (my criteria are linguistic only), or there were an unusually large number of rape cases in 3 Richard II.

[50] In these transcriptions I have silently expanded all abbreviations and silently emended punctuation and certain eccentric spellings for the sake of legibility. A record for the first of these cases is cited in the *Chaucer Life-Records* in connection with the Chaumpaigne release (I read Isabella's name as "Mann" and not "Mohoun," however), although the record I quote here does not seem to have been familiar to Crow and Olson. They note only that it is a case "in which the noun 'raptus' occurs" (p. 345, n. 2) without defining *raptus* as either rape or abduction.

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dicere predicta Isabella hec parata est versus eum probare prout curia [vult] etc. (KB 27/475 m. 61)

London'

Alias scilicet termino sancte Trinitatis anno regni nunc secundo rotulo lxv inter communia placita irrotulatur sic: Rogerus Snowe Brewere attachiatus fuit ad respondendum Amicie Serle *de raptu et pace domini Regis fracta* unde eum appellat. Et sunt plegii de prosequendo scilicet Johannes Lesnes et Nicholaus Sutton'. Et unde eadem Amicia in propria persona sua instanter appellat predictum Rogerum de eo quod ubi ipsa fuit in pace dei et domini Regis nunc apud London' in parochia sancti Bartholomei extra Aldrichegate in Warda de Aldrichegate die dominica proximo ante festum sancti Johannis Baptiste anno regni Regis Ricardi secundi secundo hora meridiana, ibi venit predictus Rogerus felonice ut felo domini Regis insidiando et insultu premeditato contra pacem domini Regis coronam et dignitatem suam die anno hora parochia et Warda predictis et cum predicta Amicia *contra voluntatem suam carnaliter concubuit* in quadam domo mansionis Johannis de Lesnes et ipsam de pura virginitate sua *felonice rapuit* sicut eadem Amicia eum appellat. Et quamcito idem Rogerus feloniam predictam *de raptu* fecerat fugit predictaque Amicia ipsum recenter insecuta fuit de Warda in Wardam usque ad quattuor Wardas propinquiores et ulterius etc. Et si predictus Rogerus feloniam predictam *de raptu* velit dedicere, predicta hec parata est versus eum probare prout curia [vult] etc. (KB 29/32 m. 31d)

London'

Alias scilicet termino sancte Trinitatis anno regni nunc secundo rotulo xxxj inter communia placita irrotulatur sic: Johannes filius Roberti Baral de Bristoll skynnere attachiatus fuit ad respondendum Agnete Marchal *de raptu et pace domini Regis fracta* unde eum appellat. Et sunt plegii de prosequendo scilicet Willelmus Brampton' et Johannes Edon'. Et unde eadem Agnes in propria persona sua instanter appellat predictum Johannem de eo quod ubi ipsa fuit in pace dei et domini Regis nunc apud London' in parochia sancti Martini Orgar in Warda de Bruggestret die martis proximo ante festum Ascensionis domini anno regni Regis Ricardi secundi post conquestum secundo hora sexta, ibi venit predictus Johannes felonice ut felo domini Regis insidiando et insultu premeditato contra pacem domini Regis coronam et dignitatem suam die anno hora parochia et Warda predictis et cum ipsa Agnete *contra voluntatem suam carnaliter concubuit et sic ipsam felonice rapuit.* Et quamcito idem Johannes feloniam predictam de raptu fecerat fugit predictaque Agnes ipsum resecuta fuit de parochia in parochiam et de Warda in Wardam usque ad quattuor Wardas propinquiores et ulterius etc. Et si predictus Johannes feloniam predictam *de raptu* velit dedicere, predicta Agnes hec parata est versus eum probare prout curia [vult] etc. (KB 29/32 m. 1)

Each of these cases describes a sexual assault in language that leaves no doubt that rape was the wrong prompting the given action: "he knew her carnally against her will (contra voluntatem suam carnaliter concubuit)." Moreover, when any of these cases refers to this wrong (in cross-references either before or after the longer description) they use the noun *raptus* (as in the phrase "de raptu predicto"). These references are entirely different from the cross-references that appear in the ravishment cases I described above. In those cases, the description of the wrong at the center of each plea ("vi et armis . . . rapuit et abduxit") is referred to subsequently with either the phrase "de transgressione predicta" (in the case of trespasses) or the phrase "de felonia predicta" (in the case of felonies). So far as the drafters of these documents were concerned

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(and, by extension, so far as the law which dictated the form of their writing was concerned), the forced coitus at issue in these cases was *raptus*.

The other entries concerning these three rape cases in 3 Richard II demonstrate the consistency with which *raptus* was reserved for describing forced coitus in these rolls. The four other records concerning the Yeuelcombe/Mann case,[51] the two others concerning the Snowe/Serle case,[52] and the two others concerning the Baral/Marchal case[53] use *raptus* and no other term to describe the wrong in question. The noun *raptus* is also used consistently outside of the records of 3 Richard II in published records where sexual violence was also clearly at issue. Such a case is recorded in the *coram rege* roll for Easter 1320: it refers to the wrong in question as *raptus* and describes it in exactly the same terms as the cases just quoted ("contra voluntatem suam concubuit felonice ut felo domini Regis").[54] Another such case occurs in the Easter rolls of 1366, in which a man is sought "ad raptum, abduxionem et detentionem" and the language of the case itself describes a rape ("carnaliter concubuit . . . rapuit seu abduxit").[55] A case of 1386 also uses the phrase "concubuit carnaliter contra pacem" and, also, the noun *raptus* (as "raptum") by way of cross-reference.[56] The implication of such a consistent use of *raptus* in cases that clearly concern rape is that the noun is also used to mean rape in those cases where the wrong is not carefully spelled out (the eighteen other cases in the records for 3 Richard II, for example). This supposition is supported by the fact that these cases follow the form of rape cases (as appeals from the victim) and not that of ravishment cases (as actions brought by the victim's family).

There are some uses of *raptus* in fourteenth-century legal records in cases that otherwise follow the form of ravishment pleas (which in the absence of the noun *raptus* would be as ambiguous as these pleas). There are two such cases in the rolls for 3 Richard II. These cases—like all other ravishment cases—were initiated by third parties and not the victim herself, and they use the phrase "vi et armis . . . rapuit et eam cum bonis et catallis . . . abduxit" at their center. Unlike most ravishment cases, however, these cases use the phrase "de raptu predicto" instead of "de transgressione predicta" or "de felonia predicta" to refer to the wrong of the suit.[57] The form *raptum* (in the phrase "venit et defendit vim, injuriam, raptum") also appears in a number of early ravishment cases in

[51] KB 29/32 m. 43d, KB 29/32 m. 52d, and KB 27/476 m. 30d (2 entries).

[52] Both on KB 27/477 m. 25d (crown).

[53] KB 27/476 m. 12 (crown) and KB 27/478 m. 20d (crown).

[54] The record appears in *Year Books of Edward II: The Eyre of London 14 Edward II, A.D. 1321*, 2 vols., ed. Helen Cam, Selden Society Series 85 (London, 1968), 1:87–93. This case also appears in the *Novae narrationes*, ed. Elsie Shanks and S. F. C. Milsom, Selden Society Series 80 (London, 1963), pp. 341–42. It is interesting to note that although there are several standard forms for cases of abduction in this edition of the *Novae narrationes*, they are all labeled "ravissement de garde" (pp. 135, 136, 268). The entry that uses this case of *raptus* as a model is the only form in this edition that appears in manuscripts under the heading "rape."

[55] *Select Cases of Trespass from the King's Court*, 1:82.

[56] *Select Cases in the Court of King's Bench under Richard II, Henry IV and Henry V*, 7:45–46.

[57] KB 27/476 m. 28d and KB 27/477 m. 10d.

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Arnold's collection of trespasses.[58] The presence of *raptus* in these documents (or any fourteenth-century document for that matter) may simply be attributable to the close grammatical relationship between the verb *rapere* and the noun *raptus*, a relationship that would certainly allow for nonce uses of the noun in place of participles regardless of any distinction maintained generally in the law. The stronger possibility in all of these cases, however—especially since *raptus* is so frequently connected with rape in explicit terms in so many other legal records—is that the noun was used there precisely in order to introduce rape as a legal issue. The thoroughgoing confusion in the procedure for prosecuting both rapes and abductions would certainly allow for the prosecution of a particular rape by means of the forms that were more commonly used for the prosecution of abductions. Indeed, if what was wanted in these particular suits was monetary compensation of some kind for a rape, then the use of the standard writ for ravishment (with the addition of the noun *raptus* to specify more precisely the nature of the wrong) might be the obvious form for such legal action to take (since the writ for ravishment sought monetary compensation from the accused, but rape trials ostensibly sought his punishment). Whatever the proper explanation for these entries, however, such cases are few and far between. More importantly, I have never found the noun *raptus* used in any case where it is explicitly clear that an abduction occurred without forced coitus.[59]

There are also a number of records in the general form of pleas of ravishment that explicitly describe sexual violence (usually with the phrase found in the appeals of 3 Richard II, "concubuit carnaliter contra voluntatem suam") but that omit the noun *raptus* altogether.[60] These cases, along with the cases of ravishment just discussed (in which the noun *raptus* is used for cross-reference), seem to hover in a penumbra somewhere between cases of abduction and cases of rape. The hybrid language of these records makes clear just how difficult it would be to make a distinction between cases of abduction and cases of rape that held for every instance. The obsession in Chaucer criticism with making just such a distinction often loses sight of the fact that abduction in practice may easily shade over into something that is hardly to be distinguished from sexual assault: both wrongs involve physical coercion, and this coercion even if it involves no overt sexual component may be implicitly threatening in clearly sexual terms. Sexual coercion in actions that ostensibly involved "mere" abduction could hardly have been unusual.[61] That there was such a persistent gray

[58] In cases for 1314 (1:74–77) and 1316 (1:77, 78–79, and 80). The fragility of this use of *raptum* is confirmed by the fact that the noun is not present in any of the cases Arnold includes from after 1318.

[59] The published records cannot be searched so easily for supporting examples here. In many collections, particularly Putnam's *Proceedings from the Justices of the Peace*, the records are excerpted in such a way that cross-references (if they exist in the records themselves) are elided.

[60] Language of this kind appears in cases in Putnam's *Proceedings before the Justices of the Peace:* "felonice rapuit et abduxit . . . et cum ea concubuit contra voluntatem suam" (p. 188); and "vi et armis fregit et intravit et . . . cum dicta Margareta carnaliter concubere voluisset contra pacem Domini Regis" (p. 426); and in *Some Sessions of the Peace in Lincolnshire: 1381–96:* "vi et armis rapuit et concubuit et violavit contra pacem nostram" (p. 59).

[61] One of the grayer examples in the published records can be found in a volume of Sayles's *Select*

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area in the case law between rape on one side and abbduction on the other shows only that court records succeeded—at least partially—in representing the complex continuum of behavior that constituted these wrongs.

Further light may be cast on the use of the word *raptus* in fourteenth-century legal usage by a document in the *coram rege* rolls for 3 Richard II that I mentioned at the start of this essay. It relates directly to the Chaumpaigne release, and it appears in exactly that place in the rolls where the prosecution of any rape committed against Cecily Chaumpaigne was likely to have appeared. For all that the Public Record Office has been combed for documents relating to Chaucer's life, this particular record has never come to light before. Because its language has a great deal to tell us about the language of the Chaumpaigne release, I will quote it in full here in a diplomatic transcription:

[Margin: Scriptum]

Memorandum quod Cecilia Chaumpaigne filia quondam Willelmi Chaumpaigne & Agnetis uxoris eius die lune proximo ante festum pentecostes isto eodem termino coram domino Rege in propria persona sua venit & profert hic in curia quoddam scriptum quod cognoscit esse factum suum & pec⟨i⟩it illud irrotulari & irrotulatur in hec verba—Noverint universi per presentes me Ceciliam Chaumpaigne filiam quondam Willelmi Chaumpaigne & Agnetis uxoris eius remisisse relaxasse & omnino pro me & heredibus meis imperpetuum quietum clamasse Galfrido Chaucer armigero omnimodas accliones tam de feloniis transgressionibus compotis debitis quam aliis accionibus quibuscumque quas erga dictum Galfridum unquam habui habeo seu quovismodo habere potero a principio mundi usque in diem confeccionis presencium In cuius rei testimonium presentibus sigillum meum apposui Hiis testibus domino Willelmo de Beauchamp' tunc camerario domini Regis domino Johanne Clanvowe domino Willelmo de Nevylle militibus & aliis Datum Londonie primo die maij anno regni Regis Ricardi secundi post conquestum tercio.[62]

Be it remembered that Cecily Chaumpaigne, daughter of the late William Chaumpaigne and Agnes his wife, on the Monday next before the feast of Pentecost in this same term comes before the lord king in her own person and proffers here in court a certain writing which she acknowledges to be her own deed, and asks that it be enrolled, and it is enrolled in these words: Let all men know by ⟨these⟩ presents that I Cecily Chaumpaigne, daughter of the late William Chaumpaigne and Agnes his wife, have remitted, released, and quitclaimed in perpetuity entirely for myself and my heirs to Geoffrey Chaucer, esquire, all manner of actions both concerning felonies, trespasses, accounts, debts and any other actions whatsoever that I ever have had, do have, or shall have been able to have against the said Geoffrey from the beginning of

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Cases in the Court of King's Bench (5:90–91). The language of this entry for 1336 describes an abduction ("et predictam comitissam abduxerunt extra castrum . . . et ipsam ibidem rapuerunt"), yet the narrative of the record as well as the syntax of this phrase ("et ipsam ibidem rapuerunt") implies that "rapuerunt" means rape here. The record uses other language typical of rape cases ("contra voluntatem suam et contra pacem regis"), and, in the end, it uses *raptus* to refer back to one of the wrongs committed ("de capcione, abduccione, raptu"). All this evidence notwithstanding—and this is the real lesson here—there is nothing in this record that lets us know that it definitely concerned ravishment only, as opposed to rape.

[62] KB 27/477 m. 58d (*coram rege* roll, Easter term for 3 Richard II). All expanded abbreviations are italicized; capitalization and punctuation follow the manuscript.

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> the world until the day of the making of ⟨these⟩ presents. In testimony of which I have placed my seal on ⟨these⟩ presents. With these witnesses: Sir William Beauchamp, then chamberlain of the lord king, Sir John Clanvowe, Sir William Neville, knights, and others. Given at London, the first day of May in the third year of the reign of Richard the second after the Conquest.

This record—which I will call a "memorandum" because it so describes itself—is dated "the Monday next before the feast of Pentecost" ("die lune proximo ante festum pentecostes"), which was May 7 in the year 1380 (in which Easter fell on March 25 and Whitsunday fell on May 13).[63] This date would have fallen slightly after the end of the Easter legal term (probably finishing on Ascension Day or May 3), which is consistent with the appearance of this record relatively near the end of the membranes gathered together to form this roll (on the back of the fifty-eighth of sixty-four).

This memorandum purports to record the language of the Chaumpaigne release, but its language serves to remind us that the original document is now in fact lost to us. Although I have generally discussed the Chaumpaigne release throughout this essay as if it were the very words copied onto the close rolls, the original release itself was presumably written—and certainly signed and sealed—on May 1, 1380, when it probably passed for good into Chaucer's possession, and then, ultimately, into oblivion. Before it disappeared, however, the release was recopied three days later (on May 4, 1380) onto the membranes of the close rolls (to form the record I have been discussing throughout this essay). The release was then brought into the Court of King's Bench and recopied in the form of a memorandum three days after that (on May 7, 1380).[64] It is important to establish the shape of this extended chronology for it bears directly on the differences that exist between the language of the release as it appears in the close rolls and that language as it appears in the memorandum. Some of these differences are peripheral and insignificant: the introductory remarks in both documents differ—necessarily—in their description of the circumstances surrounding the individual enrollments, and the list of witnesses in the release is truncated from the five in the close rolls to three in the memorandum. The more important difference between the two versions of the release's language, however, is the absence of the phrase "de raptu meo" from the language of the memorandum. Instead of recording a release for "all manner of actions relating to my rape or any other thing or cause (omnimodas acciones tam de raptu meo tam de aliqua alia re vel causa)" as the close roll record does, the memorandum shows Cecily Chaumpaigne releasing Chaucer from "all manner of actions both concerning felonies, trespasses, accounts, debts and any other actions whatsoever (omnimodas acciones tam de feloniis transgressionibus compotis debitis quam aliis accionibus quibuscumque)." The mechanism for this

[63] *Handbook of Dates*, pp. 90–91.

[64] It is probable that the actual transcription onto the rolls was not made on the exact dates these documents claim. The common practice of the courts was to record proceedings on scraps of parchment first (evidenced by the many bags of such records surviving in the PRO) and then to copy these onto the rolls at a later date (often when the courts were out of session and time permitted).

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change is far from clear, for without the release itself we cannot be at all sure which of these two readings accurately represents its language (if either one does). Both enrollments claim accuracy, however (enrolling the release "in hec verba"), and both certify this claim by acknowledging the presence of Cecily Chaumpaigne herself.

There is not much that understanding the nature of memoranda generally will do to help us understand why the language of this particular record should differ from the language of the close rolls entry. A wide variety of legal proceedings can be found in this category of documents in the *coram rege* rolls, although they generally record more informal matters than the suits that make up the bulk of the enrolled records. A number of these memoranda are to be found in G. O. Sayles's *Select Cases in the Court of King's Bench,* but the only thing that these examples seem to have in common is their very disunity. There are memoranda concerning a false accusation brought in by a man who turned out to be an impostor,[65] the arrest of a man who was wandering around court impersonating a notary,[66] and even the contents of a missing membrane in the rolls.[67] There are also memoranda concerning perfectly routine matters: a writ of novel disseisin,[68] a writ of trespass,[69] as well as a coroner's report on an inquisition into a murder.[70] In Sayles's collection there is only one document of the form of the Chaumpaigne memorandum—that is, a quitclaim or deed of release—but this case concerns a complicated series of events in which the deed in question is actually ripped up (thus initiating the legal proceedings recorded in the memorandum).[71] Memoranda are, in short, a category of record into which almost any event in the court can be summarily dumped. My reading of the *coram rege* rolls for 3 Richard II did not include a systematic search for memoranda, but I did note there three other quitclaims in the form of the Chaumpaigne document. These documents differ from it and from each other only in their description of the object or right they are releasing: two are simple quitclaims for the title to a tenement ("iuro titulo . . . in omnibus terrae et tenemento meo"),[72] and a third is a general release that makes specific reference to actions relating to the death of the releasor's husband ("appellum et sectam . . . usque eas de morte predicta Johannis . . . et omnimodas acciones querelas appella et sectas quascumque").[73] The fact that the reenrollment of the Chaumpaigne release is a memorandum tells us little in the end. What is more, even though the memorandum is itself a new witness to the Chaumpaigne release, it actually tells us less about that document than the close rolls record that has been known for over one hundred years.

Yet it seems possible that the memorandum was designed to say less in pre-

[65] KB 27/348 m. 43 (crown), for 1347 (Sayles, 6:57).
[66] KB 27/349 m. 30d (crown), for 1347 (Sayles, 6:58).
[67] KB 27/507 m. 50, for 1388 (Sayles, 7:52).
[68] KB 27/285 m. 13d, for 1331 (Sayles, 5:64–66).
[69] KB 27/350 m. 132, for 1347 (Sayles, 6:62).
[70] KB 27/487 m. 17 (crown), for 1383 (Sayles, 7:30).
[71] KB 27/443 m. 33, for 1371 (Sayles, 6:162).
[72] KB 27/478 m. 71 and KB 27/478 m. 71d.
[73] KB 27/476 m. 55.

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cisely this way, that it was meant to withhold the very information the original release was designed to disclose. As I have said, there can be no certainty about the authenticity of the language in either version of the release. Yet "de raptu meo," as I have also said, is a singular and unusual phrase in the context of contemporary close rolls records, and it therefore has the greater claim to accuracy in its representation of the language of the release. It is the *lectio difficilior* here, for it is impossible to imagine that such a phrase could have arisen without deliberate effort. At the same time, the substitution of this standard and general phrase in the memorandum ("de feloniis transgressionibus compotis debitis quam aliis accionibus quibuscumque") is too complex a substitution, too long and too flawless in its concealment, to be a probable accident. If it arose as the result of scribal error (the substitution of a formula for an eccentric phrase), then it was an oddly strenuous error which, in the case of the phrase "de raptu meo," replaced one word with four and took the complicated route of detailing both of the categories in which a *raptus* might be brought to law (either as a felony or as a trespass), along with some additional claims, instead of simply copying the one noun which contained all the necessary possibilities. The reduction of "Johanne Philippott et Ricardo Morel" (the language of the close rolls release) to "& aliis" elsewhere in the copying of the memorandum is a perfectly understandable scribal expedient. But the alteration of the only words in the formulaic language of a release that differentiate that release from all other releases (beside the proper nouns, the description of the rights or claims in question would generally be the only particular of language distinguishing one release from all others) is an extreme lapse on the part of even the most careless of clerks.

If the change made in the language of the memorandum could not have been an accident, then it was a deliberate revision, a revision, moreover, that had as its main effect the elimination of the noun *raptus* from the language of the release. As we have seen, *raptus* in fourteenth-century English law meant forced coitus. From a modern vantage it is difficult of course to measure the opprobrium that attached to rape in fourteenth-century England, and it would take a study much more thorough than this one to come to some understanding of general attitudes toward sexual violence in this period. But the parallels between the omissions in the language of the memorandum and more recent writing on the life of Chaucer are instructive here. When writing about the release and the events that might have prompted it, modern scholars have shrunk from even mentioning either the noun *raptus* or "rape," its modern English translation; they have repeatedly tried to protect Chaucer's reputation from any association with so repugnant a crime as rape by simply avoiding that wrong's mention.[74] Like the writer of the memorandum, these writers have preferred to introduce or discuss the Chaumpaigne release under cover of a wide range of neutral phrases: the euphemisms they have used include "strange case,"[75] "escapade,"[76]

[74] For a vitriolic statement of this position—which never mentions the word "rape"—see Lounsbury, *Studies in Chaucer*, 1:74–76. For calmer but similar treatment of the release see Saintsbury, "Chaucer," 2:159.

[75] Watts, "Strange Case," p. 491.

[76] Plucknett, "Chaucer's Escapade," p. 33.

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"incident,"[77] "distressing incident,"[78] "experience"[79] and, simply, "case."[80] Just like the omissions in the memorandum, these more modern omissions of the noun *raptus* studiously avoid the difficult implications with which any mention of rape would be freighted. Since Chaucer (as the one released from culpability) is the one connected with *raptus* by the release, it is Chaucer who would have had the most to gain from such an omission. His connections with the court were clear and broad, and there would have been any number of opportunities for him (or his agents) to make arrangements for the necessary changes to be made. At the same time, if Chaucer did in fact seek this revision, it need not have been part of any sort of subterfuge, since the substitutions that were made did not really change the legal function of the document in any way. For the same reason these changes would not necessarily lay either the clerk who made them or the person or persons who arranged for them open to the serious charge of tampering with official documents. They may well have been made with Cecily Chaumpaigne's full complicity.

Why anyone would want to eliminate the phrase "de raptu meo" from the memorandum if two other documents containing that language were in existence (that is, the original release and the close rolls record) is harder to explain. Yet if specific language was at issue (and not, as it seems, the legal rights conferred by the document itself), then it would make perfect sense to alter the language of the release in King's Bench and to leave it alone in the close rolls. The memorandum was much more likely to be read than any other version of the release. The rolls of the Court of King's Bench were well produced, in a careful hand, and they were frequently and easily consulted. They are, in fact, still easy to look through because their membranes are stitched together at one end so that they can be turned like pages. The close rolls, on the other hand, are often casually written (the Chaumpaigne entry is in a slanting, rushed hand), and they are bound in cumbersome rolls with all their membranes stitched end to end. These rolls are difficult and time-consuming to open (it can be a project of fifteen minutes just to open them to the Chaumpaigne release), and it is likely that whatever was written on them was only seldom (if ever) read.

We will never know of course with any certainty why the change in the language of the memorandum was made, just as we will never know with certainty why the Chaumpaigne release was drafted. In fact, for all its own newness, the memorandum offers us precious little new information about the Chaumpaigne release itself and virtually nothing new about the events which prompted any version of the release, let alone the original. Yet the memorandum does tell us a great deal more about the language of the release than we have known, and it speaks directly to the implications of the phrase "de raptu meo" that have troubled Chaucerians for so long. The memorandum makes clear that this phrase seemed just as inflammatory to Chaucer's contemporaries as it has seemed to

[77] Howard, *Chaucer*, p. 317.

[78] Albert Baugh, "Chaucer the Man," in *Companion to Chaucer Studies*, ed. Beryl Rowland (New York, 1979), p. 7.

[79] Robertson, *Chaucer's London*, p. 99.

[80] Crow and Leland, "Chaucer's Life," p. xxii.

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its more modern readers. In carefully preserving the denotative values of the close rolls record but carefully removing from its language any of the connotations that might attach to the noun *raptus* the memorandum acts as a ruler by which the boldness of that word can be measured. It shows us that it was so bold that three days later, whether by coercion, persuasion, or some more complicated manipulation in the court of the king, this strong word—this mention of rape—had to be quietly, but emphatically, retracted.

Christopher Cannon is a graduate student in the Department of English at Harvard University, Cambridge, MA 02138.

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