

ABDUCTION AND MALICIOUS RAPE ACCUSATIONS IN ROMANCE

DURING A RAINY day in the English countryside, a young woman of about thirteen or fourteen years old seeks indoor entertainment. Tired of practicing her embroidery, she asks her friends if they would like to read a romance. Excited by the thought of simple—if somewhat illicit—pleasure-reading and discussion, which was permitted by her mother before, the young ladies eagerly agree. Going to her father’s sizable book collection, she skims past a dozen or so devotional texts, and she looks for an English romance, as the girl’s Latin was not particularly strong. She grabs a book off the shelf and joins her friends in a communal reading session. Each woman in the group takes turns reading passages aloud from the romance while the others listen. The reader begins: “listen lords, gentile and noble, I will tell you of Sir Degare.” As the story continues, the young ladies listen collectively to the description of the handsome fairy knight approaching a lost princess in the woods. Will he help her find her way home, perhaps with a battle against a giant like Bevis of Hampton did against Acapart? Will he ask to joust against her father and win her hand in marriage, proving his knightly valour like Guy of Warwick and Clarice? Or will he take her away to fairyland, like the fairy king did to Orfeo’s wife Heurodis? They listen to the words the fairy knight speaks, his courtly language, and his declaration of love for the princess. The reader continues: “he seized her at once, and did his will as he desired, and bereft her of her maidenhood.” The ladies stop to discuss what they just read. The young women talk about how the princess could not escape and how she was left to “weep and cry.” What does an imagined woman reader take away from such scenes of sexual violence in romance? The audiences of listening and reading women would have likely been able to connect to this scene of sexual violence, either through their own personal experiences or through the experiences of people they knew.

Rape is commonly threatened and occasionally completed in romance literature. The following two chapters will discuss scenes of rape (threatened or actualized) in MER narratives and analyze how they reinforce the constructed legal identities, how they perpetuate the actual legal requirement of resistance to rape, how they didactically disseminate legal requirements of proof of rape, and how they debate the duality of physical and

mental (non-)consent of rape victims. As will become more evident in the following discussion, romance is reflecting a reality but does not necessarily intend to be realistic.

Sir Orfeo¹

Orfeo, a king in England, is the titular character of this romance, but it is his queen, Heurodis, that this analysis will primarily focus on. She is described as “the fairest lady,” both loving and good, and her physical beauty is so great that no man can accurately describe her.² We are told that the queen takes maidens with her to “play” in the orchard, at which point Heurodis and her ladies go “to see the spring flowers” and “to hear the birds sing. / They sat themselves down all three / Under a fair grafted tree.”³ Heurodis sleeps in the orchard without the disruption of her ladies until midday—a signpost to the audience that a supernatural encounter is likely approaching. When Heurodis awakes “she cried, and loathsome [*lothli*] outcry made; / She rubbed [*froten*] her hand and her feet, / And scratched her face – it bled profusely– / Her rich robe she tore all to pieces / And was driven [*reveyd*] out of her wit.”⁴

Lothli implies being fearful or terrified, and so Heurodis, in this state of frenzy, is first and foremost described as fearful.⁵ The description of her physical self-mutilation is graphic, or as James Wade claims, “disturbing,”⁶ as *froten* describes the action of crushing, grinding, or scratching.⁷ She is physically harming herself, crushing and grinding her feet and hands, as a type of coping-mechanism for the utter fear. At this point, Heurodis is nonverbal, having not said a single word of direct speech. The self-mutilation continues, as she rips at her face to such a degree that she begins to bleed abundantly. We later learn that Heurodis was sent into a state of madness because she

1 The earliest extant Middle English manuscript comes from the Auchinleck manuscript (ca. 1330): Edinburgh, National Library of Scotland, MS Advocates 19. 2. 1. Translations of the MER texts discussed here are my own, often adapted from the TEAMS sources cited.

2 “Sir Orfeo,” ll. 53–56.

3 “Sir Orfeo,” ll. 67–70.

4 “Sir Orfeo,” ll. 78–82.

5 MED, “*Lothli* (adj.).”

6 Wade, *Fairies in Medieval Romance*, 77.

7 MED, “*Froten* (v.).”

was visited by a fairy king in the orchard. Heurodis later explains her self-mutilation as a state of panic and horror at what occurred in the orchard:

There came to me two fair knights / Well armed all quite properly, / And bade me come in haste / And speak to their lord the king. / And I answered with words bold, / I dare not, nor did I want to; ... / Then came their king, as quickly, / With a hundred knights and more, / And damsels a hundred also ... / And as soon as he to me came, / Whether I wished or not, he took me, / And made me with him ride / Upon a palfrey by his side; / And brought me to his palace ... / And afterwards brought me back home / Into our own orchard, / And said to me this afterward, / "Look, dame, tomorrow that you be / Right here under this grafted tree, / And then you shall with us go / And live with us evermore. / And if you make a hindrance for us, / Wherever you be, you will be fetched, / And torn apart all limbs / That nothing shall help you; / And though you are so torn, / Yet you will be carried with us."⁸

Heurodis's verbal and mental non-consent is explicit, at which point the knights leave on horseback. When the fairy king approaches Heurodis, she states, "whether I wished or not, he took me."⁹ Heurodis describes her first abduction as leaving to fairyland by force, in that the fairy king "*made* [her] with him ride" and "*brought* [her] to his palace" and "*showed* [her] castles and towers."¹⁰ In fairyland, Heurodis is entirely isolated, she is away from the known courtly world, and she is the object of his actions.

Once Heurodis is "brought" back to the human world, the fairy king threatens her. She can return to the same tree tomorrow and come with him to live in fairyland forever, or she can try to resist, but this will inevitably fail. Not only will the fairy king find her "wherever [she] be," but he also threatens her with extreme bodily harm. The threat of violence against Heurodis if she attempts to resist her abduction is shockingly graphic and entirely against the expected seduction of a courtly suitor. There is no mention of love or lust. Why the fairy king is insistent on taking Heurodis is left entirely unmentioned. The use of the word *totoren* is critical, as it means "to destroy ... to rip up (one's garments) in a frenzy of emotion or madness; ... strip away (flesh); [or] to lacerate (skin, someone's body, part of the body) savagely."¹¹ The fairy king's threat is an act of brutality, yet the double meaning of madness or frenzy plays on the queen's state of insanity. In this sense

⁸ "Sir Orfeo," ll. 135–74.

⁹ "Sir Orfeo," l. 154.

¹⁰ "Sir Orfeo," ll. 155, 157, 159.

¹¹ MED, "Toteren v." article 2.

of the word, the fairy king fulfills his threat by throwing the queen into such a state of madness that she rips up her own garments. To end his threat, the fairy king claims that there is nothing she can do to stop the abduction. Even if she is murdered in the process, they will still take her away. Heurodis ends her only direct speech in the entire narrative with this looming threat of abduction, mutilation, and death.

With this knowledge, we can now re-assess the earlier episode of her self-mutilation. Heurodis's graphic scratching of her face, hands, and feet is reminiscent of the hagiographical debate about suicide and the acceptable means of avoiding rape previously discussed. Patricia Skinner notes that "the sight of a mutilated female face could engender horror and shock in the medieval viewer."¹² The facial mutilation may be referencing the *Bracton*-era notion that men rape women because of their beauty, and it is perhaps implying that mutilation can protect against rape. This was the alleged course of action taken at Coldingham Priory in 870. According to thirteenth-century chronicler Matthew Paris, upon hearing that Norsemen were coming, Abbess Ebba instructed the holy women to cut their noses and lips off their faces with a razor to prevent their rapes.¹³ Emulating the virgin martyrs, the women of Coldingham supposedly opted for self-mutilation to defend themselves from rape, torture, and murder. However, the raiders were repulsed at the sight of the mutilated women and decided to "burn down the convent with the nuns inside it."¹⁴ There is a strong correlation here with *Bracton*'s punitive blinding and facial disfigurement. The fact that the mutilation saved the nuns of Coldingham from rape and thus preserved their virginity demonstrates the legal belief, as implied in *Bracton*, that men rape because the women are physically attractive. The uncontrollable passion to rape, as detailed in *Bracton*, was assumed to disappear at the sight of disfigured women. This legendary story, along with the similar *vita* of St. Brigit of Ireland, would have been well known to the medieval audiences of the twelfth to the fourteenth century.

Once we know why Heurodis is so terrified, her state of madness seems more planned. The legal requirement of proof of rape included blood, bruising, and torn or stained clothing. It is significant that Heurodis, in her state of madness, rips her clothes into pieces and causes herself to bleed profusely,

¹² Skinner, "Marking the Face, Curing the Soul?," 187.

¹³ Farmer, "Ebbe the Younger,"; Matthew Paris, *Chronica majora*, ed. H. R. Luard, vol. 1, pp. 391–92.

¹⁴ Horner, "Spiritual Truth and Sexual Violence," 671.

suggesting that she may have stained her clothes. These physical markers are all working to ensure that she appears to be a victim of *raptus* according to the legal requirements of women under *Glanvill*, *Bracton*, and the Statutes of Westminster I and II. Heurodis has the legally necessary physical proof of a crime. Even though these physical injuries are self-inflicted, they act as visible markers of her victimization. The romance appears to be demonstrating her legal identity as a true victim, as she is described specifically as “*reveyd*,” or ravished, and James Wade identifies this as a “kind of psychological ravishing.”¹⁵

The next day, Orfeo is determined to protect his beloved wife, so he sends Heurodis into the orchard with the protection of “ten hundred knights ... / Each armed, strong and fierce.”¹⁶ Using his queen as bait to conquer the fairy king, Orfeo orders his men to use their shields as a barrier to surround Heurodis. The valiant knights state that they are willing to die to protect their queen, but all human attempts of resistance to the supernatural prove futile: “but yet amidst them straightaway / The queen was snatched away, / With enchantment taken. / Men never knew where she was gone.”¹⁷ Orfeo is distraught that Heurodis is taken, and he appoints his high steward to run his kingdom while he himself retreats into the wilderness.¹⁸ The author uses the word *lore* to describe Orfeo’s loss.¹⁹ *Lore* is defined primarily as “a loss of thing, property or money,” thus suggesting that the abduction was equally a crime against Orfeo for his loss of property.²⁰ Like Sir Thomas West and the Statute of Rapes, which claims that men are the true victims of *raptus*, Orfeo’s loss is representative of this legal claim. The abduction of Orfeo’s wife is a crime against him, and this is reflective of the claims of husbands, fathers, and legal male guardians under the *raptus* laws of Westminster II and culminating in the Statute of Rapes. Even though Heurodis is the character who was violently threatened and abducted, the remainder of the romance focuses exclusively on Orfeo’s journey: his decision to leave his kingdom and his time in the wilderness. Heurodis’s ravishment initiates the plot, but she is silenced and excluded from the narrative until Orfeo finds her. Her fears, mental trauma, and abduction are a plot device to demon-

¹⁵ Wade, *Fairies in Medieval Romance*, 77.

¹⁶ “Sir Orfeo,” ll. 181–85.

¹⁷ “Sir Orfeo,” ll. 191–94.

¹⁸ “Sir Orfeo,” ll. 205–12.

¹⁹ “Sir Orfeo,” l. 209.

²⁰ MED, “Lore n.” article 1.

strate the courtly and heroic behaviour of Orfeo. This is reiterated again at the end of the romance, when Orfeo claims that he “had suffered very long ago.”²¹ Orfeo is claiming the victim status much like how the law treated men as victims in the Statute of Rapes.

While in the wilderness, we are told of Orfeo’s great distress and the loss of his kingdom. The romance is illustrating the severe consequences men face after women’s abductions. Even though Orfeo’s loss is self-imposed, it nonetheless expresses the common fears and anxieties amongst noblemen (as suggest by Thomas West’s petitions) that the ravishment of their daughters and wives would lessen their patrimony.²² When Orfeo finally sees Heurodis, he follows her back to fairyland, which is described as a place of great luxury. But the fairy palace is also a palace of the dead and the mad. The severity of the fairy king’s threat is confirmed, as individuals are described as severely wounded and decapitated; some have limbs torn off, some are perpetually suffocating or drowning, and “some lay mad.”²³ Fairyland is both beautiful and horrific. The juxtaposition of beauty and the grotesque in fairyland echoes the cultural coupling of rape as an act of lustful admiration as well as violence. Both fairyland and the medieval societal opinion about why rape occurs occupy the same figurative, conflicting, space. That is, the beauty of fairyland turns at once into a horrifying reality in the same way that the beauty of the maiden (according to *Bracton*) leads to the horrific crime of rape. The juxtaposition of fairyland mirrors the contemporaneous popular opinions of rape culture in England: what is initially beautiful and admirable can suddenly turn violent and horrific.

The romance ends with the traditional happy ending expected of the genre. Heurodis leaves fairyland with Orfeo, the loyalty of the steward is tested, and all is restored in the end. The ravisher in *Sir Orfeo* faces no legal repercussions; there are no trials, no criminal allegations, and the ravisher king does not repent for his actions. Perhaps this is hinting at the fact that the laws themselves (as written) claim that ravishers walk around unpunished.²⁴ As the metaphorical representations of men are displayed in romance as fairies and fiends, it is apparent that romance is representing the lived real-

21 “Sir Orfeo,” l. 559.

22 Oren Falk argues that Heurodis becomes “unfit to bear the son of Orfeo,” suggesting that due to her ravishment, Orfeo never recovers his patrimony from the steward. See, Falk, “The Son of Orfeo,” 260–61.

23 “Sir Orfeo,” ll. 391–94.

24 See the opening line of the Statute of Rapes discussed in Chapter 1.

ity of a lack of legal accountability for men who rape and abduct women. This displacement of man as fairy allows for this difficult topic to become more approachable.

Overall, Heurodis's abduction and non-consent to leave are likely intentionally ambiguous to inspire discussions. While her verbal and mental non-consent is explicit, it proved futile, as it did not stop her ravishment. The romance plays with the ambiguity of masculine brutality and chivalry by mirroring the two kings, Orfeo and the fairy king, while simultaneously playing with audience expectations of consent and resistance: Did Heurodis agree to leave? What was the enchantment she was under? What about the threat of violence? The narrative of *Sir Orfeo* offers the opportunity for conversations and debates about violence against women as well as the realities of rejecting a violent suitor with verbal and mental non-consent. Still, it ultimately upholds normative assumptions about the man's victim status in relation to a wife or daughter's ravishment and the necessity of resistance to prove non-consent.

Amis and Amiloun²⁵

The narrative of *Amis and Amiloun* focuses primarily on the loyalty and affection between the two titular male characters. The theme of brotherhood and honouring pledges is paramount in this romance. Amis and Amiloun are conceived on the same night, born on the same day, both are the son of a baron in Lombardy, they look identical, and they are both dubbed knights at the standard age of fifteen. The pledge of brotherhood between Amis and Amiloun, which is so central to the romance narrative, is not of concern here. Rather, it is the persistent attempts of the duke's daughter, Belisaunt, to seduce Amis that is the focus of the present analysis.

We are first introduced to Belisaunt after Amiloun leaves the duke's house to claim his own inheritance, at which point the duke's evil steward unsuccessfully tries to persuade Amis to swear an oath of fidelity with him. The duke's fifteen-year-old daughter, Belisaunt, is repeatedly referred to as a "lovely maiden," indicating her young virginal status. She asks her ladies "who was considered the doughtiest knight, / And most splendid in each a sight."²⁶ The ladies tell Belisaunt that Amis is the best "prize," and, upon hear-

²⁵ Extant in four Middle English manuscripts, including Edinburgh, National Library of Scotland, MS Advocates 19. 2. 1 (Auchinleck MS); London, BL, MS Egerton 2862; London, BL, MS Harley 2386; Oxford, Bodleian Library, MS Bodleian 21900.

²⁶ "Amis and Amiloun," ll. 451–52.

ing that, “her love was all alight.”²⁷ Belisaunt quickly becomes lovesick for Amis. As she watches him ride, she “thought her heart would break in two.”²⁸

In traditional romance fashion, Belisaunt becomes extremely infatuated with Amis as soon as she lays eyes on him. Unlike the other romances discussed in this book, here it is the woman who occupies the role of the persistent wooer. Adhering to cultural expressions of femininity, Belisaunt does not approach Amis at first, but rather she watches him from a distance and waits for him to notice her. However, Belisaunt’s attempts to conform to gender expectations cause her severe emotional distress, as she cries in sorrow because Amis does not notice her. To explain why Belisaunt is unable to speak to Amis, we must contextualize the narrative within the period’s expected gender roles of heterosexual courtship. Belisaunt is representative of the cultural norms expected of ladies and the troubles of feminine wooing in a culture that idealizes feminine passivity.

Eventually, Belisaunt refuses the expected feminine passivity of ladies and becomes the active pursuer of Amis. While her father the duke is out hunting, Amis enters the garden and listens to the birds under a tree. The romance trope of gardens as magical places has been acknowledged by scholars,²⁹ as has the literary trope of supernatural beings transforming into birds and seducing humans.³⁰ However, the frequency of birds singing as a prelude to rape or seduction scenes has yet to be fully discussed. Here, Amis is listening to the birds before he is approached by Belisaunt. Moreover, Belisaunt’s mother tells her to get out of bed “and go play in the garden / ... There you may hear the birds sing.”³¹ Playing in the garden is really playing the game of courtly love and seduction. Belisaunt’s mother specifically references the birds as the incentive to go out to the garden, and the birds are the specific reason given as to why Amis is also in the garden. Similarly, Heurodis (in *Sir Orfeo*) listens to the birds in the garden before her abduction. Elizabeth Eva Leach argues that birds can signal sexualized rhetoric in medieval literature, such as the sexual connotation of the nightingale and the cuckoo

27 “Amis and Amiloun,” l. 473.

28 “Amis and Amiloun,” l. 476.

29 McAvoy, *The Enclosed Garden and the Medieval Religious Imaginary*, 16–17; Saunders, *Rape and Ravishment*, 224; Stevens, *Medieval Romance*, 157.

30 Wicher, “Geoffrey Chaucer’s *The Merchant’s Tale*, Giovanni Boccaccio’s *The Tale of the Enchanted Pear-Tree*, and *Sir Orfeo* Viewed as Eroticized Versions of the Folktales about Supernatural Wives,” 44.

31 “Amis and Amiloun,” ll. 524–26.

bird's association with a cuckold husband.³² Leach's analysis of the mythical hybrid sirens (half bird, half nude woman) offers further opportunity to explore the relationship between birds and sexuality in medieval thought.³³ The connections between adultery and the cuckoo, shapeshifters seducing as birds, sexualized sirens, and lustful nightingales suggests that there is a connection between birds and sexuality. The romances under investigation here use bird songs to signal a coming rape and/or abduction either actualized or threatened. Perhaps the sounds of birds indicate a state of isolation outdoors, whether that be the woods in *Sir Degare*, the outdoors of the palace gardens in *Sir Orfeo*, or the orchard in *Amis and Amiloun*.

Reminiscent of the abduction in *Sir Orfeo*, Belisaunt enters the orchard, where she finds Amis alone under a tree listening to the birds. As she approaches Amis, he recognizes how beautiful she is and greets her. The nature of his greeting is left ambiguous, as it is Belisaunt who is given direct speech:

And [she] said in her courtly love talk, / "Sir knight, on you my heart is brought, / You to love is all my thought/ Both by night and day; / That unless you will be my beloved, / Certainly, my heart will break in three, / No longer I may live ..." ³⁴

Belisaunt's courtly language in conjunction with her eventual rape threat indicates that the courtly suitor can quickly turn aggressive. This also serves to demonstrate that rape culture is part of the courtly world, embedded *within* courtly culture and not outside of it. The medieval audiences would have undoubtedly recognized Belisaunt's transgression of gender and social norms. Amis explicitly rejects Belisaunt's seduction because of her superior social status, because it would be an offence against his lord—her father—the duke. Amis specifically states that their union would be "much un-right,"³⁵ because she is a rich female heiress while he is a landless knight. This is reflective of the fears of lawmakers regarding *raptus* claims between individuals of unequal social classes. Amis warns Belisaunt that if they engage in this "game" of courtly love and they are discovered, "we should lose / and for that sin, / Wrath of God thereto. / And if I did my lord this dishonour, / Than were I an evil traitor."³⁶ In describing their love as sinful, the romance hints

³² Leach, *Sung Birds*, 240–41.

³³ Leach, *Sung Birds*, 263.

³⁴ "Amis and Amiloun," ll. 570–77

³⁵ "Amis and Amiloun," l. 598.

³⁶ "Amis and Amiloun," ll. 605–8.

at the social class disparity and Belisaunt's usurpation of feminine passivity, but it also foreshadows the future malicious rape accusations. Amis's use of legal terminology is poignant. Their love is not only sinful in the eyes of God, but, according to Amis, it is also wrong in the secular laws of the realm, as he would be committing petty treason against his superior lord, making him a traitor.

Rejected, Belisaunt becomes angry and accuses Amis of preaching to her on some unfounded higher moral ground. She then threatens Amis with a malicious accusation of rape:

"Unless if you will grant me my thought, / My love shall be dearly paid for / With pains hard and strong; / My kerchief and my clothes immediately / I will tear every one / And say with great wrong, / With strength you have violated me; / You shall be arrested according to the laws of the land / And condemned high to hang!"³⁷

This angry threat of fictitious rape is playing into the overt fears of lawmakers who worried about the downfall of good, honest men due to false rape accusations made by jealous and spiteful women, as suggested in *Glanvill* and culminating in the Statute of Rapes. Belisaunt's threat is extremely specific, as she is referencing the necessary physical evidence of rape. She claims that she will rip her clothing, which is one of the prescribed signs of physical proof of non-consent in both *Glanvill* and *Bracton*. The MED defines *todrawe*—with specific reference to this romance—as "(a) to rip off (flesh, a part of the body); (b) tear out (hair) ... (d) to cause affliction; injure; harm; ... oppress."³⁸ These actions are almost identical to the secular legal expectations of physical proof of non-consent of rape victims. That is, to have a man oppress a woman to such a degree that it causes her bodily injury, whether that be torn clothing, bleeding injuries, or bruising. This long lineage of physical proof of non-consent was clearly upheld in popular imagination. Belisaunt is keenly aware that her words alone will not ensure a conviction, and physical proof of non-consent to the alleged rape is required. As previously discussed, medieval English *raptus* laws explicitly discuss the fear of women accusing men of rape or of women eloping and using *raptus* as a legal loophole. Here, the fictional Belisaunt is stating the real legal expectations of

37 "Amis and Amiloun," ll. 628–36: "Bot yif thou wilt graunt me mi thought,/ Mi love schal be ful dere abought/ With pines hard and strong;/ Mi kerchef and mi clothes anon/ Y schal torende doun ichon/ And say with michel wrong,/ With strengthe thou hast me todrawe;/ Ytake thou schalt be londes law/ And dempt heighe to hong!"

38 MED, "Todrauen v."

women who accuse men of rape (physical injury as proof of non-consent) while also reflecting the greater fear about women who lie about rape.

Belisaunt's reference to the "laws of the land" and the punishment for convicted rapists (hanging) is striking. Corinne Saunders notes that the inclusion of rape laws in Belisaunt's speech implies that even in the courtly idealized world of romance, there is a need for legal protection against rape and punishment for the rapist, as these laws have a "role in ordering the chivalric world."³⁹ Belisaunt is sure that she can secure a legal conviction if she tears her clothes and claims rape by the knight. In a sense, Belisaunt is the "perfect rape victim": she is a noble, beautiful, fifteen-years-old virgin, and there are witnesses (her ladies and her mother) to confirm that Belisaunt and Amis were alone in the garden together. In contrast, the accused rapist, Amis, is a landless knight who lives in the household of Belisaunt's father. These factors all work to Belisaunt's advantage and to the advantage of real women appealing rape in the real criminal courts. Belisaunt is not threatening a romance vendetta by her father or seeking personal revenge. Rather, she is referencing the secular laws of the land and the legal implications for convicted rapists.

Amis is shocked by the malicious threat that Belisaunt will accuse him of rape. He stands silently and "disliked it greatly in his heart."⁴⁰ He is aware of the severity of her accusations, as he thinks "with her speech she will have me killed."⁴¹ It is her words he fears. Her accusations can cause him to hang. This is the opposite of the explicit fears in *Sir Degare* (discussed in the following chapter), as the princess in that romance fears the male's actions. Here, the knight fears the woman's verbal threats. These are the two driving factors of medieval England's secular *raptus* laws. Both the real actions of men (rape) and the fictitious accusations of women (false accusations) are at the forefront of *raptus* laws from the age of *Glanvill* to the Statute of Rapes. The secular *raptus* laws continually sought to protect vulnerable women from real rape while simultaneously expressing the fear of women's false rape accusations against good men. The duality of the laws—to protect good women from bad men and good men from bad women—is emphasized here in *Amis and Amiloun*.

For fear of his life, Amis consents to Belisaunt's demands, but they are suspected of "great love" by the wicked steward, and thus there is the inten-

³⁹ Saunders, *Rape and Ravishment*, 197; Saunders, "A Matter of Consent," 113.

⁴⁰ "Amis and Amiloun," ll. 637–38.

⁴¹ "Amis and Amiloun," l. 641.

tional blurring of lust, seduction, threatened rape, and now love.⁴² Amis claims that he wants to marry Belisaunt, which sets up the common narrative arc of lust, seduction, (threatened) rape, and matrimony. Amis states, however, that it is not proper for him, of such lowly status, to marry her. Belisaunt is plotting her marriage with a social inferior in a way that is reminiscent of (although not the same as) Eleanor West's fictitious abduction, discussed earlier. Since Belisaunt and Amis "played in word and deed" and "he won her maidenhead,"⁴³ there is the very real legal settlement of marriage that Belisaunt and Amis (as both single individuals) could claim. The noble game of courtly love is woven throughout the romance: Amis and Belisaunt *played* together, and Amis *won* her virginity. The romance's continual reference to the game of courtly seduction—in which rape plays a part—is important to take note of, as threatened rape is within the rules of this game of seduction.⁴⁴

When the steward tells the duke about Amis and Belisaunt's secret love, he states, "in your court you have a thief."⁴⁵ Amis stole her maidenhood, which effectively takes away the duke's profit from her marriage market value. The duke, as Belisaunt's father, is now the victim of his daughter's malicious rape accusations and scheming. Legal jargon is repeatedly stated in this romance: Amis is called a traitor and sinful, accused of having committed a felony crime, threatened with hanging as capital punishment, and, finally, the crime of theft is stated.⁴⁶ The steward tells the duke that Amis "is a traitor strong, / when he with treason and with wrong / your daughter he lain with!"⁴⁷ The steward's explicit legal terminology and the continued legal references throughout the romance suggest that there is a sub-context of legal knowledge in *Amis and Amiloun*. The real legal implications of one's actions are influencing the structure of the romance and the audiences' reactions to the romance. Statutory law protected fathers from ravished daughters and the law protected the rights of women to claim marriage through *raptus*. Here we see the intersection of later *raptus* laws which were designed to protect both wronged fathers and raped and/or abducted daughters.

42 "Amis and Amiloun," ll. 700–4.

43 "Amis and Amiloun," ll. 767–68.

44 Such language is repeated in ll. 468, 524, 540, 570, 601, 722, 764. It is also noteworthy that Belisaunt initiates the game, but Amis (as the man) is said to have won.

45 "Amis and Amiloun," l. 787.

46 "Amis and Amiloun," ll. 216, 307, 389, 605, 608, 635–36, 787, 790–91, 798, 800–801, 822, 824, 827, 834, 839–40, 960, 1082, 1084.

47 "Amis and Amiloun," ll. 790–92.

The duke, as the victim of his daughter's stolen virginity, claims that he has a great shame, and, like Sir Thomas West in real life, it is the father who has been harmed. The steward tells the duke that Amis must suffer capital punishment for the crime of treason, for he has "forlain that may."⁴⁸ This is critical to the legal context, as Amis is not accused of raping Belisaunt, but he is accused of sleeping with her consensually and taking her virginity, which is a crime against the father who owned her marriage rights. Belisaunt's verbal and mental consent to coitus—like Eleanor West's consensual abduction—was deemed irrelevant to the crime, because it happened without the permission of their fathers. Moreover, the fictional Belisaunt and the actual Eleanor both engaged in a consensual relationship with a social inferior who was well known to their father, thus making it easier to name the offenders in the legal appeals.

The duke demands retribution, and Amis pleads for a trial by combat. Although this is an outdated form of a judicial trial for rape by the fourteenth century, it is nonetheless important that the romance depicts a real legal consequence.⁴⁹ Even though it is implied that the trial by combat is to denounce the accusations correctly made by the steward, those accusations are grounded in the truth that Amis took Belisaunt's virginity without her father's consent. The Statute of Rapes claims that men who are suspected of *raptus* cannot engage in a trial by combat with the woman's father, for fear that the young man would unjustly defeat the old father. So, there were real legal concerns about such practices. Further legal realities are described in the plight of Amis to find guarantors, which leads the people of court to argue for his imprisonment.⁵⁰ The reality of the law is being illustrated. Without guarantors, Amis should be placed in custody to ensure that he does not try to flee before he faces judgement.

The remainder of the narrative is focused on the reunion and suffering between Amis and Amiloun. Since Amis knows that divine judgement will ensure that he does not win the trial by combat, he seeks Amiloun's help to fight on his behalf. Having won the trial by combat, the duke allows Amis to marry his daughter. Through this matrimony, Amis inherits the title, lands, and wealth of the duke because Belisaunt is the transmitter of this prop-

⁴⁸ "Amis and Amiloun," l. 801.

⁴⁹ Despite the lack of trial by combat in fourteenth-century England, the king of France sanctioned a legal duel over a rape accusation in 1386 (just four years after duels between older fathers and younger alleged "ravisher" were outlawed in the 1382 Statute of Rapes). See Jager, *The Last Duel*.

⁵⁰ "Amis and Amiloun," ll. 869–70.

erty. The romance continues with Amiloun's plight of leprosy and the sacrifice that both Amis and Amiloun make to save each other. Despite the initial threat of rape and the sham of a trial, the narrative arc of Belisaunt ends in matrimony. This is, of course, typical of romance, but it is also representative of the realities of rape trials. Even fictitious claims of rape and/or abduction could, and did, end in marriage between the rapist/lover and the victim/eloper. *Amis and Amiloun's* moral lessons are ambiguous, as the malicious accusations of rape—which initially condemns Belisaunt—are transformed into an expression of love. Belisaunt transitions from a wicked suitor to a good wife by the end of the romance.

Amis and Amiloun continually reiterates the duplicity of *raptus* law's intentions, in that they ought to protect women from bad men who rape as well as protect good men from bad women who maliciously—or, as in the case of Eleanor West, fictitiously—claim rape and/or abduction. This duality is often in conflict with each other, and *Amis and Amiloun* plays with this tension. Belisaunt's threat of a rape accusation is intended to force Amis to consent to her seduction. This eventually leads to consensual sex and mutual love between Amis and Belisaunt, and thus the threatened rape claim is unsurprisingly turned into a loving embrace and happy matrimony. This mirrors the legal realities of women and men who were single and either claimed the marriage clause of *raptus* laws or used it as a means of concord. Here, however, the marriage clause does not appear to be a viable option, as Belisaunt's father seeks retribution. Because Amiloun won the trial by combat, Amis is immorally vindicated (since he did not actually fight) against the accurate charges the steward accused him of. On this narrative level, the marriage between Amis and Belisaunt is both unimpeded (due to the divine judgement of the trial) and immoral (because Amis was indeed guilty and never fought). This reading of the legality of the marriage as a consequence of the sham trial suggests that the marriage clause of *raptus* laws was a point of debate and contention among contemporaneous audiences. Indeed, the fourteenth-century case of Eleanor West encourages such a reading. It would have been simpler for Belisaunt and Amis to claim the legal loophole of the marriage clause, but that does not necessarily subdue the father's wrath, and herein lies the mirroring to Sir Thomas West's complaints. Overall, there is a subtext of legal knowledge in *Amis and Amiloun* which is brought up continually throughout the narrative. The duplicity of rape laws, the legalities of rape claims, and the stealing of a noble-daughter's virginity are explicitly discussed in this romance which offered medieval audiences a platform to debate these pressing social issues.