

THE BODY OF PROOF AND THE RAPEABLE BODY

A YOUNG GIRL named Emma was violently abducted by a group of five men.¹ The men kidnapped little Emma and brought her to a sixth man's house, that of David le Carpentur, at which point one of the kidnappers, Walter de Carlaton, raped her, presumably under the voyeuristic spectatorship of the other five men. The courts indicted Walter, and the jurors believed that Emma was undoubtedly raped. But the jurors said something along the lines of "Emma was kidnapped and raped by Walter, but after the rape was done rumour has it that Emma consented to the rape, and she has now agreed to marry Walter." Essentially, no rape *really* happened here. But what about their marriage? Was it legal? The jurors discussed how young Emma was likely coerced into this marriage, so Walter was ordered to pay a small fine. Case closed.

Was Emma raped? The jurors said yes. Did she later consent to the rape? The jurors said yes. Are rape and consent mutually exclusive? Apparently not, as one can be raped and then consent to it afterwards. Can rape lead to a legally binding marriage? Yes. Was Emma coerced into the marriage? The jurors said most likely. Does coercion make the marriage illegal? Apparently not. Medieval English understandings of rape and (non-)consent were complex, context specific, and sometimes conflicting, and yet medieval English lawmakers, theologians, authors, and ordinary people cared deeply about these issues.

Medieval England sustained a rape culture through its continual reiteration of the duality of mental and physical (non-)consent. Kate Manne poignantly states that the combination of "misogynist aggression, serial sexual predation, and norms that enable and protect perpetrators: that is, rape culture."² The qualities of "aggression," physical strength, "serial sexual predation," and sexual proficiency are all part of idealized masculinity in medieval England. Of course, "men" cannot be classified as a single homogenous group, and what it meant to be masculine or feminine changed throughout

1 TNA, JUST1/137 m6d.

2 Manne, *Down Girl*, 199–200.

the Middle Ages. However, there are some traits that reappear in representations of medieval manhood, including violence, controlling women, and rationality.³ The relative ease at which these qualities teetered into sexual violence against women is exemplified by the language in laws, literature, and ecclesiastical and medical texts which describe the uncontrollable lust of men who rape beautiful women. The threat of rape was always present in medieval English society; it was something women were told to be fearful of and men were told to control.

Conduct literature is explicit in idealizing feminine passivity. The popular fourteenth-century Middle English text *How the Good Wife Taught Her Daughter* reiterates the instructions that a wife should be meek and mild,⁴ and states if one's husband be "wrath and angry / Look thou meekly answer him,"⁵ suggesting that when a husband is "violently enraged,"⁶ the wife is advised to remain meek. *Meke* is defined as "gentle, quiet, [and] unaggressive,"⁷ furthering the notion that feminine passivity is expected even in times of masculine aggression and violence. In advising against partaking in masculine activities—such as wrestling and cock-shooting—the poem claims that a woman who engages in such activities is a "strumpet."⁸ When a woman is involved in traditionally masculine activities, she is not referred to as manly or unwomanly, but as a whore.⁹ The close connection between a woman's sexual *fama*, reputation, and her assumed truthfulness is reiterated in romance, conduct literature, ecclesiastical and texts and it undoubtedly influenced court proceedings.

In another popular fourteenth-century conduct text, *Book of the Knight of La Tour-Landry*, translated into Middle English in the fifteenth century, a young daughter ventured into "another land" where a great lord "saw her so fair" that he fell in love, igniting his passion to rape "in so much he took from her, her maidenhood."¹⁰ The girl's kin murdered the rapist and his family "for the shame that they had of their sister." Reminiscent of romance narra-

3 Karras, *From Boys to Men*, 6, 10–12.

4 Salisbury, ed., "How the Goode Wife Taught Hyr Daughter," ll. 20, 37, 124, 168.

5 "How the Goode Wife Taught Hyr Daughter," ll. 36–37.

6 MED, "wroth," article 1b.

7 MED, "meke," article 1a.

8 "How the Goode Wife Taught Hyr Daughter," ll. 73–75.

9 MED, "strumpet," article 1a.

10 Wright, ed., *Book of the Knight of La Tour-Landry*, chap. 56, pp. 73–74. Translations are my own.

tives, the girl's isolation led to her vulnerability, teaching young women and girls the dangers of being alone. The trope of "man sees beautiful maiden, man loves maiden, man rapes maiden," as stated here, is identical to contemporaneous legal and literary sources. Notably, the brothers avenge their sister's shame; she is the one who is seemingly burdened with this disgrace, and, because of her, "more than a thousand men were slain." If the didacticism was lost on the medieval audiences, the conduct text makes it explicitly clear: "now look you and see, how by a foolish woman cometh many evils and damages."¹¹ She is to blame for exciting the rapist's passion to rape; she is foolish, and she is responsible for the deaths of many men. Due to her recklessness, the raped girl was "chopped in small pieces." Her dismemberment was justified because "so many [men] had been chopped and slain" to avenge her rape.¹² Clearly, rape was considered a man's problem and something that men could be victimized by, as further reflected in the evolving statutory laws. This conduct text devotes multiple chapters to instruct women that rape leads to the shame (and death) of the woman, not the rapist.¹³ The text warns young girls to never be alone with a man, as "a woman ought to trust no man" because their "young tender flesh [*tendir flesshe*] when it is chased, it is easy to be tempted."¹⁴ In a section devoted to wifely obedience, a husband was so angry at his wife that:

[he] hit her with his fist down to the earth; and then with his foot he struck her in the face and broke her nose, and all her life after she had her nose crooked ... And therefore, the wife ought to suffer and let her husband have the words, and to be master, for that is her worship.¹⁵

The conduct text discusses how a disobedient wife ought to expect physical assault by her husband, and, in certain circumstances, she was subject to justifiable homicide.¹⁶ The repetition of a woman's meekness is noteworthy, as it is even stated in the opening prologue to *Glanvill* that the king's law protects the *humilium et mansuetorum* (humble and meek). There was a continual cultural insistence in medieval England on a woman's meekness, on a martyr's willingness to suffer, and on a wife's passivity during spousal

¹¹ *Book of the Knight*, chap. 56, p. 74.

¹² *Book of the Knight*, chap. 56, p. 74.

¹³ *Book of the Knight*, chap. 56, pp. 73–74; chap. 71, pp. 93–94; chap. 58, pp. 76–77 details malicious rape accusations made against Joseph.

¹⁴ *Book of the Knight*, chap. 61, pp. 78–79.

¹⁵ *Book of the Knight*, chap. 18, p. 25.

¹⁶ *Book of the Knight*, chap. 19, pp. 27–28; chap. 63, pp. 84–85.

violence. But this passivity and endurance is entirely counter to the expectation of women's physical resistance during rape. The cognitive dissonance of ideal femininity (passive) and ideal rape victims (resistant) sustained a continual cultural suspicion of rape survivors.

The paradoxical expectations of women to willingly endure their suffering while simultaneously resisting the assault created a no-win situation for rape survivors. Women threatened with rape should resist but also be passive. This duality is indicative of medieval England's conflicting societal attitudes towards rape and (non-)consent in general. The expectation of feminine subordination and passivity, as highlighted in hagiography, conduct literature, and canon texts, operated in a cultural context that believed women to be sexual temptresses. Fearing malicious accusations of rape—used to trap “good” men into marriage—the ecclesiastical perspectives were complementary to secular criminal courts, creating a legal ethos of suspicion towards women's rape claims. This, interestingly, is perhaps most clearly seen not in the courts themselves but as a theme in Belisaunt's accusations of threatened rape in *Amis and Amiloun*.

The blurring of seduction and rape in laws, treatises, literature, case records, and ecclesiastical texts ensured that the non-consent of the woman was difficult to determine, as Ellen Rooney states, “rape is a sex crime that is not a crime when it looks like sex.”¹⁷ Medieval romance authors played with this blurred line between consensual coitus and rape, as we have seen in *Sir Degare* and *Sir Gowther*. Rape was considered a negative consequence of uncontrollable male lust. Certainly, rape was viewed legally as a crime in medieval England. But it was also viewed as an extreme, and condemnable, form of male seduction. Moreover, legal treatises, statutes, and plea rolls have the narrative trajectory of rape which can, and sometimes does, end in matrimony, much like romance literature.¹⁸

The duality of mental and physical (non-)consent was emphasized throughout the sources under study here. Medieval English legal sources view sexual (non-)consent primarily by the injuries (or lack thereof) on the woman's body while recognizing the potential of mental (non-)consent. The belief in mental non-consent and physical consent is fully discussed in medical and ecclesiastical texts, and this is reiterated in romance literature. Crucially, all sources place significance on the woman's body as the potential proof of physical (non-)consent to rape while acknowledging the possibility (and at times necessity) of mental non-consent.

17 Rooney, “A Little More Than Persuading,” 90.

18 For example, TNA, JUST1/1171 m3; JUST1/112 m13d; JUST1/877 m61d.

This concept begins with the examination of the five legal ages of *raptus*. The duality of the two consent models is continually hinted at, often highlighted, and even debated throughout all legal sources examined here. The woman can show bodily injury *or* cry out while at the same time there is the expectation that the woman has physical injury to initiate the appeal process. This means that mental non-consent (raising the hue and cry) alone would likely not guarantee a trial. *Glanvill* discusses the injury of the flesh, which is the cornerstone to a woman's appeal of both rape (her own flesh) and the murder of her husband (through *uno caro*). *Bracton* prioritizes the rape of virgins as the most serious offence, yet *Bracton* also outlines some of the most explicit laws concerning the culpability of group rape. Critically, *Bracton* explains how the supposed "ancient" laws upheld the woman's mental and verbal non-consent as legally paramount, and yet *Bracton* states that, in present-day thirteenth-century England, the woman must show bruising, bleeding, and torn or stained clothing to prove her allegations. Thus, while *Bracton* acknowledges the possibility of mental non-consent, the treatise quickly undermines its legitimacy within medieval England's criminal courts in favour of physical proof of non-consent, further adding to the complexity of the two consent models. *Glanvill* and *Bracton* repeatedly insist on the proof of resistance to rape as indicative of the woman's non-consent. The Statute of Westminster I gave the crown legal power to indict *raptus* at the king's suit. This can be seen as both serving justice—if a woman does not properly appeal within the forty-day time limit—but also interfering with the marriage clause—potentially overriding a woman's consent to marry her ravisher. Westminster I provides greater attention to mental (non-)consent than *Glanvill* or *Bracton*, as it prohibits coitus with minors, and yet the accompanying Office of the Coroner reiterates that physical bodily proof of non-consent is still essential to securing a trial. It is within the Office of the Coroner that the duality of mental and physical (non-)consent are positioned as an "either/or" construction: the woman can *either* show effusion of her blood *or* raise the hue and cry. This reaffirmation on the supposed conflicting consent models demonstrates the possibility that the mind and body of rape victims could be working in opposition to each other. During the legal age of Westminster II, the victim is not necessarily the woman herself but primarily her male kin. The displacement of victimhood away from the woman is not new with Westminster II but rather began with fears of malicious rape accusations, as stated in *Glanvill*. This shift of victim status is completed with the Statute of Rapes, in which women could no longer legally appeal their own rape. It is important to note that this is occurring at the same time as a general decline in felony appeals, as indictments became

more commonplace. During the age of Westminster II, lawmakers were clearly debating the temporality of non-consent and the legal implications of verbal non-consent after the crime occurred. Despite this, the laws and treatises continually state that force and violence are necessary, and thus they uphold the expectation of physical proof of non-consent. As outlined in Westminster II, even if the woman's physical non-consent is evident immediately after the rape, the statute allows for the possibility of the woman's declaration of mental consent anytime after the crime.

From *Glanvill* to the Statute of Rapes, we see the evolving legal displacement of women as the victims of rape. This victimization of men in the crime of rape demonstrates the unsurprisingly long history of what Kate Manne terms *himpathy*: "excessive sympathy sometimes shown towards male perpetrators of sexual violence," in which the courts may "sympathize with him first, effectively making him into the victim of his own crimes."¹⁹ Medieval "himpathy" is evident in not only the legal rights extended to male kin and the high acquittal rate in the EC but also in the sustained belief that rapists are victims to their own sexual impulses. Medieval English culture supported a persistent belief in the bodily victimization of both rapists and rape victims. The medieval biological medical theories of the female anatomy were aided by the ecclesiastical doctrine which preached that women are inherently burning with sexual desire. The woman's body could betray her mental and verbal non-consent. This bodily victimization was not exclusively a female problem, as men too were considered in need of sexual release, and if this could not be legally attained through marriage or sex work, it was feared that men will rape. Men, too (it was thought) could be victims of their body's sexual desires.

Case records demonstrate that criminal courts interpreted rape and (non-)consent through varying circumstantial methods. As we have seen through the cases analyzed here, a lack of physical injury allowed for doubts about the woman's (non-)consent and worked to downgrade the offence. Consent could be applied to a rape case retroactively, in which case charges were dropped or downgraded. A lack of full vaginal penetration was used as indicative of non-completed rape. A woman's pregnancy from rape was proof of physical consent of the flesh despite her mental non-consent. A woman's past consent to coitus with the alleged rapist could be used as justifiable grounds to belittle a rape accusation, resulting in the acquittal of the accused. That there are zero felony convictions in these cases suggests a

19 Manne, *Down Girl*, 197, 201.

strong reluctance to convict men of rape because of the severity of the punishment up to and including execution. The lack of any felony convictions is also the consequence of underlying socio-cultural attitudes regarding heterosexual encounters, competing understandings of mental and physical (non-)consent, and an expectation of physical and mental resistance, as seen in the romances.

One of the most important considerations that this research into the plea rolls provides is the shockingly common occurrence of group rape in medieval England. This is an extremely understudied field, and scholars have rightly pointed to the limited archival information to determine if a “gang” rape (by modern standards) did occur. It is true that the archives do not usually divulge such information, but that does not mean scholars should ignore or trivialize the other men and women accused of acting as accessories to the crime. Of the sixty-one rape cases studied here, ten of them mention multiple people accused of aiding or committing the rape, representing 16.39% of the cases. Jacques Rossiaud found that of the 125 rape cases in Dijon, recorded between 1436–1486, eighty-eight were group rapes, with an average group of six persons, and 20% had groups of ten or more. This led Rossiaud to conclude that “gang rape had a place at the borderline between culture and subculture.”²⁰ Even if we do not know—due to the limited archival information—the exact nature of their involvement, it is time that we re-consider how we discuss rape as typically a one-on-one scenario. This is why I propose the term “group rape” instead of “gang rape.” Scholarly silence on the frequent occurrence of group rape not only dismisses the depth of information that is available in the archives but also works to preserve a manufactured rape culture.²¹

The traumatizing experience that medieval women and young girls had to endure when going to trial has also received little scholarly attention. As Wendy Turner and Christina Lee note, medievalists are concerned about scholarly integrity when “back diagnosing,” but we cannot ignore the fact that people in the Middle Ages experienced trauma.²² A rape victim had to undergo numerous rounds of men and women—particularly the coroner and the “legal women”—scrutinizing their body. They also had to be present in court, where potential neighbour jurors and the alleged rapist would be in attendance, as a defendant had the right to see their accuser. Not much

20 Rossiaud, *Medieval Prostitution*, 13–14, 22.

21 For more of my discussion on this topic, see Cooper, “Let’s Bring the Boys In”

22 Turner and Lee, “Conceptualizing Trauma for the Middle Ages,” 8.

has changed today, as “for many the impact of testifying as a sexual assault complainant remains traumatizing and harmful.”²³ In appeal cases, women have to “give voice publicly, over and over again, to violations of their sexual integrity,” and for many of the young girls discussed in this book, this was their first sexual experience.²⁴ The re-traumatization of the appeal process has been briefly considered by *raptus* scholars, but it is not difficult to speculate how distressing the criminal trial process was for these women and young girls, especially with the threat of imprisonment always looming. The potentially devastating consequences of publicly accusing a man of rape, the repeated inspection of the woman’s body, and the process of testifying in a criminal court of all men and standing near the very man that committed the rape would have undoubtedly negatively influenced the likelihood of a woman bringing an appeal forward, much like it does today. In cases of indictment, this trauma may have been even greater, as the woman did not willingly come to court and pursue an appeal. In these indictment cases, some women were forced to endure a trial against their will.

In medieval romances, conduct literature, and canon texts, we can clearly see that cultural symbols were regularly used in rape narratives: as woman as pure or polluted, virgin or temptress, innocent or guilty. As St. Lucy’s *Legend* details, bodily “corruption” does not necessarily corrupt the mentally non-consenting victim, despite any rape that may occur. While Augustine employs the same cultural symbols and language as other ecclesiastics—such as Jerome—Augustine underlines the importance of mental non-consent to rape despite any physical “corruption.” These cultural symbols are echoed and legitimized through tokens of “proof” in rape cases. Laws, treaties, canon texts, case records, and romances stress the importance of signs of physical force used to overpower the woman, and sources analyzed here reiterate the legal responsibilities of women to resist their own rape both physically and mentally. When they are not able to, the application of legal identities, repeated in the romances, is frequently used against them. Through an examination of the legal constructions of *raptus* cases, the performance of victimhood by complainants and defendants, and the physical proof of a crime, I have identified that the EC prescribed one of three legal identities onto women in rape cases: the innocent victim, the guilty woman, or the reluctant, but willing, accomplice to her own rape. The latter two of these identities essentially turn the woman from a complainant into a defen-

23 Craig, *Putting Trials on Trial*, 4.

24 Craig, *Putting Trials on Trial*, 8.

dant. These identities were not embodied by the women themselves, nor are they “roles” that the women performed. Rather, they are linguistically constructed identities that the criminal courts seemingly prescribed onto women as their legal subjecthood, or persona, and they could carry severe consequences. These legal identities are part of the patriarchal control of women in rape cases, and they illustrate the long history of both victim-blaming rape survivors and victimizing rapists. Crucially, these legal identities can also be seen in the medieval romances, demonstrating both their legal and social value to those utilizing them.

In victimizing rapists, *Bracton* perpetuates the assumption that male sexual urges are excessive and dangerous. Bodily urges leading to uncontrollable emotions or urge to rape implies that rape is percolating just below the surface of medieval English society. The *Book of the Knight* tells readers that some men are full of “lechery, enflamed, unmeasurable like wolves, or other wild beasts [*wyld beestis*].”²⁵ Indulgence of one’s “fleshy appetite” is, according to the conduct text, the “life of a beast.”²⁶ Conduct literature, romance narratives, and ecclesiastical and medical texts indicate that “strong men” can control their appetite of the flesh—their sexual impulses—and only “weak men” succumb to their hot lust. The notion that men temporarily lose their reason during rape was not only seen as a failure of masculinity, but it also obscured cultural understandings of what “a rapist looks like.” In what Manne has termed “the honorable Brutus problem,” we can see how a society perpetuates a stereotype that only certain, monstrous men rape, thus making it difficult to accept the fact that “a golden boy” can also be a rapist.²⁷ Medieval English society considered rapists as men who lost their reason and their ability to maintain bodily control. With that lack of reason, rapists could be positioned as beast-like, monstrous, less human even, and more like a “wildman” attacking a lady.²⁸ The rapist embodies the “wild” nature of the fictional serial rapist Sir Gowther. Rape or violent sex could even produce a monstrous offspring, as stated in *De secretis mulierum*.²⁹ Medieval scholars, such as Thomas Aquinas, state that sexual desires are a form of sickness that compromises a man’s reason. Gratian reiterates this by stating that sexual temptation is a form of sickness, and that only “weak” individuals submit

25 *Book of the Knight*, chap. 37, p. 53.

26 *Book of the Knight*, chap. 89, p. 116.

27 Manne, *Down Girl*, 197–98.

28 As depicted in the Teymouth Hours illumination on the cover of this book.

29 Lemay, *Women’s Secrets*, 114.

to it.³⁰ The body needs to be controlled. This includes men's bodies (which ought to be controlled by reason) and women's bodies (which also need reason but also male protection). Both men and women's bodies are capable of being the site of victimization; for men, it is their all-consuming hot lust, and for women, it is primarily their injured body from rape.

Both the male and female body were believed to be able to *do things* contrary to one's mind; for men, it was to lose one's mind leading to rape, and for women, it was the flesh which could consent independently of the mind during rape. The incongruency between the consent of the mind and the flesh opens the figurative space for the legal identity of the reluctant but willing accomplice. The agreement of opinion between the legal treatises of *Britton*, *Mirror of Justices*, and *Fleta* strongly suggests that, even though the laws make no mention of conception as equivalent to consent, judicial men were debating it amongst themselves in medieval England. When the male body operates independently of the mind in instances of rape, rape could be considered a momentary lapse in judgement. But for the woman, rape could be considered momentarily enjoyable to the female flesh. Either way, the chances of securing a conviction in the criminal courts are diminished when the body *does things* without the mind, because this introduces doubt into the case. Doubt, as *Britton* states, requires that "the judgement ought always" to be in the favour of the defendant.³¹ In rape accusations with little bodily injury, justices and jurors were warned since the *Glanvill* age that the accusations could be malicious and, as such, any doubt in the accusation ought to aid the accused. I am not suggesting that the legal requirement of proving culpability beyond a reasonable doubt is itself unreasonable; rather, I am arguing that a lack of physical injury or a pregnancy from rape which introduced doubt into a rape accusation had devastating consequences, both then as well as now.³²

The cognitive dissonance between the passivity of ladies and the resistance of rape survivors undoubtedly troubled medieval jurors, leading to doubts about the truthfulness of rape accusations. Gender norms and societal expectations are evident in the fact that, despite the statutes' stated indifferences to virginity, there is a continual emphasis in the EC plea rolls on a loss of virginity to secure a conviction. This had severe repercussions

30 *Decretum*, C. 25, q. 1.

31 *Britton*, vol. 1, pp. 32–33.

32 See Digeser, "Resistance, Rape, Recognition, and Aggression," 1–10; Murphy-Oikonen et al., "Unfounded Sexual Assault," 8933.

for women who were not deemed virgins at the time of the assault or who were virgins and managed to resist full-penetrative vaginal rape. Even today, the importance of so-called virginal “purity” and the belief that the rape of virgins is the most serious sexual offence is still discussed.³³ The importance of virginal status was paramount to medieval ecclesiastics, who debated the possibility of the increased holiness of rape survivors and the differences between mental and physical (non-)consent. The theological debates around consent of the flesh and consent of the mind are largely neglected by the secular laws, but they appear in romances such as *Le Bone Florence of Rome*, *Sir Degare*, and *Sir Gowther*. These connections between texts and ideas demonstrate that medieval English culture conceptualized sexual (non-)consent as both mental and physical.

When reading romance in conjunction with legal sources on rape, it becomes absolutely apparent that romance engages with the very same cultural fears and anxieties as the laws. The social attitudes around gender expectations, sexuality, and appropriate behaviour often go unwritten in sources such as chronicles and law codes, and thus it has often escaped the attention of modern legal scholars. It is in the fictional literature where such cultural practices can be gleaned. Violence against women in romance has long been noted by scholars as a plot device, but the legal realities of resistance and sexual (non-)consent within the romances have thus far escaped scholarly attention—until now. Too often these scenes are dismissed as hagiographical rhetoric to excite audiences, but this research has revealed that the scenes of sexual violence are mimicking a legal reality that the medieval audiences would have recognized. Through a close reading of the select romances, it is evident that real-life issues around rape and (non-)consent are represented, exploited, and manipulated in the fictional literature. Medieval medical debates about conception and consent, church expectations of the marital sexual debt, and the legal impossibility of martial rape are represented through the actions of the princess (*Sir Degare*) and the duchess (*Sir Gowther*). Fears of malicious rape accusations and the validity of the marriage clause through *raptus* are depicted through Belisaunt and her father (*Amis and Amiloun*). Florence (*Le Bone Florence*) is the “perfect rape victim,” demonstrating the exact tokens of physical proof of non-consent as outlined in the legal sources and exemplifying the (futile) expectation of verbal and mental non-consent.

33 Sklar, “Welcome to Senator Bill Napoli’s X-Rated Mind”; Valenti, *The Purity Myth*.

These romances stress the importance of the physical proof of non-consent to rape and the importance of mental (and in turn, verbal) non-consent. Heurodis (*Sir Orfeo*) and the princess (*Sir Degare*) have explicit verbal and mental non-consent, but both narratives demonstrate the ineffectiveness of such resistance. Belisaunt (*Amis and Amiloun*) threatens to make herself appear as having been raped, and she provides the exact signs of proof of physical non-consent as outlined in the legal sources. The duchess's silence (*Sir Gowther*) is indicative of her mental non-consent, and the narrative opens the space for questions about implied spousal consent. Beyond coincidence, Gowther himself rapes every class of "victim" as outlined in contemporaneous statutory law, demonstrating to the audiences his lack of reason, his wild nature, and the correlation between monstrosity and rapists. Florence (*Le Bone Florence*) epitomizes the varying consent models, as she provides explicit mental, verbal, and physical non-consent. Mental non-consent fails to protect Heurodis, the princess, the nuns (*Sir Gowther*), and Florence, thus sustaining the normative assumption that women ought to physically prove their non-consent through physical resistance and bodily injury. All the romances examined here show the legal responsibilities of women to resist their own rape, and when they are not able to, the application of legal identities is used—some by way of conception and marriage to "erase" the rapes. Clearly, the romances are engaging with popular assumptions about the mind and body of rape victims (and rapists) in a similar—although at times contradictory—fashion to the legal and ecclesiastical texts.

Through this combined literary and legal analysis, the actions of the characters are not random but appear to be imitating the legal realities and issues surrounding rape and (non-)consent in medieval England. These issues include sexuality, bodily autonomy, rape, consent and non-consent, abduction, physical abuse, marital rape, malicious accusations of rape, resistance to rape, victimization, and pregnancy from rape. By studying conduct literature, hagiography, medical texts, legal treatises, statutory laws, criminal court plea rolls, and romance narratives collectively, it becomes evident that rape survivors were entangled in a cultural discourse, in which the mind and body of rape victims and rapists could operate independently of one another.

Only when we consider the breadth of primary sources on sexual violence in high medieval England can we truly appreciate the pervasiveness of distrusting women's accusations of rape without physical proof of non-consent—and its implications for the present. The parallels between modern "bro culture" and rape culture and the medieval concepts of rape and (non-)consent, are striking. As Carissa Harris asked: "how far have we really

come?”³⁴ I, too, believe that, in many ways, we are still living in the medieval past when it comes to sexual violence, legal justice, and persistent victim-blaming. Enshrined in medieval laws and mentalities, these concepts have had long-term impacts, as many of medieval England’s rape mythologies are still present. Modern rape myths, such as “rape is a result of uncontrollable male passions” and that “women routinely lie about rape,”³⁵ echo *Bracton*-era attitudes. Lawmakers still debate whether pregnancy can occur in a “real rape” scenario, while punitive castration for convicted rapists is still practiced in the United States.³⁶ *Bracton* is still considered a legal authority by the Supreme Court of the United States, as the treatise was used to justify anti-abortion legislation.³⁷ Although many concepts presented in this book seem truly *medieval*, they continue to have profound influence. In many ways, we are living in the medieval past when it comes to how we treat survivors of sexual assault and opinions towards “real rape.”³⁸

The medieval cultural and legal attitudes of physical proof of non-consent ensured that the “body of proof” was entirely the burden of the rape survivor. The cultural excuse that rape is the result of succumbing to one’s libido enabled a societal toleration of male entitlement towards women’s bodies—particularly lower-class women who were viewed as rapeable bodies. The modern “rapeability logic” can easily be applied to the medieval past, because it is founded on the belief that rape is only perpetuated against sexually attractive yet passive women who are “fuckable” from the male heterosexual perspective.³⁹ According to this logic, vulnerable women, attractive women, and docile women are considered easily rapeable, both then and now. The duality of mental and physical (non-)consent to rape erodes the legal possibility in medieval England of silence and acquiescing as a

34 Harris, “800 Years of Rape Culture.”

35 Payne et al., “Rape Myth Acceptance,” 28, 30–31.

36 Blake, “Todd Akin, GOP Senate Candidate”; Breen, “Louisiana Man Sentences to 50 Years in Prison, Physical Castration for Raping Teen”; Franke-Ruta, “A Canard That Will Not Die.”

37 Supreme Court of the United States, “Dobbs, State Health Officer of the Mississippi Department of Health, Et Al., V. Jackson Women’s Health Organization Et Al.,” 25.

38 For example: Acquaviva, Meeker, and O’Neal, “Blameworthy Suspects and ‘Real Rape’”; Du Mont, Miller, and Myhr, “The Role of ‘Real Rape’ and ‘Real Victim’ Stereotypes in the Police Reporting Practices of Sexually Assaulted Women”; Estrich, *Real Rape*; Krahe, “Societal Responses to Sexual Violence Against Women,” 676–84.

39 Andreasen, “‘Rapeable’ and ‘Unrapeable’ Women,” 106–8; Jane, *Misogyny Online*, 10, 25.

trauma-response form of non-consent. Without physical resistance to the rape—made evident through bodily injury to prove non-consent—there was legal and cultural trepidation in believing rape survivors. As this research has shown, this has contributed to a long history of distrust and silencing of rape survivors, the consequences of which can still be felt today.