Carried Away by the Law: Chaucer and the Poetry of Abduction

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Chaucer’s familiarity with the law is well known both by evidence provided in the *Life-Records* and by his poetry.¹ His alleged scuffle with a Franciscan friar, Cecily Champaigne’s accusation of sexual assault, the witness he provided in a case of purloined heraldry, his role as a justice of the peace, his experiences as a diplomat, a customs officer, a representative of English interests abroad, are only a few such exempla in a biography filled with contentious legal matters.² To say then that a range of legal experiences prepares the poet to recognize some of the nuances, ambiguities, and gaps in the legal system may be stating the obvious, though the elusiveness of much of his work suggests otherwise. In what I am calling ‘the poetry of abduction’ I argue that Chaucer identifies a gap in the law that involves litigation and an active construction of legal personhood neither fully recognized nor explicitly defined. My reading focuses on scenes in *The House of Fame, Pardoner’s* and *Nun’s Priest’s Tale* to suggest that the poet exploits the confusion of legal terms defining abduction and rape to indicate how one violation had the capacity to shade over into the other. In so doing he opens up the possibility for imagining another legal category and another sort of litigant.

Evidence for the case I am making for Chaucer’s construction of an unprecedented legal personhood follows in three parts. Part One addresses the ambiguity in the legal language, the linking of terms that made determinations between abduction and rape difficult. Part Two recounts the two cases of abduction with which Chaucer was intimately familiar—that of his father and his own experience in the Hundred Years’ War—to provide a legal substrate against which the narratives mentioned above may be read and correspondences noted. Part Three addresses Chaucer’s strategies for constructing a legal self able to speak to various aspects of the violent crimes done to those

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whose bodies were not fully recognized by the law. The poet’s allusion to Ganymede in the *House of Fame* points to the violence of abduction, the absence of the victim’s consent, and the trepidation expressed by the poet’s persona. Likewise, the assault to personhood rendered in the vicious rape-like murder of the youngest reveler in *The Pardoner’s Tale* by his more experienced cohorts reveals what can only be expressed in the tale as murder. The third case addresses Chauntecleer’s abduction in *The Nun’s Priest’s Tale*, an act more violent than the mere theft of property the law would determine it to be. Taken together, such scenes of bodily violation raise questions about the necessity for credible witnesses and testimony by those carried away and/or assaulted in some way against their will. When there is a failure of the legal imagination to recognize that the object of a sex crime may be male rather than female, it is reasonable to expect such narratives to be told in alternative ways. By identifying male victims of abduction and rape the poet is able to raise the hue and cry, to provide witness to, and exposure of, what could not be expressed openly in an English courtroom—that men and boys, as well as women and girls, experience violation done to their bodies by those in positions of authority over them.

(Con)fusing Laws of Abduction and Rape

While the English law of the late twelfth and early thirteenth centuries defined rape as the sexual violence done to a woman, by the end of the thirteenth century the meaning of *raptus* (*ravir* in legal French) had become more ambiguous; conflated with various forms of abduction, distinctions between the two crimes became more reliant on judicial interpretation. The laws most often cited as having contributed to this confusion—the Statutes of Westminster i and ii written in 1275 and 1285 respectively—downgraded the penalty for non-consensual sex from a felony to a trespass, shifting the focus away from female victims and toward the grievances of close kin and guardians who held sway over her in some way, typically in a marriage or wardship dispute. The same may be said for the Statute of Rapes of 1382, which by its title promises to address the violation of a woman, but instead continued the precedent set by the Statutes of Westminster, adding the possibility of adjudicating a staged abduction or elopement. Written shortly after John of Gaunt was petitioned to address the abduction of the daughter of Thomas West, who had, it turns out, staged the event to preempt an arranged marriage, the statute enabled thwarted parents to receive compensation for their headstrong daughters’ acts. As J.B. Post sums up the effects of these statutes,