Emergent Identity
Masculinity and the Representation of Rape on the Early Modern Stage, 1590-1620

by

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EMERGENT IDENTITY
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This thesis is an investigation of the representation of the figure of the man who raped on the early modern stage. The early modern “man who raped” must be distinguished from the modern term “rapist” insofar as the modern term ascribes an ontological or sociological position to the individual male that was alien to the early modern world view. The shifting value of “rape” in the early modern period presaged more modern conceptions of rape as “an experience imposed on an embodied subject, a violent sexual assault that in its corporal nature destabilizes the intersubjective personhood of the victim” (Cahill 207). As such, the shifting values of the term also prefigured more modern conceptions of masculinity and the successful performance of masculine values. The figure of the man who raped on the early modern English stage often was not merely the monster against which successful forms of masculine behaviour could be contrasted – often such characters found a sympathetic audience. And often, that audience was encouraged and directed through paratextual and dramaturgical devices to see themselves in and identify with the man who raped, for he could be redeemed. This thesis uses the lens of the Roman play to investigate sexual assault
because Roman plays clarified masculine ideals for the early moderns; Rome, civilization, manliness, stoic self-control and *virtus* on the early modern stage were all coincident terms that articulated sexual difference and therefore the construction of the male subject (Kahn 15). The first section looks extensively at the English inheritance of Roman and Anglo-Saxon laws on sexual assault, while the subsequent chapters turn to early modern drama more closely. The plays under study are Marston’s *Wonder of Women*, Heywood’s *Rape of Lucrece*, Shakespeare’s *Titus Andronicus*, Middleton’s *Hengist, King of Kent*, and Fletcher’s *Bonduca*. 
Dedication and Acknowledgements

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Introduction

Art thou so cruel for an honour’s bubble
T’undo a whole fraternity, and disperse
The secrets of most nations lost in us? (Thomas Middleton, A Game at Chess: A Later Form. 2.1.139-41)

Who stands for the father of the innocent
If not the judg? (John Webster, Appius and Virginia, 3.3.245-6)

Oh who but Sextus could commit such waste?
On one so faire, so kinde, so truly chaste?
Or like a ravisher thus rudely stand,
To offend this face, this brow, this lip, this hand? […]
But I am lust-burnt all, bent on what’s bad,
That which should calme good thought, makes Tarquin mad. (Thomas Heywood, The Rape of Lucrece, 1954-63)

This dissertation investigates how the early modern stage identified a man who committed rape as a failure for his inability to exercise enough personal self-governance such that he could abide by the fraternal bonds that characterized patriarchy. He was a failure under the terms of patriarchal governance of the period, but he was a redeemable failure. That is, his failure as a man did not constitute an identity unto itself. If repentant, he could re-enter the domestic economy of patriarchal governance. Early modern society derided and shunned the
man who committed rape, yet his position as a man guaranteed at least the possibility of redemption. This possibility of redemption positioned the man who committed rape (“rapist” is an anachronistic term, explored below) as a character through whom playwrights could explore the liminal space between freedom through rational thought and bondage to desire. If the goal of the early modern patriarchal order was always the recovery of the man whose act of rape had subverted the fundamental logic of the system of patriarchy, then the man who refused to be recovered under the “natural” authority of patriarchy was perverse. Mercy and the possibility of redemption formed the background to the discourse of rape in the early modern period as it conceived of rape as an action rather than a component of identity-formation. The man who raped was recoverable insofar as though he had fallen through a single action; mercy and forgiveness could restore the legitimacy of the patriarchal order, which was predicated on an ideology expressed in masculine self-control. Indeed, the ability to exercise sexual self-control was a primary marker of ideal masculinity across different socio-economic groups, in the same way as sexual temperance was a universal virtue, no matter one’s station in life. Early modern English culture presented rape as an inability – or failure – to exercise sexual temperance in the face of overwhelming desire; as such, it was a failure to behave in accordance with ideal masculinity. A man’s failure to conform to the masculine ideal resulted in either recuperation or annihilation, and both narratives are repeated motifs in early modern drama.

This dissertation has two goals. One the one hand, I seek to delineate how the man who committed rape was identified as a failure through his inability to adhere to the ideals of masculine behaviour in the period, yet who was always welcome to repent. On the other hand, I seek to show how the society that allowed for and located rape and sexual assault as a central motif of the culture was subject to criticism on the stage. That same staged criticism, at times,
had difficulty articulating exactly what it was that it was trying to analyze. For instance, Middleton’s *Hengist, King of Kent* addresses a concept that emerged only in the 1970s – marital rape – yet the play lacks the vocabulary to articulate the nature of the sexual forcing involved.\footnote{Throughout this dissertation, I discuss the lexical shift which “rape” underwent in the early modern period, yet this shift in the terms of terms of language should not be thought of as only a change in vocabulary. Rather, the language changed in a bilateral relationship with the cultural changes that were taking place in the period as regards masculinity, rape, and sexuality. It is not merely that early moderns lacked the words, but that they lacked the cultural context from which to develop concepts such as “marital rape.”}

The historical difference between the early modern period and today, between the man who raped as a term of identification versus the rapist as a term of identity, is central to understanding how the identity category came to be and the identification came to fall away. In order to describe how the man who committed rape in the early modern period failed to adhere to the ideals of masculinity, both “rape” and “masculinity” must be defined and problematized in the context of the society that allowed for and embedded rape as a central motif of social criticism. The term “rape” as it was used in the early modern period has a radically different set of meanings from the term as used today, and those differences in meaning suggest how it was that identification became identity.

Defining Rape

“Rape,” as we understand the term today, is a multifaceted and complex term. As Sharon Marcus notes in her review of *Rape and Representation*, a collection of essays edited by Lynn Higgins and Brenda Silver,
Rape [is] a deprivation of representation, [...] the silencing and disfiguration of women. Rape is also seen as a metaphor for male creativity; as the objectification of otherness; as the catalyst or quintessence of male and female sexualities; as violence; [...] as a metonymy for abuses of political power; as barrier and bond between members of different national and ethnic groups; and more. (152)

Rape is an act of individual violation but it is also an act of cultural oppression and control of entire groups of people. Susan Brownmiller, in her pioneering study Against Our Wills: Men, Women and Rape, for instance, articulated the latter definition of rape, which locates it within other structures of patriarchal governance such as the renaming of women upon marriage. Brownmiller’s thesis, that rape is a tool of patriarchal oppression that has little or nothing to do with sexual desire, has been contentious for many, not least because of the problems associated with the political and practical implementation of such a view within a liberatory politics. Foucault’s later argument that rape ought to be prosecuted as a crime in terms of physical assault is also problematic, as Teresa de Lauretis has pointed out, as it would have the paradoxical effect of legitimating sexual oppression of women (36-7). As de Lauretis argues, to separate either patriarchal oppression or sexual desire from rape is to promulgate the status quo.

To speak against sexual penalization and repression, in our society, is to uphold the sexual oppression of women, or, better, to uphold these practices and institutions that produce “woman” in terms of the sexual and then oppression in terms of gender. (Which, of course, is not to say that oppression is not produced in other terms.) To release “bodies and pleasures” from the legal control of the state, and from the relations of power exercised through the technology of sex, is to affirm and perpetuate the present social relations which give men rights over women’s bodies. (37)
Rape is a gendered act, and that gendering contains elements of sexual desire and oppression that Brownmiller opposed and Foucault elided. As Jocelyn Catty puts it in *Writing Rape, Writing Women in Early Modern England*, rape is a crime against women, not because they are female, but because whoever is raped “is always symbolically female, even in cases of male rape; the argument can be extended to an allegory in which a ‘raped’ country, for instance, is by definition female” (21). Rape feminizes the victim, whether that victim is a man, woman or child. As a series of narratives or scripts, rape is structured so as to reconstruct and enforce gendered power dynamics that posit the primacy of normative masculine sexuality over all other forms of sexual identity. Thus, when women, children, the racialized other or others are presented as rapacious they can be seen as either reinforcing the conservative gender hierarchy through that rape (if the victim is another woman, child or racialized other), or as troubling that gender hierarchy (if the victim is a normatively identified man). For instance, Caliban’s attempted rape of Miranda in *The Tempest* is an attempt to enforce the primacy of gender hierarchies over early modern racial hierarchies, while Erichtho’s bed-trick rape of Syphax in *The Wonder of Women* upsets the traditional gender binary altogether.

One of the difficulties of approaching a topic like the representation of rape on the early modern English stage is that no form of violence is ever static in its meaning over the centuries. The recent history of the term “rape” in the West – say, from the beginnings of second wave feminism in the 1950s to today – indicates just how much a term can lexically drift in a relatively short time. For example, “date rape,” “marital rape” and “rape by fraud” are among the terms that have found traction in recent decades, providing for a wider, more nuanced definition of the rape and the rapist, both culturally and in the law courts. Similarly, “rape” in 1500 did not mean the same thing as “rape” did in 1600 or 1640. As Alan Shepard states,
Far from being a universal, violence is not only culturally relative but also an unstable category within the context of any particular culture since whether acts of physical harm are deemed violent depends on who is doing them to whom, and where and when they occur (130).

The worry is that when I, an early twenty-first century scholar, identify rape in the pages of an early modern playtext, I am defining the term anachronistically – engaging in a tantalizing presentism that ignores historical detail and rigor. That is why in the first chapter I take pains to show how early modern English legal system understood, defined, and employed the term “rape.” Whatever else it is, “rape” as a transgression descended from a legal term. It was considered a criminal act, as well as a real-life event, that happened all too frequently. One can discuss gender without recourse to legal discourse, but not rape. If this study does not pay attention to the lived reality of the crime as enacted and as it has left traces within the legal record, then it risks descending into a tropical discussion. The lived rape is not a trope, however, as Sharon Marcus points out. Rape is a series of actions that are built out of a number of conventional scripts, which will be discussed in a moment. Although rape generally appears in early modern literature as a trope – a symbolic violation, metaphorical removal, for instance, or, as Jocelyn Catty discusses, a kind of test of virtue – to focus on rape-as-trope without recognizing rape as a lived experience is problematic. Explicating rape-as-trope obscures the real lived experience and enacts a kind of silencing of rape. The turn to the law has two benefits for any study of rape: it represences voices that have been lost (Baines) and provides a basis for a historicized understanding of the term (Rackin). The lexical ambivalence of the term in the early modern period is best described through the legal definitions and redefinitions that the term underwent in that period.
Nevertheless, rape as it appeared in the law was a certain kind of representation of a lived experience, while rape as represented on the stage was another. Not all acts of sexual violence or forcing as they appeared on stage were described as “rape” within a play. That is why I try to identify rape only where it is self-described as such. These plays present rape in a number of ways: rape as unlicensed movement between the virilocal and the patrilocal households; rape as the defining crime of the tyrant; rape as a weapon of war; rape as not-rape when it occurs within marriage.²

If that person (or in Jocelyn Catty’s example, nation) who was raped is always gendered feminine and that which rapes is always gendered masculine, then the representation of rape within a culture can reveal how a particular cultural moment constructs, performs and regulates the boundaries of gender normativity. To Brownmiller, for example, the rapist is a synecdoche for the relationship between all men and all women in all patriarchal societies, yet Brownmiller’s twentieth-century claim fails to describe the deeply patriarchal society of early modern England, where the man who committed rape was seen not as a hero (as Brownmiller claims) but as a failure in maintaining masculine self-governance.

Identity and Identification

In this investigation, “identity” and “identification” indicate two different stances towards the kinds of failures of a character or individual to act in accordance with the ideals of masculine self-governance. An “identity,” even a sexual identity, as it has come to be known since the mid-1800s, is primarily an ontological category. That is, as Foucault pointed out, the discourses of

² Chapter four deals with rape that was not conventionally “rape” in early modern terms – marital rape – even then, the playwrights are attempting to develop a vocabulary to deal with the extraordinary circumstances of the play.
sexuality coalesced in the mid-1800s around certain sexual identities such that one’s sexuality defined who one is. Homosexuality and heterosexuality became markers of identity at the same time as “the rapist” was first used as a term in the English language. The word “rapist,” which attaches a metaphysical state or identity to the individual who has committed the act of rape, was unknown in the early modern period. As Joanna Bourke observes in *Rape: A History from 1860 to Present*, the first use of the term is from the nineteenth century, where the designation referred to the whole person rather than merely an act committed by that person in a process not unlike that described by Foucault regarding homosexuality (11). Foucault, for instance, describes how the emergence of categorizations of the homosexual within late nineteenth-century “psychiatry, jurisprudence, and literature” enabled social control of the homosexual as a category. At the same time, however, the categorization “also made possible the formation of a ‘reverse’ discourse: homosexuality began to speak in its own behalf” (101). For Bourke, the rapist developed as an identity category out of the same late nineteenth-century medical, psychiatric and legal discourses that sought to identify and control the homosexual; Foucault’s “reverse” discourse regarding homosexuality, however, took a different form regarding rape as rapaciousness became a part of the cultural norm regarding the sexual behaviour of certain social groups (for instance, black men in the United States were/are identified as inherently more rapacious, because of their race, than Asian men or white men) (89-118). The development of the term “rapist” as an identity category was such that the rapist of today carries a social identity and an ontological position that is utterly at odds with the man who raped in earlier epochs, such as the early modern period (Bourke 11).

Whereas the identity of “the rapist” is an anachronistic imposition of ontological difference upon the early modern period, the identification of the man who rapes is
epistemological. In other words, while the terms of identity cannot be changed or recuperated over the course of time, a man identified through his act of rape can be recuperated into the patriarchal order. A rapist, as an ontological category, will always be a rapist and will carry with him the moral opprobrium of the act for the rest of his life. The act of rape by the rapist is predetermined in a system that presents the rapist as an identity, but this need not be the case. Where rape is understood not as the inevitable act of a monstrous other (such as in the case of Caliban’s attempted rape of Miranda or Erictho’s rape/bed-trick of Massinissa), but the logical conclusion of a set of narratives that reinforce gender hierarchies, then the identity of the rapist falls away and the identification of a man who rapes comes into being.

In using “identity” and “identification” in this way, I am presuming a certain construction of gender that posits it as an ideology shaped through performance. The common sense, unquestioned, and reified ways in which men and women are to behave in a given culture are the manifestations of a gender ideology at work. The plays I examine critique and criticize the contradictory presumptions of the ideology of gender in the early modern period through the lens of rape. Early modern culture saw the man who committed rape as unable to govern himself and, in this sense, he failed to conform to the expectations of a gender ideology that prioritized men’s ability to govern. The figure of the man who raped provided a psychic space on the early modern English stage to work out some of the changing expectations regarding manhood and masculinity in the period (such as the role of the patriarch within the household, and the limit of patriarchal power within an absolutist patriarchal regime such as James I’s), at times anticipating the ontological categorization of the rapist, while at other times rejecting such a vision for a rehabilitative model of masculinity.
The early modern period had an array of possible formulations of behaviour characterized under the general aegis of masculinity, some of which contradicted others, some of which reinforced others. What was considered masculine behaviour of any given sort can be traced through looking at the terms by which masculine honour was constructed, yet this ultimately leads to the same proliferation of possible formulations of “the masculine.” As Michael Mangan points out in *Staging Masculinities*,

[…], whereas feminine honour codes of the early modern period were stiflingly simple, the corresponding masculine ones were complex, interweaving a variety of different aspects, and encompassing both the public and private spheres. They referred both to the public reputation sustained by the individual and also to the individual’s private sense of self. (75)

Several factors informed “masculinity” as a category, making it difficult to claim that there was one single masculine ideal: class, nascent conceptions of race, the inheritance of chivalric models of behaviour, one’s ability to form contractual economic relations, and more. Thus, those qualities that defined masculinity for members of the gentry were not the same as those qualities that defined the exemplary masculine for an agricultural labourer or a city merchant. That said, without meaning to engage in a definition which is hegemonic and obscures nuance, certain properties of masculine behaviour were seen in the early modern period as being more universal than others. This universality can perhaps be traced to the well-documented and pervasive early modern anxiety regarding the construction and expression of masculinity. The historian Anthony Fletcher argues that this anxiety expressed itself through the discussions “about how women could be best governed and controlled” (107). The analogical world view of the early moderns complicated this notion of governance, however, as the ability to govern oneself was
analogically linked to a man’s ability to govern others, including women and his own household. This world view was expressed in many discourses (astrology, political governance, medicine), yet it took as its premise a mutual sympathy between all things in the universe such that, for instance, the smooth running and organization of a household was possible only in a well-run state, which was itself possible only if it was headed by a regent who expressed the virtue of self-governance.

Self-governance, the basis for men’s claim to authority (Shepard 70), was a characteristic broadly shared among the successful visions of masculine identity, though what self-governance meant was variable. For the non-gentry male, self-governance was the way through which he could find patriarchal authority within the ideological construct of the household. For the gentry who were still nostalgically linked to the increasingly less relevant code of chivalric conduct, which was (as will be shown) predicated on sexual violence, self-governance was the performance of the authority granted them by birth and social position. The man who raped, that masculine failure of self-governance, was thus opposed not merely to the self-governed male, but because good self-governance was a part of all successful masculine identities, the man who raped was opposed to all forms of successful masculinity. If the man who raped recovered his masculine self-governance, he could re-establish the patriarchal bonds that he had undermined through his act of rape. The identification was not ontological, but epistemic, as the man’s position as a sexual predator was subject to identification and rehabilitation. At least so it would seem.3

3 I am not intending to suggest that the rapist was ever a sanctioned masculine identity, but that it was an identity unavailable in the early modern period. Nor do I wish to suggest that there was a single hegemonic vision of masculinity in the early modern period. Like the sodomite, the man
In fact, the figure of the man who raped on the early modern English stage often was not merely the monster against which successful forms of masculine behaviour could be contrasted – often such characters found a sympathetic audience. And often, that audience was encouraged and directed through paratextual and dramaturgical devices to see themselves in and identify with the man who raped, for he could be redeemed. Yet, he was never a sanctioned model of masculinity on the early modern stage. Rather, the identification with the man who raped served to interrogate the normative visions of masculine identity offered by (among other things) the law, conduct books, chivalric literature, theatre, and marriage rituals.

Rape was considered a legal and moral transgression, certainly, but a transgression that took the form of failure to adhere to an ideal of masculine conduct that posited all men as existing in a certain triadic relation both to one another and to all women. This homosocial relationship that uses women as a stake or a commodity between two men has been articulated by Eve Sedgewick in *Between Men* and nuanced by Mieke Bal in “The Rape of Narrative and the Narrative of Rape,” which is further explored in Chapter Two: Rape-qua-Raptus. Early modern England’s most fully articulated description of patriarchal relations, Robert Filmer’s tract, *Patriarcha*, was produced “at a time when the very ideas on which it was based were under threat” (Mangan 64). Filmer composed his texts when republican sentiments were increasing who raped was always presented within the culture as a man who was, by virtue of his sexual crimes, immoral in the extreme. Indeed, rape, understood as a form of assault, was always considered villainous. The man who raped was a figure that allowed for the criticism of the normative forms of masculinity that offered the possibility of rehabilitation for the villainous male. Indeed, it was often the possibility of rehabilitation that was the subject of criticism insofar as the only “just” ending for many plays required the death of the man who raped.
during the late 1620s, with growing unease over the reign of Charles I. Though Filmer’s text was (obviously) more influential following its publication in 1680 than the period that this study deals with directly, the assertion that absolute, arbitrary and divine authority rested in the father and the king as the father of the nation was current in Tudor and Stuart England. The patriarchal position was described by theorists such as Sir Edward Coke and Jean Bodin and the debate between the patriarchalists and social contract theorists (such as Locke and Hobbes) was what Antony Fletcher calls “the master theme of seventeenth-century political theory” (292). In his three-part work, Filmer first roundly criticizes the argument that came to be known as the state of nature, whereby political authority rests in the mutual consent of those governed to be governed. The second section argues that humanity, having begun under the patriarchal authority of Adam, has always been subject to the law of the fathers. Finally, Filmer applies the arguments that he developed in the first two parts to the English case, investigating the justice or injustice of certain English laws and customs. To Filmer, the governance of a father over a household was predicated on and reinforced the same natural order that allowed a monarch to govern a state. Indeed, in Patriarchalism in Political Thought, Schochet points out that for Filmer, “the relationship of regal and paternal authority [was] identical, not merely similar or in some way analogous” (146). This relationship stemmed from a biblical historiography that traced all earthly authority back to God through the person of Adam. As Shannon Miller explains,

> The authority of the monarch exists because of Adam’s initial acquisition of dominion: monarchical power is initiated by God, and granted to Adam, in the first moments of creation. According to Filmer, since God had granted this right to Adam, all subsequent patriarchs had the right to rule as monarchs, their power having been derived from the initial patriarch. (357)
The inequality among patriarchs was an inherent part of the system of analogy that posited the king as the father of fathers. Basing the authority for their claims on biblical exegesis, Filmer and other patriarchalists suggested an asymmetrical triadic structure in the relations among patriarchs. This asymmetry did not undercut the system as with the discourse of male honour; instead, the asymmetry of the patriarchalist vision of power was an integral part of the system. That is, the father of fathers, the king, as ultimate patriarch, always occupied the primary subject position over any other given patriarch, whose position as subject was always under licence. The patriarch ruled his household by leave of the king, and the king ruled the state by leave of God; the dominion of the king over the household of the nation was identical to the dominion of the patriarch over his own household.  

Of course, not everyone shared this monarchical vision of patriarchal governance – the most extreme objections would perhaps come from the Parliamentarians later in the century. When the charges were presented to Charles I at his trial in 1649, however, he appealed to a vision of monarchical authority that echoes Filmer’s description of the descent from divine power:

I would know by what power I am called hither… by what Authority, I mean, lawful; there are many unlawful Authorities in the world, Thieves and Robbers by the highways: but I would know by what Authority I was brought from thence, and carried from place to place, (and I know not what), and when I know what lawful Authority, I shall answer: Remember, I am your King, your lawful King, and what sins you bring upon your heads, and the Judgment of God upon this Land, think well upon it, I say, think well upon it, before you go further from one sin to a greater; therefore let me know by what lawful Authority I am seated here, and I shall not be unwilling to answer, in the meantime I shall not betray my Trust: I have a Trust committed to me by God, by old and lawful descent, I
On the one hand, inter-masculine relations were a mutually reinforcing hierarchy, where even the lowest male member of the hierarchy both owed and was owed certain duties by every other member of the hierarchy. On the other hand, even the lowest male member of the society was expected to be able to comport himself with the necessary temperance to control his own sexual appetite with regard to the opposite sex. Within such a hierarchy, absolute power rested with the monarch and such arbitrary power represented the apex of masculine governance – both of self and other. That man who committed rape against the daughter or wife of another man broke faith with his brother and the power of the monarch to punish the criminal served to deter that breaking of fraternal bonds.

The mutually reinforcing hierarchy of early modern patriarchy was an ideological construction of authority where morality was seen to inform the law, meaning that certain institutional differences could be accommodated between governmental systems but that the moral position of the father as the head of the household was sacrosanct. For the early moderns, the household was the fundamental institution that instantiated patriarchal ideologies of gender and provided a subject (either male or female) with a mechanism to understand his or her place in society. The household was a specific socio-economic unit that structured the categorical

will not betray it to answer a new unlawful Authority, therefore resolve me that, and you shall hear more of me. (qtd. in Laughland 26)

Further, all male members of such a patriarchal society were expected to conform to codes of heterosexual desire. Like rape, same-sex desire served to undercut the bonds of patriarchal fraternity, and like rape, it was positioned as a kind of failure of sexual temperance, yet unlike rape, the body of the desired was his own, whereas the body of a woman was always a site of contested claims within a patriarchal society.
differences of individual identity through which a subject was interpellated, according to Althusser in his seminal work on the subject “Ideology and Ideological State Apparatuses.” The structures of authority of the household interpellated the subject as a gendered individual with certain ways of understanding him/herself in relation to the rest of the household and society. Rather than recognizing oneself in the hail of the policeman, as Althusser’s famous and often-quoted example describes, the early modern subject recognized him/herself in the structures of mutual obligation of the household – as father, daughter, son, wife, husband, mother, servant, etc… The structures of authority embodied in the household were supposedly replicated or echoed at the level of the state, where the king, as father of all, exercised supreme authority, granted to him by God. In this way, the subject was interpellated by multiple discourses all at once. Religion, which was itself an ideological state apparatus as Althusser argues, reinforced (and was reinforced by) the legal apparatus, which itself reinforced (and was reinforced by) the system(s) of education, and cultural production such as literature and theatre, and so on. Rape was an assault against an individual, but also an assault against the system of authority that hailed the individual and created a subject. The crime undermined the system of patriarchal authority that presented itself as natural and real, yet was committed by an individual who (generally) benefitted most from that system of mutual authority and asymmetrical obligation. The man who raped presented a problem insofar as he suggested the imaginary nature of the relations of patriarchy, yet if he could be brought back to the terms of patriarchal governance, then the problem he represented could be effectively contained.

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6 Althusser does not specifically mention the household as an ISA in his work, but he does point to the family as an ISA that is both a unit of production and consumption (143).
The patriarchal ideology of gender that Filmer and other contemporaries posited was threatened, but not revealed to be wholly imaginary, by the man who committed an act of rape, yet redemption and containment was always a possibility for the individual man who raped. Indeed, rape, a man’s act, was not a quality that defined him forever. Whereas a woman who was raped was always a victim, stained, and her honour compromised – she was “damaged goods” – the man was not a rapist. For the early moderns, the man who raped was not a rapist, but a man who had failed to live up to the expectations of his culture and, through expression of the proper contrition and penance, could be recovered into that cultural norm, re-establishing the fraternal bonds which he had so undercut. Among other things, he was a man who sought immediate, unbounded and undisciplined sexual gratification. The man who raped broke faith with other men, and broke the implicit vow(s) taken between and among men, yet he could be returned to “proper” masculine behaviour by resituating himself vis-à-vis other men through vowing loyalty, fealty, and self-discipline. This recovering vow of self-discipline often took the form of marriage to his victim. The rapist, on the other hand, is a man who is born violent and carries sexual violence within him as a part of his identity. The man who rapes has committed a crime that carries moral opprobrium, whereas the rapist has the moral designation assigned to him as an individual human being.

The historically located nature of this distinction cannot be overemphasized insofar as the theatrical figure of the man who rapes of the 1590s-1620s gave way in the next century and a half to a new dramatic character – the rake of Restoration drama. This figure was descended from the man who rapes, yet occupied a radically different position in the narratives of the time than his forbearer. As Susan Staves remarks, the rake is in many ways a hero figure, “because he refuses to suppress and renounce his individual instinctual desire for erotic pleasure for the safety
of morality, civilization, and the family” (307). The rake’s individuality was still presented as at odds with the dictates of civilized order, yet his behaviour was lauded rather than condemned. Whereas in the early modern period, individual erotic desire was subordinated to the conventions of the well-governed society, by the Restoration, this relationship had inverted to a certain degree, allowing the rake to challenge – but never wholly threaten the existence of – the dictates of civilization. The Restoration and eighteenth-century rake was neither to be recuperated, nor was he to be destroyed in the same way that the Elizabethan and Jacobean man who raped was, for the rake’s individualism was prioritized over his moral failings.

It is perhaps no surprise that the “rapist” as a category of identity becomes available only in the mid-nineteenth century, when female sexuality could no longer be constructed along the lines of irrepressible desire, as it had been in the early modern period. Paradoxically, while certain traditional characteristics of sexual identity fell away (such as the equation of masculinity with self-governance), other traditional characteristics of sexual differentiation (masculinity aligned with activity, heat, and sociability, femininity aligned with passivity, cold, and distance) reasserted themselves in the face of radical social change. Biological and anatomical discoveries, the near total domestication of female labour in the early 1800s, and the total legal submission of the wife within the household all contributed to the reformulation of female sexuality as being cold, distant, and unavailable.\(^7\) At the same time, healthy male sexual desire,

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\(^7\) For example, the discovery of the mammalian ovum in 1827 forced biologists (and the culture at large) to re-evaluate the participation of women in the reproductive act insofar as prior to that women’s bodies had been presumed to be the ground in which men planted their seed. This was part of the logic of primogeniture as it was the masculine seed that developed into the body of the child. With the discovery of a female component to human reproduction, the terms under
instead of being constructed as a balance between reasoned self-governance and passionate indulgence, became “naturally” promiscuous. Some marker of difference was needed to articulate the distance between the healthy promiscuity of the nineteenth-century male and the unhealthy violence offered by the man who rapes, and that marker of difference was conceived of as an ontological identity. The identity of the rapist was constructed at the same time as the identity of the queer male and in some ways the two identities informed each other, as elaborated by Bourke. The rapist was inherently perverse while the queer male took on the sexual license and irresponsibility of the early modern construction of the man who raped.

As Sharon Marcus has pointed out in “Fighting Bodies, Fighting Words,” the rape pre-exists both victim and rapist as identities insofar as the rape is structured as an expression of a social script that underscores gender construction. Marcus’s article is a seminal work in the feminist scholarship on rape of the past twenty years and resists the notion of the rapist as a natural, ontological category.

which primogeniture had worked for hundreds of years came under question, and it further meant that women’s bodies had an active part in the reproductive act. This biologically active role threatened to overturn the wholly passive construction of femininity that was dominant at the time. The discordant positions between the anatomical discovery of women’s participation in reproduction and the position of women within the dominant ideologies of the time resulted in western culture re-entrenching the subjugation of women in subsequent decades of the nineteenth century by reasserting the traditional gender characteristics.

8 This ontological distinction remains in force today, as 84 per cent of college aged males who admit to having committed acts that meet the legal definition of rape do not see what they did as having actually been sexual assault (Curtis).
Rapists do not prevail simply because as men they are really, biologically, and unavoidably stronger than women. A rapist follows a social script and enacts conventional, gendered structures of feeling and action which seek to draw the rape target into a dialogue which is skewed against her. A rapist’s ability to accost a woman verbally, to demand her attention, and even to attack her physically depends more on how he positions himself relative to her socially than it does on his allegedly superior physical strength. (“Fighting” 390)

The social scripts enacted through the rape pre-exist any particular rape, such that, for many postmodern thinkers “rape has always already occurred” (386); yet as Marcus points out, this is to misunderstand the contingent nature of these scripts. Rape scripts, which posit a particular form of interaction, are no more natural than patriarchy itself. As Marcus states, “the rape script pre-exists instances of rape, but neither the script nor the rape act results from or creates immutable identities of rapist and raped” (391). The rape scripts are a scaffolding of interaction that renders gender difference comprehensible. Marcus, however, is pointing to the modern world, whereas Bourke and this dissertation both point to the historical construction of identity. For Marcus, the identities are not immutable because she is making a point about the present-day political situation of the discourse of rape, which assumes the ontological priority of the rapist as an identity. She takes to task the postmodern thinkers who presume that the rapist is a category of ontological identity, which further presupposes that women are all victims, whether or not they have been raped. These commentators, Marcus suggests, do not see that rape is “a scripted performance” (392) and that as such can be re-written. To put Bourke and Marcus into dialogue with each other, “the rapist” is an identity embedded within the discourse of modern patriarchal control, yet it was not always the case. “The rapist” was an identity that became available only
in the nineteenth century. Prior to that, in the early modern period, for instance, the rape scripts that dominated were not available as a constituent part of identity formation. That is, for both Marcus and Bourke, modern rape culture constructs women as always already victims; and the rapist is similarly constructed by modern rape culture as a monster whose identity pre-exists the rape itself, but is articulated through the rape. These constructions, however, ignore the performative nature of the rape script.9 The early modern period did not see this identity as enduring or as pre-existing the rape – indeed, the rape script of the early modern period was one that ended in the recovery of the wayward male into “proper” masculine self-governance. The man who raped therefore became a kind of identification rather than an identity. The woman who had been raped had limited opportunities to return to the patriarchal order insofar as the rape had derogated her exchange value between and among men. She could marry the man who raped her or bring charges against him, but the latter eventuality was rarely successful in those few instances when it did happen. Of course, if she were already married, recovery by marriage was not possible. Further, the stage avoided the narrative of formal legal restitution, preferring instead to investigate the possibilities of the former solution. The man who raped similarly could be recovered through marrying his victim or he could present a kind of restitution, but the latter eventuality was rarely enforced, and on the stage whereas recuperation tended to occur only in comedies, restitution in tragedies and histories tended to take the form of admission of guilt and/or punishment and death (for example, Vortiger, Chiron and Demetrius, Tarquin). Only in Fletcher’s Bonduca are both options denied as an act of feminine resistance.

9 Marcus’ point regarding the rapist pre-existing the rape is that the actual, lived event of rape is shaped by a particular rape script wherein there is both rapist and victim. These narrative identities pre-exist the rape and mould the experience of the rape by both victim and rapist.
The rapist and the man who raped were both threats to patriarchal order insofar as they corroded the legitimacy of the category of “man” by wearing away the impenetrability of the “phallic edifice” of the category (Bourke 415). That is, in order for the category “man” to maintain its position at the top of the hierarchical system of governance, the naturalness of its position had to be reiterated time and again. What the man who raped did in the early modern period was to undermine the naturalness of the hierarchy by showing that men were capable of losing self-control – a quality associated with women in the period. Today, even within the most patriarchal of homosocial structures – the prison – rapists are considered weak and incapable, failures as men.\(^\text{10}\) Beyond the prison, Western culture has moved away from the image of the rapist as patriarchy’s “storm trooper,” a term coined by Susan Brownmiller in Against Our Will (14-5). More nuanced representation of the rapist within Western culture as the “inadequate spawn” of patriarchy, through which patriarchy legitimates its oppression of women, has been suggested since the 1970s (Bourke 415). Though today’s formulation of rape, which moves away from the model where the rapist pre-exists the rape, in many ways echoes early modern conceptions of the man who rapes, there are many disanalogies which I will explore in the conclusion. In the early modern period, the man who raped was presented as perverse, malicious, or incomplete. His lack of self-discipline threatened to undermine the homosocial relationships established among men that constituted the patriarchy. Early modern masculinity was not

\(^{10}\) Prisons are “patriarchal” insofar as they reinforce a gendered system of power. It is only through the performance of a hyper-masculine identity that a prisoner (of either sex) can eke out any identity within the social structure of the prison. Those who are incarcerated for sex crimes (especially for those against children) are often singled out by other prisoners and feminized through abuse or ostracization (Dumond 138ff).
predicated on constant and promiscuous sexual desire, but on a reasoned and rational control of any passionate desires that may arise within the soul. This masculine identity both made possible and was made possible through a number of discourses, from the terms of patrilineal descent, humoural theory, historiography, and, of course, the theatre.

**London and Rome**

The fraternal bonds that the man who committed rape dishonoured were bonds that were premised on a patriarchal order that privileged origins and patrilineal descent. For the early moderns, a man’s position within society was in part defined by the conditions of his birth. The stories that men told about their origins defined the scope of ambition to which they could aspire – Henry Tudor, for instance, structured the narrative of his past such that he could justify his play for the monarchy through an appeal to somewhat tenuous bloodlines. Similarly, as Heather James has pointed out, England articulated its position as a nation with imperial ambitions through the self-definition of the nation within the terms of the *translatio imperii* (translation of empire) from Troy to Rome to London. As G. K. Hunter puts it, for European humanism, “the Roman past was […] not simply *a* past but *the* past” (95). This orientation towards the past, this privileging of an always absent historical moment, took many forms in the period, one of which was the repeated playing out of the history of Rome on the early modern stage.\(^{11}\)

As Richard Waswo observes, “Western Europe decolonized itself culturally from ancient Rome only to imitate it; it contested the model only by becoming it, by imposing on others the cultural alienation it had so long known” (416). In the early modern theatre, Rome was a

\(^{11}\) Other ways this past orientation manifested included education with Latin authors, Latin language, Latin literature, the use of Latin as the lingua franca, and the inherent ideological transfer concomitant with such usage.
psychic space in which the terms of masculinity could be worked out. It was a point of origin, a lost patriarchal order that could serve as an example and a warning. As Jean Howard puts it in “Shakespeare, Geography and the Work of Genre on the Early Modern Stage,” “Titus Andronicus, can be best described [...] as a study of the metaphoric borderland between the barbarous and the civilized. The Imperial Rome of that play is paradoxically both, its implacable hero terrifyingly close to the Goths whom he has conquered” (315). Rome often provided an apparently simpler space beyond the contemporary world, in which playwrights could explore concepts such as the rule of law, the concept of civilization, and the development of masculinity. As Coppélia Kahn explains in Roman Shakespeare, Rome was not merely a place in which the masculine virtues flourished, but a place in which they were most clearly performed: “Rome is the testing ground rather than the backdrop of their virtues” (14). The Roman plays clarified masculine ideals for the early moderns; Rome, civilization, manliness, stoic self-control and virtus on the early modern stage were all coincident terms that articulated sexual difference and therefore the construction of the male subject (Kahn 15). Even when Rome was not a historically “accurate” Rome, as in Titus Andronicus, where Roman institutions from across its history are anachronistically represented as existing side by side in a parahistorical dramatic space, the play may be seen as an investigation of the terms of ideal masculinity for the early moderns.

Because Rome stood as a testing ground of masculine virtue, I focus on a genre first identified by Mungo MacCallum in 1910, the Roman play. Nevertheless, two of the plays that form the core of this study do not easily fit into a “Roman” historical trajectory – Bonduca by

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12 Virtus means something akin to virtue, but with the masculine element of the term stressed. For more on this, see the discussion in chapter four of Kahn’s use of the term.
Fletcher and *Hengist, King of Kent* by Middleton. These plays constitute and develop a construction of gender that was not derivative of Roman precedent, but acknowledge and draw from that history. As Howard and Rackin define the function of the English history play,

> Like their historiographic sources, the plays performed the necessary function of creating and disseminating myths of origin to authorize a new national entity and to deal with the anxieties and contradictions that threatened to undermine the nation-building project (14).

Both *Bonduca* and *Hengist* interrogate the English conceptualization of the masculine and situate gender within a represented historical moment. The Britain of these plays functions analogously to Rome in the Roman plays – as a mechanism to articulate a vision of the masculine ideal of the early modern English subject.  

In all of the plays analyzed herein, the man who rapes is a failure in two senses: first, he fails to live up to an ideal of masculine behaviour; second, his failure signals a failure of the social world to regulate the desires of the man himself, opening it to criticism. Roman plays were investigating the masculine, but in doing so, they provided a space for setting out anxieties associated with patriarchal regimes – even the ideal patriarchy of Rome, where men’s virtue was on display at its finest. The injustice of the first and best patriarchy (first and best to the early modern English at least, for it was the one about which substantial documentation existed and which served as the point of origin and the model) was an injustice that was carried in all patriarchies, including the English case. This criticism of patriarchy as it existed in the early modern period could be given voice only because of the position occupied by the theatre.

**Why Theatre?**

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13 Though *Bonduca* articulates that masculine ideal in reference to Roman values, the play is still embedded within the early modern English discourse of successful masculinity.
The threat of rape was a common theme in early modern literature, finding expression in poetry (Sidney’s sonnets and Spenser’s *Faerie Queene*, for instance, are both riddled with images and narratives of rape) and prose (for example, domestic handbooks, sermons and other religious literature, and coney-catching pamphlets). So, it could be asked, why therefore focus on the theatre in this dissertation? Two reasons: first, theatre was liminal in the early modern period. It existed between cultural categories and distinctions, physically and ideologically (Mullaney 9). That is, the theatre drew its audience from every level of society, and as it did not require literacy to participate, its audience was heterogeneous, with multiple perspectives simultaneously present, and was thus not inherently allied to any particular class-based ideological position. Further, the theatres of London were physically liminal spaces, located on the edge of the city. As an institution the public theatre was quite young; thus, the revolutionary or at least critical statements about English culture that it made could be dismissed by the powers that be.\(^{14}\) Theatre upset conventions of social order and class and was a “crossroads of cultural change” (Howard 440) which gave “commoners a license to judge the doings of kings” (Rackin 9). Second, theatre is uniquely affective. It constitutes and constructs an audience in ways that other media and genres cannot. Further, the theatre for the early modern English was a place that

\(^{14}\) The revolutionary potential of theatre and the comic anti-climactic threat it entailed is explored by many authors, notably Stephen Greenblatt in *The Forms of Power and the Power of Forms in the English Renaissance*. Here he examines the staging of *Richard II* by The Lord Chamberlain’s Men on the eve of the Essex rebellion in 1601 (3-68). Nevertheless, the theatre was subject to regulation, oversight, and censorship, so the revolutionary potential of theatre must be balanced against the inevitable push and pull between the burgeoning industry and the royal and civic authorities.
could present and potentially work out issues of sexual desire and sexual identity. It provided a
space unlike that of poetry or prose, wherein actors could perform sexual desire in a uniquely
affective manner. As John Russell Brown notes, “In performance, actors could appear to be
sexually driven and their audiences would respond similarly” (168). Internal textual references
to audience reactions to performances of sexual identity litter early modern drama, such as
Volpone’s boast upon preparing to seduce/assault Celia:

For the entertainment of the great Valois,
I acted the young Antinous, and attracted
The eyes and ears of all the ladies present,
T’admire each graceful gesture, note, and footing. (3.7.160-64)

Metatheatrical references to sexual desire appear throughout the early modern canon, as John
Russell Brown observes, and the intimate association between theatre and sexual performance
was one taken for granted by contemporaries, “whether they approved of it or not” (168).
Theatre was a space in which sexual desire could be first displayed, then interrogated and finally
transformed; it opened up avenues of criticism of prevailing sexual mores as well as (among
other things) providing light entertainment that reinforced those same prevailing sexual mores.
The theatrical audience was not only invited to participate in the display, performance and
interrogation of sexuality, but, through its very composition, the audience was itself a display of
that same interrogation of gender performance. That is, the heterogeneity of the early modern
audience has been long established, and that same heterogeneity allowed for the conspicuous
performance of sexuality; it is not for nothing that the first woman on record visiting the theatre
was a prostitute (Gurr, Bretz). The early moderns saw prostitution as a kind of incapacity for
feminine self-governance, and the conspicuous display of sexual desire aligned the prostitute’s sexual crimes with the man who raped (cf. Howard and Rackin).

Though the audience was patently heterogeneous, the theatre hailed or interpellated each individual audience member as a masculine subject and, through interpellation, invited the subject into the performance. Whereas Althusser subordinates art and theatre as critical practices and considers them as just some of many ideological state apparatuses, Žižek suggests that art is capable of apprehending the fantastic nature of the relations between the political entities that instantiate ideology. For Žižek, “the ‘state’ of any given society can be comprehensively disassembled; the political authority of the state can be revealed as nothing other than a product of the imaginings of those subject to it” (Porter 61). Such revelation of the imaginary nature of the terms of social order is available through the arts, such as theatre, which plays with the granting and withholding of authority as a part of its essential practice. The study of the theatre allows a critic to interrogate how certain themes and narratives that were presented on the stage – especially those that relate to performance of sexual desire – structured the historically distant individual’s subjective experience. Close attention to the tone and the reception of individual moments or collections of moments within the drama allows the critic to witness the acts of interpellation – when the audience is constructed around mutual affect. What the theatre can do that other media and genres cannot is to play with those moments of identification and affect through certain repeated narratives of interpellation, which indict the audience as always already fallen, always already capable of rape and requiring rehabilitation. A certain narrative of audience interpellation appears in early modern drama around the performances of rape, explored below in relation to The Rape of Lucrece. In this narrative, the audience sings themselves into an identification with the villain/rapist, but comes to reject that identification as
the horrific nature of the rape is revealed. Through the mechanism of Valerius’s songs, the audience comes to see themselves in what is arguably the most famous rape in Western literature.

The narrative of audience interpellation through identification with the man who rapes, which repeats itself throughout the canon of early modern theatre, could easily be seen as offering prurient spectacle for the sake of valorizing the transformative power of rhetoric. The audience, who early on identify with the villainous man who rapes, by the end of the play come to recognize their better natures through the persuasive power of rhetoric. The difficulty with such a reading is that one cannot erase the early identification with the rapacious male, howsoever one may reject it. Such a transformation can never be complete: the identification with the rape hangs about the audience like a guilty shadow, requiring rehabilitation and recuperation into the dominant patriarchal order. The audience’s failure to live up to the ideals of masculine virtue has already occurred as soon as they laugh at the jokes of Chiron and Demetrius or join in the bawdy songs of Valerius. Thus, even though these plays present endings where the rapacious male/villain is brought to justice in a more or less vengeful manner and masculine virtue is re-established through such “just” violence, the audience is always constructed as being compromised through their early identification with the act of rape. Such a compromise was settled through restitution of the audience within the patriarchal order. This is a function that is possible only in the theatre, which is why, though other discourses provide insight into how the early modern English approached the topic of rape, only the theatre’s unique and affective relationship with a present audience, whose identification with the man who raped could be explored, can provide both a criticism of the man who committed rape and the culture that was predicated on feminine objectification.
Scholarship on Masculinity and Rape

Masculine identity in the early modern period – how it was formed, what constituted it, in what ways it can be fruitfully discussed without descending into anachronistic application of modern terms and labels – has been theorized by scholars as diverse as Coppélia Kahn (Roman Shakespeares), Jean Howard and Phyllis Rackin (Engendering a Nation), Bruce Smith (Shakespeare and Masculinity), and Alan Shepard (Marlowe’s Soldiers). Scholarly interest in the ways in which gender was formulated and regulated through early modern drama is widespread and continues to generate debate. Using gender as the lens through which to read these texts has become more nuanced over the past few decades as our understanding of gender has developed. For instance, Coppélia Kahn’s early work, Man’s Estate: Masculine Identity in Shakespeare, was marked by an adherence to and reliance upon the psychoanalytic theories of Freud and Lacan for her discussion of the nature of masculinity – a reliance on a single theoretical approach from which Kahn herself would later move away in her work, Roman Shakespeares. More recent work, such as Robin Hedlam Wells’s Shakespeare on Masculinity and Ian McAdam’s Magic and Masculinity in Early Modern English Drama, eschew a psychoanalytic approach and look to situate masculinity within contemporary discursive possibilities available at the time. Thus, just as multiple discourses are available to define the masculine subject, so there are several forms of licit masculinities. The chivalric masculine subject, the martial masculine, even the roguish masculine subject were all models of masculine identity available in the early modern period, presented on the early modern stage. Each of these forms of masculine identity is defined through sometimes complementary, sometimes contradictory associations, attitudes and beliefs. For example, the chivalric masculine subject and the martial masculine subject were both engaged in military exploits and both were subject
to the terms of masculine honour (though they conceived of honour in different ways), yet the chivalric ideal came under sustained scrutiny in the early modern period, whereas the martial masculine subject tended to be lauded. The masculine subjects of the early modern stage have been theorized as physically wounded and pierced (Kahn) or physically impenetrable (Springer), Protestant individualists (McAdam) and scions of nationhood (Shepard). The great number of definitions of the masculine subject stem from two issues. First, radically different theoretical positions describe masculinity and subjectivity in radically different ways. Second is the fact that, even if one excludes the period following 1642, the early modern stage encompassed several decades of massive political and social change. No single vision of “manhood” or “masculinity” can possibly seek to describe all the terms by which the early modern English understood the masculine subject. At any given time, “masculinity” was a complex term, informed by and informing multiple discourses. Further, it morphed over time as that discursive dialogue of which it was a part reconstituted itself around new subjects, disciplines and knowledges. For example, as Christopher Haigh explains, the politically successful male of Elizabeth’s early court was constituted around a culture of romantic adulation of the queen and other chivalric gestures, yet by the end of her reign such overtures were embarrassingly out of date and a more cynical attitude to the performance of sexual desire was in vogue (90-111).

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15 This is generally so, save in the case of the *miles gloriosus* character type (for example, Ancient Pistol from Shakespeare’s second Henriad). Alan Shepard, in *Marlowe’s Soldiers*, provides additional criticisms of the argument that early modern drama overtly promoted military masculinity as a normative model. Indeed, under Shepard’s reading of Marlowe, it is the figure of the soldier who most threatened the state (4).
In all of the discussion of masculinity and gender identities, one aspect of the way early moderns viewed gendered interaction tends to be undervalued: rape. This may be because rape has been, as Baines’ article “Effacing Rape in Early Modern Representation” puts it, “effaced.” That is not to say that early modern scholars have not studied rape. As Leonard Tennenhouse points out, it is difficult to think of a Renaissance tragedy in which at least one woman is not threatened with mutilation, rape, or murder. Her torture and death provide the explicit and exquisite denouement and centerpiece of the play in question. Yet despite concerted efforts to historicize the literary past, criticism has done little to account either for the pervasiveness of such violence or for the gender of its victims. (79)

Indeed, a quick glance at the recent number of articles and monographs on the subject of rape in the late medieval and early modern periods shows just how active the topic has been for scholars. B. J. Baines’s article is one of the touchstones for recent work on rape in the early modern period. Baines argues that emerging conceptions of consent worked to efface the reality of rape within early modern legal records and literary texts. Much of Baines’s work on consent is part of a feminist project of recovery of lost voices from the past, even, in this case, when those voices have been silenced through patriarchal legal systems. In 2003, Women, Violence and English Renaissance Literature: Essays honouring Paul Jorgensen, as well as Laura Gowing’s Common Bodies were published. The first half of Women, Violence and English Renaissance Literature is devoted to a series of readings of different plays and early modern cultural moments (such as the kidnapping of Pocahontas) in terms of a woman’s consent, while the second half looks into women as the enactors of violence. Gowing argues that a woman’s sexual legitimacy precluded her ability to speak directly about her own sexual assault. The results of her lack of consent were
deflected onto her clothing and her household goods, such that the lived experience of assault was articulated through the category of the domestic. This focus on the issue of the consent of the woman is, of course, understandable given the topic, but it does have the effect of de-emphasizing or deflecting attention away from the historicization of the man who committed the rape from the analysis. Kim Solga’s “Rape’s Metatheatrical Return: Rehearsing Sexual Violence among the Early Moderns,” a later version of which formed a chapter in Violence Against Women in Early Modern Performance, addresses the in/visibility of rape as a performed act. In both paper and chapter, Solga notes that rape is never presented on stage in the period, but always “disappears into the tiring house, the act break, the narrative; it then makes a grand re-entrance via the victim’s self-consciously histrionic return” (55). Again, in Solga’s work, the emphasis is on the presentation of the female victim – her broken body and the scripts of victimhood that she enacts to silence herself within both legal and literary discourses. Finally, Lee Ritscher argues, in The Semiotics of Rape in Renaissance English Literature, that acts of rape in literature must be understood as a semiosis, in which the raped woman stands for a particular ideological position regarding women and chastity. Ritscher’s book is constantly in danger of treating rape merely as a narrative trope, rather than as an embodied experience. Though it did exist within a narrative framework (cf. Marcus), and authors like Baines and Solga all recognize the importance and perniciousness of these rape scripts within the culture generally as a lived experience, Ritscher’s argument focuses almost wholly on the narrative elements without minding the ways in which a rape was performed (or as Solga notes, not performed). In ignoring the performative aspect of rape in early modern theatre, Ritscher sidelines the fundamental quality that makes theatre unique.
The criticism of rape as it appears on the early modern stage echoes Western culture’s engagement with the topic of rape in the late twentieth century. The feminist theorist Carine M. Mardorossian has argued that the emphasis on victimization in the context of political agency as articulated by feminism of the 1970s and 80s re-identified victimhood as “a determined and angry (though not pathologically resentful) agent of social change” (767). These early activists and critics defined “agency” in very active and political terms, while in the years since this flourishing of the second wave “agency” has become depoliticized to the point of silencing. As Bourke suggests,

The meaning of ‘agency’ is watered down – it no longer means mobilization, resistance and protest, but includes emotional responses that range from laughing to becoming depressed or suicidal, to crying or even ‘remaining silent’. In this way ‘passivity itself’ became a ‘defence mechanism’. In contrast to second-wave feminism, in which the victims showed that they were ‘more than the sum of their traumatic experiences, that they had the ability to act and organize even as they were dealing with the psychic effects of rape’, in more recent years victims are represented ‘as irredeemably and unidirectionally shaped by the traumatic experience of rape and hence incapable of dealing with anything but their own inner turmoil’ (430).

Among the primary criticisms that have been launched against feminist analyses of rape in recent decades, partially because of the watering down of the term “agency,” is that they tended towards descriptive analysis without any activist or “real world” results. Feminist scholars are left with a problem: historical and scholarly description of the nature of rape culture has done nothing to change the present lived experiences of women in the world, while scholarly engagement that does not provide rigorous genealogical description of the ways in which present
rape culture derived from the past threatens to undermine the basis for politicized action within
the world.

Thus, though my focus is on the man who rapes, I will inevitably be looking at the ways
in which rape structures the feminine as much as it does the failed masculine on the early modern
English stage. By presenting the plays as instruments of women’s exclusion and oppression, I
hope to offer, as it were, a slice of the history of patriarchy in the period. As Rackin points out
late in her introduction to *Shakespeare and Women*, “The history of male misogyny is
inextricably entangled with the history of women’s oppression, [yet] those histories ha[ve]
strikingly different consequences for women and men” (17). Rather than ventriloquising some
of the most oppressively misogynistic discourses from the early modern period, what follows is
an attempt to contextualize those discourses within their own period – a feminist appropriation of
new historicist methodology, which Jean Howard warns is “inevitably political” and “an
intervention” (43). Phyllis Rackin’s question from *Shakespeare and Women* could well be asked
of the early modern period’s ideological perspective generally:

Feminist scholarship needs history, and it needs the analytic instruments that new
historicism provides. The problem is that the conceptual categories that shape
contemporary scholarly discourse, no less than the records of the past, are often man-
made and shaped by men’s anxieties, desires and interests. As such, they constitute
instruments of women’s exclusion, and often of women’s oppression. […] How then
can we enter the discourse of current feminist/historicist Shakespeare criticism without
becoming so thoroughly inscribed within its categories that we are forced to imagine both
the plays and the culture in which they were produced from a male point of view? (16).
The question of privilege is particularly acute for early modern scholars who happen to be male, yet are interested in exploring questions of the history of sexuality and gender from a feminist perspective. Is it even possible for a scholar like me – white, heterosexual, with a middle-class upbringing – to enter such a discourse without re-inscribing the same systems of historical privilege that are being scrutinized in a dissertation on rape on the early modern stage? At worst, all I will end up doing is ventriloquising the misogyny of the early modern world, repeating the act of repression that silenced women’s voices for hundreds of years. At best, what I can offer is to highlight the gender ideologies that underwrite the unequal distribution of power at the heart of the dramatic representations of patriarchy.

Chapter one will look at the legal inheritance of rape in the early modern period and show how the term itself was subject to contestation. This builds upon the work of B. J. Baines, Corinne Saunders and others, who have investigated the concept of “consent” within the law from the medieval period on. The law presented an ideal of patriarchal governance that the plays examined in the following chapters were able to criticize. I propose to show how the return of Roman legal theory in the form of Renaissance humanism was at odds with the Germanic conceptions of consent, such that two different definitions of rape were inscribed within the law for the regulation of women’s bodies and men’s desires. The two different definitions of rape that were in place in the period – raptus and stuprum – provided two different forms of failure to govern one’s self but a single system of patriarchal control that centered on the patriarch as the head of the household unit.

The second chapter will look at the patriarchal vow and the objectification of women. In *The Wonder of Women*, Marston proposes that the best of all possible women within a patriarchal order that is predicated on the construction of women as exchange objects between men is a
woman who has been rendered mere flesh – a woman who is dead. Sophonisba becomes the wonder of the title only by seeking out such self-destruction rather than being raped (where rape is understood as a species of property crime) one more time.

The third chapter looks at rape as a form of sexual assault and turns to Heywood’s dramatization of one of the most famous rapes of Roman literature, *The Rape of Lucrece*. Heywood’s play is largely uninterested in issues of female subjectivity and is focused instead on the ways in which a perverse patriarchal order traumatizes men. The act of rape exemplifies the perversion of the patriarchal order of Rome under the Tarquins. Such an order can be overthrown to establish the more “just” patriarchal world of the Roman Republic; however, in a renovated patriarchal order, women’s bodies are dead flesh, as *The Wonder of Women* demonstrates. In his critique, Heywood positions the audience to participate in a re-enactment of the rape in song, thereby implicating them in the rape itself. The failures of the patriarchal order of the early modern period were structurally laid bare in the audience’s implication in the rape-by-proxy.

The fourth chapter explores the question of when rape was not rape for the early moderns and why that posed such difficulties. Looking at the cases of Lavinia in *Titus Andronicus* and Castiza in *Hengist, King of Kent*, this chapter notes the extreme difficulty early modern playwrights had in articulating the harm of sexual assault within the context of marriage. Though clearly immoral, these cases of rape were sources of deep anxiety as playwrights lacked a vocabulary and cultural context to articulate a critique of the immorality of the act.

Finally, the fifth chapter looks at the man who commits rape within the context of this possible redemption. Fletcher’s *Bonduca*, which tells the story of Boudicca’s revolt against the Romans in 63 AD, interrogates the desirability of the recovery of the man who rapes into the
normative heterosexual order of household governance. Fletcher takes the tropes of chivalric
romance, whereby rape is all but impossible insofar as the virtue of a woman guarantees her
inviolability, and deploys them within a narrative that is predicated on the horrific injustice of the
Roman violation of Bonduca’s daughters.
Chapter One: The Forms of Rape

Rape, Whoredom and Honesty

On March 4, 1608, John Bartholomew and Lettice Betts were brought before the Bridewell Court of Governors for “whoredome and adulterie” (B.C.B. 5 fol. 328r). The couple immediately admitted the adultery charge. Lettice, “a laborers wife,” left her husband in Halstead in Essex for John Bartholomew, who had seduced her “by his meanes and allurese.” Bartholomew’s crime was described in parallel terms to Betts’s: both were guilty of adultery, but also of “whoredome”; neither was described as a thief or indicted with theft, even though both readily admitted that they stole from Betts’s husband. She described how she took from him “dyvers goods as Beddinge brasse and pewter;” yet the governors of Bridewell seem wholly uninterested in the theft of her husband’s goods. The governors were more interested in locating the couple vis-à-vis the patriarchal Tudor household unit, by reprimanding the man who undermined that unit. For luring Lettice away from her husband (specifically “for adultere and whoredome”), John Bartholomew was punished – “his hayre is poulde” – and was kept to work at the Hospital. For her part in the crime, Lettice was kept at work and whipped.16

At no point in the Bridewell Court Book records of the case of Lettice Betts and John Bartholomew is the word “rape” or any of its cognates mentioned; this case illustrates the difficulty early modern English legal practice had regulating sexual behaviour. This difficulty in part stems from the definitional problems surrounding the word and crime of “rape” that had accrued over the thousand-plus-year history of the law in England. The identity of the victim, the nature of the crime (as assault or as theft), the nature of the sexual component of the crime

16 For more details regarding the deposition of Lettice Betts in the Bridewell Court Books, see Appendix A.
and the severity of the damage against the victim were all in a process of transformation in the early modern period as the status of rape under the law changed to reflect the new patriarchal nuclear household. The crime Betts and Bartholomew were accused of was “whoredome,” which, as will be shown, was one of the chief defining terms of one vision of rape in the early modern period. The nature of the crime, however – a case of abduction or “leading out” of the patriarchal household of the labourer Betts – more easily fit with one of the two primary definitions of rape in the period, where rape was understood as a property crime. Nevertheless, the Bridewell governors did not charge Betts or Bartholomew with rape (understood either as a form of property crime or as sexual forcing). This can, in part, be explained by the fact that the Bridewell governors did not have the jurisdiction to charge anyone with that particular crime, as will be shown; but such an explanation leaves open another question: Why were Betts and Bartholomew accused in the first place?

Their incarceration can be traced to the Tudor project of the governance of sexuality in service of the reorganization of the household around the patriarchal nuclear family unit. Bridewell Hospital was a part of that project of governance. It had been set up in the reign of Mary I as an instrument to deal with the problem of “masterless men,” yet almost immediately upon opening had devolved into a prison and workhouse primarily devoted to the regulation of the sex trade and only secondarily interested in what is now called unemployment.¹⁷ In the period that is the primary focus of this study, 1590-1620, Bridewell was intimately associated

¹⁷ The problem of “masterless men” and prostitution was intimately intertwined as humanist thinkers believed that women turned to prostitution for the same reasons that men chose to avoid work – laziness and licentiousness. Hence, hospitals like Bridewell were designed to address the moral failings of both sexes.
with the regulation of criminal sexual acts. These acts were criminal because they undercut the Tudor and Stuart project of the maintenance and extension of patriarchal household governance, and the charges against Betts and Bartholomew reflected the expected position of the genders within that system of governance. A wife was to be subordinate to her husband, chaste and obedient. A man was to have an implicit contract with other men to recognize the suzerainty of his patriarchal control. Not to comply with these gender norms invited ostracism and a criminal label.

Perhaps due to the emphasis on Betts’s and Bartholomew’s whoredom and Bridewell Hospital’s unspoken mandate against the sex trade, in this case, Lettice Betts was treated in the same manner as prostitutes would have been. She was subject to the same penalties, adjudged using the same terms – yet, for all that, there was never any imputation that she was a part of the sex trade in London. The crime of both Betts and Bartholomew is “whoredome,” which here must be understood as signifying the looseness of morals, laziness and greed that humanist writers such as Juan Luis Vives suggested could be educated out of a person, and not as signifying membership in the sex trade.\(^1^8\) The Bridewell Court Books are filled with examples

\(^1^8\) In *De subventione pauperum*, Vives figures the state in terms of the body politic, reaching back to classic Ciceronian and Platonic models of governance and correction, and suggests an alternative strategy for governance of the poor. Poverty and disease are linked, he suggests, not only in terms of the individual member of the state but also in terms of the state itself – poverty is a disease of the state, but it also causes diseases (moral and bodily) in individuals. The solution he suggests is the establishment of hospitals, which cater to the needs of the poor, but which also act to heal the disease of the state. These hospitals were to be hybrid institutions: part workhouse, part prison, part hostel, part insane asylum. The administrators of these hospitals
of women and men who are labeled with “whoredom.” Their crimes do not relate to sexual commerce necessarily, but the undercutting of the strength of the patriarchal nuclear household. These men and women came from almost every rank of early modern English society, from the poorest of the poor to the gentry (though with a strong emphasis on the poor), thus emphasizing the wide spectrum of social governance undertaken in Bridewell. Bridewell’s Court of Governors ensured that although Lettice Betts was punished with Bartholomew, she was finally returned to her husband. On March 11, 1608, Lettice Betts was sent back to her husband in Essex by order of the court (B.C.B. 5 331r); and that is the last time she appears in the Bridewell records.

would be given wide powers of identification, coercion and imprisonment of the poor, who, Vives assumed, would resist: “Captivated as they are by a certain sweetness of inertia and idleness, they think activity, labor, industry, and frugality more painful than death” (52). In those hospitals, the poor would be put to work in a trade suitable to their condition. The blind would be made to learn music; the able bodied would be made to sew caligas (which was a pun denoting both the trade of shoemaking and enforced military service); the old and infirm would be given lighter tasks; the insane would be cared for; the sick would be cured. “Whores” – who in the humanist model were only whores because they were lazy, greedy, lustful, or a combination of the three – were to be recovered by returning them to a highly regulated and disciplined household economy. Hospitals such as Bridewell, St. Thomas’s, Christ’s, and Bedlam were specifically created or re-constituted from medieval institutions as a part of this hospitalling movement. By implementing the reforms Vives suggests, “The state will gain enormously. More citizens will become more virtuous, more law-abiding, and more useful to the nation” (55).
In one reading of the early modern English law, Lettice Betts had clearly been abducted from her husband, in the sense that she was removed from or led out of the patriarchal home. In another reading of the law, she was herself guilty of the lack of self-governance expressed in whoredom, which was itself a kind of rape. Under early modern English law, “rape” was a term that could refer to two forms of violation, with two different kinds of victims and two radically different ways of constituting gendered subjectivity under the law. On the one hand, early moderns understood rape as a property crime whereby the woman was a part of the patriarchal economy of her father or husband and the removal of her from that economy constituted a crime against a patriarch.19 This form of the crime was understood under the heading “raptus.”20 On the other hand, rape understood primarily as sexual forcing was often figured in terms of the theft of the woman’s chastity, where the owner of that chastity was often the woman herself, though sometimes her patriarch, reinforcing the vision of rape as a form of theft. This form of rape, where the crime was understood in terms of its sexual content, was called “stuprum.”21 In this study, I will use the term “rape-qua-raptus” when discussing rape as it was understood in the early modern period as a species of property law, and the term “rape-qua-stuprum” to signify rape understood as a form of assault on the body and character of a woman.22 These compounds

19 Re: “Economy,” see Foucault’s description of the term’s use in the early modern period in “Governmentality” The Essential Foucault, 229-245.


21 Oxford Latin Dictionary n. 2a. “Illicit sexual intercourse in any form (whether forced or not) or an instance of it.”

22 I will avoid using “raptum” and “stuprum” on their own insofar as those terms might overstate the difference in terminology that was available at the time, suggesting that the distinction
carry both the modern term and the early modern legal Latin term, thus suggesting interpenetration between the two modes of thought. Early modern legal writers such as Thomas Edgar recognized the mutual implications of the two forms of rape, yet had trouble reconciling the terms into a single crime of “rape.” This difficulty for Edgar, Coke, Hale and others is partly due to the fact that the two uses of the term emerged out of radically different social and legal traditions that constructed the gendered subject through participation in two radically different forms of patriarchy. By the early modern period, both uses of the term constituted the feminine subject on the one hand through her wholly derivative value to her father or husband and on the other hand through the female victim’s ability and desire to resist the rape. The interrelatedness of the two kinds of rape occurs repeatedly in early modern legal texts not merely as a distinction made by legal antiquaries but as one that has genuine utility in the courtroom. For instance, Sir Matthew Hale in *Historia Placitorum Corone or The History of the Pleas of the Crown* (1736) meticulously rehearses early modern common law and statutes going back to the early middle ages to tease out the differences between the two kinds of rape, and describes the differences as being “learning [that] hath been long antiquated, yet it is of use to be known” (636). The “use” for Hale was to be found in the deliberation of cases such as the case of between sexual forcing and abduction was somehow clear and discreet for the early moderns, which it was not. Indeed, the terms overlapped in various respects, such that differentiation can be complicated.

23 Though Thomas Edgar has not been established with certainty as “T. E.,” the author of *The Lawes Resolution on Women’s Rights*, to be discussed at length later, for the purposes of this study Edgar is assumed to have been the author.

24 Hale’s treatise was published posthumously in 1736.
Lettice Betts, where rape is implied, yet never stated as the primary crime. The “use” that a twenty-first century scholar can find in the legal treatises of the early modern period is that they encapsulate the expectations regarding the successful and failed performances of gender roles by articulating the nature of the perceived harm(s) against an individual and his/her family. That is, a man who rapes, by virtue of his crime, fails to live up to the expectations of the society in which he lives as regards his own performance of gender norms; and the law provides a clear declaration of those gender normative expectations. In the case of rape, however, those expectations are at best ambivalent as early modern English law was a synthesis of two different legal traditions – one inherited from Roman jurisprudence and the other from Anglo-Saxon legal practice. The forms that this synthesis took and its transmissions in the law, both in the courtroom and in commentaries by legal scholars, were the expressions of the Tudor project of the reorganization of the household around the patriarchal nuclear family unit. Increasingly, as will be shown, the rights of the patriarch were at odds with the rights of the victim; and the law moved to reinforce patriarchal dominance by attempting to reconceptualize the crime in favour of the patriarch. At the same time, this reconceptualization did not lead to increased clarity or specificity of definition, and that lack of specificity was itself deployed as a two-fold patriarchal strategy. That rape lacked a clear, unitary definition under the law – that it was an ambivalent concept – meant that it could be used to police a wide range of sexual and non-sexual behaviours. On the other hand, the lack of a clear definition of rape also meant that crimes that could have been considered rape through some interpretations of the law, such as the case of Bartholomew and Betts, were not prosecuted as rape. Rape existed less as a reality of the practice of early modern law and more as an expression of an ideological position regarding gender that was articulated through the law.
*Stuprum and Raptus*

In what follows I will explore how in the early modern period in England the two different legal traditions were synthesized and developed such that rape could be both a property crime and a crime against the body; a crime against a woman and a crime against a patriarch; a sexual crime and a crime devoid of overt sexual content. I do not wish merely to suggest a history of the successive conceptions of rape, but to show how “rape” in the early modern period was always an ideologically based reconciliation of two distinct legal and philosophical traditions. The Anglo-Saxon and the Roman traditions must be coordinated with the other binary mentioned earlier, that of *stuprum* and *raptus*. Early modern writers, legal theorists and lawyers conceived of rape as “*stuprum,*” as a crime whose content was primarily sexual assault, and on the other hand conceived of rape as “*raptus,*” describing a kind of theft. The early modern use of the terms *raptus* and *stuprum* was somewhat orthogonal to their original meanings in Latin, while the Anglo-Saxon terms describing rape – *niedhæmed* and *ut álædan* – had been completely eliminated from the early modern legal lexicon since the Norman Conquest, thus complicating any description of the two legal traditions that is grounded in early modern jurisprudence and terminology.

One of the clearest descriptions of the *raptus/stuprum* distinction (and one in which the inheritance from the Roman legal and cultural tradition is clearly articulated) comes from shortly after the primary period of interest of this study. In 1632, Thomas Edgar’s *The Lawes Resolution of Womens Rights* was published, the earliest legal primer for women in English history, in which he described the legal procedures, statutes and decisions of English courts as they related to women. The legal summaries and examples contained within *The Lawes Resolution* provide a unique glimpse into how the law presented the successful performance of gender norms in the
period leading up to 1632. Most of the treatise describes the extent of women’s rights to own and use property under early modern English law, where “property” is understood as land, moveables and money. Though Edgar does not characterize the body or a woman’s chastity as a form of property, he devotes a significant section to the position of rape under the law and suggests that of the two forms of rape only rape-

*qua-raptus* is “properly” rape. In his introduction to his description of the statutes that bear on the topic of rape, Edgar explains the differences between the two different forms of rape by citing the classical models of Lucrece and Helen. He starts with what he notes is “unproperly” called rape, which is the definition linking the word to sexual assault, describing it as

> no more but a *species stupri*, a hideous hateful kind of whoredome in him which committeth it, when a woman is enforced violently to sustaine the furie of brutish concupiscence: but she is left where she is found, as in her owne house or bed, as *Lucrece* was, and not hurried away, as *Helen* by *Paris* or as the Sabine women were by the Romans, for that is both by the nature of the word and definition of the matter. (378)

*The Lawes Resolution* is relatively unambiguous here. Under English law, that which was commonly called “rape” – sexual violence and enforcement – was not actually rape. Instead, that crime was a kind of “whoredome” (*OED* 1a, “illicit sexual indulgence in general; fornication, harlotry”) of the sort Betts and Bartholomew were accused of by the Bridewell Court of Governors. The exemplar case of this form of rape-that-is-not-rape is the story of Lucrece, heralding the epistemological problems that will be explored in chapter three.

The second form of rape that Edgar treats, which he calls “right ravishment,” details a kind of theft rather than a case of sexual forcing:
Cum quis honestae famae foeminam, sive virgo, sive vidua, sive sanctimonialis sit invitis illis in quorum est potestate, abducit. (378)

(When a woman of good name, or a virgin, or a widow, or a nun, is abducted against her will.)

The crime here lay not in the sexual forcing of the woman, but in the removal of the woman from the family home and the coverture of her patriarch. In the first case, which Edgar describes as a kind of whoredom, the woman is the victim of the crime, while in the second, even though he specifies categories of women, the woman’s husband or father is the ultimate victim.25

The notoriously slippery terms used in English law on rape from the medieval to the early modern periods were intertwined in the use of the Latin verbs “rapere/abducere/stuprare” in medieval and early modern law courts. When relying on ancient Roman legal terms, where “raptus” signified the theft of a woman and “stuprum” denoted a kind of sexual defilement, early modern jurisprudence inherited a number of patriarchal assumptions about the construction of the household around the family unit, but also tried to map those assumptions onto early modern English society, resulting in sometimes significantly different uses of the Latin terms. Such mapping was always doomed from the start as the meaning of the fundamental terms by which rape was understood – assault, sexual defilement, family, household – were different in each

25 The Lawes Resolution does not investigate the possibility of raping a widow, though, as will be shown, widows’ rights to bodily safety and property were guaranteed at the pleasure of the crown. The rape of a widow thus could have been prosecuted through the courts on her behalf by local authorities. The text does not investigate the rape of nuns either, but several medieval texts, both legal and religious, situate the rape of nuns as an affront to God as the spiritual husband of the nun (viz. Augustine’s City of God).
case. For instance, the ideal Roman household or *domus* was an extended unit, with suppliants and extended family all comprising a part of the *domus*; the ideal Tudor household was a nuclear family with perhaps a single servant. The difference in conditions between the Tudor case and the Roman meant that any simple use of the Latin terms for rape or application of those terms was inherently problematic. The early modern English jurists who approached the terms of rape had to interpret Roman law in light of the uniquely English situation. In their interpretations, English legal theorists participated in a cultural movement that was aligning what they saw as the virtues of Rome – masculine *virtu*, imperial power and order – with a uniquely English sense of national self-identity. Therefore, what was the Roman law and how were the early modern English interpreting it?26

26 A few definitions may be helpful in reading the following section. When a Roman woman left her childhood home and entered into marriage, she typically entered into the *manus* of her husband (literally “hand.”) This meant that she stood as a daughter towards him, *filiae loco*, under the law, save that he did not have the same unlimited *potestas* (power) as he might at certain times in Roman history have had over his blood children. A husband did not have power of life and death over his wife *in manu*, whereas a father did have the right to kill his own newborn children by exposure if he so wished. The *potestas* of a woman’s husband was limited by his position within the extended family to which he belonged. The paterfamilias was the head of the family, which consisted of the wife and slaves of the father, the father’s children (living with him or not), their wives’ slaves and children, and so on down the generations. Thus, a *paterfamilias* would have total *potestas* over his great-grandchildren, while their own father might have only limited *potestas* over them, subject to his grandfather’s will (Gardner 5 ff.).
It is difficult to say anything for certain about Roman law prior to the late Republic as evidence is so scant, yet there seems to be little legal provision for sexual assault in the early Republic. In Latin, *stuprum* meant “corruption, defilement, dishonour” and, as such, it indicated the willing consent of the woman to participate in illicit sexual contact, more akin to “seduction” than what we call “rape,” though it could refer to any sexual immorality including adultery (Gardner 121). There were attempts in the transitional period from the late Republic to the early Empire to address the problem of sexual harassment and rape, including the edict *de adtemptata publicitia*. As Gardner analyses the edict, it presumed the circumscription of the woman within the *domus* of her *paterfamilias*.

An action for injury could be brought against anyone who addressed unmarried girls (virgins) or married women, or followed one of them about, or took away her attendant, whether by persuasion or by force. The assumptions are noteworthy: respectable women should not appear in public unattended and one of the functions of an attendant was to hinder the possibility of sexual encounters. (117)

Following the dictatorship of Julius Caesar, a criminal prosecution *per vim stuprum* (sexual immorality by force) could be brought by a woman by herself or on behalf of a close relative, indicating that Roman law did, perhaps, recognize women’s lack of consent as a factor in *stuprum* (Gardner 118). The real sea change for Roman law regarding sexual matters occurred under the reign of Augustus, whose draconian moral legislation resulted at once in the criminalization of certain sexual behaviours and an attempt to define those same behaviours. That is, *stuprum* under Roman law following Augustus covered a much wider range of criminal activity than sexual assault: incest, adultery and sexual relations before marriage of engaged

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27 *De adtemptata publica* (On Public Assaults).
couples were prosecuted under the aegis of *stuprum* in addition to rape and seduction. Following Augustus’s reforms, a special court prosecuted *stuprum*, convened wholly for the investigation and punishment of sexual crimes. In the Code of Justinian, the two crimes – *stuprum* was treated under the section dealing with public prosecutions and was grouped with homosexuality and adultery as public crimes, punishable by a sliding scale based on class. The crime of *stuprum* could be committed against a virgin or an honest woman, but was characterized as being without violence: “*etiam stupri flagitium punitur, eum quis sine vi vel virginem vel viduam honeste viventem stupraverit*” (The same law also punishes the seduction without violence of a virgin, or of a widow of honest character) (505).²⁸ The crime of *stuprum* covered adultery, seduction and sexual assault by fraud or other non-violent means. By coercing her willing consent to sexual

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²⁸ The entire section reads: “*Item lex Julia de adulteriis coercendis, quàe non solum temeratores alienarum nuptiarum gladio punit, det etiam eos, qui eum masculis infanam libidenem exercere audent. Sed eadem lege Julia etiam stupri flagitium punitur, eum quis sine vi vel virginem vel viduam honeste viventem stupraverit. Pæman autam eadem lex irrogat peccatoribus, si honesti sunt, publicationem partes dimidiæ bonorum, si humiles, corporis coercionem cum relegatione.*” “Also the Julian law on adultery that punishes with death not only those who defile the marriage bed, but those also who give themselves up to works of lewdness with their own sex. The same law also punishes the seduction without violence of a virgin, or of a widow of honest character. The penalty upon offenders of honourable condition is the confiscation of half their fortune, upon those of low condition, corporal punishment and relegation.”
activity rather than penetrative sexual assault, the criminal co-opted the patriarchal control over the woman’s body where that body was subject to the *potestas* of her *paterfamilias*.\(^{29}\)

The Roman world understood *stuprum* as a crime between men and as a crime against men, enacted through the violation of women. As a crime between men, it undercut the rights of the *paterfamilias*. Foucault in his analysis of adultery of the ancient world, in *The Care of the Self*, points out that authors such as Epictetus, Musonius Rufus, and Archedemus defined adultery as a “derogation of the husband’s rights” (171). The man who convinced a woman to commit adultery or otherwise committed *stuprum* broke faith with the husband or father of that woman. Such faith was a deeply held trust that was inherent in every man’s relations to other men – a trust that was built upon the mutual recognition of subjecthood, where that subjecthood was defined through one’s ability to govern one’s self and others. The man who commits the crime of *stuprum* broke league with other men and compromised patriarchal control over the woman’s body where that body was understood as being subject to the governance of the *paterfamilias*. Foucault’s focus on the relations among men articulates only a part of the issue, however, as the self-governance of the woman was an analogue for the effective governance of the *paterfamilias*, as illustrated in the differences between the rape of a free woman and a slave. In the cases where that bodily ownership was codified in the form of slavery, however, the laws of *stuprum* seemed not to have applied. Rather, the owner of the slave could sue for damages done to his slave under the *lex Aquilia*, but not under the *lex Julia* – effectively suing for damage

\(^{29}\) This meant that sexual assault of a husband on a wife was not considered rape or even assault during the Roman period.
to his property, but not to the honour of his wife, daughter or female relative. Here lies the criminal aspect of *stuprum* under Roman law – namely, the quality of honour that was mutually constructed among members of a family. Slaves, who by virtue of their status as slaves are members of the *domus* without honour, could not have their honour defiled through an act of *stuprum*. The honour of daughters, wives and other female members of the family by virtue of their status in the *domus*, helped construct the honour of the *paterfamilias*. A woman’s lack of self-control, expressed in her entering into a sexually immoral relationship, reflected not merely on herself but on her *paterfamilias’* inability to govern her effectively. Thus, *stuprum* was, in one sense, a crime among men as Foucault suggests, but in another sense, *stuprum* was a crime where the woman was not the victim but the criminal. Her inability to express self-control impugned the honour of her *paterfamilias*, while a slave’s inability to express self-control as a consequence of lower status had no bearing on the head of the household.

The expectation of female self-governance in the law of *stuprum* was in tension with the formulation of rape as an assault upon the person of the woman from the late Republic until the time of Constantine. Though certain emperors, such as Diocletian, issued edicts that absolved victims of their responsibility for having been raped, others, such as Constantine, questioned the very possibility of rape. As Gardner explains, “Constantine wanted to penalize even the girl raped against her will, on the grounds that she could have saved herself by screaming for help” (120). The traditional punishment for women convicted of *stuprum* was banishment to an island, though it could be increased to banishment from the Empire under extreme circumstances, and

30 The *lex Aquilia* (Law of Aquilius) was enacted in the third century BCE and was primarily concerned with torts and property law. The *lex Julia* (Law of Julius) was enacted by Augustus in the reforms immediately following the establishment of the empire.
the wearing of the clothing associated with prostitutes, further associating the female victim with sexual licentiousness and the lack of self-governance associated with prostitution (129). Certain women, specifically, those under the age of maturity (twelve), were considered to be unable to form the requisite intent to govern themselves and the crime therefore adhered primarily to the male seducer/assaulter rather than the female victim. In those cases, men were sent to the mines or exiled depending on their status (125). Nevertheless, the true victim of *stuprum* was usually the *paterfamilias* of the woman who was assaulted or seduced, and the criminal content of the act was articulated through the woman’s lack of self-governance.

*Raptus* meant “a snatching away,” “an abduction, a rape,” both derived from the root verb *rapio, rapere,* “to seize and carry off” (“*raptus*” def. 3). Under Roman law, this referred to the removal of an unmarried woman from her patriarchal home. *Raptus* was a violent crime, a theft, an unlawful borrowing whose victim was the *paterfamilias*, not the woman involved. By the time of Constantine, *raptus* was occasionally a marriage strategy for male suitors not favoured by the woman’s *paterfamilias*. The law under Constantine was amended such that both parties in so-called abduction marriages would be punished, reinforcing the notion that the true victim of such a crime was the *paterfamilias*. The groom would be punished, but so would the bride whether or not she had been willingly abducted from her parental home. The punishment for women for *raptus* would be disinheritance, whether they had consented to the marriage or not. Further, parents who consented to the match after the fact were liable for punishment in the form of deportation. Constantine’s legal innovations regarding *raptus* proved unworkable, however, and Justinian’s more lenient stance on *raptus* involved abolishing the penalties for the victim of abduction and her family (Evans-Grubb 57). *Raptus* was a crime whose primary
victim was, under Roman law, the *paterfamilias*, but the criminal content of which was the removal of the woman from the *potestas* (power, authority) of her patriarch.

The body of the individual woman was still legally subject to the control of her *paterfamilias* and that control was enforced by the state. In the Justinian Code, *raptus* was considered an *iniuria publica* (public injury) rather than a private matter. Though subsumed under the aegis of violent assaults, *raptus* was clearly differentiated in terms of the punishment of the offender(s). Whereas those guilty of assault with arms were subject to deportation, those guilty of *raptus* were liable to capital punishment. Under the Justinian code, *raptus* applied only to virgins, widows and religious devotees; prostitutes could not be raped as they were not supposed to be governed by any man’s *potestas*, nor could wives be raped by their husbands as they were already in the *potestas* of their husbands. A woman’s consent to abide by the norms of Roman society, as expressed in her virginity or chastity, led to the semantic bleeding between sexual assault and kidnapping insofar as it was presumed that she would no more give up her virginity than she would leave the patriarchal home.⁴¹

Unlike what will be seen in the case of early modern interest in female chastity, Roman law’s interest in the chastity and virtue of female members of a family had little to do with maintaining inheritance through primogeniture. Roman inheritance law throughout the whole of antiquity was complicated, but premised on the rights of the individual to distribute his/her property upon death as they wished. Though Roman wills often showed some preference for the

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³¹ The Justinian Code’s focus on the consent of the woman as demonstrating her compliance with a patriarchal system of power ought to be contrasted with early Roman law where “*raptum*” signified only the kidnapping and “devaluation caused by […] the seizure or theft of a woman” (Saunders 107).
eldest son in a family, this was never to the extent that it came to be codified in medieval English law. Further, adoption was a common practice for Romans of all periods and of all ages. The popularity of adoption meant that the law’s interest in maintaining the sexual chastity of the daughters and wife of the Roman *paterfamilias* had little to do with maintaining the supposed legitimacy of the bloodline to protect the passage of property to successive generations. Rather, in both the case of *stuprum* and *raptus*, the law constructed the crime as an assault upon the *potestas* of the *paterfamilias* over his own *familia* (family).

Under Roman law, the *potestas* of the *paterfamilias* was paramount to all considerations of criminality regarding what we today consider rape; other considerations such as the bodily integrity and sexual consent of the woman were at times considered, at other times entirely ignored. Early modern rape law tried to use the terms inherited from Roman legal practice, yet ended up applying them to a culture where the power of the father was conventionally circumscribed. Even with the ascension of James I and the rise of the patriarchalist political movement, described by Filmer, tradition and law limited the power of a father over his family. One of the most scandalous early modern examples of the negotiation between the conventional limitations of patriarchal power and the legal system that inherited its terminology from Roman models was that of the “rape” of Frances Coke, daughter of Edward Coke, by her own mother, Lady Elizabeth Hatton. 32

Whose Body Was It?

32 Elizabeth Lady Hatton was known by the title she gained from her first marriage to Sir William Hatton, which she retained even after she married Coke. This – combined with her well-documented marital strife and indomitable personality – made for a formidable, if somewhat marginalized character of the Jacobean court.
On 16 November 1616, Coke was removed from his position as Chief Justice for refusing to reverse his own decision regarding King James’s ability to appoint religious offices *in commendam* (Chamberlain 64). Desperate to find a way to restore James’s favour, Coke set about negotiating the marriage of his daughter, Frances, to Sir John Villiers, the older brother of James’s favourite, George Villiers, First Duke of Buckingham. The mercenary nature of the match was generally recognized: she was fourteen, he was twenty-six. She was beautiful and later immortalized by Jonson as “Queen of Love” (*The Gypsy Metamorphosed*); he was unstable, probably insane, and self-destructive, smashing glass to bloody himself at the dinner table.

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Religious offices were traditionally held only one at a time, except in cases of necessity – thus, the Bishop of Winchester could not also be the Bishop of York. An office held *in commendam* was a dispensation to hold more than one office at the same time. James argued to the justices of the Court of King’s Bench that not only did he have the right, given to him by God, to appoint these offices as he saw fit, but that the justices had no authority to dispute his judgment.

The misconception that child marriages were common – or at least not so uncommon as to be reviled – has long been repudiated. The misconception gained traction with Fredrick Furnivall’s 1897 work documenting child marriages in the Tudor period, but this was largely overturned by more rigorous historical statistical analysis by Peter Laslett (81–90). Though, clearly, marriages between partners where at least one of the partners had not fully matured did still occur in the Jacobean period, it was increasingly frowned upon. Lady Margaret Hoby, for instance, in her diary of 1601 remarked how one of the primary scandals of the day was the marriage of a girl of fourteen to a man of fifty (173). Though Frances Coke and John Villiers were closer in age, and both were well above the minimum legal age of twelve, there was nevertheless a suggestion of scandal at her relative minority.
As Deborah Burks puts it, the only possible reason for the marriage was the attempt to recover Coke’s position at court, for “Villiers lacked anything else to recommend him. In fact, he was reputed to suffer from a sometimes violent mental imbalance and from recurrent incapacitating seizures” (759). For Villiers, who would soon be elevated to Viscount Purbeck, Frances Coke brought a substantial dowry: Edward Coke proposed a down payment of £10,000 and an annual allowance of £1,000. Further, Frances’s mother, Elizabeth Lady Hatton, was one of wealthiest women of her day, and upon her death, the Hatton estates would descend to Frances.

Lady Hatton’s reaction to the marriage negotiations was to take Frances to Oatlands, near Weybridge, and set about writing a series of forged love letters between Frances and another suitor, Henry de Vere, Earl of Oxford. Her intention seems to have been to advance this relationship to the point of a formal betrothal, at which point a marriage between Frances and Villiers would have been impossible. Lady Hatton even went so far as to have her daughter sign a document giving herself over to Oxford: “and even if I break the least of these [vows] … I pray God Damn me Body and Soul in Hell fire in the world to come” (qtd. in Fraser 14). Coke, however, arrived at Oatlands soon afterwards and, after searching the house from attic to cellar, found his daughter and his wife hiding in a dark closet. When Coke took Frances away, Lady Hatton dramatically appealed to Francis Bacon, the Attorney General, in the middle of the night, and left him with a warrant to rescue her daughter from her husband with an armed guard. At this point, the family quarrel had become a matter for the courts as Coke laid charges against his

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35 The irony, of course, being that Coke himself later defined the terms of disparagement, which would disbar any of marriage contracted on behalf of a ward or feudal heir, and included defects of mind as the first cause of disparagement.
wife for forging the letters to Oxford and abducting his daughter. Suits and countersuits were laid, husband against wife, and were taken up by the Privy Council. With James away in Scotland, the Privy Council was more than usually cautious regarding the charge laid both by and against the out-of-favour justice. Coke, who accused his wife of planning “to carry his daughter into Fraunce” to prevent the match, was cautioned that the burden of proof of such a charge would be on him (qtd. in Burks 784 n.8). This ravishment, or rape, by Lady Hatton was seen as a direct affront to a husband’s authority over his household, yet the need for a woman’s consent in any marriage negotiations had been enshrined in English rape law since at least the Statutes of Westminster (1275-1285). Perhaps hoping to avoid political backlash from the event while still remaining faithful to the spirit of the law, the Privy Council ordered that Frances’s consent to the marriage be coerced from her.

Frances returned to Hatton House; and there, Sir John Villiers wooed her to no avail. Lady Hatton, who had been ordered by the Privy Council to support the match, could not do so and was placed under house arrest in London (Fraser 15). Without her mother’s support, Frances still would not give in. Only after Frances was “tied to the bedposts and whipped ’till she consented to the match” did she finally give her consent (Norsworthy 62).36 The couple was

36 As Sokol and Sokol put it in Shakespeare, Law and Marriage, the veracity of the story of whipping is “not necessarily reliable” (32). That said, corporal punishment was perfectly in keeping with the disciplining of children in the period and was actually actively advocated in religious texts and pamphlet literature. Whether or not Coke did whip Frances, she was almost certainly subject to extreme coercion and the coda to the letter she wrote her mother informing her of her decision to marry Villiers must be taken with a grain of salt. Fraser quotes Frances’
married on 29 September and the bride was given away not by her father but by King James himself, who “presided so magnificently, drinking many a health to the bride and inquiring so eagerly after the details of the wedding-night the next morning” (Fraser 16). 37 James’s interest in the night’s activities was not merely prurient (though he was given to vulgar interest in such events); it was also an assessment of Frances willing consent to the marriage.

The case was unique in English jurisprudence, yet it established the extent of the rights of the *paterfamilias* over his family. As Burks puts it,

[The] case constituted a significant test of the patriarchalism of English law and demonstrated that in practice that system was not uniformly biased against women; there were individual cases in which women’s rights were upheld against the claims of men. […] However, [Lady Hatton’s] ability to forestall her husband’s claims on her separate property was more a result of her family connections and of the personal antagonism that Sir Edward Coke had provoked in his peers on the bench than an indication of the property rights of women generally. (761-2)

Lady Hatton’s rape of Frances may well have subverted the patriarchal organization of the household, yet the Privy Council recognized that she had a financial investment in her daughter’s marriage as much as Coke did. Further, and perhaps more importantly, Frances’s own consent letter, suggesting the in-authenticity of the statement, “Dear mother, believe there has no violent means been used to me by words nor deeds” (16).

37 Frances, who would soon become the Viscountess Purbeck, would live to regret the marriage, if she hadn’t from the start. Her later infidelity became a *cause célèbre* of the Jacobean court. John Villiers was eventually declared mentally incompetent and his lands (really, her lands that he had obtained through marriage) were administered by Buckingham.
was a necessary condition for any marriage to Villiers, whereas the consent of Coke himself was merely a sufficient condition. Coke’s authority as a husband and a father was publicly recognized to be limited. Though later commentators could remark on the personal insufficiencies of Coke and the uniquely powerful position of Lady Hatton herself as the chief reasons for the derogation of his authority, the case nevertheless writ large the differences between the ideal patriarchal household and the actual. The legal terms under which rape laws operated following the Statutes of Westminster (1275-85) – raptus and stuprum – presupposed the untrammeled authority of the father, yet they often had to be tempered by the historically located construction of real English households which, however patriarchal and asymmetrical the power relations within any given household may have been, often limited the actual authority of the father. This limitation of authority was a cultural inheritance from an earlier, Germanic tradition that Anglo-Saxon laws transmitted to the medieval and early modern periods.

The case of Hatton v. Coke stands at the end of a long history of supplementation, re-organization and re-definition of native English rape laws. From the Anglo-Saxon traditions, which prioritized the status of the individual, both victim and criminal, as a member of a group (e.g. wives, nuns, lower-class virgins, merchants), the legal terms began to shift following the Norman Conquest. The Statutes of Westminster were the first sustained attempt anachronistically to reintroduce Roman legal terms into the English situation. The potestas of the paterfamilias, which had been so important under Roman law, was not reintroduced, but the Roman focus on the shame borne by the victim of rape (carried in the term itself) was reintroduced. Thus, whereas Anglo-Saxon law conceived of rape as a public crime, over the course of the medieval period prosecutions for rape became increasingly an assessment of the moral character of the victim. It was only in the Tudor period, with the emphasis on the
household as the fundamental unit of governance, and the nuclear family’s father as the head of
the household unit, that the Roman model began to exert itself again, however uncertainly, as in
the case of Hatton v. Coke.

*Niedhæmed* and *Ut Álædan*

From beginning under Roman legal practice before descending into relative anarchy, the
legal terminology of England regarding rape became highly specific under Ælfred, only to
descend into ambiguity in the period leading up to the Conquest, no doubt, partially due to the
paucity of records. With the disintegration of the Western Roman Empire, the Germanic tribes
that took over Western Europe devised a unique amalgam of Roman and Germanic legal
traditions. What little evidence there is of post-Roman British law suggests that the traditions of
the Roman legal system were largely abandoned and traditional tribal laws took their place
(Mathisen 66). That said, due to scant surviving textual evidence, there is no way of knowing
exactly how these tribal traditions would have dealt with the specific crime of rape. Germanic
tribes, however, often augmented Roman law with their own traditions, which tended towards
greater freedom for women.

The earliest Anglo-Saxon laws hearkened back to Roman statutes but struggled with the
distinctions between *raptus* and *stuprum*. Anglo-Saxon law reflected a much more stratified
culture than that presented in Roman law. Roman law presented a unified vision of Roman
citizenry whose responsibilities and duties under the law were orthogonal to one another, but
oppositional to non-Romans. That is, the Roman citizen was conceived of under Roman law as a
fully civilized subject, ruling over slaves (who could become full civilized subjects on
manumission) and women (who were Roman, if not citizens *per se*), but in opposition to
barbarians, who were totally alien. On the other hand, early Anglo-Saxon law attempted to take
into account the social status of offender and victim in a far more specific and exacting manner. The consequence of this for rape legislation was not a blurring of distinction, as in Roman law, but a heightened distinction between forcible sexual assault and seduction and kidnapping. This discrimination developed over time as Germanic legal traditions exerted more influence than the Roman over English law. In England, under Æthelbert (601-4), the earliest laws extant codified rape in terms of abduction rather than sexual assault and compensation, through the *wergild* system.

82) If anyone carries off a maiden by force, [he is to pay] to the owner 50 shillings, and afterwards buy from the owner his consent [to the marriage].

83) If she is betrothed to another man at a [bride] price, he is to pay 20 shillings compensation.

84) If a return [of the woman] takes place, [he is to pay] 35 shillings and 15 shillings to the king. (qtd. in Saunders *Rape and Ravishment* 37)

The woman is not only property, but her abduction may also be a crime against the king’s peace. The law here does not understand the king as the *pater patriae*, the father of fathers, as Roman law situated the emperor, but as the enforcer of a system of fines and mutual obligations encapsulated in the *wergild*. The *wergild* was to be paid to the woman’s family, or in the case of a slave, to her owner, but at different times in Anglo-Saxon history, the *wergild* was paid to the woman herself. Though Lee Ritscher suggests that this payment system “essentially allowed men with greater wealth to purchase the right to rape women of lower classes,” such a reading erases the central cultural location of the *wergild* within Anglo-Saxon and Germanic cultures (2). The *wergild* system prevented blood feuds between rival families, allowing for the admission of guilt and the restitution of lost or damaged property. To suggest that this system allowed for
wealthy Anglo-Saxons to rape poor women indiscriminately cannot account for the fact that this does not appear to have happened. Further, analogous crimes covered by the *wergild* system, such as murder, do not appear to have been committed indiscriminately by the nobility, despite similarly privileging wealth.

In many ways, English legal history in the later Anglo-Saxon period can be seen as preserving more clearly Germanic traditions than their continental counterparts whose laws intermingled with the Roman laws of the lands they came to occupy insofar as England was sheltered from large-scale intellectual events such as the Carolingian revival. By the time of the Anglo-Saxon period in England, the codification of the law yielded interesting differences and similarities between classical and medieval practices. Whereas the Roman *stuprum* and *raptus* blurred the lines between kidnapping, sexual assault, and seduction (among other sexual crimes), the Anglo-Saxons did not have this difficulty as their language distinguished between the two: *niedhæmed* (forcible coition) and *ut álædan* (abduction). As Corinne Saunders explains:

The laws of Alfred distinguish between rape, indicated for example by the term *niedhæmed* (literally meaning ‘forcible coition’), and abduction, signified by phrases such as *ut álædan* (‘to lead out’); rape is treated in Alfred’s law code alongside lesser sexual crimes like illicitly touching the woman, whereas abduction is addressed in a different part of the code. (“A Matter of Consent” 106)

Whereas Roman law represented the woman as a part of the patriarchal household, Anglo-Saxon law tended to focus on the woman as an agent unto herself. For instance, rather than receiving afflictive punishment for rape, sometimes the man who raped was made to offer compensation *to the female victim herself* in the form of goods, monies and property but often took the form of marriage (Hough).
By the time of Ælfred (c. 890), the laws had attained a significant level of complexity and sophistication regarding rape as sexual assault or rape as a form of abduction. Victims of different social status (wives, virgins, nuns, servants, girls, slaves) required different forms of compensation to be paid either to the victim, the victim’s guardian and/or the king, while men who raped who were of different status from their victims (slave, freeman, nobleman) each suffered different fates depending on what they had done and to whom, in accordance with their status. A slave who raped a slave would be castrated, but a freeman who raped a nobleman’s daughter would pay the fine to the daughter rather than the nobleman. For instance, Ælfred’s Code specifies precisely how much wergild would have to be paid for a specific amount of physical damage and contact inflicted upon the body of a “circliscre foemnan” (a lower class woman). For grabbing the woman’s breast, the assaulter was to pay five shillings; for throwing her down but not having sex with her, ten shillings; for having intercourse with her, the fine increased to sixty shillings (Ritscher 3-4). Under the code of Ælfred rape was primarily a public sexual crime, one that was seen as a social ill rather than a private affront to the will or body of an individual woman. Further, criminal actions were defined with such specificity that they resulted in an accounting of the harm done to the woman herself in ways not recognized under Roman law. The woman’s complicity or consent was not presumed, as it had been in Rome under Constantine, thus avoiding any overt blaming of the victim. Further, Ælfred’s codification of the wergild payments to women and their families was based an accommodation of the social position of the women involved. Victims were not considered as individuals whose moral standing had been compromised by the rape, but members of a group of people who had been assaulted by criminals who were likewise understood primarily in terms of their group. Under Ælfred’s code, the social damage done by the rape of a lower-class virgin by a wealthy
landowner was inherently less than the social damage done by the rape of a princess by a slave. The strict stratification of society and the policing of the sexual borders between those strata preserved the social order and the status quo. Ælfred’s laws served as a foundation for later Anglo-Saxon legal positions as Anglo-Saxon kings took them up widely across the island of Britain, making all subsequent laws, supplementary rather than superseding.

Supplementary laws, such as those of Cnut, obscured the specificity of the social distinction that was articulated in Ælfred’s laws. Women became increasingly understood not as a group defined by class and status as virgin, married or widowed, but as a group unto themselves as a whole. The streamlining of the legal provisions for female victims of different status and male assailters of different status can be read as a response to the perceived needs of the community (Ritscher 5), but may also be an attempt to rationalize an unwieldy legal system and allow for greater flexibility. In supplementing Ælfred’s laws, Cnut ended up introducing increased ambiguity into the system as regards rape, for the term nydnæman was used to indicate both sexual assault and abduction, whereas under Ælfred, the terms had been kept separate.

52. *Gif hwa wudewan nydnæme, gebete ðæt be were.*

52.1 *Gif hwa mæden nydnæme, gebete ðæt be were.*

[…]  
73.2 *Þeah heo nydnumen weorðe, þolige þæra æhta, butan heo fram þam ceorle qylle eft ham ongean Γ næfre heo eft his ne weorðe.*  

(52. If anyone ravishes a widow, he is to compensate for it with the *wergild.*

52,1 If anyone ravishes a maiden, he is to compensate for it with the *wergild.*

[…]
73.2 And even if she was married by force, she is to forfeit those possessions, unless she wishes to leave the man and return home and never afterwards become his. (qtd. in Saunders, *Rape and Ravishment* 47)

The word *nydnæman* is translated here both as indicating ravishment and abduction, and the Latin translations of the time define the word used in section 52 as “*rapuerit et cum ea coiért.*” Though the Anglo-Saxon word is ambiguous, the Latin translation makes it clear that the form of rape governed by 52 was both forcible coition, “*coiért*” and abduction “*rapuerit*” (Saunders, *Rape and Ravishment* 47). This simplification of Ælfred’s code kept the spirit of the laws, where the crime is perpetrated not simply against the individual but against the society at large, yet uncomplicated the vision of stratified Anglo-Saxon society.

**Reintroducing Raptus and Stuprum**

Some scholars see the Norman Conquest as representing a sudden shift from the legal traditions of the Anglo-Saxons, yet this is not the case as the lack of Norman codified law, meant that the Normans largely adopted Anglo-Saxon legal traditions rather than replacing them, wherever the two traditions were largely consonant. Further, the relative similarities of the legal traditions of the Anglo-Saxons and the Normans, both of which relied on a *wergild* system and spectacular punishment as an example of the power of the state, meant that Anglo-Norman law was largely a modulation and supplementation of the Anglo-Saxon. Nevertheless, following the Conquest, laws such as the Leis Wilhelm tried to maintain the differentiation between the social classes and statuses that was found in Anglo-Saxon law, but were increasingly hampered by linguistic differences effected through the reintroduction of the terms *raptus* and *stuprum*.

Over the two centuries following 1066, *raptus* became less associated with sexual assault and aligned with abduction and physical assault. The Anglo-Norman Leis Wilhelm – uncertainly
attributed to William the Conqueror – combines the specificity of Ælfred’s code regarding the distinction between degrees of criminal acts with the linguistic ambiguity of Cnut’s code and a notable shift in the terms of punishment:

12. He who assaults the wife of another man shall forfeit his wergeld to his lord.

18. If anyone assaults a woman he shall suffer castration as a penalty.

18.1. If anyone throws a woman to the ground in order to offer violence to her, the compensation to her lord for breach of this mund shall be 10 shillings.

18. 2. If he assaults her, he shall suffer castration. (qtd. in Saunders Rape and Ravishment 49)

The punishment for the crimes had changed from the Anglo-Saxon compensatory model to the Anglo-Norman melded compensatory/punitive system. The body of the man who raped became subject to mutilation at the king’s pleasure, with castration being the required punishment. This violence done to the body of the criminal was a rough analogue to the violence done to the body of the victim, as rape in the Norman period was increasingly defined through the physical violence sustained by the victim rather than the sexual content of the crime.

Under Henry I, English law equated raptus with abduction while the terms violentia or violentus concubitus defined sexual assault. This increasing focus on the violence of the crime also paradoxically led to the consideration of the victim’s morals and character, as she was expected to “raise a hue and cry” immediately. Ranulf de Glanvil, the Chief Justiciar of England
(1180-89), wrote in his *Tractatus de legibus et consuetudinibus regni Angliae tempore Regis Henrici Secundi*,³⁸

Rape [*raptus*] is a crime in which a woman charges a man with overpowering her by force in the peace of the lord king. A woman who suffers in this way must go, soon after the deed is done, to the nearest vill, and there show to any trustworthy men the injury done to her and any effusion of blood there may be and torn clothing (qtd. in Phillips 129).

If she did not immediately charge the man who raped her, the victim was subject to suspicion in court. She was able to bring charges against the accused criminal on her own behalf; but the minimum evidentiary requirement was one that required the body of the woman to be legible to “any trustworthy men.” Any time elapsed between the assault and the charges could therefore raise questions about the veracity of her statement. The assault needed to be clearly visible on her skin and in her clothes because, as a woman, her body was an epistemologically unstable object. The torn clothing may be seen as a metonym for the sexual violation, and combined with the “effusion of blood,” the criminal content of the act was primarily physical violence rather than sexual assault *per se*. As Phillips points out, “the bleeding, like the torn clothing, is a result of the overall violence of the assault, rather than of defloration” (129).

Shortly after Glanvil, Henry de Bracton’s treatise, *De Legibus et Consuetudinibus Angliae* (ca. 1258), articulated the differences between the rape of a virgin and the rape of nuns, wives, widows, prostitutes and other women. The differences were clear in terms of the

³⁸ The Chief Justiciar was “the chief political and judicial officer” of the Norman kings of England, acting as a kind of mixture between a Prime Minister and Supreme Court. The office was eventually abolished by Edward I. (*OED*, n.1)
punishment and culpability: “If he is convicted of this crime punishment follows: the loss of members, that there be member for member, for when a virgin is defiled she loses her member and therefore let her defiler be punished in the parts in which he offended” (414-15). Here the law understood the crime as directed against the body of the woman, who was the primary victim and not against the governance of the father or husband. The sexually aware or active woman could not lose her virginity twice and so the man who raped was less culpable and not subject to castration, while the rape of a virgin was a more significant crime to Bracton.

Bracton’s Latin avoids ambiguity as much as possible insofar as he uses the term “abductio” to denote kidnapping and “raptus” to denote sexual assault, yet in doing so he inverts the Roman legal terminology. Glanvil is self-conscious about his inheritance from the classical period and tries to position his interpretation of the law within a narrative of the inheritance of the English people from the Roman world. Bracton’s treatise tries to balance the largely Anglo-Saxon genealogy of rape in terms of the specific nature of the crime with a Roman system that blurred rape with other forms of sexual violation. The historical summary that Bracton appends to his definition of rape locates rape in England within the Anglo-Saxon tradition, which hearkens back to the specificity of the code of Ælfred. That said, Bracton mistakenly claims that the Romans shared the Anglo-Saxon tradition that specified the nature of raptus:

Man-made as well as divine law forbid [sic] the rape of women. In ancient times the practice was as follows: if a man meets a woman or comes across her somewhere, whether she is alone or has companions, he is to let her go in peace; if he touches her indecorously he breaks the king’s ordinance and shall give compensation in accordance with the judgment of the county court; if he throws her upon the ground against her will, he forfeits the king’s grace; if he shamelessly disrobes her and places himself upon her,
he incurs the loss of all his possessions; and if he lies with her, he incurs the loss of his life and members. Athelstan. By the law of the Romans, the Franks and the English, even his horse shall to his ignominy be put to shame upon its scrotum and tail, which shall be cut off as close as possible to the buttocks […] And if she was a whore before, she was not a whore then, since by crying out against his wicked deed, she refused her consent. (418)

Bracton’s final point, regarding the possibility of raping a whore, directly contradicted the actual text of the *lex Julia*, where prostitution and licentiousness were subsumed under the larger category of *stuprum*. Although he appealed to Roman law, rape for Bracton implied a different victim and a different construction of gender from that on record a thousand years before. A woman’s past had no bearing on her present ability to withhold consent, and it was this lack of consent that defined rape. Bracton’s views were not an obvious precursor to contemporary liberal consent theory; instead, what he was suggesting was a modulation of the law that hearkened back to Constantine and placed the ethical and evidentiary burden on the victim. That is, when, under the statutes of Henry II, the victim of the crime of rape became the woman rather than her husband or father, it was the victim’s responsibility to ensure that she communicated her lack of consent through violent resistance. As Cahill points out, consent theory is gendered (174 ff.). Women are the receptive, reactive element, whereas men are actively seeking sexual contact. Whereas, under Roman law, the feminine subject had been an exchange token in the negotiations between and among men and an extension of the *potestas* of their patriarchs, Bracton constitutes the feminine subject quite differently. She is still inferior to the male, but the female is now responsible for her own regulation. Indeed, it is that capacity for self-regulation, as indicated through the ability to withhold consent, which grants her status as a legal subject.
As Phillips points out, other legal treatises roughly contemporaneous with Glanvil and Bracton adopt a position between the two extremes of rape as primarily bodily assault (Glanvil) and rape as a querying of the victim’s character (Bracton). Fleta (a legal text, circa 1290, that is largely derivative of Bracton) suggests that the crime is primarily an act of physical violence, though it is contingent on a woman’s will, whereas Britton finds the virginity of the victim to be totally irrelevant (132-3). Nevertheless, The Statutes of Westminster, which were the most profound changes to English rape law following the Norman Conquest and which formed the scaffolding of modern rape law in England, were about to articulate the evidentiary terms under which a woman could testify in rape trials.

The Statutes of Westminster I and II

By the time of The Statutes of Westminster I (1275), the written law of the land defined rape as a crime that could be committed against “a damsel under age, either with her consent or without it, or a married woman, or a damsel of age, or any other woman against her will” (qtd. in Saunders “A Matter of Consent” 109).\(^{39}\) Despite the relocation of victimhood in Westminster I, rape was no longer a felony, but a property crime against the father or husband of the woman, for

\(^{39}\) This marked a significant shift in thinking about rape in history insofar as it represents an early recognition that a married woman could be a victim of rape. The provisions for married women in the rape laws were precipitated by a series of highly public cases of abduction of the wives of nobility; however, there is no provision for the rape of a wife by her husband. One of the most notable instances of the abduction of a wife was the ravishment of the Countess of Salisbury by Edward III in early 1342. Though primarily recorded through literary texts, there is some evidence that they record a historical incident (Gransden 335). Nevertheless, rape of a wife by her husband was still not recognized by the Westminster statutes.
which the punishment was a fine or a short prison sentence. Westminster I Cap. 13 designated that if a victim had not raised a hue and cry at the time and brought a complaint against the man who raped her within 40 days of the alleged rape, then her complaint was to be invalid. This stipulation looked back to Glanvil’s reading of the law, which placed the character of a victim in question if any time had passed between the rape and the court case. The never-repealed restriction seems to have been suspended from time to time as the reality of a long-delayed prosecution carried prejudicial penalties for the victim of rape. Nevertheless, as Barbara Hanawalt states, “the character of the victim determined the indictment and conviction, and the crime was seldom prosecuted” (qtd. in Ritscher 7).

In the late medieval period, the place of the female victim within the legal mechanisms of prosecution became both clearer and fostered silence. That is, the ability of a woman to bring a prosecution for rape on her own before the courts seems to be implied in many of the Anglo-Saxon and Anglo-Norman laws, yet the identity of the appellant or plaintiff in post-Westminster statutes became increasingly restrictive. The expectation was that a father, husband or eldest male relative would represent a victim in the legal process. As John Marshall Carter notes in *Rape in Medieval England*, civil courts prosecuted rape through two separate channels in the late medieval period and into the early modern period – the appeal and the indictment. The victim of rape initiated a prosecution of rape by appeal. Through an intermediary like a father, husband or other patriarchal governor, she first accused a specific individual before first the local sheriff, then before the next county court and finally at the next general eyre. At each layer of the legal system, she was forced to recount her accusation before her accused assaulter, who was obliged to appear and respond to the accusation. The community (or communities, rather) initiated a prosecution of rape by indictment. Here, if representatives of four local communities could be
found to declare that an individual was suspected by all of them of rape, then they could together proceed with a prosecution by indictment. Understandably, indictments were difficult to secure and the surviving records from the thirteenth and early fourteenth centuries indicate that rape was overwhelmingly prosecuted by appeal (3-4).\textsuperscript{40} The victim herself was systemically silenced, even as the onus for the presentation of evidence was upon her. That is, for a woman to speak publicly before the courts would be to adopt a “masculine” persona. Within the courtroom, the victim would be expected to deliver evidence aloud publicly in an all-male setting. A woman who brought charges of rape was immediately under suspicion because she was seeking public redress for a crime against her moral character, a crime for which (because of the logistics of medieval court system) she could provide little admissible evidence, as her own body – some of the only admissible evidence she had – i) may have healed and ii) was considered inherently, physically untrustworthy. Many rape victims undoubtedly collaborated in their own silencing by refusing to bring charges forward, in the face of such a hostile reception.

Westminster II in 1285 restored sexual forcing to a felony but was written so as to encourage universal silence regarding rape. Westminster II attempted to moderate punishment for those who “stand mute” when accused of rape to “penance” (Hale 319). This further eroded the ability of women to prosecute rape as victims could not compel their accused attackers to testify. Further, though the primary victim of the crime was normally the woman, women were not allowed to bring cases of rape to the courts on their own but had to do so through their husbands, fathers, male relatives or (in the case of orphans) the case could be brought forward by

\textsuperscript{40} For more information on rape prosecutions in this period and into the early modern period, see Appendix B.
the king’s servants. The nature of the crime shifted away from an assault against the person of the female victim and instead,

It became common for *raptus* to be pursued as a trespass, following the precedent of cases of ravishment of a ward; cases of *raptus* of the woman would be brought by the woman’s father or husband, just as cases of *raptus* of a child would be brought by a guardian. (Saunders “A Matter of Consent” 110)

This system, whereby a father or husband would bring charges against the sexual assailter, became particularly difficult in situations where women had married the men who raped them *ex post facto*.\(^\text{41}\) In those cases, women were forbidden from presenting a prosecution for rape by appeal, but a prosecution could be presented by indictment.\(^\text{42}\) In order to prevent women from consenting *ex post facto*, Richard II, Cap. 6 provided that women would be unable to inherit or to receive a dowry if they first brought a case of rape against a man and then married that same man. One of the further strategies to deal with *ex post facto* consent and, indeed, to write it into the law was to provide a limitation on the presentation of complaint.

The anxieties regarding the place of a woman’s consent in the legal status of rape in late medieval England are manifest in a series of laws enacted in the late fourteenth century to discourage women from consenting after the fact to rape-*qua-raptus*. As Deborah Burks

\(^{41}\) *ex post facto* consent could be a problem for the prosecution of rape-*qua-stuprum* or rape-*qua-raptum*, as a woman could end up married to the man who sexually assaulted her or to the man who took her from her father’s home, and it is for these reasons that I don’t differentiate the kind of rape when speaking of *ex post facto* consent.

\(^{42}\) Hale remarks that the distinction between prosecution by appeal or by indictment was maintained well into the early modern period (613).
observes, the laws enacted by Parliament were intended firmly to locate the female victim within
the governance of her father or husband.

The Westminster II statutes (1285) suspected that some cases presented as ravishment
were, in fact, adultery, and added a punishment for the woman to the judgment against
her ravisher. If a wife can be shown to have consented either before or after the fact,
Westminster II, cap. 34 states that she can be “barred forever of action to demand her
dower, that she ought to have of her husbands lands.” A 1383 law extended this
provision to bar from their inheritance any “Ladies, daughters [of noble men], and other
women,” who “after such rape doe consent to such ravishers” (6 Richard II, cap. 6). It is
not sufficient for a woman to have resisted a rape. These laws perceive a danger that she
will be seduced by the rape, that her affection and loyalty to her husband or her duty to
her father may be swayed by the man who raped her. (766)

These laws were an attempt to relocate the identity of the true victim of rape from the woman to
her father or husband. They try to do this while still using the language of consent. The father or
husband is ultimately the one who is trespassed against in the rape of a woman; her consent is
subsidiary to his consent.

In the later medieval period, rape statutes became increasingly complex as they struggled
to balance an Anglo-Saxon tradition that saw rape as a violent bodily crime against a female
victim with a Roman tradition that defined rape in terms of the damage done to the property of
the patriarchal governor of the raped woman, understood as a *feme covert*. Add to this the early
modern zeitgeist of returning to the classical Roman models whenever possible and what is left
is an always provisional and somewhat contradictory series of legal definitions of “rape” by the
Tudor period. Before moving to the Tudor period, however, it may be useful to point to one of
the most commented upon rape cases of the fourteenth century, as it formed the basis of legal thinking and commentary in the centuries leading up to the Tudor period and it encapsulates many of the same problems of reportage that plague prosecutions in the early modern period.

Prosecutorial Failure

The rape of Joan Seler, daughter of Eustace the saddler, occurred on March 3, 1320, when she was eleven years old. Seler and her father lived in London in the ward of Walbrook in the parish of Our Lady of Woolchurch. At around sunset of that day, Seler’s attacker forcibly took her up and carried her away from her home to his lodgings in the parish of St. Martin. The scribe of the London eyre of 1321 records what happened next:

[He] took this same Joan, the daughter of Eustace who is here, between his two arms and against her consent and will laid her on the ground with her belly upwards and her back on the ground, and with his right hand raised the clothes of the same Joan the daughter of Eustace up to her navel, she being clothed in a blue coat and a shift of light cloth, and feloniously as the felon of our lord King who now is, with both his hands separated the legs and thighs of this same Joan, and with his right hand took his male organ of such and such a length and size and put it in the secret parts of this same Joan, and bruised her watershed and laid her open so that she was bleeding and ravished her maidenhead, against the peace of our lord the King (qtd. in Carter 142)

The assaulter climaxed and then ran from Seler, leaving behind evidence of sexual contact. Though Seler raised a hue and cry immediately and ran through the streets chasing her assaulter, the man escaped in the urban sprawl of medieval London. Eventually, a foreign merchant, Reymund de Limoges, was accused of the crime by Eustace Seler, father of Joan, in a

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43 The records of the case are remarkably complete and discussed at length by Carter (139 ff.)
prosecution by appeal, and was brought before the court of King’s Bench. That de Limoges was foreign immediately throws some suspicion on his position as defendant as the xenophobic English mindset aligned foreignness with licentiousness and depravity. Nevertheless, the court of King’s Bench found de Limoges not guilty of rape, because the crime had been brought before the courts more than 40 days following the events themselves. Further, de Limoges pointed out discrepancies in the narrative as told by the eleven-year-old Joan Seler as to what day of the week the crime took place upon. De Limoges’s strategy seems to have been to focus as much as possible on discrediting the victim, thereby setting up the possibility that she was lying. Because de Limoges was found not guilty, the court stated that no rape had occurred; thus Joan and her father were subject to punishment for bringing a false prosecution to trial.

Seler’s youth would normally have aided her case as, although it was not yet specified by statute, children under a certain age were considered to have been unable to form consent. Women may have had a certain degree of sexual autonomy, but children did not. Nevertheless, the violence with which she was treated over the course of the rape utterly denied her possible consent in a manner that the statutes called for. The failure of the case turned back onto the victim, making her responsible not only for the false prosecution but for making the story up in the first place, despite any physical evidence. The case shows how difficult even relatively clear-cut cases of rape were to prove before a court – a fact of the legal system that remained unchanged into the early modern period. No one ever doubted that sexual penetration as well as ejaculation had occurred. The narrative by which the coitus was explained was different for both sides of the case: violent but consensual on the one hand, violent and non-consensual on the other. For some legal theorists both at the time and into the early modern period, the distinction between penetration and ejaculation was important. The physical signs of rape, such as the
bodily fluids – semen, blood, etc. – were unstable signifiers, whereas the bruising and tearing that compromised mere physical assault seemed more directly referential. The instability of the semen and the blood as signifiers, however, threw the whole case back onto the consent of the victim.

The rape of Joan Seler was perceived as particularly brutal, even for the period. The jail records of the case state that she was beaten so badly that, even months later, “she ha[d] lost all hope of recovering her health” (qtd. in Carter 147). The overwhelming force used, the impulsive nature of the act, and the removal from the victim’s home setting all define it as an “anger rape.” The anger/retaliatory rapist often directs his rage either against the perceived cause of his anger, but just as often “she is simply a substitute person, a symbolic and available ‘object’ against whom the assailant discharges his wrath and fury” (17). Joan Seler had no connection to de Limoges that is recoverable from the record. The anger rapist intends to hurt and degrade his victim and discharge his anger. The attacks are furious, but short-lived. Once the attacker has sated his rage through violence or ejaculation, he often leaves. The anger rapist often views sex as “dirty” or disgusting and uses the sexual act specifically to defile and degrade the victim (Bartol and Bartol 318). This form of rape, because it is so impulsive and furious, tends to leave a great deal of evidence, even if only in the form of bruising and contusions; hence, it is the form of rape that often ends up before the courts. That Joan Seler, even with all of the physical

[44] “Anger rapists” are one of a typology of rapists devised by A. N. Groth in the late 1970s and further developed by associations like the National Centre for the Analysis of Violent Crime. The Groth Rapist Typology is a largely outdated model of rape insofar as it focuses all of its attention on overtly violent sexual forcing by those rapists who do not know their victims, but it serves as a useful model of the psychosocial narratives that form some possible rape scripts.
evidence that she could present to the court, could not secure a conviction for rape points to the difficulty victims had in achieving legal satisfaction.

Seler stands at a crossroads, however, for her rape was prosecuted first and foremost not because she had been sexually forced (though that was a salient part of the crime), but because she had been taken out of her father’s home. To borrow Hale’s terms from a few hundred years later, Seler’s ravisher both *rapuit & carnaliter cognovit* (632). It was in the Tudor period that “rape” came to be associated primarily with an assault against the patriarchal power of the father or husband of the woman, and only secondarily as an assault against the individual woman herself. The Statutes of Westminster began the process of the domestication of female sexuality under the authority of the patriarch, but the Tudor legal system accelerated that process. On the one hand, Tudor laws regarding the age of consent firmly placed a woman under the governance of her fathers, while the definition of rape as *res in re* (discussed below) further complicated the evidentiary bias against women that was set in place by the Statutes of Westminster.

**Tudor Innovations**

Under Henry VII (3 Henry VII, Cap. 2), the commitment of rape and the aiding and abetting of rape were again increased to a felony. Under this statute, rape included both the sexual assault of a woman *and* the taking of a woman out of the home of her husband or father. Similarly, the man who raped was defined as “whosoever taketh against her will vnlawfully, any maid, widdow, or wife” while the “the procurors, abbetters and receiuers of any such women [sic] (knowing her to bee so taken against her will)” were also liable for punishment (Edgar 384). The law was designed to prevent the seduction or kidnapping of women out of the patriarchal home and their subsequent marriage to their kidnappers, hearkening back to Constantine’s edicts. The statute specifically excludes cases in which the victim of kidnapping or seduction is a ward
or bondwoman of the assaulter, as in those cases the man who raped would be exercising his patriarchal power over his charge. Matthew Hale, in his *History of the Pleas of the Crown*, states that 3 Henry VII, Cap. 2 addressed the possibility of women marrying their assailters and thus providing *ex post facto* consent. Although a wife could not be raped by her husband, this statute provided that any marriage that was begun through rape was void *ab initio*. Thus, the rape and the marriage were both parts of the same act of violence and the man who raped could not use the marriage to hide the rape, yet also applied to cases of elopement. In those cases, “her will” – that is, the will of the female taken out of the paternal household – was understood to be subsumed under the will of her father or husband. Her consent was subject to her patriarch’s governance.

By the mid-Tudor period, a series of laws that codified the age of consent articulated the total subjection of the female will to the governance of her patriarch. These laws protected children from sexual predation, yet they also located the children firmly in the patriarchal household within a nuclear family. Under the reign of Phillip and Mary, rape-*qua-raptus* was no longer deemed a felony except in the cases where the victim was “deflowered” (3, 4 Phillip & Mary, Cap. 8). Under that same statute, the assaulter could only be prosecuted if he were above the age of 14. Further, the punishments for rape-*qua-raptus* and rape-*qua-stuprum* were clearly laid out under 4, 5 Phillip and Mary, Cap. 8. Under that statute, for the taking of a woman 16 years of age or under out of her patriarchal home against the will of her guardian, the man who raped was subject to two years’ imprisonment or such fine as would be assessed by the Star Chamber. For both taking away a woman under 16 years of age and then sexually forcing her, the criminal was subject to both five years imprisonment and a fine as assessed by the Star
Chamber.\textsuperscript{45} The statute also provided that a woman between the ages of 12 and 16 who consented to marriage with the man who raped her \textit{ex post facto} should not be disinherited or lose possession of such wealth as she had before the rape, locating such a child as still the legitimate inheritor of her father’s estate and therefore still a part of the patriarchal household.\textsuperscript{46}

Part of the impetus behind the provision of the mid-Tudor laws that allowed for the legitimate inheritance of a raped daughter who married the man who raped her \textit{ex post facto} was to ensure the stability of the bloodlines in a culture that was deeply committed to the traditions of primogeniture. According to the laws of intestate descent in Tudor England, inheritable property descended to the eldest male child, whether that was real property (land) or chattel (personal property). Only when there were no male heirs could a daughter inherit, and in such cases all

\textsuperscript{45} As seen in the above example (Hatton v. Coke), the circumstances under which the Star Chamber would become involved in a rape prosecution were extremely rare and usually had political or dynastic implications.

\textsuperscript{46} The issue of \textit{ex post facto} consent – or what was often referred to as seduction – complicated early modern jurisprudence just as it had complicated medieval law. This is because, as Hale notes, medieval statutes such as Richard II, Cap. 6, which disbarred women from initiating a prosecution by appeal against a man who was now her husband, were still in effect (632). In \textit{The Lawes Resolutions}, Edgar differentiates between sexual assault effected by force or the threat of force and “a woman ravished by parole, or the influence of rhetoric” (Edgar 395), showing the deeply felt connection between seduction and sexual forcing. It is perhaps this anxiety regarding \textit{ex post facto} consent that expressed itself most clearly in Elizabethan statutes on rape, where the only modulation of the existing statutes were those that pertained to children on the one hand and clergy on the other.
daughters inherited equally (save in the case of royal succession) (Sokol and Sokol 171).

Through the customs and laws comprising primogeniture, women’s bodies were the carriers of patrilineal property. To rape a woman, therefore was to interfere in the descent of such property through the generations. When a wife was raped, the blood descent was irretrievably polluted, while in the case of a virgin who was raped, the blood descent of property could be recovered (or at least rendered legitimate) if the virgin was married to the man who raped her. By recognizing the inheritance rights of daughters who married their assailters, mid-Tudor law was situating women’s bodies within the system of primogeniture as the carrier of property rights. This system derived from feudal models, not classical, and in some ways stood at odds with the turn to the classical jurisprudence that was increasingly the norm in the early modern period. After all, a woman could not logically be both wholly responsible for her lack of consent and be totally subject to the will of her patriarch at the same time, as total subjection would mean displacing responsibility onto her patriarch. Nevertheless, the overwhelming force of the system of primogeniture in the early modern period meant that among the most difficult cases of rape to adjudicate were not those where a female of the age of consent (twelve and up) had been sexually assaulted, for the damage in such cases could be ameliorated by the marriage of the woman to her attacker. Instead, the most difficult cases for Tudor consideration were the cases of sexual assault against a child under the age of consent, because in such cases, the girl’s reproductive immaturity rendered considerations of the bloodline moot and her mental immaturity suspended the possibility of her consent to any sexual contact in the first place.

18 Elizabeth, Cap. 7 was enacted in response to a case in 1573 of abuse against a girl only seven years old. The laws at the time had not provided for a case of sexual forcing against a child under the age of twelve, and so – despite overwhelming evidence to the contrary – the
assaulter was acquitted of any crime, echoing the centuries-earlier Joan Seler case. The new statute directed that any “unlawful and carnal knowledge” of a child under the age of ten years was to be considered rape as no child could form the requisite consent. The mid-Elizabethan period saw rape trials largely confined to the prosecution of those who sexually assaulted children, theoretically circumventing the epistemic problems of consent. In the Middlesex records for the 1570s, a total of fourteen cases of rape yield ten in which the victim was between the ages of three and twelve, and one case in which a man raped another man. The general trend was to prosecute only those men whose crimes could be shown to have been directed against those who could not have consented. For instance, in 1580, the Privy Council ordered the Lord Mayor of London to take action against a man who had raped and then married a twelve-year-old girl (Greaves 222-3).

At the same time as statutes like 18 Elizabeth, Cap. 7 relegated female children to the household power of their fathers, a countervailing trend within the law worked to emphasize female consent. This emphasis on consent, however, resulted in further complicating the evidentiary burden of the victim, despite her age. Proving a child’s resistance and lack of consent was made the more difficult by the fact that children were considered unreliable witnesses. Hale argued that children could be used as witnesses in a rape case, so long as they understood the effects of an oath sworn before the court, and justified his argument by pointing to witch trials, where children as young as nine were sworn to give testimony (634).

Nevertheless, Hale cautioned that the testimony of children should always be corroborated by external evidence. In cases of rape, of course, external evidence such as semen, torn clothes and bodily bruising might be impossible to bring before the court long after the event. Therefore, as
Tudor legislation firmly located children under the household governance of their fathers, it also constructed children’s bodies and words to be untrustworthy signifiers.

Both 18 Elizabeth, Cap. 7 and 39 Elizabeth, Cap. 9 addressed the issue of the identity of the man who raped and his culpability under the law. That is, both statutes worked to remove the benefit of clergy for felonies such as burglary and rape. The 18 Elizabeth, Cap. 7 rendered clergy liable for prosecution in the civil courts for rape without the benefit of their position, while 39 Elizabeth, Cap 9 – part of the so-called “Bloody Code” – increased the penalty for rape to execution. The effect of this increased penalty was that the burden of proof was – again – increased, as juries were reluctant to convict someone on relatively little evidence (Singman 21). Indeed, the evidentiary situation became so dire that by the early 1600s, legal theorists were debating whether or not penetration alone could be considered rape. Matthew Hale, for instance, in *History of the Pleas of the Crown*, takes issue with Coke’s judgment that both penetration and ejaculation were necessary for a finding of rape and suggests instead that penetration (co-incidently the harder of the two forms of evidence to prove before a court) be the defining term of rape. For Hale, the primary element of rape is the penetration of the female body, though elsewhere he argues that rape ought to be defined as “*rapuit & carnalitier cognovit*,” the carnal knowledge of the female body is itself defined as “*res in re*” (627).

47 The delicate circumlocution of the legal term “*res in re*” (literally meaning “thing in thing”), had the paradoxical effect of at once broadening the scope of assaults that could be considered sexually criminal, such as sodomy, while at the same time making it far more difficult for some forms of sexual assault to be considered rape (as in the following example). See Janet E. Halley, “Bowers v. Hardwick in the Renaissance” in Jonathan Goldberg *Queering the Renaissance*, especially n. 61.
This definition, which limited rape to penetrative sexual forcing – “res in re” – severely limited the evidentiary basis upon which a prosecution could proceed. In Hale’s own words, rape “is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho never so innocent” (634). The evidence that could be provided to prove rape, when the primary element of sexual assault was res in re, was almost always based on the credibility of both the narrative and the individuals involved, and the social status of those individuals, rather than physical evidence. Any physical evidence of penetration was difficult to gather and interpret, and when it could be presented in court, such evidence could be explained away as signifying consensual penetrative sex. Further, defining the carnal knowledge component of rape in terms of penetration alone excluded a whole spectrum of sexual forcing and violence – from unwanted touching to rape by blackmail. Some acts in this spectrum tend to leave less physical evidence, thus reducing the prosecution to the narratives of the individuals involved in the sexual assault, where the victim’s narrative was generally presumed to be suspect. This suspicion led Hale to argue that any jury’s sympathy regarding the accusation of rape ought to go out to the accused – “tho never so innocent” – revealing the privileged position of men before the law (634).

In summing up his discussion of rape—qua-stuprum, Hale relates a case from the Sussex country assizes that he presided over where the privileged position of the accused man before the law outweighed the voices of a whole community. The criminal element of carnal knowledge,

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48 This definition of rape – res in re – is still today the standard across many jurisdictions in the English-speaking world, despite concerted efforts to have non-penile forms of violation considered rape.
defined purely in terms of *res in re*, was impossible in the case Hale describes because of impotence, but the accused does not deny the facts of the assault.

[...] there was an antient [sic] wealthy man of about sixty-three years old indicted for rape, which was fully sworn against him by a young girl of fourteen years old, and a concurrent testimony of her mother and father, and some other relations. The antient [sic] man, when he came to his defense, alledged that it was true the fact was sworn, and it was not possible for him to produce witnesses to the negative; but yet, he said, his very age carried a great presumption that he could not be guilty of that crime; but he had one circumstance more, that he believed would satisfy the court and jury, that he neither was nor could be guilty and being demanded what that was, he said, he had for above seven years past been afflicted with a rupture so hideous and great that it was impossible he could carnally know any woman, neither had he upon that account, during all that time carnally known his own wife, and offered to shew the same openly in court; which for the indecency of it I declined, but appointed the jury to withdraw into some room to inspect this unusual evidence; and they accordingly did so, and came back and gave an account of it to the court, that it was impossible he should have to do with any woman in that kind, much less to commit a rape, for all his bowels seemed to be fallen down in those parts, that they could scarce discern his privities, the rupture being full as big as the crown of a hat, whereupon he was acquitted. (636)

In this case, an entire community, comprising the victim, her family and other, swore to a certain interpretation of the events of the case as sexual assault. Further, the “antient wealthy man” actually stipulated the veracity of the events as they were laid out by the victim and her community of witnesses. Nevertheless, the man was still acquitted. The man’s impotence was
supposed to serve as a cautionary tale as to how difficult it was to prove one’s innocence in an accusation of rape but it also shows how surprisingly narrow the definition of rape under the law actually was. *Res in re* may have been the prosecutorial standard, but the cultural standard for a woman who had been sexually defiled was far lower. Though not technically rape under the law as Hale defines it, any number of actions on the spectrum of sexual forcing would have resulted in women of the time losing their honour. The girl in the case above would nevertheless have lost her honour, even if the “antient man” was only able to sexually force her without penetration, while he would be acquitted of any crime.

From this overview of the law up to the early modern period two major early modern positions as to the definition of “rape” emerge. First, rape could be understood as rape-*qua-raptus*, in which the victim is abducted from the patriarchally governed home and is brought into the home of a man other than her sanctioned guardian. In that new home, she is either sexually assaulted or consents to sex with, and then marries (or is forced to marry) her assaulter. This form of rape positions women as primarily transactional objects between men, whose bodies are both the property of the patriarch and a carrier of patrilineal property through the customs of primogeniture. Rape-*qua-raptus* constitutes a kind of “trespass” – not against the woman, but against the father or guardian of the woman. The second position on rape that emerges from the legal history is rape-*qua-stuprum*. Here, sexual forcing of *res in re* comprised the criminal element of the rape, either through bodily violence and the threat of violence or through the use of persuasive or coercive rhetoric. The woman’s body was not merely a sign of patrilineal property, but an untrustworthy sign of the chastity of the woman herself. The early moderns further divided rape-*qua-stuprum* into assault and seduction. Assault was by far the easier case of the two for the courts and the culture insofar as the woman persisted in her withholding of
consent or (as in the case that resulted in 18 Eliz., Cap 7) was never able to offer her consent.

Seduction – where a woman gave consent either before the act and revoked it after or withheld consent before the act and gave it after – was far more difficult for the law and the culture insofar as an adult woman, so long as she was alive, was capable of giving her consent to the sexual act after it had happened. This gave rise to the perverse logic that only once a woman had removed the possibility of ever reversing her decision not to consent could it be genuinely considered rape-qua-stuprum. If she lived, the possibility remained that she might at some later date consent retroactively to the sexual act, thereby nullifying the rape. The only way to ensure that a woman’s assault remained an assault and did not become a form of seduction at some later point was for the woman to die; yet while cases such as this abound in the literature of the time (viz. Sophonisba, Virginia, Lucrece), they seem to be largely missing from the legal record. Instead, the law shows a Tudor movement towards reinforcing the strength of the patriarch’s position over his wife and/or daughters within a nuclear family while at the same time derogating the potential for a woman to present trustworthy and clear evidence in her own defence.

The Law and the Word

Tudor law looked back to the precedents set out by classical jurists and attempted to modulate them for the early modern English situation. This was a part of a project of the domestication of women and women’s labour under the governance of a household patriarch that developed throughout the Tudor period and into the Stuart dynasty. The law articulated this project of domestication, but the stage interrogated the terms of the project. The law codified some of the more explicit mechanisms of gender-based repression and governance, but the stage questioned the very terms under which the gender-based governance operated. The incommensurability of a woman’s responsibility for her own sexual behaviour (expressed in the
concept of consent) and subjectivity to the governance of her patriarch (expressed in her legal location beneath her patriarch) was explored on the early modern stage in ways that it could not be in the courtroom. As Judith Butler observes, “a subject who speaks at the border of the speakable takes the risk of redrawing the distinction between what is and is not speakable, the risk of being cast out into the unspeakable” (139). The theatre could allow for the speech that the courtroom could not. It could present the relations of patriarchy as imaginary structures of obligation, while the courtroom required the fantasy of patriarchal authority to be maintained in order for the law to have any authority. Men conducted legal discourse; it worked for the benefit of men; it supplied a vision of what it was to be a successful male subject, namely, the governing patriarch. To speak the unspeakable within the legal discourse – to interrogate the patriarchal assumptions upon which the legal system rested – would have resulted only in the failure of a legal case rather than addressing the inherent injustice of such a system. The evidentiary bias against women in the legal system effectively silenced women and placed them under the care of their patriarchs. On the stage, however, that same evidentiary bias against women’s bodies could be explored. The underpinning terms by which patriarchy operated could be held up to scrutiny in the theatre in ways that were impossible in the courtroom because theatre showed authority to be a quality that the subject gives rather than a presumption of the order of things. The figure of the man who rapes, who, under Tudor law, was subject to being cast into the unspeakable through execution, could be used on the stage to set out the inherent injustices of a patriarchal system that forced an impossible double standard on women. The following chapters examine how the figure of the man who raped was deployed on the early modern stage to criticize and critique the patriarchal assumptions implicit in the very concept of “rape” as it was articulated through the law.
Chapter Two: Rape-Qua-Raptus in The Wonder of Women

For the early modern English, patriarchal order was predicated on the performance of vows – the vows one man made to another presented a form of limitation that would require a certain form of self-governance to navigate successfully. Vows among men were a part of a system of presupposed patriarchal sympathy, expressed through codes of masculine honour, because the vow has a performative structure that entails the expectation of mutuality of gendered interests found in a patriarchal system. That is, the vow cemented homosocial relationships between male subjects, a performance where an objectified stake was liable to exchange between the men, should the vow not be fulfilled. The subject enacting the vow could put his own honour as the stake for the subject to whom the vow is made, or it could be a promissory object, but there is always a third part to the vow and in the case of marriage, women’s bodies often formed the stake between men. This asymmetrical triadic relationship wherein women were wholly an object of exchange between men replicates the triadic relationship of patriarchy suggested by Filmer, noted in the introduction. Abduction and sexual assault both worked to undercut the asymmetrical system of obligations and responsibilities that defined patriarchy at the time insofar as these crimes disrupted “legitimate” male authority over female bodies. In Marston’s 1606 Roman tragedy, The Wonder of Women, men are unable to maintain the vows they enact to one another, thus presenting a patriarchal system in crisis, while Sophonisba, who serves as the stake for the major vows in the play, becomes the “wonder” of the title only by recognizing her own position as a mere body or object of exchange.

In the course of the play, Sophonisba is shuffled from one man to another as an object of exchange, yet in every case save the first (her marriage to Massinissa) and the last (her ironic
submission to Scipio as a corpse) her movement constitutes a form of abduction, albeit these are abductions that highly complicate the term *raptus*. *The Wonder of Women* presents the case of a conspiracy on the part of the Carthaginian senate, though executed by and primarily benefitting Sophonisba’s father, Asdrubal, to abduct her from the household governance of Massinissa. Though the legal complexity of a parent abducting a female child would not come to the fore of the cultural consciousness for some ten years after the first publication of *The Wonder of Women*, during the Coke/Hatton matter (discussed above), this play presented a form of rape-qua-*raptus* that queried more conventional definitions both in the law and on the stage. Indeed, Middleton’s near-contemporary play *A Trick to Catch the Old One* offers a far more conventional staging of rape-qua-*raptus*. In that play, Jane’s rape is contingent wholly on her consent, while *The Wonder of Women* problematizes both female consent and the concept of patriarchal authority. As Valerie Wayne notes in her introduction to the play in the *Collected Works*, the character of Jane occupies multiple subject positions: the courtesan/mistress of Witgood, the feigned rich widow, and the wife of Hoard. Without appealing to these multiple subject positions, the threatened charge of rape at the end of the play tends to be misunderstood (376). The key scene is in act three, when Hoard and Jane exchange a handfasting, kiss, verbal agreement, and naming of Jane by Hoard as his “wife,” which (as will be shown in Chapter Four), would normally espouse the couple de *praesenti*, though Jane’s consent is masterfully and ambivalently withheld throughout the scene. Later, Hoard abducts Jane and takes her to a priest, on his part thinking that he has already had her consent, yet such consent was never unequivocally stated. When the spousals are solemnized and consummated, and Hoard discovered that Jane was also Witgood’s mistress, he cries foul, to which Jane replies,

Despise me, publish me: I am your wife.
What shame can I have now but you’ll have part?

If in disgrace you share, I sought not you.

You pursued me, nay, forced me.

Had I friends I would follow it,

Less than your action has been proved a rape. (5.2.129-34)

Without an explicit statement of full consent in act three and following, what Hoard did was to coerce Jane into a solemnized marriage; and, though she has no intention of dissolving a marriage she perceives as beneficial to her, the rape charge is always available to her, should Hoard stand too much on what he sees as Jane’s previous sexual indiscretions. Hoard’s coercion of Jane, his rape-qua-raptus, was, by far, the more conventional form of abduction presented on the early modern stage, as compared to the abduction of Sophonisba by Asdrubal in *Wonder of Women*. Jane’s abduction and marriage, as Wayne notes, participated in a cultural anxiety regarding the forced marriage of “women of substance,” which resulted in a series of rape-qua-raptus statutes like the ones discussed in chapter one (376). The situation with respect to Asdrubal, the Carthaginian senate, and Sophonisba is somewhat more complex insofar as, although Sophonisba unequivocally consents to her removal from Massinissa’s household under the guise of submission to patriarchal governance (2.1.110-11), the representatives of patriarchal governance (her father and the senate) effectively act as her abductors. The Carthaginian patriarchy is presented by Marston as perverse, yet Sophonisba is a wonder because she submits unquestioningly to its governance.

The person who committed rape-qua-raptus failed to comport himself in accordance with the vows that he had made to other men. In this sense, Asdrubal, father of Sophonisba in Marston’s play, rapes his own daughter from Massinissa. That is, Asdrubal arranges with the
Carthaginian senate to have Massinissa killed, take his daughter back into his care and then marry her off to Syphax, in exchange for Massinissa’s kingdom (2.1.18-30). By arranging for Massinissa’s death with the collusion of the senate, Asdrubal is a perverse patriarch working within a perverse system, which refuses to uphold the rights of a husband to his life and property (namely, his wife). Rather than reasserting his “proper” fatherly authority over Sophonisba by taking her back into his own household following the death of Massinissa, Asdrubal perverts his fatherly authority by (with the Carthaginian senate) trying to have his son-in-law killed such that he could take his daughter back into his household and give her to another man. Asdrubal’s perversion of the codes of masculine honour and patriarchal justice is representative of the moral turpitude of the Carthaginian senate insofar as the senate is not simply complicit with the attempted murder of Massinissa, but was the author and sponsor of the plot. After the assassination plot fails, Scipio and Massinissa attack the Carthaginian camp and the Carthaginian nobles descend on each other, trying to ascribe blame.

ASDRUBAL. This was your plot.

CARTHALO. But t’was thy shame to choose it.

ASDRUBAL. The curse of womens words go with you : fly.

You are no villaines, Gods and men, which way?

Advise vile things.

HANNO. Vile?

ASDRUBAL. I.

CARTHALO. You did al.

ASDRUBAL. Did you not plot?

CARTHALO. Yeelded not Asdruball?
ASDRUBAL. But you intic’d me.

HANNO. How?

ASDRUBAL. With hope of place.

CARTHALO. He that for wealth leaves faith is abject.

HANNO. Base. (2.3.95-102)

Though Carthalo suggests that Asdrubal is abject, Asdrubal’s wider vision of blame, which encompasses the whole senate, is also available. The plot to kill Massinissa compromises corporate fatherly authority of the senate and subverts the proper functioning of the patriarchal household. Asdrubal’s guilt is co-extensive with the guilt of the whole senate. Compounding the perversion of fatherly authority of the assassination attempt, Asdrubal then marries Sophonisba off to Syphax, effectively leading her out of her rightful household (that of Massinissa) and into another (that of Syphax). In this way, the play interrogates the position of women within a patriarchal system such as that described by Filmer by pointing out that within such a system a woman must be understood wholly as object – as merely a body to be exchanged – rather than as a feminine subject. The play complicates the epistemic quandary that was the female body for the early moderns by pointing out that Sophonisba’s death is a necessary condition for the establishment of a patriarchal order that is not in crisis. The ironic conclusion, that a successful patriarchal system requires the objectification of women (even to the point of death), echoes the Butler quotation regarding the dangers of the borderline between the speakable and the unspeakable. That is, a patriarchal order that is built upon the relationship between men established and reinforced through the objectification of women is here criticized through the presentation of the unspeakable – the dead body of Sophonisba.
Any misogynistic impulses in *Wonder of Women* are complicated through the presentation of the female body, where the woman’s body is primarily an object of exchange between men. In patriarchal cultures, the vow, as a triangular construction similar to the relationship of homosociality posited by Sedgewick, typically excludes women and renders them objects of desire and exchange, yet in *Wonder of Women*, Sophonisba self-consciously takes her place within the structure of the vow as a mere object. The implications of this for the early —

49 A boy’s company – the Children of the Revels – performed *The Wonder of Women* and any analysis of the play has to take into account the immaturity of the boys’ bodies that took on the roles of the heroic Massinissa, the rapacious Syphax, the virtuous Sophonisba, and all the other characters. By definition, the boys were not yet fully masculine, yet not wholly feminine either. They occupied a liminal space not between two poles, but upon a gender spectrum. As not-yet-fully men, the boy actors were able to perform gender in a manner that placed the concerns of what it meant to be a man (or a woman) centre stage. At its worst, the performances of these boys in such highly adult situations as rape could seem, as Lorraine Helms has argued, “an unsavory experiment in child pornography” (561). This is to read the boy actors in *The Wonder of Women* in terms of our modern vision of childhood and performance; however, although the children’s companies were railed at for licentious and vicious speech in their own time (cf. Heywood’s *Apology for Actors*), the liminal gender location of the boy actors was part of the transgressiveness of the performances. That is, plays like *The Wonder of Women*, through the exclusive use of boy actors, could metatheatrically centre the audience’s reception of the play on the performance of gender. The play, because it is performed by boys alone, becomes insistently about the ways in which one can live up to, or fail to meet, the expectations of one’s allotted gender.
modern construction of the masculine through stage practice are that patriarchy is positioned as an ultimately unattainable ideal system of governance, insofar as the ideal feminine role is – contra Filmer – not that of wife or mother, but that of mere object. From the dead flesh of Sophonisba arises the ultimate contradiction in *The Wonder of Women*: Sophonisba’s death is the logical extension of the system of governance wherein women are objects to be traded among men. Men in patriarchy are to use women as ways to preserve and articulate homosocial bonds, while women are to accept their position as objects whose exchange instantiates those bonds.

**Masculine Obligations**

Speech makes us men, and thers no other bond

Twixt man and man, but words. (*The Wonder of Women* 2.1.119-20)

The relations between and among men in the early modern period were regulated by conceptions of masculine honour, which defined the terms of mutual obligation that characterized the patriarchy as it was understood by Filmer and others. Early modern patriarchal governance was radically different in the households of the nation from what it was in the idealization of it in Filmer, and Filmer’s idealization was itself situated within an English context. Within an ideal patriarchy, men owed each other a kind of loyalty that they did not owe to women, because each man was at least potentially a patriarch of his own household. As Sedgewick notes, talking about patriarchal relations, each patriarchal system of power and oppression, though it may have a structural similarity to those systems past, must be understood on its own terms.

[…] in any male-dominated society, there is a special relationship between male homosocial (*including* homosexual) desire and the structures for maintaining and transmitting patriarchal power: a relationship founded on an inherent and potentially
active structural congruence. For historical reasons, this special relationship may take the form of ideological homophobia, ideological homosexuality, or some highly conflicted but intensively structured combination of the two. (25)

In the early modern period, the homosocial erotic triangle underpinned the emergent definition of "patriarchy" as the rule of and between fathers and the discourse of masculine honour. Trespasses against the property of any single man represented a breaking of faith with the entire system that guaranteed each man’s rights to property. As the early moderns conceived of rape-qua-raptus as a species of property crime, where the crime was directed against both the body of the woman and the patriarch who governed that woman, the discourse of masculine honour informs the cases where women are taken from their husbands. When presented on stage, the authority of the father’s relationship with his daughter often was positioned in terms of the natural and divine and thus was rarely uncomplicated and interrogated by rape-qua-raptus. That is, fathers rarely abduct their daughters from their daughter’s husbands in early modern drama. Instead, the relationships between fathers and daughters are most often presented as a kind of natural ownership over the sexual future of the daughter (e.g. Prospero and Miranda). Further, the harm and the crime in cases where women were taken from their fathers or husbands was constructed as being a case of harm against the husband or father rather than a crime against the wife or daughter. Even on the stage, the abduction of a woman was a crime against her father or husband, thus the representation of a father abducting his daughter from her husband was particularly rare.

The triangular relationship of father, daughter/wife, and husband is a variation of the concept of homosociality as developed by Eve Sedgewick in her seminal work, Between Men (341). Sedgewick, building on Girard, who is himself building on Freud, notes that the
triangular structures that underwrite human erotic relations are deeply asymmetrical when it comes to gender. That is, Girard’s account of the triangular formation of the erotic failed to accommodate the historically located construction of sexuality and gender at any given time. Sedgewick’s work, which sought to remedy that trans-historicism in Girard and Freud, placed the erotic triangle within/against the binaries of masculine/feminine, sexual/non-sexual, etc (22). Mieke Bal, in “The Rape of Narrative and the Narrative of Rape,” elaborating on Sedgewick, proposed that the vow offers a uniquely gendered structure of obligation through which one can understand rape. That is, Bal’s insight, explored in relation to the Book of Judges, regarding the riddle/vow – namely that it enables the subjectivity of the proposer of the riddle/vow and renders as object the third party stake and queries the subject position of the interlocutor – identifies an inherent structure of the hierarchically organized system of patriarchy as it was articulated by theorists like Sir Robert Filmer. As Filmer argued, the king was always the most powerful authority, whose subject position trumped all others and was underpinned by God. All men were understood as fathers, and the king was the father of all. All relations between and among men were authorized by the primacy of the monarch’s subject position. The household of the patriarch under the king, understood as the men (such as servants), women, and children were mutually obligated to serve the patriarch of the household, just as the patriarch was supposed to work for the good of the household as a whole. Similarly, the king was to act as father to the nation, who owed him allegiance, yet his power was absolute, as it was derived from God. So long as the patriarch had a family and a household, he occupied a subject position that could be recognized and sanctioned by biblical precedent. Each man gave an implicit vow given to govern himself in accordance with the patriarchal mode of society and an explicit vow often
made to the king to govern himself in accordance with the king’s laws. Failure to adhere to the latter resulted in legal action, while failure to adhere to the former compromised one’s masculine honour. As God’s absolute power fostered the nation, so the absolute power of the monarch fostered the early modern household. The vows a patriarch made to obey positioned him beneath the king as father of fathers but above his wife, children, and servants. Thus, the vow to the monarch both built up and limited the authority of the patriarch within his own household.

Adherence to a vow in the early modern period was part of a narrative that structured the masculine code(s) of honour, which “offer at least a partial articulation of masculine gender ideology of the time, and a response to the ‘men’s dilemmas’ of authority and control” (Mangan 73). Those dilemmas of authority and control were formalized in the law, but in popular culture they expressed themselves in the codes of honour set out in conduct books, literature, sermons, essays, ballads, theatre, and other forms of cultural production. For the early moderns, the maintenance of one’s vows was part of a code of honour that constructed masculinity in terms of self-governance. One of the primary ways in which a man could lose honour was to lie to another man, for in this sense, a man broke faith with another man. To fail to be honourable by not fulfilling a vow, for instance, was to refuse to participate in the gendered system of

50 This is not to suggest that Filmer or the patriarchalists were presenting a kind of contractarian model of the state. The arbitrary nature of the king’s power is central to all patriarchalist thought and should not be dismissed. The patriarchalist’s hierarchy of obligation, however, was more complex than merely dismissing the obligations of the king to his people, for the king was to act as a husband and a father to the state. Filmer’s work was composed in the shadow of the civil unrest of the mid seventeenth-century, when the loyalties owed by parliament to the king were overturned, eventually leading to Charles I’s execution.
patriarchy and to fail to perform the expectations of a masculine subject. Masculine honour was a performance, like gender itself, intended for the consumption of other men. This performative failure was, of course, constrained by social context, such that breaking different vows would have different consequences, but to break a vow was inherently a failure that would impinge on masculine honour. As Fletcher notes:

[The gentry’s] honour, it is argued, is the concept through which [they] attempted to live out their manhood in relation to their destined patriarchal role. This amounted to the display, in the various spheres in which they moved, of a set of personal, moral and intellectual qualities learnt and imbibed through the grammar school and university training such men had experienced. (152)

The making of vows and adherence to promises were different aspects or moral qualities of the governance of the self. This is because a man’s reputation was based on his ability to contract himself as a subject within the obligatory network implicit in the vow. Similarly, however, a man’s honour could be impugned by the misdeeds of a member of his household. This is perhaps why masculine and feminine codes of honour participated in such different registers of social behaviour; whereas masculine codes of honour were intertwined with the public and the private, the roles of citizen and husband, the martial heroic register the pious and religious life, feminine codes of honour were stiflingly domestic and insisted on chastity in sexual relations. To maintain a masculine subject position, an early modern man had to maintain the terms of the vow and objectify the stake, which was his household. Governance of one’s self in the face of sexual desire, for instance, was the primary characteristic that defined masculinity for the early moderns, but governance of the desires of the members of one’s household also shaped the successful masculine ideal.
The ideal masculine subject was the man who governed himself, his household, and his position within the state. Failure to govern one’s own desires was the ultimate form of failure to comport oneself in accordance with masculine ideals, as reason (aligned with masculinity) was always supposed to be able to govern passion (aligned with femininity). Failure to govern one’s wife, children, and servants was equally a sign of failure to govern one’s self, as it was a sign of feminine passion overwhelming masculine reason within the household. As Laura Gowing states, “The assumption in both household advice and popular literature is that female disobedience is a problem caused by male incompetence and that female subjection is natural” (qtd. in Fletcher 103). The expectation of self-governance was part of an implicit relationship with other men that was articulated by Filmer and the patriarchalists. In this sense, it was a form of the vow that established a contractual obligation of one man to another (or to a whole group of men or all men) and took as the stake of the vow the wife, children and servants of the vow giver.

Masculine honour and self-governance participated in the cultural construction of women as commodity, noted by the structuralist anthropology of Levi-Strauss, wherein men reinforced the social order by the currency of women between them. Women, as the stake, are largely cut out of the equation of power and become objects in the traffic between two men. As the feminist anthropologist Gayle Rubin pointed out in “The Traffic in Women” (1975), the political economy that allows for women to be marginalized to the point of rendering them an object of exchange between two men is fundamental to the construction of patriarchy. Whereas for a patriarchalist, the king, by biblical authority, exercised divine rights over the life and death of his subjects, Marston suggests in *The Wonder of Women* that a government that was ruled by a plurality of patriarchs was an invitation to rape-*qua-raptus*. Marston’s play, with its repeated
presentation of both forms of rape, investigates the deployment of rape-*qua-raptus* as a crime among men and, ultimately, presents Sophonisba as a self-willed object in the triangular relations. Her willingness to become an object is what makes her the “wonder” of the title.

**Self-Objectification**

In the introduction to his edition of *The Wonder of Women*, William Kemp argues that, rather than gendered asymmetry, the play presents a deep sense of harmony and balance:

> The play’s cohesiveness results from Marston’s having pursued two techniques with almost complete consistency: simplification, and balance. He simplifies by pushing characters and actions to extremes. Sophonisba is not merely a good woman; she is the perfect woman. Syphax is not merely evil in a conventional political or ethical sense; he is completely depraved. (23)

For Kemp, Sophonisba is exceptional because she adheres to a Stoic ethical imperative of self-abnegation in the face of the viciousness of a medieval conception of “fortune.” The play thus becomes a kind of rehearsal of the Renaissance interpretation and rediscovery of Stoic philosophy as filtered through Machiavelli on the one hand and Montaigne on the other (Kemp 6 ff.). This reading of self-abnegation certainly resonates with the model of rape as a negotiation among men. Kemp, however, does not account for the wildly divergent expectations of gendered activity in the world presented in the play. Sophonisba’s perfection in and through death is more than just the equivalent of the masculine stoic resolve demonstrated by Massinissa. Indeed, the way in which Sophonisba’s feminine virtue results in total self-destruction highlights the very incoherence of this vision of patriarchal control. This is a world in which women are treated as objects to be shuffled between men, cementing diplomatic relationships and furthering the cause of the state. The tragedy arises, however, when Sophonisba willingly takes on her
position as the stake of a patriarchal vow and treats herself as a mere object, a body to be exchanged as dead flesh, a commodity traded between Massinissa and Scipio Africanus. Here, the strict adherence to, and logical extension of, patriarchal demands for women to become knowable objects is interrogated through the making and breaking of vows that are a constituent part of the patriarchal system.

The primary exchange that governs the action of the rest of the play is dramatized in the highly rhetorical and ceremonial 1.2, where Massinissa claims Sophonisba as his wife. The wedding scene takes place in Sophonisba’s bedchamber. The rhetoric of self-abnegation is attended by an appeal to the terms of honour that gave the vow such force in the early modern period. At the opening of the scene, Sophonisba examines her own sexual desires and the social mechanisms by which she has been rendered an object of exchange between men.

I wonder Zanthia why the custome is
To use such Ceremonie such strict shape
About us women: forsooth the Bride must steale
Before her Lord to bed: and then delaies
Long expectations all against knowne wishes.
I hate these figures in locution
These about phrases forc’d by Ceremonie.
We must still seem to flie what we most seeke
And hide our selves from that we faine would find. (1.2.6-14)\textsuperscript{51}

\textsuperscript{51} All quotations are from Kemp’s 1979 old-spelling edition, which retains the italics of the original quartos.
Here, Sophonisba is not yet an object, self-willed or otherwise; she is a self-conscious subject, able to express her own sexual desires and distaste for what she calls “Ceremonie.” This term is what Zanthia, Sophonisba’s nurse, describes as that which gives meaning to what it is to be a woman, which is to be lascivious and essentially complementary to a man. In this sense, she is merely reiterating one of the predominant discourses of feminine sexual desire of the period. That is, Zanthia argues that women are “ever complement” (23) to men, and that they were only made for “show/ And pleasure, created to beare children/ And play at shuttle coke,” (20-22). Even without the bawdy implication of “shuttle coke,” Zanthia’s definition of women in terms of ceremony firmly locates the feminine within an almost hedonistic world of sexual desire and eventual consequence. Without ceremony, she argues, “We fall to all contempt” (27). Sophonisba rejects this reading – “You are familiar” – yet is herself clearly aware of her own sexual desires and is unable to reconcile them with Zanthia’s depiction of innate femininity without the moderating force of ceremony. As two boys originally played Sophonisba and Zanthia, the imputation of the naturalness of uncontrollable sexual desire and Sophonisba’s own longing to be merely an object of masculine desire was under even greater ironic stress. Sophonisba’s speech is the attempt of the subject who is the stake of a vow to render herself into an object of exchange. Striving to occupy her place as object within the patriarchal social order of the drama, which will only be fully realized with her death in the fifth act, in the opening scene, Sophonisba appeals to her own silence at least as often as her own desires. She repeatedly reminds herself and the audience of the feminine imperative to be silent over the course of the play.\

Unable to force herself into object-like silence, Sophonisba cannot help but speak of her own desire for marriage.

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52 Sophonisba’s feminine silence is either notably absent or insisted upon repeatedly in the play:
A modest silence tho’te be thought
A virgins beautie and hir highest honor
Though bashfull fainings nicely wrought
Grace hir that vertue takes not in, but on hir
After my word my well bold action rusheth.
In open flame then passion breake.
Where Vertue prompts, thought, word, act never blusheth.
Revenging Gods whose Marble hands
Crush faithlesse men with a confounding terror
Give me no mercy if these bands
I covet not with an unfained fervor
Which zealous vow when ought can force me t’lame
Load with that plague Atlas would groane at, shame. (44-57)

Sophonisba is the exchange object between the two men, yet she is presented as a character with desires of her own. What she proposes in this speech is paradoxical. She will be virtuous, but act boldly, in order that she might be thought of as a modest virgin. She will be deliberately deceptive in order to be honest. She is attempting, through words and actions, to differentiate herself from those who feign virtue, where feminine virtue is conceived as a woman’s total and complete obligation to her rightful patriarch – her complete objectification as a commodity to be exchanged between men. She is embedded within the system of patriarchal governance and at this point in the play at least does not recognize that in obeying her father and the senate, she is obeying the instructions of a perverse order of governance. Her “true” allegiance still lies with

e.g. 1.2.45; 1.2.185; 2.1.138; 3.1.9; 3.1.181; 3.1.118; 4.1.47; 5.3.27.
her husband. Her attempt to render herself into an object is ultimately as inconclusive as it is paradoxical, for shortly after Sophonisba’s speech Carthalo enters, bringing the news of Scipio Africanus’s landing in Carthaginian territory.

The difficulty Sophonisba has in occupying a subject position that is still an object of exchange yet somehow recognizes her own desires later takes the rhetorical form of patriarchalist discourse. When Massinissa is called away to fight for Carthage, Sophonisba reflects on her new husband’s loyalty to the Carthaginian cause, and she compares herself to the long-suffering subject under the despotic prince. The figure, a favourite of James I, Filmer and other patriarchalists, was drawn from an analysis of the first book of Samuel in the Old Testament. Sophonisba, speaking to a collection of Carthaginian nobles, assures them of her constancy to the Carthaginian cause, even if Massinissa turned traitor for some unforeseen reason, yet she does so while affirming her loyalty to the form of marriage.

But let my lord leave Carthage, quit his virtue
I will not love him, yet must honor him,
As still good Subjects must badd princes: Lords
From the most ill-grac’d Hymeneall bedde
That ever Juno frown’d at, I intreat
That you’le collect from our loose form’d speech
This firme resolve: That no loe Appetite
Of my sex weaknes, can or shall orecome
Due gratefull service unto you, or virtue. (1.2.173-81)
Sophonisba’s loyalty to the Carthaginian cause is matched by Massinissa, however, who when he exits, leaves Sophonisba in the hands of Carthalo and the other Carthaginian lords. He asks them to mind her and keep her safe, but he notably refuses to accept their vow of loyalty to him.

_MASSINISSA_  

[...] to your trust

I leave all Massinissas treasure. By the oath  

Of right good men stand to my fortune just.

_Most hard it is for great harts to mistrust._

_CARTHALO_  We vow by all high powers.

_MASSINISSA_  No, doe not sweare.

I was not borne so small to doubt or feare. (206-11)

The act ends with Sophonisba and Massinissa as a heroic heterosexual couple, still chaste and virginal on the one hand, loyal and trustworthy on the other. The vow of the Carthaginian lords is unnecessary to Massinissa because he treats them according to the terms of masculine virtue in the period, as equals in honour. Massinissa’s virtue, however laudable, is not reciprocated. Indeed, the treachery with which he is treated in the subsequent act presents the Carthaginians (including Asdrubal) as failing to perform a virtuous form of masculinity. Whereas the vow ought to have made Carthalo and the other Carthaginian princes beholden unto Massinissa, by treating them as equals in the love of virtue, Massinissa ends up with Sophonisba at the mercy of the Carthaginian senate.

Asdrubal, her father, perpetrates the first rape of Sophonisba in the play when he, along with the Carthaginian senate, conspires to give Sophonisba in marriage to Syphax, the Libyan
king who was Massinissa’s love rival for Sophonisba’s hand. At this point, Sophonisba is no longer Asdrubal’s to govern, thus what he does is a kind of abduction from the virilocal household. Asdrubal presided over the marriage of Sophonisba to Massinissa in the first act, so even though she is still in Carthage, at Asdrubal’s home, she is, by Tudor/Stuart gender conventions, a part of Massinissa’s household. Asdrubal therefore rapes his own daughter when he allows the Carthaginian senate to arrange for her marriage to Syphax and conspires to assassinate Massinissa. Asdrubal raped Sophonisba because in 2.3.1-14 he shows that he is in full compliance with the Carthaginian Senate, who promise Asdrubal that he will inherit Massinissa’s kingdom once he is dead.

Prior to Asdrubal’s rape of Sophonisba, it is unclear precisely what his motives are, or even if he is aware of the Carthaginian plot to betray Massinissa as he is not on stage during the presentation of the plot to Sophonisba in 2.1. His complicity with the morally dubious Senate is

If one were interested in splitting the hairs of a definition, one could argue that what Asdrubal is doing in this second act is not technically rape because i) Sophonisba agrees to it, and ii) the Carthaginian Senate’s plan has Sophonisba marrying Syphax only after the murder of Massinissa. To the first objection, I merely point to the extensive medieval legal precedents on rape that suggested that to take a woman from the household of her father or husband with or without her consent was still to be considered rape. As to the second suggestion, though upon the death of her husband a woman who had not consummated her marriage could/should return to her parental home and be married off by her father to a new husband, the grotesque injustice of the narrative would beggar any description less than rape. Asdrubal, by trying to kill Massinissa, was trying to take Sophonisba away from her properly virilocal household, which is a perverse, but feasible definition for rape.
encapsulated in his comparison of his own case to the ethical quandary of the story of Iphigenia, Agamemnon’s daughter sacrificed to gain the favour of the gods on the eve of the Trojan War. In doing so, he may perhaps be placing political interests above the personal for a higher good, but at the same time, he is eschewing his role as father – as patriarch – for his role within the republic. This action corrupts the patriarchal rule at its core insofar as it undermines the ability of a husband such as Massinissa to govern unilaterally within his own home, even though the transgression against Massinissa is presented as being undertaken for the good of the state.

The most explicit forms of failure to adhere to an ideal of masculine behaviour in The Wonder of Women are the series of attempted sexual assaults that Syphax makes on Sophonisba. Marston takes pains to present Syphax not merely as the villain of the piece, but as an over-the-top, Senecan monster, who is at one point willing to defile Sophonisba’s corpse, if she should choose to kill herself. The threat Syphax makes must be read against Sophonisba’s strident efforts to render herself into an objectified stake, in accordance with the patriarchal vow of the marriage ceremony. Sophonisba’s threat of suicide, with her knife against her breast, echoes Lucrece, who similarly killed herself with a knife in the breast, yet relocates that scene of self-violence from after the rape to anticipating it.

Look thee, view this. Show but one strain of force,

Bow but to sease this arme, and by my selfe,

Or more by Massinissa this good steele,

Shall set my soule on wing. Thus formed Gods see,

And men with Gods worth envy nought but me. (4.1.53-57)

Sophonisba identifies the suicide that will end her life honourably with her own husband, Massinissa; it is not her hand that guides the “good steele” into her breast, but Massinissa’s.
Syphax, unmoved by her appeal, displays an unmasculine lack of self-governance regarding his own desires:

Doe strike thy breast, know being dead, Ile use,
With highest lust of sense thy senselesse flesh,
And even then thy vexed soule shall see,
Without resistance, thy trunke prostitute
Unto our appetite. (4.1.58-62)

This raises Sophonisba’s essential predicament in a patriarchal system that positions her as an object to be exchanged between men, namely, the total identification of the feminine with the body-as-sexual object. If the patriarchal system articulated through the vow only valued women as objects, as stakes in exchanges between men, then a woman’s consent (or lack thereof) to participate in sexual acts was immaterial, as consent implied a subject position. Extended to its grotesque conclusion, the patriarchal logic that rendered a woman as an object of exchange, merely flesh onto which the subject positions of the men around her are inscribed, renders that woman dead flesh. That flesh is then made to speak through the actions of the men, as the mere flesh becomes a medium for semiotic exploitation. In this case, Syphax’s necrophilic rape would turn Sophonisba from chaste virgin to a corpse “prostitute[d]/ Unto our appetite.” In doing so, he would turn her from her husband’s property to the property of any/every man. Rather than accept this rape, Sophonisba turns the focus on her own body into a riddle. She gets Syphax to fall back into the language of courtly love, and then she secures a vow from him.

At this point in the play, Sophonisba’s body is structurally replaced, first by Zanthia and then by the witch Erichtho. Syphax appears to back down from his claims on her body through
appealing to the rhetoric of love and Sophonisba negotiates a vow in which her body is the ostensible object of exchange. The real object to be exchanged, however, is the body of Zanthia.

SYPHAX.  [...] We dote not on thy body, but love thee.

SOPHONISBA. Wilt thou keep faith?

SYPHAX.  By thee and by that power

By which thou art thus glorious, trust my vow.

Our guard, convoy the roialst excellence

That ever was cald Woman, to our Pallace,

Observe her with strict care.

SOPHONISBA.  Dread Syphax speak

As thou art worthy: is not Zanthia false?

SYPHAX.  To thee she is.

SOPHONISBA.  As thou art then thy selfe.

Let hir not be.

SYPHAX.  She is not.

The guard seizeth Zanthia.

ZANTHIA.  Thus most speed.

When two foes are growne friends partakers bleed.

SYPHAX.  When Plants must flourish their manure must rot.

SOPHONISBA.  Syphax bee recompenced. I hate thee not. (4.1.78-90)

Syphax makes a vow of faith, yet Sophonisba is already governed by a vow to another man – the marriage vow of 1.2. This presents an erotic riddle in that she cannot be the object of the initial vow of marriage and the object of Syphax’s lust at the same time. Here Sophonisba presents a
solution to the problem that allows her to maintain her chastity. She suggests Zanthia, who never appears on stage again, as a stand-in for her own body in the face of Syphax’s proposed necrophilic lust. It is only when Zanthia is taken away to her death and Sophonisba is returned to Syphax’s household that one of the more bizarre incidents in the play occurs. Syphax calls upon Erichtho, the witch, to help him seduce Sophonisba. Erichtho supplies the second surrogate for Sophonisba’s body: her own. The bed trick that follows, which sees the necromancer Erichtho in the guise of Sophonisba sleep with the deluded Syphax, positions Syphax as a kind of dupe or object and rearticulates the image of the person who committed rape on the early modern stage.

The man who raped was almost universally presented as a man who was a part of the patriarchal order, yet whose sexual desires and lack of self-governance overwhelmed him to the point of undermining patriarchal modes of governance. In this way, the man who raped could always be brought back into the fold of “proper” governance and reclaimed as a full subject. Only in a few instances was the person who committed rape presented as wholly abject and utterly incapable of being recuperated into patriarchal order because s/he was never a part of patriarchal governance in the first place. Syphax, as a king, could at least in theory be recovered by the system of patriarchal governance. Women and racial others such as Caliban and Erichtho severely complicated the recuperative model of sexual governance insofar as their abject position before patriarchal order precluded their return to the order, yet their actions of sexual assault were directly analogous to the behaviour(s) of the man who raped. This complication, though not the focus of this dissertation, ought to be kept in mind as a strategy of exclusion upon which masculine identity was constructed by the early moderns.
Erichtho is aligned by Syphax with the uncivilized and the funereal. She has both power over the infernal elements and raises the dead from their graves.

Dreadfull Erichtho lives whose dismall brow,
Contemnes all roofes or civill coverture.
Forsaken graves and tombes the Ghosts forc'd out
She joyes to inhabit. (4.1.99-102)

Erichtho despooils the dead flesh of corpses both for material ingredients for her spells and to satiate her lust upon, and, moreover, she forces her “secrets” on those she finds still alive.

when she findes a corse

New graud whose entrailes yet not turne
To fly my filth with greedy hauock then
She makes fierce spoile: & swels with wicked triumph
To bury hir leane knuckles in his eyes
Then doeth she knaw the pale and or'egrowne nailes
From his dry hand: but if she find some life
Yet lurking close she bites his gelled lips,
And sticking her blacke tongue in his drie throat,
She breathes dire murmurs, which inforce him beare
Her baneful secrets to the spirits of horror. (4.1.113-24).

Erichtho’s sexual use of the dead and the living alike position her as a liminal figure, a monster who exists beyond human society and who therefore cannot be brought back in line with the terms of patriarchal governance, having never been under the terms of such governance. She has the power to govern (or “inforce”) men, turning upside down the terms of the recuperative sexual
economy of rape in the early modern period. When Erichtho uses the bed-trick against Syphax, she, in effect, commits a sexual assault against him that she describes herself in terms of overpowering sexual desire. Her “thirsty womb” and “longing armes” echo the terms of desire that describe or are described by the man who rapes, yet here they invert the “natural” order of sexual domination (5.1.9, 15).

Likewise, Shakespeare’s *The Tempest* presents Caliban as attempting to invert the “natural” order of racial governance, yet whereas Erichtho is totally other, totally alien, Shakespeare presents Caliban’s motivations as comprehensible, if condemnable. Miranda, when chastising Caliban for his attempted rape of her, blames “thy vile race” (1.2.357) as an inborn, dispositional incapacity to govern his own sexual desires. Caliban, on the other hand, claims that his attempted rape of her had nothing to do with sexual desire per se, but everything to do with an attempt to reproduce himself. Caliban’s stated desire for reproduction, “I had peopled else/This isle with Calibans” (1.2.348-9), is rejected and overwritten by Miranda’s reading of him as being ontologically incapable of self-governance. Whereas the man who raped was liable to recuperation, Caliban’s prison is permanent – he is Prospero’s “slave” (1.2.374). The patriarchal order of the island is predicated on Caliban’s total and permanent exclusion from power. In this case, the attempted rape acts as a signifier for nascent constructions of racial difference rather than a description of the terms of successful masculine performance.

Erichtho’s rape of Syphax, as racially othered woman defiling the racially normative man, upsets the terms of rape that are being investigated in this dissertation and the inversion is heralded throughout the whole of her time on stage. Syphax is the object of Erichtho’s lust, and Erichtho, who inverts the “natural” workings of the world, grows younger from the “proud heat well wasted” (5.1.19). Syphax, the masculine figure unable to control his lust, unable to govern
himself and comport himself according to the strictures of the vow that governed Sophonisba and Massinissa’s relationship, fails to comport himself according to the ideals of masculine behaviour and, indeed, his masculinity is severely compromised by Erichtho’s bed-trick. This is not to say that he is gendered feminine, but that he fails utterly to structure his identity according to the terms of masculine governance. The riddle – how can Sophonisba be honest to Massinissa and to Syphax? – is answered through Syphax’s humiliation. More profoundly, Syphax’s humiliation foreshadows the humiliation of and destruction of Carthage that is to come.

As Bal points out, in the contest between the patrilocal and the virilocal that comprises the book of Judges, the woman’s body is the site of narrative movement (351). The female body either creates a lineage that becomes history or becomes the “material mediator of the line of descent.” As noted above, this blood lineage was defined through the tradition of patrilineal primogeniture. The body of the woman becomes a language through which the woman can speak and occupy a subject position in a strictly patriarchal world. Even when the body is destroyed, torn apart, or rendered merely flesh, the woman’s body has semiotic urgency. “How can a dead woman speak? Why does she have to be dead in order to be able to speak?” (Bal 342). For Sophonisba to kill herself would be to perform her subjectivity unto death and to finally become the object that the patriarchal system entailed in the vow demands, yet she does not kill herself until she is faced with another impossible riddle.

54 Syphax’s erotic desire to know Sophonisba leads directly to his own humiliation. Indeed, that the riddle and the humiliation are linked through the vow is expressed in the text itself when, following Erichtho’s exit, Syphax, alone on stage, “kneels at the Altar” (26 s.d.) and calls upon “thou gay God of riddles and strange tales / Hot-brained Phebus” (30-1) to pour down more humiliations upon him, as well as plagues, wars, and droughts.
Sophonisba’s answer to the riddle is that which finally renders her as pure object or dead flesh. Sophonisba has been requested of Massinissa by the Roman general Scipio as one of the spoils of war, yet Massinissa cannot comply without breaking the vow he made in the first act. The competing requirements of masculine honour seem to demand that one or the other vow has to be broken. Sophonisba understands this in the terms of a riddle and rather than be given to Scipio as a slave, with the sexual assault and humiliation attendant on that position, Sophonisba will instead kill herself.

**MASSINISSA**  Wilt thou be slav’d?

**SOPHONISBA** No free.

**MASSINISSA** How then keepe I my faith?

**SOPHONISBA** My death

Giv’s help to all: From Rome so rest we free

So brought to Scipio, faith is kept in thee. (5.3.84-87)

Her death performs her subjectivity, even as it reduces her to mere flesh. Hence, later in the scene, when Sophonisba is brought out and presented to Scipio on a funeral bier, Massinissa claims, “Sophonisba I keepe vow thou art still free” (5.3.154). Her freedom and subjectivity are ensured through her own radical lack of freedom and subjectivity. Her body speaks where she cannot. The body seals the relationship between subjected Carthage and imperial Rome. Massinissa invites Scipio (and the audience) to witness the spectacle of Sophonisba’s dead body as it enters, “see what hard shift we make/ To keepe our vowes” (5.3.152), reinforcing the one-sidedness of the power relations. Sophonisba, like Carthage itself, is now wholly subject to the tremendous power of Rome. As Scipio states, “For ever breath, / Romes very minion: Live

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55 Cf. Bal 352.
worth thy fame/ As far from faintings as from now base name.” (5.3.161-63). Sophonisba’s death assures her place in history, but more than that, it assures history itself. The narrative of Roman domination over Carthage, and by extension the ancient world, is written onto her body. The series of rapes and attempted rapes, bed-tricks and vows have all resulted in the final image of virtuous Roman masculinity reading history through the broken body of the Carthaginian noblewoman.

*Raptus to Stuprum*

The fall of Carthage offered unique dramatic possibilities for Marston, but rather than indulging in the spectacle of a city in ruins, he chose to tell his story through the repeated abductions and attempted sexual assaults of Sophonisba (as well as the completed sexual assault of Syphax). In focusing on the rapes, Marston was participating in a representative economy of political renovation wherein a public rape signalled a transformation in governance from unjust to just, uncivilized to civilized, perverse to sexually normative. In this representative economy, the state itself is complicit in the perversion of governance that is enacted through the rape. This complicity requires recuperation or destruction of both the man who raped and of the forms of state governance that allowed the rape to occur in the first place. That is, rape is both a failure of an individual man to govern his sexual desires and a failure of the state adequately to govern the man who raped. Just as the individual was subject to recuperation into a “proper” patriarchal order, so the state was liable to political renovation if it suborned or suffered sexual assault and abduction. In the Roman plays in particular, rape provided an etiological site for the renovation of the political order into a more complete patriarchal system of governance. In this case, Carthage falls to make room for the “virtuous” masculine order of Republican Rome.
Sophonisba is the “wonder of women” because she willingly takes her place within the patriarchal order as the object through which history is created. She willingly accepts her place as object in the negotiations between men. The fraternal bonds that characterize patriarchal order require the objectification of women, largely removing women from the system of obligation instantiated in the vow. As Sharon Marcus points out, “Since women are considered to be property and thus not to own it, it is not possible to enter into contracts with us and thus implausible that we would resist attempts to appropriate us” (“Fighting” 398). Sophonisba does resist the attempts to re-appropriate her from her patriarchally designated lord, her husband, and in doing so becomes a kind of subject striving to be an object. She becomes a wonder because she strives to be wholly inscribed upon. The asymmetrical patriarchal relations that inform the logic of rape-qua-raptus envisaged a history that was told through the death or silencing of women. The failure to abide by one system of governance, which placed women under the protection of their fathers or husbands (rape-qua-raptus), was analogically equivalent to the failure to abide by the system of governance that prevented men from lusting immoderately (rape-qua-stuprum). The play highlights the differences between Asdrubal as a rapist and

56 Rape-qua-raptum appears in plays across the dramatic canon – not merely in the plays on which I am focusing my attention: the Roman and Romanesque histories like Hengist. Where it does appear, for example in Two Gentlemen of Verona or The Duchess of Malfi, it is either paired with rape-qua-stuprum through narrative (as in Proteus’ attempted rape of Julia) or it is rhetorically paired with it (as in Ferdinand’s invectives against the Duchess). I do not mean to suggest that rape-qua-raptum was a unique function of these Roman histories, that the fleshly body of the woman was only inscribed upon by the virtuous masculine in plays that deal with Rome. Rather, I use the Roman plays because, as noted in my introduction, these plays are
Syphax as a rapist, complicating the very term itself, but ultimately figuring Sophonisba as object in both cases. The next chapter explores another vision of failure of masculine self-governance, Heywood’s *Rape of Lucrece*, in which almost all of the adult male characters suffer from a traumatic loss of masculine honour and are only capable of recovering their honour when they witness and sympathize with the female victim of rape. In Heywood’s play, the representation of rape-*qua-stuprum* through song becomes a metatheatrical indictment of masculine governance of the audience of the Red Bull theatre itself.

intensely interested in the working out of gender (specifically masculinity) as a performance. It is not that the other plays aren’t, but that these plays clarify the situation in ways that plays like *Two Gentlemen of Verona* or *The Duchess of Malfi* do not.
Chapter Three: Rape-Qua-Stuprum: Heywood’s The Rape of Lucrece

Heywood’s *The Rape of Lucrece*, which was possibly the first play performed at the new Red Bull theatre in 1607 (Bayer 230), is a generically ambiguous play. Combining elements of chronicle history (in the serial presentation of sententious scenes and moments from the story of the rise of the Roman republic), comedy (in the songs sung by Valerius), and tragedy (in the deaths of Lucrece, Brutus and Sextus), the play investigates the trauma of rape not as it is experienced by the individual female victim, but as its effects ripple through the entire society of men. This central myth of the birth of the Roman Republic is the climax of the play, where the Roman nobility’s complicity in the establishment of a perverse mode of governance has robbed them of their honour. They regain their honour or restore their position in a “just” patriarchal order only when the tyrannical act of Sextus Tarquin – the rape itself – erupts into their view. The violence of the rape itself is not the moment when the Roman nobility recognize their dishonourable lack of governance, however; it is the metatheatrical return of the rape that provides the ground for witnessing and transformation. As Jocelyn Catty notes, rape was never displayed on the early modern stage, but disappeared into the tiring house (108), becoming what Kim Solga, in *Violence Against Women in Early Modern Performance*, calls an in/visible act on the stage. As Solga states, performance and “theories of performance are always, on a deep level, concerned with the fact that mimesis conceals more than it reveals, stages the lost and missing within the image of plenitude it presents sometimes as truth and sometimes as the failure of human access to truth” (12). The always-occluded rape-*qua-raptus* on the early modern stage was supplied by the metatheatrical return of the traumatized body of the rape victim following the disappearance into the tiring house. In this sense, the rape on the early modern stage is an in/visible act; it is
both/and: it enters representation as invisible, as elided within representation, but quickly becomes palpable as such, and a missed and missing story of loss within the frame of the very performance that would complete the process of its effacement. The in/visible act is a guerrilla performance gesture that erupts from within the spectacle of violence’s elision at its most critical moment – that interrupts, messily, violence’s own forgetting. (16-17)

The rape of Lucrece is occluded, but her bodily return to the stage is not the only metatheatrical return of Solga’s argument. Rather, there are two. The first is within the narrative as the suicide of Lucrece re-establishes the nobles of Rome within the patriarchal order insofar as it serves as the impetus for virile, honourable, masculine activity. The second return of the traumatized body of the victim is meta/theatrical. It is in the form of the song sung by Valerius and Horatius, “Did he take fair Lucrece by the toe man?” that supplies this moment of interruption of the forgetting of violence for the audience of the Red Bull. This chapter looks in particular at this second form of return. The rape, which is the final act of a tyrannical regime that has emasculated the Roman nobility, is witnessed through the song – a song that was sung as a catch, thus shared among the audience generally. In this case, the act of witnessing becomes politically inflected as the audience remembers the effaced violence through enacting the violence in song, implicitly identifying them with Tarquin.

Inheritance

Heywood’s play was working within a tradition of representations of the story of Lucrece, both on the stage and off, that presented the body of Lucrece as a site of contested authority, through which writers could criticize the prevailing system of governance. Ian Donaldson in *The Rapes of Lucretia* described the transformations of the representations of the rape of Lucrece, while Stephanie Jed’s *Chaste Thinking* has situated the story within the rise of
European humanist discourse. In the patristic tradition, St. Augustine in *The City of God* famously used the example of Lucretia’s suicide to describe the irrational pride that leads to sin, which is inherent in the pagan faith. This interpretation was adapted by Renaissance writers such as Machiavelli, whose *La Mandragola* presents a character named Lucrezia – not the Lucrece of legend but a character whose name and initial virtue intimately connect her with the original – and then orchestrates her fall from grace, here understood politically. As Hanna Fenichel Pitkin notes, Machiavelli’s play ends not with the birth of a republic, but with the establishment of a corrupt state (47-8), in keeping with the patristic interpretation of the legend. Middleton’s *The Ghost of Lucrece* uses the story of Lucrece to position her within the discourse of anti-Catholic animosity with references to “the triple crown” and “the Roman devils” (170, 2). A more explicitly political interpretation of the Lucrece legend, one grounded in the secular humanist recovery of the classics, can be found, for example, in Sidney’s adaptation of the story in *The Arcadia*, as noted by Debora Shuger. Shakespeare’s poem, despite liberally adapting his source material, draws heavily upon Ovid’s account as well as those of Livy and Dionysus, as shown by T. W. Baldwin (97-153).

Scholars have generally dismissed *The Rape of Lucrece* as either being derivative of Shakespeare’s *Lucrece* or treating its titular event with a shocking lack of care. ⁵⁷ Neither

⁵⁷ The mimicry of Shakespeare’s poem in the third act is insistent and clear. Holaday treats this at length in his introduction to the play pp. 21-23, and notes that Heywood “leans so directly upon his source that one suspects him of writing with the poem at his elbow” (22). Further, critics such as Catherine Belsey have pointed out that modern feminist readings of the sexual politics of Shakespeare’s poem are divided. Thus, any reading of Heywood’s tragedy as derivative of Shakespeare’s poem must do injustice both to the play and to the source poem. To
argument is sufficient. Though the play as a whole has a much greater scope and far different goals from Shakespeare’s poem, certain of its parts recognizably derive from it. For instance, whereas Shakespeare’s poem explores Lucrece’s psychology following the rape, Heywood’s play is largely uninterested in the title character and instead addresses itself to the problems surrounding the political change from monarchy to republic. Nevertheless, individual lines of the play echo the poem with such striking correspondence that Heywood’s dramatic version almost ventriloquizes Shakespeare’s poetic vision. Shakespeare’s “Mar not the thing that cannot be amended,” becomes Heywood’s “… marre not that/ Cannot be made againe” (2025-26). In fact, Shakespeare’s description of the rape is largely taken up by Heywood and repeated.58 Compare Shakespeare’s

58 The most important source for Heywood’s third act is Shakespeare’s poem, but there were many other English versions of the story available to him. Ovid’s Fasti seems to have provided the model for the first half of the play, while Heywood’s immediate source for the second half of the play seems to have been Livy, though which version of Livy is more difficult to ascertain. Livy’s Historia, for instance, was translated by William Painter in The Palace of Pleasure from 1566, and Ovid’s Fasti was translated by Arthur Golding (1576). Among other places, the story of Lucrece appears in Philemon Holland’s The Roman History (ca. 1598-1600), as well as in Thomas Middleton’s 1600 The Ghost of Lucrece. Oblique versions of the story repeatedly appear in the period, such as in Robert Greene’s Ciceronis Amor (1598) and Book Two of Spenser’s Faerie Queene (Shand 1987). Heywood makes some rather startling departures from
That done, despitefully I mean to bear thee
Unto the base bed of some rascal groom,
To be thy partner in this shameful doom. (670-672)

with Heywood’s

Ile broach thee on my steele, that done, straight murder
One of thy basest Groomes, and lay you both
Graspt arme in arme, on thy adulterate bed. (2012-2015)

Nevertheless, despite general recognition that Heywood’s work is derivative of Shakespeare in the third act, scholars have noted repeatedly how Heywood’s version has completely different interests. Whereas Shakespeare presents Lucrece with depth and complexity, Heywood’s Lucrece is “the least convincing” character and her dialogue is largely composed of moral platitudes and sententiae on the place of women within the household (Holaday 41). Laura Bromley, for instance, argues that

Thomas Heywood […] is] not at all concerned with the moral and psychological consequences of Tarquin’s rape of Lucrece. The character of Lucrece is not much more than a symbol in Heywood’s play, and her rape is reduced […] to a metaphor for the license and corruption which permeated the political state of Rome under the Tarquins.

(210)

The rape is “reduced” in the sense that it has become an in/visible act. It occurs offstage and the return of Lucrece, unlike the return of Lavinia in Titus Andronicus, does not provide the audience with access to the traumatized interiority of Lucrece’s character. Further, the rape is

Livy – describing only one consul and situating Collatia as within Rome, yet, as Mowbray Velte puts it, “historic truth [was] not his object” (53).
“reduced” if one sees the Shakespearean text – with its interest in the representation of Lucrece’s interiority and loss of honour – as of greater value than Heywood’s location of the rape within a tyrannical political system. It is a modern bias – one that conceives of women as having interior lives that are of value – that leads some to dismiss the play because it does not present Lucrece as a psychologically rich and naturalistic character. This same bias is at play when Holaday describes the Tarquin family and the nobles of Rome as “usurp[ing]” the play from Lucrece (38).

To the early modern mind, Lucrece’s rape, and rape generally, was firmly located in a discourse of masculine self-discipline. Though Shakespeare’s text is deeply invested in the investigation of interiority, the modern-day privileging of feminine interiority is somewhat at odds with early modern literary culture, which tended to understand itself within what was seen as the masculine world of politics and honour. Investigations of feminine interiority such as presented in Shakespeare’s *Rape of Lucrece*, though they did occur, were aberrations within a literary culture that read the story primarily in terms of the relations among men. As critics such as Deborah Shuger have pointed out, other Renaissance authors such as Philip Sidney and Gabriel Harvey turned to Ovid and Livy to scaffold their interpretations of the story in terms of its political rather than eschatological or psychological content (526-27). The structure of the play encloses the narrative of rape within the political movement from monarchy to republicanism, domesticating the feminine within a masculine world of combat and honour. In this way, Heywood’s play structurally resists the traditional revenge narrative, which marginalizes women in favour of solidifying a family, group or nation’s patriarchal bonds.\(^{59}\) Given the interrelatedness of rape-

\(^{59}\) This marginalization of women’s desires under the project of the establishment of the patriarchal nuclear household is articulated by Edward Muir in *Mad Blood Stirring: Vendetta and Factions in Friuli during the Renaissance*, xxviii. Though focused on revenge in the Italian
qua-stuprum and rape-qua-raptus in the early modern mind, it should come as no surprise that Heywood uses the most cited example of rape-qua-stuprum to investigate the relations between men rather than the interiority of the female victim. Taken as a whole, the play structures the ideal feminine as an always already “rape-able” subject, whose vulnerability threatens the system of primogeniture, thereby justifying the increased surveillance and control of the feminine within a patriarchal system, and positing the ideal masculine subject as active and stoically self-disciplined.

Why Does Valerius Sing?

As in Livy’s Ab Urbe Condita, much of the initial blame for the rise of the tyranny of the Tarquins is laid at the feet of Tullia, the daughter of the reigning king, Servius Tullius. In the first scene, Tullia draws Tarquin into a conspiracy to kill Servius and thereby take his throne. Here, Heywood has silently streamlined the narratives from Livy and Ovid by making Tarquin and Tullia husband and wife rather than brother and sister-in-law. In doing so, he is appealing to an early modern character type that crystallizes in Lady Macbeth – the ambitious, scheming wife whose opposite is the virtuous Protestant wife. Viviana Comensoli has described the character type of the abusive wife as being conflated with the witch, because “a woman becomes a witch when she resists or refuses to conform to her prescribed social and religious role, negating both natural and divine law” (116). The witch character was the inverse of the Lutheran construction of the good wife. Luther described the wife’s duties in terms of the naturalness of the patriarchal household, “so the wife should stay at home and look after the affairs of the household, as one...

context, the book speaks to the entire western European approach to revenge narratives, as noted in Deborah Willis’ “‘The Gnawing Vulture’: Revenge, Trauma Theory and Titus Andronicus” (24).
who has been deprived of the ability of administering those affairs that are outside and that concern the state” (Luther, qtd. in Comensoli 117). The witch, however, turned the expectations of the “natural” order on their head. In trying to govern herself and fostering the rebellion against her father, Tullia was working against the principles that marked gender division for the early modern English world. As Katharine Hodgkin notes,

The masculine ideal involved independence and liberty, detachment and invulnerability; it constructed a man as someone in control in a general sense, as well as in the immediate exercise of authority over others. Masculinity meant taking the active part, ordering and governing, while femininity implied passivity, dependence and servitude. (21)

As Nancy Vickers argues, “Shakespeare locates the ultimate cause of Tarquin’s crime, and Lucrece’s subsequent suicide in an evening’s entertainment” (Lucrece 99); Heywood locates the genesis of the crime in the bodily defects of another woman – Tullia. Like Lady Macbeth, Tullia rejects a domestic role as wife and daughter, instead describing herself as “sick” with ambition (85). Tullia berates Tarquin for his lack of ambition.

I am no wife of Tarquins if not King:
Oh had love made me man, I would have mounted
Above the base tribunals of the earth,
Vp to the Clouds, for pompous sovereignty.
Thou art a man, oh bare my royall mind,
Mount heaven, and see if Tullia lag behind,
There is no earth in me, I am all fire,
Were Tarquin so, then we should both aspire. (96-103)
Drawing on the discourse of the humours that was used in the early modern period to justify the exclusion of women from public life, Tullia aligns herself with air and fire – the masculine elements. In his 1576 *Touchstone of Complexions*, Levinus Lemnius asserted, “vehment heate maketh men stoute of courage, rage, fierce, testie, crafty, suttle, industrious, politicke” (43r, v), 60

60 The biological argument for the subordination of women was commonplace in the early modern period and appeared in advice books, texts on natural philosophy and literary or religious texts. For example, the phrase “weaker vessel” can be traced to William Tyndale’s 1526 translation of the New Testament into English; the 1595 *Problems of Aristotle*, in articulating the difference between the sexes says, “a woman is a man hurt: and the condition of a privation is, always, to goe about hurt and intend mischief” (H1v) ; Alexander Ross in *Arcana Microcosmi or the Hidden Secrets of Man’s Body Disclosed* describes the subjugation of women as directly stemming from biological difference:

The male is hotter then the female, because begot of hotter seed, and in a hotter place, to wit, the right side; and because the male hath larger vessels and members, stronger limbs, a more porie skin, a more active body, a stronger concoction, a more couragious minde, and for the most part, a longer life; all which are effects of heat. Besides that, the bodies of males are sooner articulated and conformed, to wit, by 10 days, in the womb, then the females are; the motions of the male in the womb, are quicker and stronger, then of the female. The fatness, softness, and laxatie of the womans body, besides the abundance of blood, which cannot be concocted and exhaled for want of heat, argue that she is of a colder temper then the man: She indeed hath a swifter pulse, because of the narrowness of the arteries and her proneness to anger and venery, argue imbecility of minde, and strength of imagination not heat (48).
characteristics Tullia takes on through the course of the first act. Whereas Lady Macbeth asks the spirits to “make thick my blood” (1.5.43), obliquely referring to menstruation and the early modern gendering of the thickness of blood, Tullia and Tarquin verbally bathe themselves in the blood of Servius.\textsuperscript{61}

\textsuperscript{61} The relationship between women and blood was of particular concern for early modern thinkers. Menstruation was considered to be indicative of women’s inability to govern themselves – even their own bodies. Tullia, in bathing in her own father’s blood, anoints herself with the blood as a balm, yet her own blood would have been seen as practically poisonous to the early moderns. The pollutive effects of menstruation are described with some relish in this 1634 translation of Pliny’s \textit{History of the World}, which far exceeds its source material:

For if during the time of their sicknes, they happen to approch or go ouer a vessel of wine, be it neuer so new, it wil presently soure if they touch any standing corne in the field, it wil wither and come to no good. Also, let them in this estate handle graffes, they will die vpon it: the herbes and young buds in a garden if they do but passe by, will catch a blast, and burne away to nothing. Sit they vpon or vnder trees whiles they are in this case, the fruit which hangeth vpon them will fall. Do they but see themselues in a looking glasse, the cleare brightnesse thereof turneth into dimnesse, vpon their very sight. Look they vpon a sword, knife, or any edged toole, bee it neuer so bright, it waxeth duskish, so doth also the liuely hue of yvorie. The very bees in the hiue die. Yron & steele presently take rust, yea, and brasse likewise, with a filthy, strong, and poisoned stink, if they lay but hand thereupon. If dogs chance to taste of womens fleures, they run mad therewith; and if they bite anything afterwards, they leaue behinde them such a venome, that the wounds are incureable (163).
And but by Servius fall we cannot climbe,

The balme that must anoint us is his blood.

Lets lave our brows then in that crimson flood,

We must be bold and dreadlesse: who aspires,

Mounts by the lives of Fathers, Sons and Sires. (113-116)

In equating the authority of the monarchy with blood, Tullia again draws on early modern medical discourse that described semen – and therefore the patrilineal descent of Roman kingship – as a distillation of blood. Tullia’s interruption of that patrilineal inheritance is her paramount act of inversion of the natural order.

The scene shifts to the Senate house and the audience is introduced to the nobles of Rome: Lucretius (father to the soon-to-be-raped Lucrece), Valerius (whose dialogue will soon transform largely into song), and Collatine (husband to Lucrece). When the stage has cleared, Collatine and Valerius, alone, discuss the plot Tarquin hatched to kill Servius, which they observed from another part of the stage.

If there be any differences among the Princes and Senate, whose faction will Valerius follow?

Oh, Collatine, I am a true Citizen, and in this will I best shew myself to be one, to take part with the strongest. If Servius overcome, I am Liegeman to Servius, and if Tarquin subdue, I am for vive Tarquinus. (162-166)

In explicitly linking Valerius through “I am a true Citizen” with the weathercock stance of the public mob, a stock image of protean political exigency in the early modern period, Heywood is

For more on the way gender difference was informed by both anatomical discoveries in the early modern period and classical ways of thinking, see Thomas Laqueur’s Making Sex (63-113).
inviting the audience to judge Valerius’s actions in terms of the coming tyranny of the Tarquins. Further, the explicit association of Valerius with the citizenry metatheatrically associates him with the “uneducated audiences” of the Red Bull theatre (Baines 139).

Heywood’s views on the pedagogical and civic function of the theatre are well known. In his *Apology for Actors* he describes drama as a tool for both historical and moral education:

> Plays have made the ignorant more apprehensive, taught the unlearned the knowledge of many famous histories […] If we present a tragedy, we include the fatall and abortive ends of such as commit notorious murders, which is aggravated and acted with all the art that may be to terrify men from the abhorred practises. If wee present a forreigne history, the subject is so intended, that in the lives of Romans, Grecians, or others, either the vertues of our counrymen are extolled, or their vices reproved. […] If a morall, it is to perswade men to humanity and a good life, to instru ct them in civility and good manners, shewing them the fruits of honesty and the end of villainy. (52-53)

Heywood may not have expected the audience to know that Valerius was one of the first consuls of Rome and one of the staunchest defenders of the early republic, but audience members’ foreknowledge may actually have been a hindrance to the dramaturgy of the play. In ignorance of history’s characterization of Valerius, the audience could invest in the presentation of Valerius as a “merrie lord” who comes to republican stoicism through the affective power of the rape. In associating the audience with Valerius explicitly through his identification as a “true Citizen” and in his crowd-pleasing songs, Heywood relates to the audience in an overtly Horatian mode – both delighting and educating.

In the subsequent scene, Tarquin seizes the throne of Rome in a violent coup d’état in the senate house, with Roman nobles being introduced on both sides either as supporters of Tarquin
(Lucretius and Collatinus) or supporters of Servius (Scævola and Horatius). During the battle and the subsequent pardons, Valerius takes a position of neutrality, echoing his earlier sentiments. He is not on stage when the senate declares Tarquin king, but enters immediately following. Before the fight that results in Servius’s death, Valerius heralds the entrance of Servius, Scævola and Horatius (249ff), but does not align himself with those who fight against Tarquin. Later, Valerius introduces Scævola and Horatius to Tarquin as they beg favour from the new king for having resisted him. Valerius explicitly refuses to take a side in the battle for the throne, but by doing so only becomes complicit in whatever system of governance falls out after the bloodshed has ceased.

In the aftermath of the battle in the senate house, Tullia triumphs over the body of her dead father, Servius. This replays the *inversus mundus* (world upside down) trope from the first scene.

> We have our longing.
> My fathers death gives me a second life
> Much better then the first, my birth was servile,
> But this new breath of raigne is large and free,
> Welcome my second life of Soveraignty. (288-92)

Literally standing over her father’s corpse, Tullia’s rebirth emasculates the memory of her dead father and all of the noblemen who surround her. In humoural terms that echo Tullia’s own words from the first scene, Lucretius draws a direct comparison between the feminine virtues of Lucrece and the masculine vices of Tullia.

> I have a Daughter, but I hope of mettle,
> Subject to better temperature, should my Lucrece
Be of this pride, these hands would sacrifice

Her blood vnto the Gods that dwell below,

The abortiue brat should not out-live my spleene,

But _Lucrece_ is my Daughter, this is my queene. (293-98)

In this, the play’s first mention of Lucrece, she is already being represented as a body subject to the violence of others. The punishment that Lucretius suggests for his own daughter, should she act like Tullia, reflects the punishment Tullia has already inflicted upon her own father. The vision of Lucrece in Lucretius’s speech is one of vulnerability and temperance. She is an object of discipline for Lucretius, subjected to his whims, desires and actions. In his speech, Lucretius inflicts wounds upon Lucrece’s body with his own hands and makes her bleed, comparing the pure patriarchal blood the audience could see on the stage with the figured purity of Lucrece’s blood. In this, the idealized feminine that is embodied in the imagined Lucrece is associated with the threat and use of violence. As a woman, she is always already subject to violence. To finish the scene, Tullia theatrically usurps Tarquin’s newly won authority and invests herself

62 Why is it Lucretius who offers to discipline Lucrece and not her husband, Collatine? At this point in the play, it seems, Lucrece and Collatine are not married. It is only in the following scene, where Aruns and Sextus convince Brutus to join them on a journey to the Pythian Oracle that the audience learns that Collatine will not join them because he “is troubled with the common disease of all new married men, he’s sicke of the wife, his excuse is forsooth that Lucrece will not let him goe” (430-432). Though Aruns and Sextus make fun of Collatine for his uxoriousness, Collatine is never presented to the audience as being overly dependent on or subject to his desire for his wife.
with the crown (305), heralding this by calling for a flourish to be sounded: “Musique, whose loftiest tones grace Princes crown’d/ Vnto our novel Coronation sound” (306-7).

Only some 300 lines into the play there have been four calls for a flourish and a fight scene. If this was the first play performed at the Red Bull theatre then the theatre was clearly well supplied to provide both spectacle and music from the very start. The spectacle and music both cease, however, until the entrance of Valerius some 240 lines and two scenes later. This tonal shift, from regular musical accompaniment in the form of flourishes to silence, only serves to highlight the re-entry of music into the play, when it takes the radically different form of a single voice singing renditions of popular tunes.

The songs Valerius sings are central to the eruption of the rape from occluded violence into the witnessable critique of a patriarchal order that allowed it to happen and enjoyed it. In adapting the mytho-historical record of the birth of the Roman Republic as it survives in Livy, the play presents in the first few acts the heroes of the Republic – Valerius, Horatius, and Scævola – as “distracted” men. Valerius is unable through the first half of the play to speak more than a line or two of dialogue without breaking into an often-bawdy song. Twentieth-century critics have repeatedly described the songs in rather derisive terms. A. W. Ward, in A History of English Dramatic Literature (1899), characterized most of them as “doggerel, and one or two are something worse” (581). John R. Moore called them “almost incredibly bad” (171). Mowbray Velte uses them as an opportunity to harangue the original audience at the Red Bull:

63 Alexander Leggatt notes in Jacobean Public Theatre how the Red Bull was later on well known for its emphasis on spectacle. “Its resources included pillars supporting a canopy, flying machinery, a large trap – and perhaps more than one – with some form of lift for ascents and descents, three doors and by 1608, a music room over the stage” (20).
“Certainly it was an uncritical audience that was willing to let them pass without comment on their appropriateness, for on the whole they detract from, rather than add to, the drama” (55). Perhaps the most charitable description of one of the songs comes from Eric Wilson, who in 1995 portrayed “The Cries of Rome” as

Though hardly dramatically organic (excepting the actor playing Valerius’ apparent willingness to jump at any moment into one of the play’s more than ten songs) and possessed with a peculiar textual marginality as well (while later editions of the play repeatedly add new songs to the body of the text, all five early editions (through 1625) continue to append “the Cries of Rome” at text’s end, as a song performed with the play) – the Cries nevertheless seem to have been a hit of great “expectation” with the notoriously “popular” audience of the Red Bull theater. (27)

Whereas the flourishes and sonnets of the early part of the piece seem to have been bombastic, polyphonic eruptions, Valerius’s songs were probably sung either solo voce or as a lute air. By 1607, the lute air had gained popularity on the stage, first through the children’s companies and then on the adult stage, as Lucy Munro argues: “perhaps in part because it demands only one singer and one accompanist (potentially the same actor-musician) and would presumably have demanded less preparation and rehearsal” (Munro 552). Andrew Gurr argues that Shakespeare’s own company, the King’s Men, had to “[retrofit] the Globe to include a music room in the balcony above the stage” in the first decade of the seventeenth century to accommodate increased audience desire for musical accompaniment to action (qtd. in Smith Acoustic 221). Indeed, the Red Bull Theatre became known in later years partially for the sophisticated manner in which it used music to further characterization and dramatic effect (Munro 554). Songs were rarely sung by noble male characters excepting in cases of madness or
lovesickness, and Valerius is described by Horatius in both terms (Heywood 559). Popular songs on the early modern stage were often appeals to the working-class audience, like that at the Red Bull, articulated through characters who were marginalized through their gender, their class status or their sanity (Munro 555). An example of a character whose singing interpenetrates with and helps to constitute her feminine identity and her insanity would be Ophelia. Thus, when Valerius returns to the stage and sings popular ballads, he can be seen as being signified as mad. These songs were set to popular tunes, drawn from a cultural milieu that the audience would have participated in and understood. The audience would recognize the airs and would have responded to them appropriately. Catches to be sung in the round, for instance, would have been sung by the audience as a whole. Even if the audience did not know the words, the call and response format would invite their participation in the performance of the song. In this, the audience would be performing with Valerius, replicating and reinscribing his singing, thereby represencing or re-witnessing the in/visible trauma.

**Singing Trauma**

Soon after the usurping Tarquins gain power, the Roman nobles gather together to discuss the tyranny under which they now find themselves (460 ff), and despite their complaints about the reign of Tarquinius Superbus, they are unable to offer any resistance. The reign both facilitates and makes necessary a number of pathological visions of masculinity, as both nobles and king are declared or rendered impotent. Horatius predicts that the continued poor governance of Tarquin will “Beget a weake unable impotence” (474) as the allies and dominions of Rome rise up in rebellion against the crown. He goes on to associate that lack of governance with two things, the arrogance that pushes out all other voices,

_HORATIUS._

His golden feathers
Are of such vastnes, that they spread like sayles
And so becalme us that wee haue not aire
Able to raise our plumes, to taste the pleasures of our own Elements.

SCAEVOLA. Wee are one heart, our thoughts and our desires are sutable.

HORATIUS. Since he was King he beares him like a God,
His wife like Pallas: or the wife of Iove.
Will not be spoke to without sacrifice
And homage sole due to the Dieties. (482–486)

Lucretius’s entrance provides further evidence of the characteristics of tyranny; and he suggests that the best solution is to retire from public life altogether to focus on household governance as “home breeds safety” (506). It is only at that moment, when the debate has turned to the governance of the household, that Collatine enters and the dialogue points to the inability of the men to govern themselves now that the Tarquins have pushed them out of the governance of the state.

Only one Roman noble at this point shows any ability to govern himself – Collatine. Horatius asks Collatine where Valerius is and how he feels about “these times.” Collatine responds by cataloguing the neurotic responses to tyranny that the Roman nobles have taken on, knowingly or not.

Not giddily like Brutus, passionately
Like old Lucretius with his teare swolne eies,
Not laughingly like Mutius Scævola
Nor bluntly like Horatius Cocles here.
He has usurpt a stranger garbe of humour,
Distinct from these in every way. […]

Strangely, he is all song, hee’s ditty all. (514-519, 527)

Collatine is the only one not affected by the tyranny of the Tarquins that allows him to serve later as the straight man for several comic routines. As he later reproves the other nobles,

You are madmen all that yield so much to passion.
You lay your selves too open to your enemies
That would be glad to pry into your deedes,
And catch advantage to ensnare our lives. (979-983)

Collatine identifies the symptoms of failed masculinity in each of the other Roman nobles, but is not himself an example of ideal masculinity in the play, as will be shown later. Though each of the responses of the Roman nobles is interesting in and of itself, the most prominent (and apparently most popular with the audiences of the time) was that of Valerius.⁶⁴

There is an almost insurmountable difficulty for historians of performance to identify the tunes to which early modern songs were played, because tunes were very rarely set down on paper. As Ross Duffin puts it in his introduction to Shakespeare’s Songbook,

… everyone knew the tune titles. Printed ballads were issued on broadsides – single sheets of paper printed on one side – and in almost no case does music appear on the page. Instead, the title of the ballad is followed by “to the tune of Greensleeves,” or some such directive. The tunes and their titles were so well known that it was not necessary to use precious space on the broadsides to print the music. The same tunes, furthermore, were the musical currency of the stage jigs, which were the halftime shows of Elizabethan theater: farcical song and dance playlets in which the entire dialogue was

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⁶⁴ Cf. “To the Reader” 2991-2997.
sung to one or more ballad tunes. There is no question that Shakespeare’s audience, from the lowliest groundling to the highest noble, knew these tunes and the ballads that were set to them. (16)

This leaves the modern performance researcher with the conundrum of having to translate the cultural location of the music without having access to the common knowledge of Elizabethan and Jacobean London. Just to give a sense of the unspoken cultural currency of these songs and tunes, not a single setting survives prior to ca. 1650 of one of the most popular tunes from the period, known alternately as “Chevy Chase” or “Flying Fame,” when it was copied into what is now Edinburgh University Library MS Cc.I.69 (Duffin 62). Often the attribution of tunes to lyrics, and thereby the affective connection among multiple lyrics that share the same tune, is a game of educated guesswork.

Apart from the difficulties in attributing a given lyric to a given tune, scholars of performance history have to situate the playhouse song within a culture of musical theory, consumption and production that saw music as analogically indicative of the harmonies of the material and spiritual world. That is, performances such as Valerius’s, which so notably jar with the genre of the piece, embody and perform the political dissonance of the Tarquin tyranny. It is a commonplace observation that musical theory in the period was based on analogical thinking. The harmonies observed in music both reflect and embody the natural harmony of the universe, which was also reflected and embodied in the harmony of the state, which was also reflected and instantiated in bodily health.65 The relationship among the different elements (earth, air, fire and water), which in Tullia was so out of joint, had a cosmic significance as well as a political one.

65 For a more extended analysis of the principle of analogical musical thinking, see “Musical Theory” in David Lindley’s Shakespeare and Music.
Boethius, whose *De Institutione Musica* David Lindley identifies as a standard university textbook in the period, describes the relationship among the elements, the individual and the seasons:

Unless a certain harmony united the differences and contrary powers of the four elements, how could they form a single body and mechanism? But all this diversity produces the variety of seasons and fruits, yet thereby makes the year a unity. (Lindley 18-19)

The harmonies of the universe, the state and the individual mind were revealed in the melodiousness of music; likewise discord in the state and the individual could be identified through disharmonious music. A well-governed state and a well-governed mind were compared to a harmonious piece of music, a commonplace that Shakespeare exploits to ironic purpose in *Richard II* when Richard, imprisoned, is able to identify the faults of a lute player, but was earlier unable to identify the faults in his own government (5.5.41-60). The quality of estrangement that characterizes Valerius’s songs in the play, so remarked on by critics, can be seen not as a sign of poor craftsmanship on Heywood’s part, but as part of a strategy by which Heywood was indicating the disjointure of the whole dramatic universe of *The Rape of Lucrece*.

The first song Valerius sings sets the ironic and out-of-place tone for the songs in the rest of the piece until “Did he take faire Lucrece by the toe man?” shifts the tone of both the song and the play, bringing to witness the act of violence that is so central to the piece. The first song is an adaptation of a popular ballad, “The Noble Acts Newly Found, of Arthur of the Table Round,” notable as the song Falstaff sings in *2 Henry IV*. The song was set to the tune of “Flying Fame,” which was also the tune for several other heroic or tragic songs, such as “A Lamentable Song of the Death of King Lear and His Three Daughters” and “The Battle of
Agincourt,” both found in Shakespeare (Duffin 61). This music, under various incarnations, remained popular during the early modern period, and appears in Bishop Corbett’s poem *Journey into France* (1613), Rowley’s *A Match at Midnight* (1633) and John Gay’s *The Beggar’s Opera* (1728) (Chappell 198-199). Other songs that use the tune “Flying Fame” do not have the formulaic opening sequence, “When X first in court began…” Heywood’s version implies a comparison of Tarquin with Arthur, criticizing the regime through reference to his own singing:

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When Tarquin first in Court began          When Arthur first in court began
And was approved King                      And was approved king,
Some men for sudden joy gan weep,         By force of arms great victories won
But I for sorrow sing. (545-549)               And conquest home did bring. (Duffin 16)
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Heywood ironically reverses the jingoism of the original piece and presents Valerius’s self-isolation through an eminently popular medium. The song employs the popularity of “Arthur of the Table Round” to twist its meaning through relocation onto Valerius’s impotence to change the order of the Tarquin regime. It has been long noted that in the play the songs relocate the references in a somewhat crude manner – “Lament Ladies lament,” which is a Scottish ballad, presented in a Scottish dialect, is placed in “the Roman land,” while “The Cries of London,” depicting street sellers’ calls in early modern London, becomes “The Cryes of Rome.”

Heywood’s overall effect is not to provide a miscellany of popular music, but to lift that music out of its original context and allow the audience to hear the lyrics anew. The sheer breadth of musical styles and genres sung by Valerius is indicative of the popularity and endurance of the character. Immediately upon singing a Scottish lament, Valerius switches gears and sings a song in praise of love, “Why Since We Cannot Soldiers Prove.” From bawdy (“Shall I Woe the Lovely Molly”) to bitter (“Now What is Love I Will Thee Tell”) to the burlesque (“Pompie, I
will shew thee, the way to know”), all of which were songs added in performances and editions in the decades that followed the initial Red Bull performance.

It has been suggested that the song beginning “Did he take faire Lucrece by the toe man?” bears some resemblance to the tune “A-Rovin’”, the tune for “The Fair Maid of Amsterdam” (Hugill 46). Though this suggestion is strongly disputed by Stan Hugill in his book _Shanties from the Seven Seas_, the tune has an ancestry that goes back at least to the Elizabethan period (46). “The Fair Maid of Amsterdam” tells of a sailor who meets a girl in Amsterdam, fondles different portions of her body and then contracts the pox, which at least suggests a possible connection through the erotic categorization of the female body (“A-Rovin’”).

Admittedly, however, the tune as it exists today could not easily be wrenched into the form necessary to fit the lyrics presented in Heywood, but it is possible that Heywood’s lyrics were set to a variation on the tune such as is found in “Yo Ho, Yo Ho.” For instance, Heywood’s song could be sung as a catch, or type of round, while “A-Rovin’” is typically not. As a catch, the song calls on, and requires for “successful” performance, audience participation in the description of the graphic rape they had just witnessed. As described in Christopher Wilson and Michela Calore’s _Music in Shakespeare: A Dictionary_, “Catches were not meant to be sophisticated formal songs. They were about having fun as performers, not listeners, and could be just as effective if performed crudely. They were the preserve of male society of all social groups” (83). The largely male social group of the audience of the Red Bull theatre would, by their participation in the song, have been coerced into a grotesque reenactment of the violence of the rape of Lucrece. This metatheatrical return of the rape, this re-witnessing of the occluded event, implicated the audience in the immorality of the act. Through witnessing, the violence returns to be understood, but through the audience’s participation in a kind of verbal re-
enactment, they become participants in system of governance that culminates in the rape itself. Lucrece’s silence when she returns to the stage immediately following the rape only lends greater importance to this moment of metatheatrical re-enactment of the rape. Her silence keeps the act invisible, only to be rendered visible through the song.

Why is Lucrece Silent?

The representations of the rape from the classical period to the early modern period always presented Lucrece as silent during the assault, which posed a problem for both classical and early modern authors as her silence could be interpreted as her collusion in the sex act. Early modern concepts of consent were remarkably malleable and were based on the external evidence of resistance to masculine force (Baines 82-4). As noted, the legal system at the time would take an accused’s word over a victim’s when there was no evidence to corroborate the rape and often even when there was copious external evidence such as bruising to the body, tearing of the clothes, etc. A woman’s silence during the rape – even if she had been threatened with other forms of violence – was seen as tacit approval of her participation. Through silence, the violence against the woman’s body was effaced and rendered invisible.

Though the rape of Lucrece was the Renaissance exemplum of rape-*qua-stuprum*, there was always a deep ambivalence regarding the relationship between her rape and her suicide. This ambivalence took the form of skepticism regarding the strength of Lucrece’s resistance on the one hand and the possibility that she consented to the rape on the other. The fact that Lucrece never raised the “hue and cry” that was demanded by law and tradition to signify a rape was insistently noted by both the classical tradition and early modern authors. Roman commentators such as Livy and Ovid explained this by having Sextus threaten Lucretia not merely with death – which she often begs for in preference to rape – but with dishonour.
“If death will not move you,” Sextus cried, “dishonor shall. I will kill you first, then cut the throat of a slave and lay his naked body by your side. Will they not believe that you have been caught in adultery with a servant and paid the price?” Even the most resolute chastity could not have stood against this dreadful threat. (Livy 98-99)

Ovid expresses the same anxiety regarding her silence and provides the same explanation in Book II of *Fasti*:

Mounting the bed, the king’s son declares, “I’ve my sword, Lucretia; it’s Tarquinius speaking.”

From her nothing: she has neither voice nor power

Of speech, nor any thought in all her heart.

She quivers, like a tiny lamb caught far from the pens

When it lies under a vicious wolf.

What should she do? Fight? A woman will lose a fight.

Scream? In his hands was a sword to stop that.

Escape? His palms press urgently upon her breasts,

Breasts touched for the first time by foreign hands.

The enemy-lover applies prayers, bribes and threats:

His prayers, bribes and threats achieve nothing.

“No use,” he said; “I’ll kill a man and defame you, I’ll bear

Adulterous false witness to adultery.

I’ll murder a slave, with whom I’ll say you were caught.”

Fear conquered: the girls surrendered to fame.

Why gloat victor? This victory will destroy you.
How much a single night cost your kingdom. (795-812)

Both Shakespeare (670-673) and Heywood (2010-2021) pick up on Ovid’s defamation-based explanation for Lucrece’s silence. The Renaissance transmission of the text saw writers taking great pains to explain why Lucrece did not raise the necessary hue and cry. If she had consented – and her silence could be used as evidence to show consent – the crime would still be colloquially rape to the early moderns, but it would be a form of rape-qua-raptus or species of property crime, akin to the case of Lettice Betts. In terms of the literary representation of rape, if she had expressed consent by not crying out against the rape, then she became a kind of belle dame sans merci of chivalric narratives. As rape-qua-raptus, the story of the rape of Lucrece would be a kind of seduction, rather than a violent sexual assault, for the crime would have been understood as a derogation of Collatine’s “property” in the form of Lucrece. Under patriarchal gender codes, the only way that Lucrece could make an outward display of her inward desires would be to resist the act of rape to the point of choosing her own death over dishonour, or to maintain her status as victim unto death by taking her own life. Her silence during the rape is an epistemic rupture in the narrative that has to be solved through her eventual suicide because it can be read as implying her complicity, and indeed, was read that way throughout the classical and into the early modern periods.66

66Early modern playwrights often used silence to signal a kind of consent that was marked with epistemic ambiguity. For instance, Theobald’s 1727 play The Double Falsehood (drawn from Shakespeare and Fletcher’s 1613 Cardenio) sees the rake Henriquez immediately after he has ravished Violante. Henriquez debates whether or not what he has just done is, in fact, a case of rape. At first, he judges that it was rape because it was a clear-cut case of sexual forcing:

Th’unpractised maid trembled to meet my love.
Lucrece’s suicide could also be explained if she had, in fact, consented to the rape. This paradoxical possibility was enabled by contemporary medical discourse that suggested pregnancy could happen only if a woman achieved orgasm; thus, any rape that resulted in pregnancy was not rape, but adultery or seduction. The repeated charges of pregnancy made against Lucrece during the Renaissance – or even the mere suggestion of her taking pleasure in the rape – were often cited as the impetus behind her suicide. As Donaldson notes, Renaissance writers such as Coluccio Salutati suggested that Lucrece killed herself “because she had not been able to suppress all feelings of pleasure when Tarquin raped her” (36). G. Rivers in 1639 postulated, “This revenge may argue chastitie before and after: but not in the nick of the act.

By force alone I snatch’d th’imperfect joy,
Which now torments my memory. Not love,
But brutal violence prevail’d… (2.1.25-28)

Yet only a few lines later, he excuses himself by pointing to Violante’s silence as a form of non-positive consent.

Hold, let me be severe to myself, but not just. Was it a rape then? No. Her shrieks, her exclamations then had drive me from her. True, she did not consent: as true she did resist; but still in silence all. (2.1.35-39)

Though this comes from the mouth of an unabashedly rakish character, the epistemic ambiguity of a woman’s silence during rape was a repeated note struck in early modern drama. The device of the bed-trick as presented in plays such as Measure for Measure, All’s Well That Ends Well and The Insatiate Countess (among others), relies on the silence of the deceiving partner for its success. The deception relies on the silence of the deceived individual’s sexual partner where, to the deceived, that silence is equated with his partner’s consent.
which yeelding to some secret enticement might staine her thought; then loathing her selffe for
the act, held death a more satisfactory revenge then [sic] repentence” (qtd. in Donaldson 37).

Finally, in Hugh Dowman’s 1779 play *Lucius Junius Brutus*, Lucrece’s suicide is immediately
precipitated by Collatinus suggesting that she may still live long and bear many children. This
drives Lucrece into a whirlwind of doubt and she proceeds to kill herself (Donaldson 23-4).

Though, as Donaldson suggests, each of these writers was dominated by a Christian ideology of
conscience (37), Lucrece’s inability to control her own body and therefore her inability
completely to withhold her consent were constructed within early modern discourses of gender.

The early moderns considered women to be constitutionally sexually incontinent and the
male-dominated discourses of medicine, literature and religion all attributed a voracious sexual
desire to women. This appetite posed a significant problem for a society where the transmission
of property was regulated through primogeniture. Women’s sexual appetites had to be governed
by a strong patriarch lest they corrupt the bloodlines that regulated patriarchal order. Religious
discourse further justified the subjugation of women through their irrepressible sexual desire, as
William Tyndale stated in *The Obedience of a Christian Man*, “God, which created woman,
knoweth what is in that weak vessel (as Peter calleth her) and hath therefore put her under the
obedience of her husband to rule her lusts and wanton appetite” (qtd. in Fletcher 74). Medical
discourse repeatedly asserted that women were not merely less capable than men at controlling
their sexual desires, but were more attached to those same desires. *The Problems of Aristotle*, a
1595 treatise on natural philosophy and medicine in the form of common questions and the
answers found in ancient philosophers, described women as congenitally incontinent:

> Question. Why then doth a woman and a mare desire carnall act after they be great, as
Aristotle doth affirme, lib. De animal.
Answer. Galen sayth, that the rememberance of it doth further it in a woman: and because she doth remember the past in the act, she doth couet it againe. But it proceedeth in a mare, because she is a rauenous beast, and hath many distempered fumosities in her.

This incontinence could be explained by the humours, which naturalized the gendered differences between the sexes. Women were cool and moist, yet orgasm was described as hot and dry. Women’s humoural imperfection was lessened through the moment of orgasm. Orgasm, far from being shunned as in a puritanical, Augustinian model of the universe, was central to the “concoction” that was the necessary end and goal of sex for both the male and the female. This orientation towards orgasm crops up repeatedly in conduct books and medical manuals (Fletcher 54). A woman’s pregnancy, which early modern medicine dictated could only occur if she had achieved orgasm, could mitigate against any accusation of rape. In this sense, a woman’s body could be shown to have consented, even if her mind had not: through the positive external evidence of orgasm in the form of pregnancy and the negative external evidence of silence.

Valerius’s complicity with the Tarquin regime (and by extension the complicity of the Roman nobles in general) echoes the problem of Lucrece’s consent. That is, even knowing that a tyrant perversely beholden unto his wife rules them, they do nothing to resist. Their consent to be subjugated to the rule of the Tarquins results in the neurotic singing, carousing and melancholy, all of which serve to render invisible their own participation in the administration of the Tarquins. It is only with the return of the rape through the song of Valerius that the invisible suffering becomes visible and the trauma addressed.
The rape was not performed on stage; rather, Sextus “beares [Lucre] out.” (s.d. 2062). This discretion echoes the Latin source material, for neither Livy nor Ovid provides detailed descriptions of the rape, but is at odds with Shakespeare, who does describe the assault (673-746). Shakespeare entangles the audience with the rape through positioning the audience as witness: “Look as the full-fed hound or gorged hawk,/ […] Make slow pursuit/ […] So surfeit taking Tarquin fares this night” (695-698). In Heywood’s play, the rape is an in/visible act. The rape is performed not simply to the audience, but through the participatory format of the songs it is performed with the audience. This entanglement echoes Shakespeare’s poem, yet achieves an effect that is only possible on the stage. Whereas Shakespeare’s poem appeals to the reader, Heywood directly draws the audience into the performance by having them literally perform parts of the songs. The rape is shifted offstage but is rendered present through the metatheatrical device of audience interaction and performance of the songs.

“Pack Clouds Away,” the first of these songs, is part of an epithalamion, and it presents a romantic vision of pastoral love. At the level of the narrative, this represents the neurotic

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67 “Pack Clouds Away,” has posed a problem for scholars for at least the past century, because its aesthetic quality is so utterly out of place given that it is surrounded by crowd-pleasing burlesque catches. As John Moore pointed out, the song was a relatively late insertion into the text, only appearing for the first time in the fourth quarto edition of the play (1630), and it seems “unlikely” that it was a part of the play as it originally was performed on the stage c. 1607. The text of “Pack Clouds Away” appears in Heywood’s 1637 collection Pleasant Dialogues and Dramma’s as a part of a epithalamion on the marriage of James and Anna Waade, whose names appear as an acrostic in the first verse, a verse that doesn’t appear in The Rape of Lucrece. Indeed, the text does not require a song at this point be sung by Valerius and this particular song
fantasy of the Roman nobles dealing with the fact that “our warres go not well forwards” as Brutus claims (2139). Metatheatrically, this song’s tone would be read as an ironic commentary on the scene that had just ended, where Sextus appears with the raped Lucrece. The song hails the audience through its situation in the text as alert listeners, able to read behind the primary meaning of the words. It contrasts the violence and tragedy of the rape with courtly romance, maintaining the metatheatrical irony that characterized Valerius’s songs in the piece.

Once the audience is made mindful of the songs through the elegance of “Pack Clouds Away,” Valerius is asked to sing a song in praise of Lucrece, which takes the form of a blazon, or set of verses that describe a woman’s body as a catalogue of physical attributes. The sexual violence inherent in the particularization of the female body in a blazon has been long noted, yet here the imaginative violence is directed against a body that, in a case of dramatic irony, has already been violated.\(^{68}\) The lyrical blazon replays the imaginative rape through description, figuring the audience as at least complicit with the assault. As Vickers argues, is not attributed to any character in any of the quarto editions. It erupts into the dialogue. Even if it is a late addition to the play, there is no reason to suppose that the play was a static entity over the course of its thirty-year popularity. New songs were added to later editions of the play after the forth quarto as an attempt to refurbish a stale performance but their novelty does not necessitate that they be ignored in an analysis of the presentation of the rape. Indeed, the late appearance of “Pack Clouds Away” may indicate that Heywood or the actor playing Valerius may have inserted it as a means to clarify a thematic movement that was already implicit in the existing performance text.

\(^{68}\) For more on the blazon as a form of gendered violence against the female body, see Nancy Vickers, “Diana Described” in Feminism and Renaissance Studies, Kim Hall’s Things of
Description, then, is a gesture of display, a separating off and a signaling of particulars destined to make visible that which is described. Its object or matter is thus submitted to a double power-relation inherent in the gesture itself: on the one hand, the describer controls, possesses and uses that matter to his own ends; and, on the other, his reader/listener is extended the privilege or pleasure of “seeing.” (Vickers “Blazon” 96)

The song Valerius sings “in the praise of Lucrece” (s.d. 2153) figures her body as a site of violence, both as being subject to violence through the blazon, but also threatening violence against the gazer. The violence which has been effaced (the rape) is brought back in the suggestion of the suffering of the one who witnesses the violence.

The first stanza establishes the ironic register of the song, where Valerius categorizes Lucrece’s body in a series of architectural and botanical metaphors, yet ends the stanza with, “But none of those so pure” (2157). Though laudatory on its surface, the dramatic irony of the scene demands the opposite hearing on the part of the audience. In one of the bawdier sections, Lucrece’s mouth and vagina are explicitly equated. The slippery terms of the referent blends the two terms into one.

Two doors there are to enter at

The one I’le not enquire,

Because conceal’d, the other seene,

Whose sight inflames desire.

Whether the porch be Corrall cleere,

\textit{Darkness: Economies of Race and Gender in Early Modern England}, Mark Breitenberg’s \textit{Anxious Masculinity in Early Modern England}, just to name a few.
Or with rich Crimson lin’d,
Or Rose-leaves, lasting all the yeere
It is not yet divin’d. (2162-2169)

The masculine epistemic anxiety that marked female sexuality in the period that ends off this section then bleeds into the following presentations of Lucrece’s body as a threat against men. Lucrece’s eyes, Valerius sings, “insnareth” (2173) and her beauty can “daze the gazers eye” (2181). Though these were stock poetic conceits, taken in conjunction with the ironic register of the song, they demand a more careful auditing. Lucrece’s body is threatening in part because it is the object of heterosexual masculine desire; and desire was by nature threatening in the period. Further, Lucrece’s body is threatening because, as a victim of rape, she is an epistemic conundrum. Indeed, the characteristic element of rape-qua-stuprum in early modern England was not the use of force to enact sexual violence, or even the content of the violence enacted against the woman’s body, but the epistemic anxiety at the centre of the event that can only be undone by the certainty offered through witnessing. Witnessing, however, presents a form of suffering, which engenders an anxiety that cannot be directly spoken, but must in Lucrece be performed through song. As Kim Solga states,

For performance truly to act as a witness to what has been made to disappear from history, it must frame an encounter between the missing and its audience that provokes in the latter a sense of anxiety and even vertigo attending this movement “beyond recognition.” (17)

In this case, the rape of Lucrece is that which has been made to disappear from history insofar as it has been occluded behind the doors of the tiring house. The songs repeat the act of witnessing what has been hidden from view, and in doing so, replicate the act again and again.
The next songs, “Come list and harke” – which herald the entrance of Lucrece’s clown, Pompey, who brings news of Lucrece’s rape to Collatine and the others – and “I’de thinke my selfe as proud in Shackles” are both tonally appropriate to the tragic mood at this point. It is only with “Did he take faire Lucrece by the toe man?” that the tone moves back into the ironic register, while aurally playing out the rape for the audience. The catch recapitulates the violence enacted against the body of Lucrece that was last heard in the song “in the praise of Lucrece.” It is a kind of blazon, a display of the female body, but it lacks the descriptive potency usually associated with the blazon. Instead of the bravura categorization and particularization of the female body by the individual male poet, the song encourages by its form the participation of as many singers as wish to join in the catch. The description of the female body is not here a

69 Given the ironic register of many of Valerius’ songs, it is unusual that “Come list and harke” is surprisingly fitting in both tone and content to the scene. That is, the lyrics are filled with images of ill omens – bats, wolves, tolling bells – and I would like to conjecture that these lyrics seem to fit the tune of “Packington’s Pound.” As Ross Duffin demonstrates, “Packington’s Pound,” the tune to which the song “Black Spirits” was sung by the three witches in Macbeth, was roughly contemporaneous with The Rape of Lucrece and was known as “A Tune of Damnation.” Highly popular at the time (“Packington’s Pound” survives in three different early sources), the first surviving setting for the tune was to a ballad that told of the demise of “flaunting Philip, the Devil of the west” (66). If these two unabashedly supernatural songs were sung to the same tune, then it seems certainly possible that they were establishing a similar effect in the audience. If so, then it is unusual that Heywood, after so meticulously setting up an ironic register for Valerius’ songs should suddenly shift gears and present the audience with a tune that reflects the tragic elements of the play so clearly.
display of individual mastery, but of inter-masculine currency – it establishes a group identity as well as a revised identity for Lucrece, collapsing the epistemic rupture that the rape-qua-stuprum had established. She is no longer the pure Roman matron, but through the performance of the song by the combination of the audience and the actors, Lucrece is figured as a “common woman.” This mutual participation in the rhetorical sexual assault on Lucrece is a performance of witnessing that brings the offstage rape not merely back onto the stage, but into the whole hall. The witnessing here is both literal and figurative. The audience members figuratively witness the act of violence in the song and further each member of the audience witnesses him or herself replaying/describing/articulating the rape.

In the following scene, Lucrece reveals her rape to Collatine, Brutus and the other gathered Roman nobles, where Collatine specifically absolves her of any guilt in the rape (2465). Lucrece’s suicide, which critics like Stephanie Jed and Ian Donaldson have noted provides necessary closure to the possibilities opened up by Lucrece’s silence, allows her to perform masculine values. The gendered system of honour required different actions from different genders. As a raped woman, her honour has been assaulted and to restore her honour within a patriarchal order, she resists the rape unto death, even after the assault has ended. Lucrece’s performance unto death reminds the assembled nobility of their own failure to perform in accordance with the codes of masculine honour. They are recovered into “proper” patriarchal order through the mechanism of witnessing Lucrece’s performance of the codes of honour. If the men can be recovered into patriarchal systems of governance and thereby re-establish them, it is because the men are able to witness and to sympathize with the female victim of rape. Indeed, the (re-)establishment of a “just” patriarchal order – one in which men are able to exercise manly
virtue – is wholly dependent on their ability to recognize and sympathize with the suffering of Lucrece and her performance of masculine values.

Lucrece’s suicide is an attempt to contain the meaning of the rape, yet is ultimately unsuccessful. It is prompted in Heywood by her concern for the epistemic conundrum that her rape-qua-stuprum has opened. She describes the concern in dualistic terms, fearing that her body may have consented, even if her mind did not. In the following speech, she begins by addressing the reformation of the humours of the Roman nobles:

Then with your humours here my grief ends too,

My staine I thus wipe off, call in my sighes,

And in the hope of this revenge, forbeare

Even to my death to fall one passionate teare,

Yet Lords, that you may crowne my innocence

With your best thoughts, that you may henceforth know

We are the same in heart we seeme to show. (2480-86)70

At this point, the stage direction “The Lords whisper” indicates that Lucrece is isolated, both aurally and visually on the stage. She has the sense of isolation earlier seen in Valerius and the other Roman nobles.

And though I quit my soule of all such sin,

Ile not debare my body punishment:

Let all the world, learn of a Roman dame,

70 Lucrece uses her own body as an index to guide the assembled lords to act virtuously in the same way other early modern playwrights used the bodies of traumatized women as didactic tools, e.g. Lear’s lament over the body of Cordelia in 5.3.
To prise her life less then her honor’d fame. (2487-90)

Lucrece’s suicide is the only option left to a woman under the gendered honour codes of the early modern period that always suspected any female rape victim of complicity – in either mind or body – with the assault. As seen earlier, the law spilled a great deal of ink trying to police the boundaries of a woman’s consent after the fact of the crime, but that was not the only possible structure by which a woman could “consent” to be raped in the early modern mind. The female body, viewed as untrustworthy and a site of anxiety, needed to be disciplined in order for the woman’s lack of consent to be genuine. In this case, Lucrece’s body had to be punished for whatever consent it may (or may not – Heywood doesn’t explore this) have taken in the sexual assault.

Brutus, who, in accordance with the story told in Ovid and Livy, until now has pretended to be mentally incompetent, reveals himself as an astute leader in this scene. The discordant universe of the Tarquins’ tyranny can only be set right, Brutus claims, through resistance:

Lay your resolute hands upon the sword of Brutus,
Vow and sweare, as you hope meed for merit from the Gods,
Or feare reward for sinne, from devils below:
As you are Romans, and esteeme your fame
More then your lives, all humorous toyes set off.
Of madding, singing, smiling, and what else,
Receive your native valours, be your selves,
And joyne with Brutus in the just revenge
Of this chaste ravisht Lady, sweare. (2470-78)
Whereas Valerius’s particular “humorous toy” was for singing, and this imbalance was caused by his complicity with Tullia and Servius’s rise to power, Brutus claims that the only way to avenge this ultimate act of tyranny is to become themselves again, throw off the cloak of poor self-governance and enact virtue which will restore good governance to the state. This recuperation of self implies a recuperation of the state. Whereas such a transformation may be possible for the characters of the play, for the audience members who have represenced the rape through their participation in the song, no such easy transformation was possible. For the Romans, by re-establishing a unity of self through proper harmony of the humours within themselves, they will be able to fold back into a “just” patriarchal order, symbolized here by Brutus’s sword, but for the audience, there is no such order possible as they can only witness, from a distance as it were, the virtuous deeds of the final act, rather than participate in those deeds themselves. Whereas the characters can regain their masculine honour by proving it in theatrical battles, the audience can only watch with sympathy. The violence of the rape as an in/visible act lingers, unable to be contained into a single meaning.

Nevertheless, despite the attempts to contain the meaning of the rape within the image of the broken body of Lucrece, the in/visible act can never be recuperated. As Kim Solga states, “the in/visible act [is] a discombobulating practice that provokes uncertainty in spectators of the otherworldly feeling of not-quite-knowing, of radical uncertainty about one’s own historical base-line” (18). Lucrece’s suicide is, ultimately, inconclusive. The unknowing is central to the critique of patriarchal governance as it is presented in The Rape of Lucrece, for the lingering sense of masculine anxiety hovers over the final few acts, when the new, more “just” patriarchal order is established. As the great patriarchs of republican Rome play out their oft-told tales of virtue, they do so as the audience is wholly unable to reduce the central act of violence in the
play to a simple single meaning, historically past and static. Instead, the audience’s collusion in the return of Lucrece’s rape remains insistently present and dangerously close even as the patriarchs of the Roman Republic express their exemplary virtue. Heywood’s metatheatrical critique is as surprising as it is unique.

**Articulating Criticism**

The wolf,

> Whose howl’s his watch, thus with stealthy pace,

> Tarquin’s ravishing strides, towards his designs

> Moves like a ghost. (2.1.53-6)

As noted earlier, political transformation in early modern drama was often framed in terms of sexual assault, for the possibility of the rehabilitation of man who raped provided the groundwork to understand the renovation of a patriarchal order that had broken down. The failed patriarchal order of the state and the failure of masculine self-governance of the rapist were mutually implicated and reinforcing. It is not surprising therefore that Macbeth cites Tarquin – the ravisher, not the murderer – when he is moving to kill Duncan. The rape is a citation that signifies tyranny and further, it becomes the impetus for political renovation. In *The Rape of Lucrece*, the last two acts of the play show the renovation of the Roman political order from tyrannical monarchy to virtuous republic. Indeed, those two acts following the revelation of the rape offer a series of scenes that repeatedly underscore the masculine virtues of the formerly cowed Roman nobles. The rape and suicide of Lucrece become transformative events for the Roman nobility, whose recuperation renovates the state itself. Heywood directly links the success of the republican political order to the bravura displays of Roman virtue by the nobles; courage (Horatius), stoic endurance (Scaevola), and cunning (Brutus). The men recover their
masculine virtue only because they are able to bear witness to and sympathize with the victim of ungoverned desire. It is here, in the transformative potential of sympathy when presented with the rape’s metatheatrical return that the audience too can participate in the enacting of masculine virtue. That is, like the Roman nobles, the audience is asked in *The Rape of Lucrece* to sympathize with Lucrece’s suffering. Her suicide, which performs masculine values, enables a transformation on the part of the Roman nobles such that her attempt to recover her honour, in a sense, infects the collected Romans. Both the Roman nobles and the audience share the acts of witnessing and sympathizing with Lucrece’s shame and suicide, however. Thus, in the final two acts, the audience is witnessing a representation of renovation of the state in which they are proxy participants. The play ends by reinforcing virtuous patriarchal masculine order both within the narrative and metatheatrically.

Patriarchal governance in the early modern period had it that the role of men was to govern and the role of women was to be governed – when Tullia upset that harmony at the beginning of the play, she set in motion a series of events that led inevitably to the total obliteration of Lucrece’s ideal feminine and the failure of the Roman nobility to live up to a masculine ideal. The criticism Heywood makes in this play of the terms of patriarchal

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71 It is something of a commonplace observation by now that, though patriarchal governance and misogyny was the norm in the early modern period, women headed a number of monarchies – Elizabeth I, Mary, Queen of Scots, Isabella of Spain. Rather than mitigating the misogynist cultural anxieties, the reigns of these women generally saw the expansion and development of patriarchal forms of governance, so while men were ruled by strong queens in actuality, they were governed by “princes” in theory. For instance, Elizabeth referred to herself as “prince” and used other masculine terms to describe herself throughout her reign, such as in her speech at
governance can only be seen through an appeal to the metatheatrical return of rape in the songs sung by Valerius. That is, by implicating the audience in the aural performance of the rape, Heywood’s play is suggesting that the early modern system of patriarchal governance is as morally bankrupt as the tyrannical regime of the Tarquins. It does not go on to suggest an overthrow of patriarchy altogether, but a republican perfection of patriarchy, which is at best an anxious fantasy. The anxieties that erupt with the act of re-witnessing in oneself the rape of Lucrece and therefore echoing the failure of self-governance of one of the most notorious villains of literature are never wholly assuaged, and the audience, despite the genocidal violence of the fifth act, is never fully reintegrated into patriarchal order. *The Rape of Lucrece* exemplifies the metatheatrical possibilities available to early modern playwrights in the representation of rape, yet the content of the criticism of patriarchal governance has been largely lost to scholars.72 This is perhaps because the criticism was articulated through male characters rather than female ones, but it may also be a symptom of a larger problem in performing criticism of patriarchal order through rape in early modern drama. In the next chapter, I will look at how sexual assault within marriage was subject to critical attention, yet how playwrights had difficulty articulating that criticism.

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Tilbury: “I know I have the body but of a weak and feeble woman, but I have the heart and stomach of a king and of a king of England too” (326).

72 Either that or my reading is strained.
Chapter Four: Two Cases of Marital Rape: Hengist: King of Kent and Titus: Andronicus

The legal re-definition of rape in the early modern period was part of a larger movement within the culture that resulted in the re-definition of gender roles and how those roles were performed. In short, the acts and performances that defined the masculine and the feminine and contrasted the two gender positions, one against the other, were a source of acute cultural anxiety. One of the results of this anxiety was a re-negotiation of the contract of marriage – not simply in terms of the legal contract, but the licit and illicit ways in which sexual desire created unions, sustained them within the structure of the household and broke them apart. As “rape” became increasingly defined by the victim’s lack of consent to the sexual act (however that consent was construed), the possibility of marital rape began to arise. Without a vocabulary to articulate the terms of marital rape, however, that possibility seemed almost impossibly remote. Whereas traditionally it was thought that wives could not be raped by their husbands because they had granted implied consent through the marriage, the changing terms of *raptus* and *stuprum* in the early modern period resulted in the voicing of anxieties regarding the nature of sexual relations within marriage. That is, sexual contact within marriage became a site of anxiety as rape came to be defined in terms of the victim’s lack of consent to sexual contact rather than the lack of consent of the patriarch who governed the victim. A wife might not consent to sexual relations with her husband, yet was this to be called rape? In cases where sexual violence occurred within marriage, the terms *raptus* and *stuprum* broke down as what was clearly a form of sexual assault could not be articulated either in the law courts or on stage as
rape per se, yet the assault was clearly understood as a kind of violation. The plays which present rape as a form of sexual violation and trauma tend towards the tragic and/or the historical and of those plays that treat rape seriously, only a bare handful describe a rape within a marriage. Two plays – the historical mélange that is *Titus Andronicus* and the generically ambiguous *Hengist, King of Kent* – both present more or less clear forms of marital rape. Part of the difficulty of calling the sexual assaults that happen in these plays “rape” is that early modern England had not yet developed the ideologically informed vocabulary to describe female subjectivity such that marital rape was possible (see chapter two), yet in both of these cases, the stage was situating the conflict between a patriarchalist view of rape as a property crime versus the view of rape as a crime against the body of the female victim. The signifier of successful masculinity to the early moderns – the husband – could still be the failure of masculine control that was the man who raped. *Titus Andronicus* and *Hengist, King of Kent* investigate the terms of masculinity through their presentation of the marital rapes of Lavinia and Castiza.

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73 The lexical drift of the terms *raptum* and *stuprum* (or, similarly, the emergence of the term “marital rape”) ought not be thought of as a refinement of definition insofar as refinement can imply completion. These terms were changing in response to the changes in the culture and the culture was changing in response to the shifts in denotation of the terms. The difficulty early moderns had conceptualizing marital rape was ideologically informed, just as our modern ability to recognize marital rape is itself ideologically informed.

74 It was only beginning in the 1970s and 80s that courts in the West began to recognize a woman’s lack of consent, even within marriage, as the primary determinant of rape, and even in some jurisdictions to this day, marital rape may be recognized as a possibility but is rarely prosecuted.
From Wedding to Divorce

The construction of sexual agency within early modern English marriage customs interrogates the possibility of marital rape. Marriage in the early modern period in England was characterized by many different levels and stages of reciprocal obligation, both sexual and domestic, which make it difficult to define exactly what is meant by “marriage.” As Lawrence Stone noted in *The Family, Sex and Marriage in England 1500-1800*, “In the Early Modern period, marriage was an engagement which could be undertaken in a bewildering variety of ways, and the mere definition of it is fraught with difficulties” (30), and such definitional problems render any representation of the construction of sexual agency even more fraught. Nevertheless, the performance of sexual assault within the context of marriage on the stage reflected the ways in which sexual agency was constructed for the partners within legal marriage, spousal and contracts. Those parties who were espoused through contract could, as *Measure for Measure* points out, have sex without suffering social stigma and any children of that union would be legitimate, yet even within that scaffolding of contract, different levels of sanction and force existed. Any overarching statements about the nature of sexual agency within a marriage in early modern England are inevitably frustrated by the complexity of the ways in which that relationship could be constituted, yet broadly speaking, though a wife’s sexual agency was subsumed under her husband’s will, on the stage this arrangement was subject to pointed critique. Whereas the law was largely silent on sexual assault within marriage, the stage provided a space in which concepts of agency and consent could be worked out. As noted above, theatrical practice is predicated on a ludic disposition towards authority, which allows for a critical engagement with those terms that render an individual into a subject – terms like agency and consent.
The forms of relation that constituted a valid marriage in the early modern period were debated by legal theorists such as Gratian and Peter Lombard in the twelfth century. As Sokol and Sokol note in *Shakespeare, Law and Marriage*, the debate among canonists was the attitude towards the temporal orientation of the contract:

One view, supported by Gratian and the Bolognese school, argued that all that was necessary to make a valid contract of marriage was the consent of both parties to the marriage. Subsequent consummation would then make the marriage indissoluble, but if such a contracted marriage was unconsummated, a second consummated contract would be valid and take precedence over the unconsummated first contract. An alternate view was put forward by Peter Lombard and the Parisian school of canonists […]. Lombard’s argument was that a contract of marriage could be contracted two ways: by *verba de praesenti* or *verba de futuro* (by present word or by future word). The former, words of present consent, immediately created a valid marriage. Nothing more was needed. So an unconsummated contract using words of present consent would take priority over any subsequent marriage, whether or not consummated. (16-17)

75 The theological debate that led to the legitimization of spousals was not originally a reaction to increased numbers of illegitimate children or an attempt to protect women from sexual exploitation. The debate actually began as an attempt to reconcile Canon Law with the legitimacy of scriptural marriages such as that of Adam and Eve, Mary and St. Joseph. Regarding the history of church law and contracts, cf. Pedersen, *Marriage Disputes in England*, 2-8; regarding the history of prior spousal agreements nullifying any future agreements, cf. ibid. 157-8.
Both sides of the debate recognized and defined marriage as an act to which one freely consented, which became a constitutive aspect of marriage as defined in the decretals issued by Pope Alexander III in the late twelfth century, but the Parisian school argued that words of present consent represented a kind of enduring consent. These papal declarations sided with the Parisian school of thought, resulting in the legally confusing situation in England where a valid marriage could be contracted between two parties who freely consented; yet the father of the bride could still bring charges of rape against the groom. Eventually, espousals *per verba de praesenti* were generally considered to be as valid as marriage that had been contracted and solemnized in a church ceremony.\(^7^6\)

Espousals *per verba de praesenti* did not require a church or public ceremony of any kind. All that was required to make the union valid was the present-tense statement on the part

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\(^7^6\) Henry Swinburne in his text from around 1600 (published 1686) *A Treatise of Spousals or Matrimonial Contracts* defined spousals as “a mutual Promise of future Marriage, being duly made between those Persons, to whom it is lawful” (5). “Marriage” on the other hand referred to the solemnized church ritual that, depending on the period, was either a sacrament or merely a formal declaration of the bond. Prior to the introduction of the Hardwicke Act in 1753, a great number of marriages were what Lawrence Stone calls “uncertain unions” either because they were contracted, yet not solemnized, or were clandestine in some form or another. The situation was complicated in the early modern period largely due to the competing claims of religious and secular authorities over who had the right to legitimize/authorize a relationship (*The Family, Sex and Marriage* 30-7; *Uncertain Unions* 1-31)
of both parties that they did indeed take the other party as his/her spouse.\textsuperscript{77} The impediments to such a contract could include pre-contract, lack of ability to form consent (from mental defect or extreme youth), consanguinity, and duress; however, the relationship was lasting once it had been forged. Most relationships in the early modern period that took the form of spousals \textit{per verba de praesenti} were accompanied by public recognition of two parties’ free entry into the contract, through other church ceremonies or folk rituals such as hand-fasting and a kiss yet such public recognition (even the presence of witnesses at all) was technically unnecessary for the contract to be binding. One of the most notable examples in which a contract \textit{de praesenti} was not solemnized in a church, and as such resulted in a minor scandal, was the marriage between Sir Edward Coke and Lady Elizabeth Hatton. The espousals took place in 1598 at Hatton House in the presence of Lord Burghley, Lady Hatton’s father, and a priest who conducted the ceremony.\textsuperscript{78}

\textsuperscript{77} Spousals, however legal in the Elizabethan and Jacobean period, were discouraged by Church authorities, as Lawrence Stone notes in \textit{The Road to Divorce}. The “concern of the church courts, especially after about 1580, was slowly to push more and more of the population into formal and public weddings presided over by a clergyman.” (68).

\textsuperscript{78} The marriage, though valid, was not solemnized and as a result, Coke had only partial rights over his wife’s property. Coke, then England’s Attorney General, later cited his ignorance of canon law and paid a fine, yet the validity of his marriage to Lady Hatton was never in doubt. Children that came of such a match were considered legitimate for all intents and purposes, despite the lack of solemnization, providing one possible motivation for the marriage that would later prove to be one of the most contentious of the period.
By the late Elizabethan and early Jacobean periods, the espousal *de praesenti* was considered a relationship of absolute validity, built on the presumption of enduring consent. The espousal took precedence in cases where one partner had, for whatever reason, contracted with another, third party. That is, a *de praesenti* contract had the force of a solemnized marriage bond, such that if one party decided to marry someone else, had a church ceremony, and consummated that solemnized second marriage, it would be considered void *ab initio* (from the beginning). Any children to come from the second solemnized marriage would be declared illegitimate, as the initial contract would be still in force. Neither party could dissolve the contract, either on their own or through mutual consent.

Whereas the espousal *per verba de praesenti* was an absolute bond, the other form of espousals recognized in the period, *per verba de futuro*, was based on conditional consent. Here, instead of declaring that they were married, the two parties agreed to get married. This form of

The exact nature of the property rights a husband had over his wife’s property when the marriage had not been solemnized but only contracted *de praesenti* was a matter of some debate, both in the period and today. Swinburne argued that an unsolemnized marriage would not result in a husband being able to exert property rights over his wife’s property and it would disbar any children from those same lands. That said, property rights were governed by common law while marriage was governed by canon law. Inevitably, there was confusion when the two legal regimes met, as in the case of espousals *de praesenti*. Sokol and Sokol point out that Swinburne’s argument is probably overstating the case of unsolemnized marriages as “it is hard to imagine that the greatest common lawyer of the time, who also amassed great personal wealth, would make the mistake of a clandestine marriage if (as Swinburne claimed) such a marriage would not transfer property under coverture” (98-9).
Espousal could be conditional on a dowry, for instance, or the parties involved growing to maturity. Whereas the age of consent to a marriage contract *de praesenti* was set at puberty, 12 for females and 14 for males, there was a much lower threshold for the contract *de futuro* – 7 years old. The marriage could be called off when the child reached puberty, as they withheld or gave their adult consent, so long as the marriage had not been consummated. The conditional nature of the *de futuro* contract meant that such a contract could be dissolved by mutual agreement, if they had not consummated the relationship. If one party did not agree to dissolution of the marriage contract, then the contract was still valid (cf. Mariana and Angelo in *Measure for Measure*). This pre-contract could be used to impede future contracts or marriages on the part of either party; though in theory a person could enter into multiple marriage contracts *de futuro* that were conditional upon certain requirements being met without fear of bigamy.

Sexual relations outside of a solemnized contract or marriage were not uncommon in the period and could be the cause of a marriage, as in the case of Coke and Hatton. Sometimes such sexual relations could be both the cause of legal action for fornication and justify the disbarment from taking legal action on sexual assault. John Aubrey tells the story in his *Brief Lives* that Lady Hatton was pregnant at the time of the espousals: “Laying his hand on her belly (when he came to bed) and finding a Child to stirre, What, sayd he, Flesh in the Pott. Yea, quoth she, or els I would not have maried a Cooke” (226). On the other hand, Stone notes that the extremely high incidence of prosecutions in church courts for sexual offenses in the Elizabethan and Jacobean periods in Essex can be partially explained by extra-marital (including pre-marital) sex: “Very many cases of fornication were between maidservants and either fellow-servants in the house or their masters” (Stone 519). Such extra-marital sexual contact could, however, serve to impede certain marriages from occurring. A husband who committed adultery with a third party
was prevented from marrying the other woman after the death of his wife, on the grounds that the woman was “polluted by the adultery.” Such an impediment was rarely enforced, as Sokol and Sokol note, on the grounds of the difficulty of proof, save in cases of pregnancy (141). In a marriage contract *de futuro*, if the two contracted individuals consummated their relationship before the solemnization of the marriage had occurred, the contract *de futuro* was considered to be binding as matrimony, by virtue of the sex act. Those parties who had had sexual relations before being contracted were not *ipso facto* married by these previous relations, but if they had sexual intercourse – consensual or not – after being contracted, they at that point became married. Thus, sexual intercourse transformed the promise of marriage into actuality in law (Swinburne 224). Even if the parties involved did not wish to be married, but had intercourse while contracted *de futuro*, they were by that act of intercourse married to each other. Further, instant marriage through intercourse, which was available only in the case of the contract *de futuro*, bizarrely legalized several forms of rape. As Swinburne explains in a series of statements, rape and coercion were not disbarments from matrimonial obligations, once a spousal contract *de futuro* had been agreed upon.

[§] albeit the Woman were betroathed against her Will, yet if she suffer her self to be known by him, to whom she was espoused, she is presumed to have consented unto him, as unto her Husband, whereby the Spousals are made Matrimony […]

[§] Spousals do become Matrimony by carnal knowledge, albeit the Man were constrained through fear of death to know the Woman […]

[§] albeit the Man do by Violence carry away the Woman, with whom he hath contracted Spousals, and have to do with her, hereby Spousals are become Matrimony. (225-6)
Swinburne’s first assertion in the above quotation, that the marriage contract would become binding through sexual assault, even if the woman were “betrothed against her Will” and “suffer her self to be known by him” seems a little problematic given the general movement of early modern legal scholarship on rape towards a focus on the consent of the individual. As Sokol and Sokol point out, Swinburne at times overstates his case “in an attempt to describe a rational structure [for the common law]” (98) rather than basing his assertions on legal practice, and this seems to be one of those instances. Although Swinburne offers precedents for his statement, by the Jacobean period a betrothal could not be considered valid without the consent of the parties involved, as the case of Frances Coke amply demonstrates.

Regardless of Swinburne’s confusion over the consented betrothal and rape, sexual assault (of either sex) could turn a marriage contract de futuro into a legal and binding marriage. Sexual assault within marriage, however, was neither grounds for dissolution of the marriage nor could it be considered sexual assault as the wife was assumed to have given previous (enduring) consent. Divorce was exceptionally uncommon in the period following the Reformation and usually took the form of a separation a mensa et thoro (from bed and board), or an annulment, which would only be granted on the grounds of pre-contract, consanguinity within Levitical degrees or male impotence over a period of three years (Stone Family... 37, Sokol and Sokol 140). In those cases, a church court could grant an annulment or a divorce a vinculo matrimoni, even if the marriage had been consummated. This is the kind of divorce that Henry VIII sought against Catherine of Aragon on the grounds of consanguinity, which was a particular anxiety in the period. As F. W. Maitland points out, disbarring relationships within four degrees of consanguinity meant that many “spouses who had quarreled [and] began to investigate their pedigrees […] were unlucky if they could discover no impedimentum dirimens” (393). This,
however, is perhaps an overstatement of the issue; authorities rarely granted such divorces; they were extremely uncommon in the period in question.

The other way in which a couple could separate was to be granted a separation *a mensa et thoro* from a church court. In that case, the couple would still be married (they were not free to remarry or to engage in a contract *de praesentii*), yet they would be free of the requirement to cohabit. Separation was often a temporary measure as church courts, families and community officials such as justices of the peace all regularly pressured the divided couple to reconcile, yet when a separation *a mensa et thoro* was granted, it was considered more permanent (Sokol and Sokol 143). Separation was sometimes used as a remedy against spousal abuse, where that abuse took the form of excessive violence. Though physical assault was licensed to a certain extent by custom, excessive violence was often cited in the applications for separation presented to the church courts (Pedersen 134 ff.).

That some spousal abuse was generally tolerated is a fact of history, yet the debate over the extent of violence that could be directed against one’s wife and children ranged from absolute prohibition to license that extended to – but did not include – murder. At one end of the spectrum, in 1613 Sir Edward Coke issued a minority opinion in Lord Seymour’s case that denied the right of a husband to “correct” his wife (Doggett 8). At the other end, *The Lawes Resolution of Womens Rights* states that women, like traitors and pagans, lack any recourse against spousal assault (132). The discourse of the period regarding wife-beating – conduct books and legal decisions, homilies and public lectures – rarely ever approaches the issue of sexual assault, because a wife’s sexual consent was assumed. The discourse of physical abuse was framed within the husband’s requirement to control his wife, whereas sexual assault and rape were seen as failures of the husband to control himself. Even discounting sexual assault
within marriage, sexual intemperance of any sort was linked with the inability of the husband to moderate his own desire. As Lawrence Stone notes, a man who displayed an inordinate kind of desire for his wife was considered no better than an adulterer. This belief, which Stone traces back to St. Jerome, was common for both Catholics and Protestants, who saw overweening desire as a breach of the seventh commandment (499). It was thought that such extreme sexual desire was mere copulation under the guise of marriage, rather than an expression of conjugal love. Theologians such as Calvin and writers such as Milton all echoed this belief and suggested that moderation of sexual desire within marriage was best for both husband and wife as the introduction of too much passion might, in time, arouse either partner to seek sexual satisfaction outside the marriage. Further, sexually abused wives threatened the patriarchal descent of property through primogeniture. It was believed that sexually abused wives “were likely to produce weakly children with low life expectations. The moment of copulation should occur, therefore, when both man and woman were in full sexual vigour, as well as being rested, sober, and free from mental worries” (Stone 495). Women’s consent to participate in sexual relations within the marriage was always presumed. Thus, whereas women could use physical abuse as a justification for a divorce a mensa et thoro, sexual assault was not recognized for at least two reasons: i) the presumption of consent that accompanied the status of wife; ii) the disconnection between the control of self and the control of other that was at the heart of the abusive discourses.

The point of this rehearsal of marital law from the early modern period is that the law positioned women in a marriage relationship as un-rapable subjects, that is, at least their partners could not rape them. Sexual assault could under certain conditions create marriages, yet it could not dissolve a marriage (cf. A Trick to Catch the Old One). Within marriage, sexual assault was
not considered a kind of abuse, because the wife was understood to have given her prior, enduring consent to any sexual contact by virtue of the marriage. Further, spousal abuse was an aspect of the expectation of the patriarch of a household to maintain control, and, although today it is recognized that sexual assault can be used as a mechanism of social control, in the early modern period it was seen as a lack of self-governance on the part of the man who committed marital sexual assault. The law is a blunt instrument, yet the legal vacuum regarding more nuanced instances of rape, marriage, abuse, and consent found articulation on the stage. The early modern popular stage often represented rape in the context of marriage as an extension of tyrannical lack of control. Two tyrants whose sexual desire breaks the bounds of early modern marriage – Saturninus from *Titus Andronicus* and Vortiger from *Hengist, King of Kent* – articulated for the early modern stage the possibility of rape within marriage.

The Rapes of Lavinia

*MARCUS.* Thou art a Roman, be not barbarous.

The Greeks upon advice did bury Ajax

That slew himself. (1.1.383-5)

The multiple rapes of Lavinia – her seizure by first Saturninus, then Bassianus and her later sexual assault by Chiron and Demetrius – can be read as early modern English expressions of masculine lack of self-control projected onto a faux-Roman past. These rapes interrogate the conditions of the failure of masculine self-control, which contrasts with the ultimate expression of self-control – Roman *virtus*. In *Roman Shakespeare: Warriors, Wounds and Women*, Coppélia Kahn describes *virtus* in English drama as partially constituted by constancy and stoic self-discipline (97-8). Kahn states, “*virtus* – Roman virtue – isn’t a moral abstraction but a marker of sexual difference crucial to the construction of the male subject – the Roman hero”
How the male subject(s) successfully negotiates the asymmetrical divisions of power, manages his household and regards the women in the play tells us about the successful construction of the masculine subject, while their failures provide equal insight. For the Elizabethan and Jacobean cultures, this self-discipline was aligned with being Roman and with patriarchal civilization itself. The relationship was reflexive: To be a patriarch was to govern a household, which required an exemplary display of masculine virtue. To display such virtue was to uphold civilization in the form of the patriarchal household. Civilization, aligned with Romanness by Marcus in the quotation above from 1.1, was a construct that delineates masculine performance through self-discipline.\textsuperscript{79}

The qualities of \textit{virtus} – self-discipline, martial strength, individuality – are undercut by the man or tyrant who raped or committed some form of sexual assault. Every one of the major male characters in \textit{Titus Andronicus} is variously unabashedly villainous (Aaron), initially aligned with tyranny (Titus, Marcus), or pathologically incapable of governing his own desires (Saturninus, Chiron, Demetrius).\textsuperscript{80} The failure to recognize the force of the marriage vow or
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\textsuperscript{79} The madness of Ajax, inspired by Athena, undercut his masculine self-discipline. Unable to live with the dishonour of his lapse into insanity, Ajax chose death by his own hand. Ajax’s suicide restored his honour and for that restitution of self-discipline, he was honoured by the Greeks with a proper burial.
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\begin{footnote}
\textsuperscript{80} Even Lucius, whom one might wish to argue serves as the only major masculine character who shows any semblance of self-control, justice and self-governance, opens the play with a call for human sacrifice that would have astounded both Roman and early modern sensibilities.
\end{footnote}

Give us the proudest prisoner of the Goths

That we may hew his limbs and on a pile
contract between Bassianus and Lavinia (or at least to respect that relationship in any way that would serve to curb their own sexual appetites) is a failure that Saturninus, Aaron, Chiron and Demetrius all share.

Whereas the play presents a near universal vision of the failure of individual characters to adhere to an ideal of masculine behaviour that is predicated on maintenance of the mutual obligations between and among men, Lavinia is presented as virtuously feminine from the very start. She enters immediately following the murder of Alarbus. The beginning of her speech clearly echoes and inverts the somber, formal tone of Titus’s funeral oration, turning a rhetorical statement of grief into an equally rhetorical statement of hope for Titus’s long life (1.1.159-60).

Ad manes fratrum sacrifice his flesh

Before this earthly prison of their bones,

That so the shadows be not unappeased

Nor we disturbed with prodigies on earth. (1.1.99-104)

Historically, Romans prided themselves on the fact that, unlike the other, “decadent” cultures like the Carthaginians, Persians and the Gauls, they had successfully outlawed human sacrifice early in their history. The respect for human life, evinced in such a law, was a primary marker of civilization to the Romans and was imposed upon the cultures that Rome conquered during their expansion. As this ritual has no basis in the historic past of Rome, something else must be going on than the mere suggestion that “Roman ritual is barbaric savagery and blood lust” as Miola argues (47). David Frederick notes that Shakespeare is here working within a cultural inheritance of literary models of perverted sacrifice: “human victims in place of the customary animals, would be a theme familiar to Shakespeare from Virgil […] and Seneca” (209). This literary model often signaled a narrative of tyranny, as it does in Titus.
At this point she is less of a character than a social marker in the play; her function is to be, as Joplin puts it, “the sign of her father’s or husband’s social power” (53). Her exchange value is a sign of Titus’s own position of eminence within the Roman political world. As Titus chooses which of the two sons of the emperor will don the purple, so it might make a kind of fairy tale sense that that son should also marry Lavinia. Where Rome is bestowed, Lavinia is taken. For declaring him emperor, Saturninus says that he will “give thee [Titus] thanks in part of thy deserts/ And will with deeds requite thy gentleness” (1.1.238-9), which he does by declaring Lavinia to be his bride.

That there is some kind of pre-contract between Bassianus and Lavinia is apparent, but the exact nature of that contract is ambiguous. Bassianus’s speech, which calls Lavinia, “My true betrothed love, and now my wife” (1.1.411), seems to indicate that they had engaged in a spousal contract _de futuro_. If this is the case, then it opens up the interesting possibility that rather than being married in an off-stage religious ceremony, they simply have had sex, as sexual contact was all that was required for spousals to become matrimony. It would be difficult for Titus or Saturninus to sustain a case of rape (either _qua raptus_ or _qua stuprum_) against Bassianus as the spousal contract _de futuro_ could only be dissolved by the agreement of both parties prior

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81 There is no indication as to what form their nuptial ceremony takes, yet if it is sexual contact, then it opens the Swinburnesque possibility that in order to keep Lavinia from being raped-_qua-raptum_ by Titus and Saturninus, she is sexually assaulted by Bassianus, yet that sexual assault is not a case of rape-_qua-stuprum_, as it renders her an “honest wife” in the process. In order to gain wifely honour, she would have her maidenly honour assaulted. Bassianus’ actions are, however, probably best understood under the aegis of _raptum_ and the possibility that Lavinia is sexually assaulted by Bassianus is merely one possibility of many available readings of this scene.
to consummation – even royal prerogative could not dissolve such a contract. Rigorous application of English law on marriage to the Roman context may be somewhat out of place insofar as the play may be deliberately vague at this point, in an effort to underscore Saturninus’s position as a tyrant. Indeed, whether or not he was aware of their union, Saturninus’s unilateral declaration that Lavinia was his bride, trampling on the property rights of his subjects in pursuit of sexual conquest, was the constitutive act of a tyrant.

There is a common presumption within patriarchal order that marriage and other forms of patriarchal governance of women exist to protect the women from threats external to the household of the father or husband. Not only has recent research into the incidence of sexual and other forms of physical assault shown this presumption to be without basis – women are far more likely to be assaulted by those closest to them – but it forms the basis of the logic of tyranny. That is, the tyrant can be defined as the king or leader who uses his powers for sexual gratification by taking the daughters or wives of the householders who owe him duty. Indeed, the sexual element of the term “tyrant” reaches back at least as far as the story of Lucrece, which is echoed throughout *Titus Andronicus*. The king in the early modern patriarchal order, as *pater patriae*, was supposed to use his powers for the protection of the households that made up the nation, not seek to subvert the power of the patriarchs of those households by sexually threatening the daughters. This implicit contract whereby the king assures the protection of the independence of the household is undermined when the king becomes tyrant and seeks to interfere with the sexual governance of the household by the father of the house – in this case, Titus himself. The tyrant’s interference in the husband’s or father’s governance of the household

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82 This is not the only available definition for tyrant in the period. For instance, Macbeth is a tyrant for his slaughter of his friends and Macduff’s family, not for any sexual dalliances.
represented a threat of sexual violation coming not from without (barbarians) but from within. The tyrant activates certain anxieties on the part of those invested in patriarchal order because the role represented a plausible failure of one of the primary justifications of patriarchal enclosure of women under the label of “protection.” Women might be theoretically protected from rape under the name of marriage or as the daughter of a household within a well run patriarchal state, yet they were still subject to the arbitrary authority of the supreme patriarch – the king. The anxiety that men whose charge it is to protect women within their power (husbands and fathers) might actually abuse them is nascent here, yet becomes more fully articulated in *Hengist, King of Kent.*

There is no indication in the play that Titus knows that Lavinia has been betrothed to Bassianus when Saturninus claims her, yet this is no reason to claim, as Kahn does, that “Titus seems curiously negligent in supervising her betrothal” (51). Rather, the lack of any information regarding the betrothal of Bassianus and Lavinia opens up the possibility that Titus may have blessed their union before the action of the play began, but was then forced to rescind his blessing due to the appropriation of Lavinia by Saturninus. Indeed, Heather James argues, “Titus can hardly be unaware of his family’s prior commitments to Bassianus” (*Troy* 53). Thus, Saturninus’s act is a violation, not merely of Titus’s position as patriarch, whose authority is partially derived from his control over Lavinia’s exchange value in the system of marriage, but of the patriarchal system of marriage itself that was predicated on the consent of the father (see above and chapter one).

Even if Titus had not been a participant in his own daughter’s betrothal negotiations, Saturninus’s declaration that she would be his empress is still a form of violation for 1) it takes away the possibility of either Titus or Lavinia consenting to the match and 2) it subverts the
binding nature of the system of contract and marriage that early modern English audiences would have expected. Lavinia cannot consent because she is merely a receptacle of exchange value between the two men and Titus cannot consent because Saturninus has unilaterally declared the match. The declaration of the match is the act of a tyrant who overthrows accepted traditional systems of relations that mark civilized life. Marriage, one of the pillars of civilization, is threatened not from without, but from tyranny within, a tyranny with which Titus aligns himself.

The first rape of Lavinia in *Titus Andronicus* is not perpetrated by Bassianus against Titus and/or Saturninus – the first rape is perpetrated by Saturninus and aided by Titus. Bassianus “in justice seizeth but his own” (1.1.285). Titus’s actions to recover Lavinia for Saturninus align him within the rape narrative with the tyrant-criminal rather than his more “natural” position as the wronged father. As many scholars note, his insistence on upholding the forms of patriarchal *pietas* (piety) rather than maintaining the relationships that define the family contribute to his gross delinquency as a father, yet his own unquestioning obedience of Saturninus as his emperor puts him in the uncomfortable position of suborning the rape of his own daughter.\(^8^3\) If Lavinia is taken by Bassianus, she is raped from Saturninus, who as the *pater patriae* has the tyrannical claim on her as his own. If Lavinia is taken by Saturninus, then she is raped from Bassianus, who is pre-contracted to her. Titus’s power as patriarch of his own household is revealed as utterly contingent on the whims of the emperor in this scene (cf. Valerius in *Rape of Lucrece*). Thus, when Mutius rebels against his father and tries to defend his sister’s marriage to Bassianus, Titus murders him for disobedience. Titus’s uncompromising interpretation of *virtus* leads him to condemn and murder his son Mutius, an act that Marcus later interprets as being one

\(^{83}\) Cf. James, Miola, Kahn.
expressing an Ajax-like lack of self-discipline. Without even stopping to consider what he is doing – an impetuousness he shares with later heroes of revenge tragedies – Titus kills Mutius by crying, “What, villain boy, barr’st me my way in Rome?” (1.1.295). Mutius’s murder is compounded with Titus’s refusal to bury him in the family crypt, an act that is condemned by the Andronici as “barbarous” (1.1.383) and full of “impiety” (1.1.360). Titus’s lack of self-discipline, his passionate defense of the state above the reasoned defense of his family, is an interrogation of virtus. He murders his own son and in doing so perverts the father-son dynamic so lauded by the Romans (James 53). He aligns himself with a tyrant, and in doing so compromises his own position as patriarch, by not defending the contract that had been settled between Bassianus and Lavinia.

Saturninus appears aloft upon the murder of Mutius, immediately revealing the futility of Titus’s actions. Ironically, by choosing Tamora over Lavinia, the tyrant Saturninus seems to re-establish the “proper” functioning of the marital economy within the play. Seems to, insofar as

84 As Jones points out, this murder also aligns Titus Andronicus with the Republican Roman general, consul and dictator, Titus Manlius Torquatus, who ordered his own son executed for disobeying orders (“Disintegration” 126). Torquatus was a controversial figure during the Republican period as his zealous defense of the state came at a cost many Romans could not accept. The question of discipline and self-discipline remains at the heart of the murder of Mutius in both interpretations.

85 Danielle St. Hilaire has suggested that Titus’ fury at Mutius can be aligned with Aeneas’ fury in Book 12 of the Aeneid when he kills Turnus (317-8), yet this reading requires that the Virgilian mode be maintained in the first act, which I would argue is repeatedly undercut through allusions to Priam and the downfall of empire(s).
Tamora’s pre-existing relationship with Aaron, and her status as enemy to Titus complicate Saturninus’s choice for the audience, though Saturninus is ignorant of these considerations. The damage to the marital economy of the play, however, is already done. Rather than appealing to Titus as paterfamilias (thus to his control over his family), Saturninus dismisses the possibility of marriage altogether, “No, Titus, no, the emperor needs her not,/ Nor her, nor thee, nor any of thy stock” (1.1.304-5). Titus’s bloodline, his stock, has dwindled from twenty-five sons to three, having rashly killed his twenty-second son and lost the others in wars defending the fatherland. Titus is the father not of a living family, but of the shades of the dead and even the house of the dead he cannot control.

Later, when Saturninus and Bassianus meet again, they argue over the meaning of Lavinia’s rape and appeal to Roman law as the impartial arbiter of civilized behaviour:

SATURNINUS. Traitor, if Rome have law or we have power
Thou and thy faction shall repent this rape.

BASSIANUS. ‘Rape’ call you it, my lord, to seize my own,
My true betrothed love, and now my wife?
But let the laws of Rome determine all;
Meanwhile am I possessed of that is mine. (1.1.408-413)

This last exchange encapsulates the vision of a crumbling civilization, where the laws of marriage are a synecdoche for civilization itself. This Rome is a world without order and self-governance. It is not merely that the law is not respected, but the law is not known by the very executive power whose duty it is to enforce.

The much discussed later rape of Lavinia by Chiron and Demetrius in 2.3 throws retrospective light on the earlier rape insofar as it is unambiguously criminal stuprum; whereas
the rape in 1.1 interrogates the relationship of rape law and marriage law, suggesting a civilized world on the brink of barbarism, the rape in 2.3 repeats that same barbarism clothed in the myths and traditions of civilized Rome and England. The representation on stage of this unambiguous rape through the tropes and narratives of civilized masculinity only serves to implicate the civilized theatre audience within the narrative of sexual violence and mutilation. In a move that prefigures the later *Rape of Lucrece* by Heywood, Shakespeare manipulates the audience into identifying with the criminals, Chiron and Demetrius, through their humour and use of mythic precedent.

Immediately after the initial rape of Lavinia in 1.1 and the establishment of a temporary peace in Rome, Chiron and Demetrius enter, “braving” (1.1.524 s.d.). They argue over who claims to love Lavinia more and in doing so, serve to satirize the enthusiastic love claims of a courtly, Petrarchan lover. Lavinia now fits the image of the Petrarchan beloved: unattainable, through marriage or other injunction, beautiful, a symbol of idealized femininity more than a human character. The chivalric terms with which Chiron and Demetrius describe their erotic desires for Lavinia, however, bear little in common with the courtly tradition that they ape. Indeed, the Gothic princes’ representation of Lavinia moves from a Petrarchan mode to an Ovidian one almost immediately upon meeting Aaron. No longer the distant, cold mistress, Lavinia becomes an interchangeable object of erotic desire.

She is a woman, therefore may be wooed;
She is a woman, therefore may be won;
She is Lavinia, therefore must be loved.
What, man, more water glideth by the mill
Than wots the miller of, and easy it is
Of a cut loaf to steal a shive, we know.

Though Bassianus be the emperor’s brother,

Better than he have worn Vulcan’s badge. (1.1.581-589)

Demetrius depicts Lavinia’s sexuality as a “shive” or a slice of bread, figuring the penis in one sense as a knife. Aaron, upon hearing their debate, encourages them not to love her from afar and battle each other, but to collaborate in sexually assaulting her. He does so by referencing another classical story, Lucrece: “Take this of me, Lucrece was not more chaste/ Than this Lavinia, Bassanius’ love” (1.1.608-9). The Lucrece story was the paramount national etiological myth for the Romans and thus occupied a central place in the Renaissance English mytho-poetic imagination. Referencing it provides a shorthand example of the kinds of anxieties that will be dealt with in what follows, which is further articulated when Aaron foreshadows the rape to Tamora. He darkly tells her, “Philomel must lose her tongue today,” (2.1.43), which is the first parallel between Lavinia and the story of Philomel and Tereus, the touchstone allusion in the play. When the brothers have later killed Bassianus, they ask Tamora not to kill Lavinia outright, possibly obliquely comparing her to Persephone, the subject of one of the most famous rapes-*qua-raptus* in Greek myth. “Stay, madam, here is more belongs to her:/ First thrash the corn, then after burn the straw” (2.2.122-3). Following the rape, both Chiron and Demetrius mock Lavinia in terms of the story of Philomel:

*DEMETRIUS.* So, now go tell, and if thy tongue can speak,

Who ’twas that cut thy tongue and ravished thee.

*CHIRON.* Write down thy mind, bewray thy meaning so,

And if thy stumps will let thee, play the scribe.

*DEMETRIUS.* See how with signs and tokens she can scrawl.
CHIRON. Go home, call for sweet water, wash thy hands.

DEMETRIUS. She hath no tongue to call, nor hands to wash [...] (2.3.1-7)

Philomel, whom Tereus raped and then tore out her tongue so she could not tell anyone who raped her, wove a tapestry to identify her attacker. Chiron and Demetrius mock Lavinia’s ability to “scrawl” with “signs and tokens” – an ability she will use later in the play by explicitly drawing on *The Metamorphoses*. The most chilling connection, however, between the tradition of Ovidian eroticism and Lavinia’s rape comes not from the self-consciously deployed narratives, but the often under-discussed trap set for Martius and Quintus by Aaron.

The sequence in the hole is some of the boldest dramaturgy in the whole of the Shakespearean canon, as suggested by Jonathan Bate (9). Here, Shakespeare presents the rape of Lavinia through the visual and metaphorical analogue of the two brothers’ black comic exploits in the hole in the ground. This comedy forces the audience to reflect on their own reactions as they laugh at that which is immediately following described in terms of absolute horror. As Katherine Eisamann Maus argues in her introduction to *Titus Andronicus*:

Shakespeare produces jarringly appropriate incongruities not by juxtaposing characters but by evoking inappropriate dramatic genres. For instance, when Quintus and Martius find Bassianus’s body, the audience knows they are being framed for murder and one might expect a playwright to exploit the pathos of the situation, encouraging the audience to pity and sympathize with the innocent characters. Instead, the scene is played for laughs, as Titus’s sons struggle farcically to pull one another out of a hole. (404-5)

The comedy of the scene comes out of the staging and dialogue, but to understand the horror one must appeal to the tradition of pastoral verse where the landscape was gendered feminine. Once the Gothic brothers drag Lavinia offstage, Aaron leads on the Roman brothers. Martius is first to
fall into the pit and Quintus’s description of the hole his brother has fallen into is a thinly disguised analogue for the violent assault taking place upon Lavinia just offstage:

> What subtle hole is this,
> Whose mouth is cover'd with rude-growing briers,
> Upon whose leaves are drops of new-shed blood
> As fresh as morning dew distill'd on flowers?
> A very fatal place it seems to me. (2.2.198-201)

He is at once describing the imaginary theatrical landscape before him and innocently evoking the violence being done to his own sister as she is being raped offstage. Through the whole of the scene a number of terms are used that were synonymous with “vagina” in the Renaissance. Martius calls up from below describing the scene as the worst “That ever eye with sight made heart lament” (205). As Eric Partridge notes, the eye without sight was a vagina (102). The hole itself is lit up from a jewel on the ring on the finger of the dead Bassianus, and the ring was a traditional metaphor for both the vagina and marital relationship (cf. *The Changeling*).

When the mutilated body of Lavinia is brought out on stage, Marcus reads her body in terms of the horrific effects of Ovidian eroticism and violence, situating her within the story of Philomel:

> But sure some Tereus hath deflowered thee
> And, lest thou shouldst detect him, cut thy tongue.

[…]

> Fair Philomela why she but lost her tongue,
> And in a tedious sampler sewed her mind;
> But, lovely niece, that mean is cut from thee.
A craftier Tereus, cousin, hast thou met,
And he hath cut those pretty fingers off
That could have better sewed than Philomel. (2.3.26-43)

This not only provides a narrative structure upon which the rest of the revenge plot relies, it locates the second rape of Lavinia within a dynamic of Ovidian tragic eroticism. Marcus situates Lavinia’s body within a representative economy that reverses the dark humour of the Andronici brothers falling into the hole. Whereas the rape had been perversely humorous when the Andronici were in the hole, the rape becomes visually, palpably real for both Marcus and the audience with Lavinia’s broken and bleeding body as horrific witness of the act. The representative duality of the rape as it is presented – overt bathos and concealed pathos – is overturned in this speech where the violence done to Lavinia’s body is positioned within a narrative tradition aligned with trauma and revenge. The audience, who had so recently witnessed and laughed at a rape bathetically displayed through analogue, now witnesses the effects of that rape. To put it another way, Marcus’s speech turns the attention of the audience to Lavinia’s emotionally savaged interiority through the intertextual Ovidian references, immediately after they had laughed at a black comedic vision of the rape. As Cora Fox notes in *Ovid and the Politics of Emotion in Elizabethan England*, “What Marcus does in this long, rhetorical lament, therefore is to create through language a link between his own grief and Lavinia’s, solidifying that empathetic bond through intertextual reference” (112). This bearing witness to both the cause of Lavinia’s (and Marcus’s) suffering and the expression of suffering are only two functions of the speech. Though it is certainly possible that the audience could condemn Chiron and Demetrius, the structure of the scene and the rhetoric of Ovidian desire
both hail the audience’s implication in the gleeful villainy that is the root of the emotional and physical agony in that the bathos of the analogue scene aligns them with Chiron and Demetrius.

The Gothic princes tread the line between the racial other of a character who rapes such as Caliban and the recoverable masculine self of the characters in *Bonduca*. They are not Roman, yet they are able to quote Roman myth and legend. They are racially different, yet they are admitted to the imperial family without much hesitation. They function in the play to complicate the metatheatrical performance of rape as their own liminality echoes the liminal position of the early modern theatre audience, discussed in the introduction. Indeed, the affective nature of the scene immediately following Lavinia’s rape, either as a showcase of horror or as a means by which to implicate the audience in the rape via the puerile humour of Chiron and Demetrius, troubles the ways in which the audience can understand its own moral position regarding the rape.

When rape is presented in *Titus Andronicus* in act two as an unambiguous case of *stuprum*, the audience is implicated in the trauma. When rape is presented in act one as an interrogation of the laws and customs of marriage, the audience is given enough distance from the event to contemplate the ambiguity of those same customs. If one says that Bassianus raped Lavinia from Titus and/or Saturninus, then one aligns oneself with the tyrant. Further, the early modern audience is left with the uncomfortable realization that a husband can rape his own wife, given the binding nature of spousal contracts *de futuro* under a rigidly patriarchal system. If the reverse is true, that Saturninus raped Lavinia from Bassianus, then the fundamental relationship upon which the household and state governance is based in the early modern period, the state of marriage, is in suspension at the whim of the tyrant. Indeed, that suspension of the terms of household and state governance is something of the definition of the tyrant to the early modern
mind; however, this reading of tyranny complicated the terms of patriarchal governance as it was defined by Filmer. The absolute and arbitrary authority is characterized by this interruption of the fundamental relationship upon which patriarchal governance is premised, whereas the just monarch’s arbitrary authority was a model for other patriarchs (at least according to patriarchalists like Filmer). *Hengist, King of Kent* presents a marital rape that highlights the differences between tyrant and monarch. In the case of *Hengist*, the rape of Castiza queries the line between the legal contract of marriage and the moral obligations to another human being.

**Vortiger and Failure**

Middleton’s *Hengist, King of Kent* locates itself firmly within the tradition of historiography of the Anglo-Saxon invasion that links the failures of the Celto-Roman Britons with decadence and the failure to exhibit masculine self-governance. Beginning with Gildas, the story of Vortigern’s inability to marshal his sexual desires is complicated through the introduction of Roxena by the ninth-century Welsh monk Nennius.86 Middleton inherited a story of sexual incontinence and complicated it by the fleshing out of the character of Vortiger’s wife. He inserts Castiza into the historical narrative and by doing so makes Vortiger’s marriage to her and his defilement of that marriage the central act of tyranny in the play. The rape of Castiza modulates the vision of failed masculinity through rape by locating that failure within the proverbial marriage bed. Thus, subverting the model of virtuous patriarchal governance of the husband over a household and at the same time interrogating the legal and ontological status of marriage in early modern England, Vortiger’s marital rape of Castiza becomes a metonym for the ontological ambiguity that is at the heart of the play. Castiza was ontologically ambiguous to

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86 Where appropriate, I will use the name “Vortigern” to refer to the historical character and “Vortiger” to refer to the character in Middleton’s play.
early modern audiences because as a wife, she could be raped by her husband and thus was not a victim, yet that is clearly belied by the scene of violation. She is both victim and not-victim. Vortiger is both rapist and not-rapist, not simply in the sense that Vortiger is committing a rape that cannot be classified as a rape (insofar as they are married), but in the sense that his pre-existing villainy and sexual objectification of Castiza suggests a structure of identity that is far more modern. Castiza is a victim before the rape ever happens on the stage and Vortiger is a villain long before the rape occurs. This presupposition of the rapist/victim dyad anticipates a uniquely modern identity category of the rapist, while situating such an identity category in the distant British past.

Middleton’s presentation of the rape of Castiza further complicates the epistemological problems at the heart of rape touched on above in relation to Lucrece. In not crying out, Lucrece was under suspicion of having consented during the sex act and revoking her consent afterwards. In choosing to kill herself, Lucrece not only brought back her family honour but also made a final statement of deliberate refusal to participate in the sex act. Even if her body had consented, she emphatically did not, and it was the suicide that resolved any epistemological ambiguity regarding her consent. Middleton’s representation of the rape of Castiza opens up not epistemological ambiguity but ontological ambiguity insofar as the rape interrogates for the early moderns what it was to be a wife and submit to sex with her husband. The rape of Castiza presents a range of definitional and ontological questions for the early moderns regarding the nature of masculinity and femininity. If the raped woman is a victim and the rapist is that woman’s husband, does it still count as rape? Is she still a victim? Ought she to be held to the same standards as Lucrece, or should she simply submit? Clearly, the husband who exhibits too much desire for his wife was in the wrong (as noted above), yet was he liable to censure for such
actions? The culture made no provisions for a man who raped his wife and as such, he was a conundrum. As a husband, he was the representative of a patriarchal system of order and (self-) governance, but as a man who raped, he undermined that system. Thus, the rape of Castiza opens a space of ontological ambiguity within the play. Despite this ambiguity, however, there is never any doubt that the sexual assault of Castiza is morally condemnable in the extreme. In a play where ambiguity is the characteristic feature, this moral certainty of the nature of the sexual assault of Castiza provides a key. Famously straddling genres, (much like Titus Andronicus), the play is both a chronicle history and not, a citizen comedy and not. It serves as a critique of the conflicted definition(s) of early modern English rape.

_Hengist, King of Kent_ tells a story of national failure as Vortiger, King of the Britons, allows the immigration of the Saxon warlord Hengist and his kinsman Hersus, which eventually results in the overthrow and downfall of the British state. In his dramatization of the story, Middleton presents Vortiger as a politician and a villain, whose marriage to and rape of the ahistorical Castiza becomes the crux of his villainy in the third act. Middleton’s Vortiger comes at the end of a long history of presentations of the character that aligned the pseudo-historical king with incompetence, tyranny, and sexual deviance. The story of King Vortigern’s disastrous reign was a heavily sedimented narrative by the early modern period, and generally recognized to have been so from the very beginning. The first mention of Vortigern in the historical record comes from the work of the Gildas, the sixth-century monk and historian. Gildas’s reliance on

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87 Although he was writing within generations of the events, Gildas was seen in the early modern period as unreliable due to his use of foreign sources. As Robert Brady writes in his *Complete History of England* in 1685,
foreign source material explained for early moderns his suspicious lack of attention to historical
details like names (“Vortigern” or variants thereof do not appear at all in Gildas’s writing).  

After Gildas the story of Vortigern’s invitation to the Saxons appeared in many medieval
histories, and was often compounded with stories of Vortigern’s sexual deviance. Indeed, it was
not until the early modern period and the Catholic historian Richard Verstegan (1550-1640) that
Vortigern actually gained a wife. Although Bede (ca. 673-735) followed Gildas’s (ca. 500-570)
retelling and the Anglo-Saxon Chronicle had precious little to say about the coming of the
Saxons, Nennius added the story of Rowena, Hengist’s kinswoman, who seduced Vortigern.
Further, Nennius added an incestuous love affair to the Vortigern story: “Then, adding to his list
of evils, Vortigern took his own daughter to wife and he begat a son upon her” (Monmouth 233).
In Nennius’s telling, it is this event and the public exposure of Vortigern’s sexual depravity that
resulted in his retreat to Wales, from which he never recovered. Vortigern’s sexual relationship
with his daughter and his fathering of a son/grandson with her echoes the ontological ambiguity

Gildas confesseth he wrote his Epistle from the Information he had out of Foraign
Writers, and not from any Chronicles or Annals he had seen left by any Historian of his
own Country, which (if any such were) had been either burnt, or carried beyond the Seas,
by such as fled thither. (51)

88 Gildas does, however, make reference to a “tyrannus superbus” in Book 13 of *De Excidio et
Conquestu Britanniae*, who invited in the Saxons to Britain. As Robert Vermaat suggests, the
Latin title “tyrannus superbus” could be a pun on the British name “Vortigern” which meant
“foremost ruler.” This naming pun was later effaced by Bede in his history of the same events,
which is largely reliant on Gildas, as he uses the name “Vortigern.”
of Middleton’s play yet renders Vortigern’s crimes more straightforwardly condemnable to a Christian audience.

Geoffrey of Monmouth, though he eliminates the story of Vortigern’s incestuous relationship, presents his desire for the Saxon princess Rowena in a largely unflattering light, maintaining the trope of the tyrant as sexually ungovernable. This equation of sexual incontinence with national disaster is one that is common in European folk tales, yet by the Renaissance, folk histories were being largely supplanted by a more structured, investigative and evidence-based historiographic tradition. The presence of Rowena in the narrative continued

89 As Juliet Feibel points out, Geoffrey of Monmouth’s own telling was embedded within a literary tradition of seduction and national loss:

From the Norse Ynglingasaga, he pulled the tale of King Granmar, who bade his daughter Hildigunna to seduce his potential enemy, King Hioward of the Vikings, with a silver bowl of wine and a submissive salute to his health ("Hail to ye all, O Ylfings!"). […] In Geoffrey's version, Vortigern asks the translator to translate her greeting, to teach him the proper response, and to request Rowena’s hand. Thus, Geoffrey addressed the Anglicization of British culture, as the British king learns to conduct ordinary affairs – drinking, loving, and marrying – in English. (4)

By the dawn of the Tudor period, although Geoffrey of Monmouth was increasingly under humanist scrutiny for his presentation of fantastical tales of magic, dragons and otherworldly explanation for historical events, such criticism was largely limited to his presentation of the stories of Arthur and Brutus. Vortigern posed the same problem to humanist historians as Arthur – no contemporary records – yet that seems to have little bothered them. Polydore Vergil, whose Anglica Historia (1534) criticized Geoffrey of Monmouth, chose the
the representative tradition of sexual incontinence, yet it opened up as many problems for historians as it answered.

Early modern historians such as Polydore Vergil, John Foxe and Richard Verstegan had to posit a wife for Vortigern prior to Rowena in order for other aspects of the story to make sense, or to eliminate her altogether. That is, according to Geoffrey of Monmouth, Vortigern had a son, Vortimer, who led rebellions against his father. Not the son of Rowena and Vortigern, Vortimer must have been a child by another (nameless) mother. Foxe, in his *Acts and Monuments*, which Margot Heinemann notes was one of the primary sources for Middleton, omits any mention of the first wife (Foxe 321, Heinemann 137 n. 6). The humanist historians such as Verstegan, on the other hand, reconciled this problem by complicating Rowena’s seduction of Vortigern, claiming he was married prior to the introduction of the Saxons to England. However this complicates the issue of Rowena’s romance with Vortigern, Verstegan does not provide any further information. As he says, “deuorcing himself from his former maried wyf, maried with the Saxon lady Rowena” (Q4v). This unnamed wife was the mother of Vortimer but disappears after Vortigern divorces her. By positing a wife for Vortigern, these historians were able to ensure a myth of origins that maintained historical contiguity while establishing a narrative of masculine sexual incontinence.

events of his historical narrative based on the qualification of semblance of the truth (31), and the story of Vortigern seemed true. Indeed, Vergil’s Rowena inherits much from Geoffrey of Monmouth’s, despite there being no more documentation for her existence than for Arthur, whom he excluded. Feibel notes, “Unlike Arthur and Brutus, Rowena and her story resembled historical fact. This tenet is relatively sound by humanist standards: the legend of Vortigern and Rowena depends on the common characteristics of greed and lust” (6).
Middleton builds on this humanist historiographic tradition and gives the wife not only a name, but makes her relationship with Vortigern central to the functioning of the plot of *Hengist, King of Kent*. Her name, as Grace Ioppolo points out, is a generic one, in keeping with the humanist historiographic tradition, but her place in the play as the victim of the central act of violence and shame suggests a modulation of that same tradition (Ioppolo 1457 n. 142.1).

Vortiger’s relationship with Castiza parallels his own political rise and fall. Vortiger’s political rise is partially enabled by his relationship with Castiza, who, in 1.2, agrees to tempt the then reigning monarch and former monk, Constantius, and his later downfall is the direct result of his miscegenal relationship with Roxena. As Julia Briggs points out,

state power and sexual power are precisely equated and transgressors against one, as so often in Jacobean tragedy, are also trangressors against the other. […] In Vortiger’s enforced possession and subsequent despoliation of the chaste Castiza is imaged his betrayal of the pure faith of Ancient Britain. In taking as his lover Roxena, treacherous and already debauched by Horsus, he completes the island’s symbolic violation and invasion, which is thus acted out at this secondary level of individual sexual transactions in high places. (483)\(^90\)

The sexual transactions in high places are not a secondary level of analysis for the play as they inform the villainy of Vortiger and Hersus and situate the despoliation of the island of Britain against the violation of Castiza.

\(^{90}\) Although Briggs’ analysis of the play situates it firmly within the religious controversies of the day, noting for instance that a version of the Vortigern story was performed at the Catholic seminary in Douai within a year of Middleton’s play, I feel that the play’s treatment of sexual violence inevitably encompasses a critique of gender through political allegory (492-3).
Middleton foregrounds Vortiger’s relationship with Castiza at the opening of the play as a contractual one – they are contracted *de futuro*. When, in 1.3, Vortiger insists that the king, Constantius, marry, he introduces him to Castiza, as a pander might. Vortiger wants to prostitute Castiza to Constantius and cannot understand why she cannot or will not whole-heartedly participate in his political machinations. Castiza protests on grounds of affection, yet the politician Vortiger dismisses her protests and thus her concern for her own honour.

*CASTIZA.* But say he should affect me, sir,

How should I ’scape him then? I have but one faith, my lord,

And that you have already, our late contract’s

A divine witness to’t.

*VORTIGER.* Leave it to me still,

I am not without shifting-rooms and helps

For all my projects I commit with you.

*CASTIZA.* This is an ungodly way to come to honour,

I do not like’t. I love lord Vortiger

But not these practices, they’re too uncharitable. (1.3.151-158)

Here, already, is apparent the wordplay that leads to ambiguity and epistemic uncertainty. If Vortiger were to be successful and Castiza married Constantius, she would “come to honour” in “an ungodly way.” In such a marriage, however, she would lose her honour. On the one hand she would lose her honour because she would break her contract to Vortiger in a wholly legal, yet morally dubious manner, and on the other hand, she would lose her honour because she had been pandered out to Constantius, thereby prostituting herself for Vortiger’s gain. Further, if Castiza were to agree to what Vortiger were proposing, her sexual contact or marriage with
Constantius would annul the spousals that had been contracted between herself and Vortiger. Though he would have no contractual hold over her, he would have an emotional bond still, which Castiza explicitly references and which aligns with her name. Finally, there is a clear parallel between the relationships of Castiza and Vortiger at this point and Hersus and Roxena later in the play, where in both cases the men seek political advantage through the sexual acts of the women in the relationship.

Vortiger’s sexual deviance (mirroring his political deviance) is contrasted with the presentation of virtuous masculinity in the character of Constantius. When, later in the scene, Vortiger sees Constantius and Castiza kiss in friendship, Vortiger is disappointed that the kiss seems so chaste.

That way of kissing is no course to vex him.

Why, I, that have a weaker faith and patience,

Could endure more than that coming from woman. (1.3.190-192)

The custom of kissing, for which the English were lampooned across Europe, provides Middleton an opportunity to display Vortiger’s sexual incontinence, but also leads into a scene that suggests that neither Vortiger nor Constantius’s are models of masculinity that are consonant with good kingship. Following the kiss, the scene returns to a display of the tension between

91 The English custom of kissing upon greeting was a source of nationalist friction. “Everywhere on the streets [of England] they offer their wives to their friends. […] They do not consider it shameful for their wives and daughters to be kissed.” (Chalkokondyles 223) Laonikos Chalkokondyles, the Byzantine Greek historian, theologian and scholar wrote of England in his compendious Demonstrations of Histories (ca. 1490, first published in English in 1615) and, due to the unfortunate vagueness of his wording in the original Greek, he seemed to suggest that that
legal and moral duties. Rather than eating with his courtiers, Constantius prefers to keep meals as he did at the monastery whence he was called to become king. This display of innocent and chivalric masculine desire to Castiza followed by the rejection of the feast presents Constantius as a poor king – unable to rule his subjects’ passions, but also who does not wish to bend to his subjects’ reasonable requests. Though Constantius, eventually, does go to dinner with his subjects, he thinks it “Beyond all cruelty” (1.3.233).

Constantius is not a model of failed masculinity – he is simply misplaced. He is unable to conform himself to the role of king, yet that does not mean that the masculine virtues that he embodies – piety, honesty, grace – were not virtues that were to be sought by early modern men. The distinction is that these were clerical virtues of moderation rather than kingly virtues of governance. Constantius’s inability to take on the duties of his new role as monarch is not presented as a failure of his masculinity, but as a consequence of his virtues. His altruism is out of place in the chaotic world of post-Roman Britain.

the men of England were positively offering their wives and daughters to each other in a kind of mass national orgy. This absurd conclusion was taken up and promulgated by other Greek historians such as Pseudo-Phrantzes (Chalkokondyles 259), and was also vociferously resisted by English authors such as Thomas Edgar in his Lawes Resolutions. The anxiety regarding this well-known practice bears some fruit for this study, however.

Indeed, this section could easily be read as an indictment of Charles I, who was known for taking his meals privately with his family rather than in grand court feasts. If this were the case, this exchange would have to be an insertion into the original text. That sections of the play were undoubtedly inserted after the original performances in 1620 (for instance, the characterization of Oliver) is supported by Ioppolo (1448 ff.)
Constantius’s virtues can be fruitfully contrasted with Hengist, who the play presents as a fallible, but largely successful, leader. Whereas Constantius is pious, Hengist’s virtues are primarily martial. Shortly after Vortiger ascends to the throne and welcomes Hengist and Hersus as mercenaries, Hengist returns with rebel prisoners in tow. Vortiger praises Hengist and offers him “honour[s],” at which Hengist demurs:

   Indeed, my lord, we hold, when all’s summed up
   That can be made for worth to be expressed,
   The fame that a man wins himself is best;
   That he may call his own. Honours put to him
   Make him no more a man than his clothes do,
   And as soon taken off; for as in warmth
   The heat comes from the body, not the weeds,

   So man’s true fame must strike from his own deeds. (2.4.17-24)

“Honours” contrast with “deeds” – honours given with true fame – and the importance of the latter is driven home by the couplet between lines 23 and 24. Here, a man’s legal position – as earl, duke or king – is subordinate to his moral worth. This anachronistic anticipation of Protestant values is in keeping with the humanist historiographic tradition regarding Hengist, which tended to align the Germanic Anglo-Saxons with Protestantism (Briggs, Escobedo). That said, in general, the invading Saxons are not presented as proto-Protestants but pagan aliens whose religious values are undesirable (Briggs 489). The complexity and ambiguity of representation of Hengist extends to his position as a model of masculine behaviour. Hengist is a positive exemplum in that he himself attempts to be honourable despite being deceived by those closest to him, yet he is an ambiguous exemplum insofar as later in the play he seeks the social
positions and honours that he is here eschewing. In the above speech, Hengist provides a politic vision of masculine virtue that is in keeping with the querying of legal and moral obligations that are at the heart of the rape of Castiza.

Having earlier promised the pious Constantius to reject Vortiger’s attentions (1.3.182-5), despite their pre-contract, Castiza eventually does marry Vortiger. When Vortiger ascends to the throne, he takes Castiza to be his wife in the dumb show between 2.1 and 2.2 where she “seems to be brought in unwillingly” and only leaves with Vortiger “with a kind of constrained consent.” The question of whether or not their marriage is ever consummated prior to the rape is somewhat vexed, however. Castiza’s ontological ambiguity as neither maid nor wife is later reinforced by Middleton in 3.2.15-22 when Castiza suggests that Vortiger’s desire for her has not been fulfilled: “I see the king’s affection was a true one,/ It lasts and holds out long” (19-20).

Immediately following that, she suggests that their marriage however was indeed consummated, “though in great fear/ At first I was enforced to venture on’t” (21-22), where the “’t” refers to sex itself. Though it is possible that the “’t” refers to the marriage and not a sex act, it would seem from these lines that they consummated the marriage insofar as they cannot easily dissolve it later. If they had not had sexual intercourse, then it would at least be conceivable for Vortiger to annul the marriage on those grounds. Nevertheless, the previous two lines (19-20) seem to suggest that Vortiger is still waiting for “’t.” Middleton consistently presents Castiza as a site of ambiguity, despite the fact that the social roles that she takes on (virgin, wife) were supposed to clarify any ambiguity. Her ontological ambiguity is the necessary contrast to the stark villainy of her husband, whose rape of her is rendered all the more heinous through its dehumanization of her into a mere object.
Almost immediately upon marrying Castiza, Vortiger meets Roxena, and is smitten by the foreign German princess in a manner reminiscent of Saturninus’s lust first for Lavinia and then Tamora. His aside in 3.1 reveals the depth of his desire for Roxena in a speech that echoes another lascivious tyrant, Hamlet’s Claudius.

Have I power

Of life and death and cannot command ease

In mine own blood? After I was a king

I thought I never should have felt pain more,

That there had been a ceasing of all passions

And common stings which subjects use to feel

That were created with a patience fit

For all extremities. But such as we

Know not the way to suffer than to do’t.

How most prepost’rous ’tis! What’s all our greatness

If we that prescribe bounds to meaner men

Must not pass these ourselves? O most ridiculous!

This makes the vulgar merry to endure,

Knowing our state is strict, and less secure.

I’ll break through custom. Why should not the mind

The nobler part that’s of us, be allowed

Change of affections, as our bodies are

Still change of food and raiment? I’ll have’t so,

All fashions appear strange at first production
But this would be well followed. (3.1.89-108)

Vortiger is no longer able to contain his lust for Roxena and the only thing standing in his way is his legal marriage and spiritual commitment to that marriage. He attempts to rationalize his interests, bending circumstances to agree with the changing vision of the world he desires. Here, “the nobler part” is referring to his soul, which at this point is bound in conjugal contract to Castiza. Notably, he is not seeking divorce in this speech, but attempting to justify his own changing desire. Were Vortiger to further the argument of the change in affection, he might be anticipating Milton, or looking for a divorce a mensa et thoro. The equation of his desire for Castiza with “food and raiment,” however, figures her as merely an object. As an object, Vortiger would have no moral obligation to her. He finally justifies this change in behaviour by pointing to social convention – which can be aligned with Hengist’s “honours” from before – and noting how conventions change. The suggestion is that where social conventions – “fashions” – change regarding marriage, the moral duties to one’s partner could change as well.

However flawed the argument Vortiger makes may be, Hersus picks it up because it serves his interests, and suggests that if grounds could be found for a divorce, then Vortiger could marry Roxena. Hersus, Roxena’s lover, seeks to improve her status for his own gain, in a mirroring of Vortiger’s own attempt to raise Castiza’s status earlier in the play by marrying Constantius. The halting clauses and stumbling phrases of Hersus’s explanation of how Vortiger could find grounds for divorce prolongs the oral representation of the rape-to-be and suggests emotional discomfort with what he is saying.

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93 His description of Castiza in terms of food links her to appetite and desire, which was subject to reason. Of course, his desire for Roxena is similarly objectifying, yet does not sexually assault her whereas he does assault Castiza.
The honest gentlewoman, where e’er she be,
When nothing will prevail, I pity her now,
Poor soul, she’s enticed forth by her own sex
To be betrayed to man, who in some garden house,
Or remote walk, taking his lustful time,
Blinds darkness on her eyes, surprises her
And having a coach ready, turns her in,
Hurrying her where he list for the sin’s safety,
Making a rape of honour without words;
And at the low ebb of his lust, perhaps
Some three days after, sends her coached again
To the same place, and, which would make most mad,
She’s spoiled of all, yet knows not where she was robbed.
Wise, dear, precious mischief! (3.1.164-177)

It is as though Hersus knows well the moral opprobrium he is suborning. The short, interrupting clauses and phrases (“where e’er she be,” “I pity her now,” “perhaps/ Some three days after”) combined with the ellipses highlight the excitation that could spring from violence and sense of violation in the description of the rape. Indeed, the circumlocution of the speech that both hides and highlights the excitation at the heart of the violence of the rape echoes the theatrical occlusion of rape on the early modern stage. There is no moral ambiguity here, but nor is there a fiendish, melodramatic relishing of evil of the kind seen in The Jew of Malta or Richard III and later in Hersus’s “acting” the part of the assaulter of Castiza. Vortiger’s desire to rid himself
legally of Castiza directly leads to the morally outrageous claim that he can rape her, without raping her.\footnote{One aspect of the rape that the play does not investigate is that Vortiger is maintaining his own bloodlines even in the commission of the act of sexual assault. That is, were Castiza to become pregnant from the assault, Vortiger would still have the opportunity to someday claim a legitimate child from the union, were the German princess to prove infertile. Though Middleton never explores this, it adds to a play that is critiquing patriarchal order, this time through the manipulation of the terms of primogeniture.}

The rape itself is a unique act of ventriloquism, echoing the play’s repeated refusal to define characters, events or genres firmly. Though the sexual assault itself is performed (offstage) by Vortiger, the abduction and dialogue (as assailter) is carried out by Hersus. The play explicitly defines the assault in terms of rape. Indeed, Middleton takes great pains to situate it in terms of Castiza’s lack of consent, both in word and in deed. Upon Hersus telling Castiza that his intentions are not to murder her, but to “enjoy [her]” (3.2.54), she immediately faints. Her body collapses under her, unable to bear the horror of what she is presented with. That is, her body (or her soul in control of her body, it is unclear to which the play is alluding) itself refuses to consent to the sexual act and expresses that denial of consent through fainting. This lifts the concern of the scene out of the realm of epistemological ambiguity as in the play of Lucrece and into an ontological ambiguity as the rape becomes a case of marital sexual violence. The play’s interest in presenting this central act of violation as rape is borne out in the fact that upon Castiza’s fainting, Hersus brings her back to consciousness. If the play were merely interested in making Castiza think she had been raped, then Hersus and Vortiger could have
carried away Castiza at the point she faints, but instead, Hersus insists on attempting to win her consent.

[...] List to me,

Here you are now far from all hope of friendship,

Save what you can make in me; ’scape me you cannot,

Send your soul that assurance. That resolved on,

You know not who I am, nor never shall,

I need not fear you then. But give consent

Then with the faithfulness of a true friend,

I’ll open myself to you, fall your servant

As I do now in hope, proud of submission,

And seal the deed up with eternal secrecy.

Not death should pick it open, much less

King’s authority or torture. (3.2.73-83)

The same rhetorical strategy of interrupting clauses prolongs the experience of violation for Castiza (and the audience). Further, Hersus uses the same verbal rhetoric of chivalric love that Chiron and Demetrius did in 1.2 of Titus Andronicus. Middleton is presenting a conventional rape-qua-stuprum scene, much like the ones in Lucrece or Titus, but Hersus does not actually commit a rape. He is playing the role of an assaulter; and Vortiger even gives an approving

95 Elsewhere (3.3.273-84) Hersus uses the strategy of interrupting clauses, to describe to Vortiger the sigh-filled, tearful penitence of Castiza, immediately before she appears on stage, further linking the rhetorical strategy with the consequences of violation.
aside regarding his ability to play the role (3.2.83). Vortiger, who under the law cannot rape his own wife, ostensibly plays the role of an assaulter by proxy, yet Middleton is underscoring the reality of the sexual assault through the form of the scene. The one thing in the scene that is not “played” is Castiza’s terror and horror at her own violation, as the rape occurs offstage. Castiza’s traumatized refusal and plaintive cries as she is taken offstage by Vortiger are commented on by Hersus, who in an address to the audience, expresses pity for Castiza.

Middleton takes great pains to show Castiza’s rape as a species of *stuprum*, yet it is perhaps indicative of the difficulties he (and the culture at large) had with the possibility of sexual assault within marriage that he could only present it as having happened under the most extreme circumstances. That is, Middleton in *Hengist* is exploring the concept of marital rape, yet he cannot wrap his mind around the possibility of rape within marriage without the convention of the bed-trick. As sexual services were a part of a wife’s duties, which Castiza only ambiguously denies in 3.2.15-22, the only way a woman could legitimately withhold consent within marriage was not to realize it was her husband. The rape of Castiza is unlike most other forms of bed-trick as seen on the early modern stage insofar as it is presented as a relatively unambiguous form of sexual assault, whereas many bed-tricks on the early modern stage were presented as a sexual misadventure in the service of marriage or a kind of manifestation of male erotic fantasy (Desens). In this case, the ethical objection is at the heart of the characterization of the sexual act. Married couples account for a handful of bed-tricks on the English stage, and of those the majority of them appear within the first fifteen years of the emergence of the bed-trick as a dramatic convention, or from 1590-1605. As Marliss Desens points out in *The Bed-Trick in English Renaissance Drama*, marital bed-tricks were initially not very unusual, partially because they “deflected potential objections to the convention. The sexual contract is always
lawful, although audiences might question whether it is ethical, since it takes place because at least one partner is deceived as to the other’s identity” (60). The late date of this play relative to the emergence of the bed-trick, however, suggests that the married bed-trick here is not concerned with forestalling audience objections, but investigating the terms of marriage and desire.

The ontological ambiguity of the rest of the primary plot of the play rests on the moral certainty of this one act of rape, yet this act of rape could not be considered rape per se. Later, when his castle is surrounded and he is on the verge of death, Vortiger admits to having performed the rape himself. Speaking of Castiza, he calls her “our religious Queen” (5.2.70),

> Upon whose life I swear there sticks no stain
>
> But what’s most wrongful, and where now she thinks
>
> A rape dwells in her honour, only I
>
> Her ravisher was, and his the policy. (5.2.71-4)

Vortiger’s confession again points to the ontological ambiguity regarding marriage that appears in the play – she has not been raped, yet she has a “most wrongful” stain upon her. She has been assaulted, yet the term “rape” has been inappropriately applied. He is a “ravisher” but she only “thinks/ a rape” happened. The point, of course, is that both are true. However way the act is understood, it is still presented as morally egregious in the extreme and a sign of Vortiger’s tyranny, as the nation crumbles under his leadership.

The Un-Rapable Subject

In *Titus Andronicus* and *Hengist, King of Kent*, the rapes signal the political renovation of the state. The men who rape are irrecoverable, yet in both cases, a kind of masculine virtue of self-governance returns to the state itself. In both cases, however, this return to masculine virtue
is complicated by the pessimistic tone struck at the end of the play. Whereas with *The Wonder of Women* and *The Rape of Lucrece*, the endings establish masculine orders that foster self-governance and “proper” patriarchal rule, both *Titus* and *Hengist* end with barbarians not merely at the gates but in the centres of power. In placing barbarians (Saxons and Goths) at the heart of the re-establishment of order at the end of the plays, there is a tension between self-governance and license built into the new orders. As noted in the introduction, Rome was often a location on the early modern stage where the metaphoric borderlands between civilization and barbarism could be worked out and in these two cases, the barbarians seem to have the upper hand. As Katherine Eisamann Maus points out, Shakespeare’s audiences would have been well aware of the trajectory of Roman history following the end of *Titus Andronicus*: “the time is near when the boundaries of the empire will crumble and invaders will sweep down from the north, annihilating Rome’s power and bringing the era of classical civilization to an end” (40).

Similarly, Middleton’s audiences would have been aware that the same barbarians who destroyed Rome were those who established the new order in Britain at the end of *Hengist*. The rapes present the locus for political renovation, yet in these two plays the new orders that are established present a struggle between Roman and Anglo-Saxon definitions of patriarchal control. This historical struggle would play out in the law, as described in chapter one, yet the dramatists refuse to engage the ways in which the two cultures came to establish a new order. A positive political renovation enabled by the rape is suggested, yet how that renovation occurs is never explained.

Modern understandings of rape tend to look to the lived experience of those who experience sexual assault. They suggest that the harm of rape is best understood not as a denial of sexual autonomy, but as a form of “sexually invasive dehumanization” (Anderson 643). For
the early modern English, this dehumanization could not occur within marriage insofar as sex was a part of a wife’s duties. If rape was predicated on consent, however, then marital sexual assault seemed at least plausible. In *Titus Andronicus* and in *Hengist, King of Kent*, the early modern English were attempting to formulate a vocabulary to articulate the possibility of rape within the confines of marriage. 1.1 of *Titus Andronicus* presents Lavinia as repeatedly denied sexual autonomy. 3.2 of *Hengist, King of Kent* presents Castiza as dehumanized and invaded through sexual violence. When “rape” became associated with a woman’s consent, rather than a father’s or husband’s, the question of sexual violence within the patriarchal household was an inevitable extension of that relocation of meaning. With that went the re-evaluation of what comprised a good (or in the case of Vortiger, bad) husband. Though they did not have the vocabulary to talk about sexual assault within the household as rape, Middleton comes closest of any of his contemporaries to something like a modern vision of the harm of rape.
Chapter Five: Roman Flesh and British Soul: Bonduca, Rape and Chivalric Masculine Identity

Bonduca is a play about the effects of rape. The rapes of Bonduca’s daughters are not merely presented as acts of horrendous violation, but as instruments of imperial expansion and oppression. I do not mean to discount the aspect of bodily violation integral to the rapes, but to point out that Fletcher presents the rapes as a form of bodily violation that is a necessary effect of the construction of chivalric masculinity within the context of the imperial project. Rape is always both an act of sexual violation of an individual and it is a part of a social script of power and domination. One form that social script took in early modern England is that of the chivalric romance, where rape was integral to the creation and maintenance of a knightly identity. The good knight proved his masculinity by protecting damsels in distress from the ever-present threat of rape, whereas the fallen knight could redeem himself from an act of rape by reintegrating himself within the social script of normative heterosexuality through marriage. Kathryn Gravdal, for instance, argues that rape is an essential characteristic of the genre of chivalric romance (43-44), yet Corinne Saunders notes that not only was one of the primary chivalric romantic texts, La Morte D’Arthur, written by a man convicted of rape, but it begins with a tale of rape (234-41). Michael Hattaway argues that masculinity was at a crisis point in the early modern period and that chivalry, as both a residual and dominant ideology that articulated masculinity as a series of active achievements and femininity as a state of perpetual passiveness, was to account for such a crisis (108-9). The model of masculinity promulgated by chivalric romance has, at its heart, a narrative of sexual assault wherein the knight who rapes can be reintegrated into the prevailing patriarchal order, a narrative that Fletcher interrogates in his play by refusing to provide the moment of reintegration. This is perhaps unsurprising coming from Fletcher whose work, both
with Beaumont and on his own, consistently lampooned and interrogated chivalric codes and ideals. The chivalrous noble savage Caratach (whose character is so far removed from his historical namesake as to be unrecognizable) is beaten, starved and finally imprisoned, and in the end submits to the noble imperialist Swetonius. The Romans may be robbed of an outright victory by Bonduca’s suicide with her daughters, but the suicide also takes away the possibility for redemption of Junius, the Roman knight, and assaulter of Bonduca’s second daughter. With the title character dead at the end of the fourth act, the rest of the play exists, as it were, in the shadow of her suicide. As in Julius Caesar, where Caesar’s death (albeit a murder rather than a suicide) removes the character from the play, yet his presence lives on in the force he has over the actions of the other characters, Bonduca exists as a kind of imaginative presence in the final act. Her death, which encapsulates their inability to govern her, is a shame from which the

96 Caratacus, the historical original from which Fletcher takes Caratach’s name, was the leader of the resistance to Roman rule some ten to twenty years before the events of Boudicca’s rebellion. Caratacus and Caratach both were captured by the Romans, yet whereas Fletcher’s Caratach is taken with all the trappings of chivalric honour, the historical Caratacus was handed over to the Romans by the Brigantian Queen, Cartamandua, to whom he had fled for sanctuary. Caratach’s ignoble imprisonment, which would eventually lead to his being brought to Rome at the head of a triumph, argues against his identification with King James I, which has been supposed by Sharon McDonald (49). In this chapter, elements of the allegorical readings offered by Julie Crawford in “Fletcher’s The Tragedie of Bonduca and the Anxieties of the Masculine Government of James I” or Claire Jowitt in “Colonialism, Politics, and Romanization in John Fletcher’s Bonduca” are being adapted for a reading more based in an analysis of gender roles and generic expectations.
Romans cannot escape. Unlike Heywood’s Lucrece, whose death enables the traumatized men of Rome to reclaim their masculinity through martial prowess against the tyrant Tarquin, Bonduca and her daughters emasculate the men of the play through their suicides so effectively that the final act reads as a final indictment of the performance of the chivalric masculine ideal. The final act, where not just Petillius but the surviving male characters as a whole, British and Roman, work to restore their compromised masculinity, echoes with futility. Bonduca’s suicide with her daughters removes the possibility of male governance over the unruly, wild feminine, and in the end they are left with the vanity of self-governance that does not result in governance over another. Though, in the end, the Roman Empire’s expansion into Britain is assured, the all-male vision of imperial order that ends the play insistently occludes the title character. The romantic chivalry of Junius’s identity fails him and what is left is an uncompromisingly grim vision of sexual assault as a mechanism of imperial expansion.\(^97\)

**Chivalric Ideals**

Chivalry sanitizes the violence of rape and in doing so, it effaces the relationship between sexual violence and military aggression. For the chivalric knight, the man who rapes is an affront to patriarchal order and chivalric honour and is therefore to be reincorporated into that same order, or killed. The chivalric myth is one predicated on the construction of masculinity as a category of individual achievement, yet rape is never an act committed wholly against an individual – like murder, assault and other crimes, rape affects the bonds that identify a community. It disrupts family ties, assaults personhood, and derogates the ability of the

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\(^97\) Two Romans fall “in love” with the daughters of Bonduca, Junius and Petillius, yet this chapter only treats Junius’ participation in the traditions of chivalric romance. Petillius’ “romance” is not born from an initial act of sexual assault, and thus is not investigated here.
individual to govern herself. To commit rape requires a total dehumanization and objectification of the victim, to the point where they cease to exist as social, psychologically realized beings. In times of peace, it was an assault against the peace of the king, but in times of war, it was (and is) a weapon directed against a whole community. Wartime rape, which is often seen as an outcome of lack of military discipline or of social breakdown in a time of war, is a routine element of a military strategy of cultural genocide and colonization, as Seifert points out. Speaking of the wars in the Balkan region in the early 1990s, Seifert notes how women’s bodies stand in symbolically for the nation and thus to rape one is to damage the other:

… the women are those who hold the families and communities together. Their physical and emotional destruction aims at destroying social and cultural stability …. in many cultures [the female body] embodies the nation as a whole …. The rape of women of a community, culture, or nation can be regarded … as a symbolic rape of the body of that community. (39)

As a military tactic, rape disrupts patrilineal bloodlines; it upsets a patriarchal culture’s terms of governance over the female; it destabilizes the emotional bonds that underwrite the family and household. For patriarchal societies in particular, rape of female civilians becomes a means by which one can humiliate the military force of an enemy, where that enemy’s military is always gendered masculine. As Catherine McKinnon points out, building on some of the semiotic observations of Mieke Bal, rape becomes

… a humiliation rite for the men on the other side who cannot (in masculinity's terms) “protect” their women. Many of these acts make women's bodies into a medium of men's expression, the means through which one group of men says what it wants to say to another. (223)
Although most contemporary analysis of rape as a weapon of war looks at it as a form of living violence – one perpetrated every day in conflict zones around the world – evidence for wartime rape goes back centuries. Thucydides mentions it. The Bible contains multiple instances. Even modern forensic science is providing fertile ground for (re)discovering lost instances of wartime rape and sexual assault. Long before the early modern period, regulations were apparently set up restricting reproduction rights in Anglo-Saxon Britain to the male Anglo-Saxon elite at the expense of male Celtic Britons, which can be traced through genetic archaeology (Shaw). This military tactic reveals deep fissures at the heart of patriarchal forms of governance. In the sanitized vision of the chivalric code, the threat of rape is enough to justify the protection of women “for their own good.” Women as combatants can be particularly difficult for traditional gender ideologies to cope with. As Bourke states, “In a war where women could be combatants, manliness demand[s] particularly vigilant policing” (375). In Bonduca, however, the chivalric code has already failed – the genocide has already begun – and it is not protection but resistance that Bonduca and her daughters seek.

In this play, those men who committed the rapes of Bonduca’s daughters and those who charge themselves with avenging the rapes find themselves utterly emasculated by the Eumenidean Bonduca, whose vigorous defense of her own daughters complicates the terms of chivalric masculinity, which is predicated on protecting the still-intact virtue of women. The criticism of chivalric masculinity was current in 1612 as a response to the untimely death of Prince Henry, James I’s oldest son. Henry’s death rocked the nation and the tremendous outpouring of grief at the loss of a boy, whose chivalric inclinations and royal future seemed so promising, is attested in pamphlet literature, poetry, and on the stage. The death of the prince – echoed in certain respects by the death of Hengo in the fifth act of Bonduca – brought to an end
Henry’s own court, which was invested in the ideals of chivalry (Travers 73). Henry’s early death sparked a number of more or less oblique panegyrics to him on the early modern stage, yet his life and its promise was also an important subject in the early 1600s poetry and drama, where his Protestant evangelicalism, imperial ambitions and chivalric court were all linked. Perhaps the most famous play that directly deals with Henry’s promise as an evangelical Protestant prince was When You See Me, which linked him with the reign of Henry VIII discussed in Mark Rankin’s “Henry VIII, Shakespeare and the Jacobean Royal Court”, though Coriolanus has also been linked to the chivalric revival led by Prince Henry by Robin Hedlam Wells’s “Manhood and Chevalrie’ Coriolanus, Prince Henry, and the Chivalric Revival.” (Rankin 369-70, Wells).

Henry sought out such associations in his life, aligning himself with not only Henry VIII, but also Henry V and even King Arthur, fostering a court that encouraged chivalric ideals that were an important counter-culture to the realpolitik of James I’s court (Wells 402-3). As James Travers notes, “Prince Henry surrounded the ceremony with tilts and chivalry, seeking to dignify chivalry above the money grabbing which occupied much of court life” (73). Prince Henry’s public career had been entirely devoted to the glorification of martial exploits that aligned him with mythological and historical national heroes. For instance, the ceremonies surrounding Prince Henry’s investiture as Prince of Wales and Earl of Chester in 1610, included jousting, symbolic tokens of knighthood, and what James Sutton describes as a “quasi-sacramental” air that bled into a whole year of court festivities. For the occasion, Jonson wrote Prince Henry’s Barriers, which explicitly aligned the young Henry with King Arthur, Mars, and Edward I and gave him the chance to exhibit his martial skills in tournaments. As Robin Wells states, “Henry’s message was transparent: as an enthusiastic believer in chivalric values, the Prince of Wales would realize the thwarted ambitions of the old Elizabethan war party” (401).
Henry’s future military service was primarily couched in terms of imperial expansion – against France, the Hapsburg dynasty, and into America – by the militantly Protestant members of James’s court, where he was raised as “a future warrior-hero” (Wells 401). Over the course of his teenage years, he became the darling of the hawkish members of the Jacobean court who, as James Sutton points out, were “frustrated by James’ pacific policies.” Protestant iconographers, both before and after Henry’s death figured him alternately as Hercules, Mars, and a warrior who would lead a new sack of Rome, or alternately a Roman general (Wells 401-2). Prince Henry’s court provided a homosocial counter-culture to the patriarchal authority of James’s own court – a counter-culture that survived Henry’s death, yet which following his death became associated with Princess Elizabeth and feminine power. As Francis Yates argues, upon Henry’s death, the romantic ideals of that court and the chivalric masculine model that underpinned those ideals were shifted to the court of Princess Elizabeth (9-42). Those expansionist and imperial ideals that characterized Henry’s court became increasingly Protestant nationalist in Elizabeth’s court, a martial culture that eventually led to the Thirty Years War in 1618. Against this culture of idealization of chivalry and empire, a writer like Fletcher could provide canny criticism of both James’s peaceful overtures to imperial rivals like Spain and the imperial aspirations of militant Protestant members of the court by looking back to a time when Britain herself was under threat of colonization and imperial rule from Rome.

As a genre, chivalric romance sits uneasily with the kind of bastardized chronicle history that Fletcher presents in Bonduca. This is partially explained by the competing terms of normative masculinity at play in the romance versus the history. Rape for the knight errant of the chivalric romance was a threat against patriarchal order against which he could prove his
virtue and virility. Indeed, as Kathryn Schwarz points out, war is a homosocial fantasy that may concern women as the objects of violence but is not primarily concerned with women in a manner that accommodates heterosociality (88). Within war, women are to fall into a certain group of categorical identities – the mothers at home for whom one is fighting and the embodiment of national virtue on the one hand, and the objects of lust and aggression on the other. Into this vision of war and rape erupts Boudicca, who disturbs the bonds of homosociality that are articulated through the chivalric narrative of recuperative masculinity. That is, rape, in the chronicle histories of the story of Boudicca was a war crime and a mechanism of cultural genocide and the anxiety evident in the representation of Boudicca in such histories suggests the historians’ recognition of not merely the moral repugnance of the act, but the justifiability of Boudicca’s resistance. Such justifiable resistance was at odds with the chivalric tradition, which posited the sexual assaulter as inherently recoverable into the patriarchal order. These two competing conceptions of the rapes of Bonduca’s daughters – on the one hand as horrific acts to be justifiably revenged/resisted and on the other as tropes of a chivalric romance narrative that re-inscribed the sexual assaulter into the patriarchal order – are in constant tension in the play.

The sexual assaulter-as-villain trope is expressed in chivalric romance of the period; it structures both male virility and female virtue. The more villainous the man who raped, the more heroic the knight is who defeats him, but, also, the more villainous the man who raped, the more chaste the victim who successfully deflects that man’s advances. Such a narrative structure was inherently contradictory. That is, a victim of rape could be a victim because she was not

98 For more on the tension between the romance genre’s presentation of the raping knight as both the ultimate threat which knights errant were increasingly sworn to protect women from and as the normative model of knightly sexual desire, see Saunders 241-253.
virtuous enough to defend herself against her assaulter. This narrative structure implicated the female reader and the female character(s) within an ideology of feminine chastity. As Jocelyn Catty points out in *Writing Rape, Writing Women in Early Modern England*, this paradoxical vision of romantic femininity is based on the (faulty) premise that it was nearly impossible to rape women forcibly. This myth was based on understandings of anatomy and biology available at the time, which can be summed up in the concept from the nineteenth century “it is impossible to sheathe a sword in a vibrating scabbard” (Bourke “Rape Myths”). This vision of rape, which Catty calls yielding rape, meant that because only women who on some level consented to the sexual act could engage in sex, women could not be raped forcibly. The victim in this chivalric narrative of rape does not resist unto death, but takes pity on the strenuous exertions of the man committing the assault and eventually allows him to sexually abuse her. Though still rape, despite the act of enforced or coerced consent, yielding rape at least provided a mechanism to understand why rape could happen in the first place, given that women’s bodies were posited as un-rapable by many early modern texts. A woman’s body is figured in yielding rape as an impregnable fortress, only accessible when she deigns to give the male assaulter access. The victim’s “mercy” for her assaulter contrasts with her adherence to chastity, which was the normative virtue of femininity in the early modern period. In this romantic/chivalric vision of femininity, the man who committed rape was never wholly culpable for the rape as the rape was,

99Further, the myth of the unrapeable woman was surprisingly long lived. As expressed through anatomical discourse, it survived well into the nineteenth century, when it was taken up by psychoanalytic discourses. Though rarer today, the concept of the unrapeable woman still emerges from time to time in various strategic deployments of the “no” means “yes” concept (Bourke *Rape* 50-85).
in some sense, a mutual sexual act. Caratach, in 3.5, suggests precisely this explanation for the rapes of Bonduca’s daughters when, after he foils their attempts at seeking revenge against the men who raped them, he directly blames them.

2 DAUGHTER.

By ------ Uncle,

We will have vengeance for our rapes.

CARATACH.

By ------

You should have kept your legs closed then; dispatch there. (3.5.68-71)

This kind of blaming of the victim has interesting implications, however, for the ways in which masculinity was constructed in chivalric narratives. The contradictory construction of the feminine erotic identity – chaste, but yielding – was mirrored in the contradictory construction of masculine erotic identity – predatory, yet protective. Caratach’s feelings towards the Roman enemy complicate this romantic structure of protection/predation as he seems wholly uninterested in defending the honours of Bonduca’s daughters and only wishes to test his manliness on the field of battle. He demonstrates his male virtue by defending against the invading Romans, despite believing that the Romans will be, ultimately, victorious.

From the first, Caratach establishes that he is fighting the Romans not to defend the wounded honour of Bonduca’s daughters, and not out of some personal loyalty to Bonduca herself. Caratach fights for honour gained through personal combat with a valiant enemy. The whole of the first part of 1.1 is taken up with Caratach chastising Bonduca for belittling the Roman enemies, because a victory against a weakened enemy is no victory at all. Caratach argues that martial valour is only one aspect of victory; he admits that he himself ran from the Romans in a retreat, along with the rest of the Britons (1.1.105ff.). The real mark of nobility however is in the moral superiority of helping a wounded enemy and besting an equal:
[...] Where we have found vertue, though in those
That came to make us slaves, let’s cherish it.
There’s not a blowe we gave since Julius landed,
That was of strength and worth, but like records
They file to after-ages. Our Registers,
The Romanes, are for noble deeds of honour;
And shall we barre their mentions with upbraidings? (1.1.138-144)

Caratach uses the language not of martial valour alone, but complicates it with the discourse of literacy. It is the Romans who will act as “registers” for the valour of the Britons. The advantage the Romans have, literacy, carries their deeds of chivalric honour to others through books, but the Britons’ valour lives only in the enemies that they fight. This fact of Roman literacy leaves Caratach paradoxically arguing for charitable discussion of the Romans, for it is only through the success of the Romans that the British will be remembered to history. Roman civilization, which is aligned with Roman literacy, must win out in order for the Britons to survive as a remembered people. That is, because only the Romans can record or register the British “strength and worth,” the Romans must not be maligned. Caratach, somewhat paradoxically, is arguing that an imperial power, occupying his own nation must not be insulted because his own national identity is defined by the imperial power of Rome.

This paradox strikes at the heart of the presentation of Caratach as an adherent of chivalric values. In the chivalric model of martial masculinity, two knights who face each other in combat must be equal opponents to judge which of them is truly more virtuous. A knight, who is physically weakened by hunger or thirst for instance, is at a disadvantage to the knight who is not physically weakened. The knights who square off in combat who are physically equal
opponents should result in a draw, but the valour or virtue of one knight will always be favoured by God, who will ensure that knight’s victory. Caratach’s chivalric ideal requires physical parity between the Britons and the Romans, but Caratach recognizes two hindrances to meet this ideal. First is that the Britons are, in his mind, cowardly. This is supported at least on the Roman side by the fact that they do seem unwilling to engage the enemy due to the Britons tactical superiority. Indeed, the Romans seem to do whatever they can to avoid Caratach. Second is that the Romans have a virtue that the British do not – literacy. Caratach sees that this is an inherently unequal fight because the Romans, through their literacy, have control of history, yet he cannot imagine his way out of the oppositional system of chivalric masculinity.

In his following speech, Caratach’s goal in fighting the Romans is somewhat confused as he seems to see defeat as a historical inevitability. Nevertheless, he claims that he wants to expel the Romans from the island of Britain, because as he explains, whereas peace may be possible between two combatants who fought over a landmark, there can be no peace between enemies who

grapple for the ground we live on,

The Libertie we hold as dear as life,

The gods we worship, and next those, our Honours

And with those swords that know no end of Battel. (1.1.158-61)

The only peace that Caratach sees as possible is the peace of “fair dealing.” A peace that paradoxically positions the combatants as equals in all things – even though Caratach just admitted that the Roman capacity for literacy gives them an advantage as their stories will be chronicled, while the Britons’ will not.

It must not be; no, as they are our foes,
And those that must be so until we tire ’em

Let’s use the peace of Honour, that’s fair dealing (1.1.168-70)

In my interpretation, even though they are enemies, the British can hold no hope of ever defeating the Roman colonization of Britain. To Caratach, the rapes of the daughters of Bonduca are not an affront to the honour of the family and bodily integrity (as they are to Bonduca and clearly to the daughters, more of which later), but they are a sign of the inevitable movement towards miscegenation and conquest.

That hardy Romane

That hopes to graft himself into my stock,

Must first begin his kindred under ground,

And be alli’d in ashes. (1.1.171-75)

For his spirited defense of British purity, Bonduca immediately after this speech delivers to Caratach the boy Hengo, to bring him up in the traditions of chivalric honour. Proleptically signalling the storyline of Junius, Caratach’s speech makes little sense within a chivalric romance tradition that positions the victim of rape as in need of a knight who will defend her. Caratach does not wish to defend the daughters of Bonduca; he wishes to find a valiant enemy to fight against with like-minded, stout-hearted companions. Caratach’s complacency regarding the rapes is perhaps best explained through looking at the figure of the man who committed the rapes – Junius – who is not presented as a monster or aberration of masculine desire, but as a model of the failed knight-lover.

In the chivalric model of masculinity, rape is both the most despicable act and the expression of “natural” desire. This paradoxical attitude towards rape within the romantic tradition constructs a model of conflicted masculinity. Jocelyn Catty explains,
Chivalric romance aestheticises rape as a normative male action. Although the standard pattern of rape and rescue normalizes rape predominantly as the practice of evil characters, several tendencies emerge which justify it in behavioural terms, rather than as a generic requirement. The troping of rape as an expression of love or uncontrollable desire […] explicitly excuses rape even while condemning it. (28)

The masculine subject in the chivalric model is always expressing a conflicting set of desires. On the one hand, the knight requires the sexual assaulter as a worthy antagonist, yet the knight’s own sexual desires can only be expressed through rape. Indeed, as Catty shows, many of the chivalric romances of the late sixteenth century present repeated instances of the knight who commits rape being recovered into the normative model of heterosexuality through marriage (29 ff.). The knight who raped, far from being a wholly abjected vision of masculinity in chivalric romance, was often a paradox of virtue and vice. For example, in Bandello’s *A Modern Lucretia*, the knight who rapes is constructed as a man whose single vice (overweening sexual desire) “darkeneth the credit of a number of virtues!” (340). Just as for female characters, the rape becomes a test of the male character’s virtuous nature. If the character attempted to recover himself into the heterosexual framework of marriage (by doing his victim the honour of marrying her), then his initial sexual assault could be justified within the context of the narrative. His predatory sexual desire would be domesticated within the marriage bonds. However, if the man

100 The early modern stage abounds with a number of instances of a character who commits rape being presented as a largely virtuous man, with the exception of the one act of sexual assault and/or attempted sexual assault. Cf. *Measure for Measure, Ram Alley, The Double Falsehood, The Rover.*
who raped was unrepentant or (more often) his predatory acts of sexual desire were only potential rather than completed, then he could serve as a foil for the virtuous knight.

The paradox of the chivalric narrative of the knight who rapes, yet who returns to the normative fold through marrying his victim, can be clarified by understanding how chivalric romance understood the worth of a knight. The virtue of the knight is not exclusively proven by his martial valour—though that certainly is a part of the construction of chivalric subject—rather, as Kenneth Hodges points out in “Wounded Masculinity: Injury and Gender in Sir Thomas Malory’s La Morte D’Arthur,” the knight’s worth is expressed through his adherence to a cause:

[The knight] proves his commitment to other causes—honor, justice, a claim to a given piece of land, an assertion that one woman is the most beautiful—not by injury to the loser but by injury on his side: to his own body or to those who matter to him. (13)

A knight’s valour does not come from his ability to remain impervious to wounds, but to bear them, and bear the thought that they are yet to come. Hodges goes on, “Even if the winner is not in fact hurt, his knowledge that he might be is critical. Real risk, understood in advance, can show a combatant's commitment to a cause” (13). It is the ability of the knight to endure, to remain faithful to a cause that marks his valour in chivalric romances. The wounds he sustains are external evidence of his endurance and faith. If he were emotionally wounded by an act of sexual forcing, then that would provide after-the-fact evidence for his faith to the woman he raped, and therefore his emotional wounds could be transformed into chivalric valour by reinserting himself into the normative script of romance and marriage. The emotional wounds may be self-inflicted by lack of personal governance, but their presence implies a kind of emotional “faith,” within the logic of chivalric romance.
In *Bonduca*, the rapes of Bonduca’s daughters happen prior to the narrative, so Junius is not a figure against whom the knight (also Junius) can test his mettle, but is instead attempting to reinsert himself into the normative script of romance and marriage. Instead, Junius, functionally both the knight errant and the knight who raped Bonduca’s second daughter, spends the first two acts playing the grief-stricken lover. All that he lacks is the lean cheek, blue, sunken eye and unkempt beard of Rosalind’s description in *As You Like It* to identify him as the romantic stereotype of the early modern English stage. For this, Junius is roundly mocked by Petillius while Swetonius declares, “sure his own discretion will reclaim him,/ He must deserve our anger else.” (1.2.272-3). Junius, the chivalric lover, presents a form of wounded subjectivity that can be recovered into healthy masculine expression. This can either be through, as Swetonius suggests, increased self-discipline and integration into an all-male system of martial expansion, or through reintegration into a system of normative heterosexuality suggested by the chivalric mode. Though his love for his maiden fair, Bonduca’s second daughter, is experienced by him as a form of attack, the nature of which precludes response, his “faith” to her expresses the possibility of Junius’s chivalric valour.\(^\text{101}\)

That Junius is more than merely a grief-stricken lover and, indeed, is the man who raped Bonduca’s second daughter, is suggested in the course of the piece, though never explicitly stated. When the daughters of Bonduca have captured Junius and a company of Romans by

\(^{101}\) It is possible that through the “love” plot of Junius and Bonduca’s second daughter Fletcher is actually obliquely alluding to or commenting upon the tradition of lovers from warring factions, such as presented in *Romeo and Juliet*. If that is the case, however, Fletcher’s play offers a far more pessimistic vision of erotic desire and the ability mend political fractures through appealing to the traditions of romantic, courtly love than is presented in Shakespeare.
claiming to return the love the Romans bear them, they mock them mercilessly. Though this scene (3.5) can be read as merely tormenting or teasing the Romans, the second daughter’s words suggest a kind of metatheatrical awareness of the generic constraints of the chivalric romance:

Are you my sweet heart?

It looks ill on’t: how long is’t pretty soul,

Since you and I first lov’d? Had we not reason

To doat extreamly upon one another? (3.5.31-4)

She comments on the scene, noting how the context has shifted from the romantic to the martial immediately before she appeals to the initial moment of desire, described as “love.” Earlier in the play, Junius claimed “shee has been ravish’d” (2.2.34), eschewing the act rather than taking responsibility himself for the rape. Nevertheless, it seems that here, Bonduca’s second daughter is mocking not simply a man who is infatuated with her, but is pointing specifically to an originary moment of violation that parallels the emasculation of the soldiers that she is undertaking in the scene. She speaks to Junius in the discourse of chivalric love – that he is her “pretty soul” and that they “first lov’d” and thus they should “doat extreamly” upon one another–only to mock Junius’s desire for her. Indeed, this scene forms the structural climax to the play and is the scene in which fundamental crime of the play is contested in the possibility of revenge. To the daughters of Bonduca, the play’s motivating crime is rape, but, as Julie Crawford states, The crime in this play, according to Caratach is disarming men, not rape. What was historically the virtuous heroism of Boadicea’s daughters (avenging their rapes, which were also conceived of as a violation of their nation), is replaced by Caratach’s assertion of their inherent culpability and weakness: they should have kept their legs closed.
Through this judgment, Caratach also makes it clear that his alliance is with soldiers—even enemy soldiers—not women, and that he is concerned less with female honor, or national vengeance, than he is with male honor. (363)

Bonduca’s second daughter is avenging her own rape in this scene by emasculating the Romans, not upon any Romans, or even a Roman who is infatuated with her, but with the man who raped her, which she sarcastically describes as when “you and I first lov’d.” Though no one in the play claims unequivocally that Junius raped Bonduca’s second daughter, what she says in this scene makes available a reading in which Junius is the man who raped her, and I am here inclined to believe the victim.

As Junius presents himself within the narrative tradition of the chivalric lover, he does not require a male enemy of equal valour to pit himself against in combat to prove himself. His “proof” comes from his ability to express his faith for the second daughter of Bonduca. The play complicates this, however, because Bonduca presents two characters whose attitudes and ideals are drawn directly out of chivalric romance – Junius on the one hand and Caratach on the other. Though structurally enemies within the narrative, Junius and Caratach are instead foils for each other both in terms of their adherence to an antiquated chivalric code and in terms of their failures in the face of and due to that same code. The exemplary failure of the one – being trapped by the plot of the daughters of Bonduca in act three – is also the exemplary failure of the other – who frees prisoners of war like Junius for the sake of valour rather than martial advantage. For both Caratach and Junius, the rape of Bonduca’s daughters serves to help them construct themselves as chivalric subjects, yet the play reveals these subject positions to be ultimately untenable failures that cannot be maintained in the face of the trauma caused by rape itself. Caratach can only find honour in battle rather than victory while Junius is obsessively
trying to reinscribe himself within normative models of heterosexuality, despite the barbarism of his own actions.

Simultaneously with its structuring of male and female virtue, the trope of the villain-knight who raped in chivalric romance constructs an inside/outside dichotomy that informs the narrative of Roman invasion. As Saunders points out, in the chivalric romances of the fifteenth century, the exotic and external other provides a threat of attempted rape against which the knight can defend his land and lady. “The outsider, and particularly the pagan, distanced from the mores of the chivalric world, is repeatedly associated with overt sexual attack” (206). The figure(s) of the giant or the knight who lives in the forests and wilds usually act in these narratives such as La Morte D’Arthur as the monstrous example of the knight who raped. Launcelot, for instance, encounters Sir Peris de Forest Savage in Malory’s text, who is clearly and specifically condemned as a sexual criminal, “suggest[ing] his affinity with the threat and disorder of the wilderness beyond civilization, where rape frequently occurs” (244). In Bonduca, Britain is a land without the marks of civilization such as literacy and patriarchal governance, yet ironically, it is the Romans who rape and the British who are raped, which inverts the traditional chivalric model. In La Morte D’Arthur, Sir Peris, a knight who has turned his back on the codes of chivalry and courtly behaviour through his rapes, is defeated by Sir Launcelot in single combat and his death is presented as a kind of justice. Peris never attempts to re-enter the world of chivalric valour by reinscribing himself into normative heterosexuality through marriage, but that very refusal to submit to normative behaviour is what calls for Launcelot’s justice. The moral corruption of the knight who rapes is reflected in his environment; exoticism, wilderness, and desert echo across the genre of romance from the Green Knight to Breunys Saunz Pite linked with rape and sexual violation. Fletcher complicates this structure, however. Celtic Britain,
though exotic, is not presented as a wilderness of dangers, but as a place of “thatched houses
where the Britains dwell/ In carelesse mirth” (4.4.20-21). The knights who raped are not
associated with the wilderness without, but the civilizing force of Rome, yet Rome itself
becomes the periphery when the action on the stage is centred in Britain. The Romans do not
lack order; rather they are expressly in Britain to bring patriarchal order to the uncouth savages
who are the protagonists of the play.102

Rape, Civilization and Empire

The rapes in the play, but specifically the rape of Bonduca’s second daughter, are
presented as barbaric acts of imperial conquest rather than merely as a part of Junius’s chivalric
narrative. The chivalric model of masculinity attempts to recover the knight who raped by
holding him to account for the actions he claims to have been unable to control through marrying
his victim, which recreates the social structures the rape worked to destroy. Rape attacks the
very structures that mark a society as civilized – social and cultural stability, emotional depth and
personhood, family and self-governance – thus, when deployed as a part of a colonial project of
bringing civilization (or at least the trappings of civilization such as literacy) to barbarian
peoples, as in Bonduca, rape becomes infinitely more fraught. The knight who raped or the
knight-lover of the chivalric imagination is the destroyer of the invaded civilization. He is also
actively working to inscribe the bonds that mark the civilized upon the barbarian peoples. The
knight who raped or the knight-lover rearticulates patriarchal civilization through the model of
marriage, which has the dual effect of re-inscribing him into the civilized patriarchal order and
overwriting the “barbarian” culture’s system of marriage and gender difference. That is, Junius
is both working to commit genocide through rape and is working to commit cultural genocide

102 Cf. Rome in Cymbeline.
through marrying (or at least loving) his victim, Bonduca’s second daughter. She then uses his own desire for her against him by drawing him into her power as prisoner in 3.5.

In *Bonduca*, Fletcher strays far from the historical narratives of Tacitus, which, though they provide the nearest thing to primary source material for the rebellion of Boudicca that there is, were written well after the events and were composed as laudatory works for the career of Tacitus’s father-in-law, Gneaus Julius Agricola.103 Names change, new characters emerge, and entire episodes are confabulated. One element that remains the same among the Roman sources and Fletcher’s play is the tension between the presentation of the Romans as a civilizing force and the barbarism of their rape of the daughters of Boudicca.104 In Tacitus, both Roman civilization and British barbarism are presented with ambivalence. Roman imperial expansion is an inevitability, yet it is corrupt, self-serving, and greedy. Similarly, British barbarians were bloody-thirsty and unnatural, yet they valued freedom and were justified in seeking of revenge upon Roman excesses. In Tacitus, the news of Boudicca’s revolt appears immediately following the famous description of the victory of the Roman armies of Suetonius over the druids of Mona. Tacitus’s description is a classic example of the othering and feminization of a colonial enemy. Here, the Britons are not merely a chaotic other, in need of colonial ordering, but they are

103 The sources Fletcher used in creating *Bonduca* were, most likely, a combination of ancient and early modern readings of ancient histories. Holinshed’s 1587 “History of England,” which was based heavily on Tacitus, would have been a primary source, but Camden’s 1610 *Britannia* relied on accounts by Cassius Dio (Mikalachki 210). Both Cassius Dio and Tacitus probably used a prior, lost manuscript for their histories (Graham 15).

104 When referring to the historical person, I will use “Boudicca,” when referring to Fletcher’s character, I will use “Bonduca.”
women, who by virtue of their resistance, prove the need of masculine governance that the civilizing Romans will provide.

On the shore stood the opposing army with its dense array of armed warriors, while between the ranks dashed women, in black attire like the Furies, with hair dishevelled, waving brands. All around, the Druids, lifting up their hands to heaven, and pouring forth dreadful imprecations, scared our soldiers by the unfamiliar sight, so that, as if their limbs were paralysed, they stood motionless, and exposed to wounds. Then urged by their general’s appeals and mutual encouragements not to quail before a troop of frenzied women, they bore the standards onwards, smote down all resistance, and wrapped the foe in the flames of his own brands. A force was next set over the conquered, and their groves, devoted to inhuman superstitions, were destroyed. They deemed it indeed a duty to cover their altars with the blood of captives and to consult their deities through human entrails. (269) 105

The enemy here are not strong, masculine equals to the Romans, but women whose lack of self-control is hailed by their appearance and whose barbaric practices of human sacrifice provides

105 Stabat pro litore diversa acies, densa armis virisque, intercursantibus feminis, [quae] in modum Furiarum veste ferali, crinibus disiectis faces praeferebant; Druidaeque circum, preces diras sublatis ad caelum manibus fundentes, novitate adspectus perculere militem, ut quasi haerentibus membris immobile corpus vulneribus praebent. dein cohortationibus ducis et se ipsi stimulantes, ne muliebre et fanaticum agmen pavescerent, inferunt signa sternuntque obvios et igni suo involvunt. praesidium posthac impositum victis excisique luci saevis superstitionibus sacri: nam cruore captivo adolare aras et hominum fibris consulere deos fas habebant. (The Works of Tacitus)
that tell-tale sign of barbarism to the Roman audience. The narrative following the sequence at Mona moves to the birth of the rebellion and complicates the vision of Roman cultural authority by implying that the Romans themselves acted unjustly towards the Iceni.

Prasutagus, king of the Iceni, famed for his long prosperity, had made the emperor his heir along with his two daughters, under the impression that this token of submission would put his kingdom and his house out of the reach of wrong. But the reverse was the result, so much so that his kingdom was plundered by centurions, his house by slaves, as if they were the spoils of war. First, his wife Boudicea was scourged, and his daughters outraged. All the chief men of the Iceni, as if Rome had received the whole country as a gift, were stript of their ancestral possessions, and the king’s relatives were made slaves.

(270)\textsuperscript{106}

Tacitus nests the rapes of Boudicca’s daughters within a list of wrongs done against the Iceni, but, given the nature of the Roman occupation of Britain as a force for “civilization,” so well described in the destruction of the sanctuaries of Mona, the rapes of the daughters of Boudicca within the narrative cannot be seen as merely a lapse in discipline.\textsuperscript{107} Instead of expressions of

\textsuperscript{106}Rex Icenorum Prasutagus, longa opulentia clarus, Caesarem heredem duasque filias scripserat, tali obsequio ratus regnumque et domum suam procul iniuria fore. quod contra vertit, adeo ut regnum per centuriones, domus per servos velut capta vastarentur. iam primum uxor eius Boudicca verberibus adfecta et filiae stupro violatae sunt; praecipui quiue Icenorum, quasi cunctam regionem muneri accepissent, avitis bonis exuuntur, et propinqui regis inter mancipia habebantur. (Works of Tacitus)

\textsuperscript{107}Interestingly, Tacitus does not refer to the rapes as rapes. In the original Latin, the term is “violatae sunt,” which, though it denotes sexual forcing, would not have been a case of stuprum
the chaos of violence, the rapes become a self-evident assault on an already thriving culture; instead of a straightforwardly villainous, sexualized and foreign female enemy (which litter Roman history, from Zenobia to Cleopatra), Boudicca is presented in Tacitus with a surprising amount of sympathy. This is not to say that she is not troped in the similar terms as Zenobia or Cleopatra; rather, that the crimes committed against her and her children were examples of Roman civilization and Roman decadence at the same time and, as Tacitus is quick to point out, were without cause and reprehensible.

The rape of Boudicca’s daughters in the Roman histories works in a radically different way from the way rape is presented in chivalric romances. In the romances, rape is a form of loss of self-governance that can be assuaged through the reintegration into the heterosexual bond of marriage. In the histories, the rapes of Boudicca’s daughters are presented as a genocidal war crime intentionally directed against the body of individual women as a means to humiliate an entire culture in the name of the progress of “civilization.” The one envisions rape as a mechanism for the re-inscription of heteronormative patriarchal civilization upon the masculine subject, the other obscures the boundary between the civilized and the barbaric.

Sacrifice and Suicide

Fletcher’s Bonduca recontextualizes the story of the rebellion as it appears in Tacitus, by redeploying aspects presented in the narrative of the fall of Mona and displaying the civilized nature of the native Britons. By presenting the Britons as worthy adversaries to the Romans, the play refuses to accept the excuse offered by Junius that he cannot control his own desires because he is overwhelmed, as a lover would be, and refuses the accept the inequality of

if only because the daughters, as barbarians, would not have had any honour to be subverted or defiled – the essence of the Roman understanding of stuprum.
opponents stressed by Caratach. Junius’s appeal to lack of self-governance is a variation on the appeal to the breakdown of social order during war that excuses rape even as it condones it. Caratach’s impoverished imagination cannot think out of the chivalric masculine model of oppositional valour in which he is trapped. By presenting the ancient Britons as a civilized people with religious beliefs, capable of facing death with a form of honour the early modern English could understand, and expressing a feminine governance and paradoxical feminine self-governance, Fletcher complicates the chivalric romantic vision of masculine desire.

The human sacrifice that Tacitus notes in his description of the taking of Mona is echoed in 3.1, where Bonduca and the British call upon the gods for a propitious sign that they will be able to take vengeance on the Romans. The scene provides a complex, yet highly theatrical, vision of religious ceremony in the ancient Celtic world, and though it can be read as a rejection of Bonduca’s cries for vengeance, the genders of the gods to which Nennius and Caratach appeal unsettles any straightforward reading.

Bonduca begins the scene with a Senecan call for vengeance on the Romans. She seeks compassion from a god known for his lack of compassion:

Ye powerfull gods of Britain, hear our prayers;
Hear us you great Revengers, and this day
Take pitie from our swords, doubt from our valours,
Double the sad remembrance of our wrongs
In every brest; the vengeance due to those
Make infinite and endless: on our pikes
This day pale terror sit, horrors and ruines
Upon our executions; claps of thunder
Hang on our armed carts, and ’fore our Troops
Despair and death. (3.1.2-11)

The violent language is echoed by Nennius, a British noble, who makes it clear in the following speech that though the sacrifice and ceremony is a general appeal to the gods, it is being offered especially to the god “Tiranes” (3.1.17), a god of the British pantheon who was historically associated with either Jupiter or Mars, being both a war and a lightning god. Taranis is mentioned by several ancient Roman authors, including Lucan, who in his Bellum Civiliae, defines Taranis as “non mitior” (not kinder) than the Scythian Diana, directly connecting the god with human sacrifice. This epithet is a classic example of litotes, for, as Green notes, the Scythian Diana was the least compassionate goddess of the entire Graeco-Roman pantheon, as evidenced in her requirement of the sacrifice of Iphigenia at Aulis (67). Further, Scythia (and the Scythian Diana) was represented in early modern texts as being aligned with barbarism and

108 The preferred spelling today is “Taranis,” while the spellings in each of the original texts that deviate from the preferred spelling are indicated with quotation marks.

109 Ligurian tribes, now shorn, in ancient days
First of the long-haired nations, on whose necks
Once flowed the auburn locks in pride supreme;
And those who pacify with blood accursed
Savage Teutates, Hesus' horrid shrines,
And Taranis' altars cruel as were those
Loved by Diana, goddess of the north;
All these now rest in peace. (Book One 495-502)
cruelty, such as in *Titus Andronicus* when Chiron and Demetrius unfavourably compare Roman ambition to Scythian barbarism following the murder of Alarbus (1.1.134-5). The violence and utter lack of compassion associated is in keeping with Bonduca’s calls for vengeance, yet the flame on the sacrificial altar refuses to spark despite the calls from the Britons – perhaps because there is no indication in the stage directions for a human sacrifice. The pleas and tears of Bonduca’s second daughter cause the flame to smoke a little, which indicates perhaps that the intensity of her pleas could wring compassion even from a god known for his lack of compassion. Nevertheless, it is only when Caratach steps forward and rededicates the ceremony not to Taranis, but to the goddess of war Andate that the flame sparks.

Hear how I salute ’em:

Divine Andate, thou who hold’st the reins

Of furious Battels, and disordred War,

And proudly roll’st thy swarty chariot wheels

Over the heaps of wounds, and carcasses,

Sailing through seas of bloud. (3.1.58-63)

Andate (Andarta/Adraste)\(^{110}\) was the Gallic name for a goddess who was known to the Romans as Victoria (Courteault 103), whom the Romans later credit with the outcome of the battle (3.5.141). Further, Cassius Dio mentioned the goddess (the only source from antiquity other than Tacitus for the story of the Boudiccan rebellion) in a section where Boudicca prognosticates the outcome of the upcoming battle by calling on Andraste and releases a rabbit from her cloak (92-3). Webster notes of Bonduca’s name, “The name of the famous queen of the Iceni was

\(^{110}\)“Andate” is the name in Fletcher; “Andarta” is the name of the goddess; “Adraste” is the name used in Holinshed and Cassius Dio.
actually Boudicca, which meant precisely ‘Victoria’” (15).\footnote{111} The irony of having the chivalric, obstructionist Caratach call upon a goddess whose name meant the same thing as Bonduca’s cannot have been overlooked by Fletcher, who in the battle scene in act three highlights the irony with the Romans shouting “Victoria” just as Caratach, speaking of Bonduca, says, “O woman, scurvie woman, beastly woman” (3.5.138). Indeed, Fletcher is clearly manipulating Bonduca’s probable early modern sources (Camden, Holinshed, Marlowe), by putting the evocation of Andarta in the mouth of Caratach in the prognostication scene at the beginning of act three. In Holinshed, influenced by Cassius Dio, Voadicia addresses her troops following a sacrifice and delivers an invocation to Adraste herself:\footnote{112}

\begin{quote}
I giue thee thanks O Adraste, and call vpon thee thou woman of women, which reignest not ouer the burthen-bearing Aegyptians, as Nitocris; neither ouer their merchants, as dooth Semiramis, for these trifles we haue learned latelie of the Romans: neither ouer the people of Rome, as a litle heeretofore Messalina, then Agrippina, and now Nero, who is called by the name of a man, but is in deed a verie woman, as dooth appheere by his voice, his harpe, and his womans attire: but I call vpon thee as a goddesse which gournest the Britains, that haue learned not to till the field, nor to be handicrafts men,
\end{quote}

\footnote{111}Victorian society from the 1850s onward repeatedly emphasized the association between the ancient Celtic queen and the nineteenth century monarch of the same name. This vogue for Boudicca culminated in the monument on the Embankment in London, on which construction was finished in 1902. In that statue, Boudicca in her chariot protects the Houses of Parliament as an ironic symbol of national prowess and defense.

\footnote{112}For more on the history of confusion regarding the naming of the historical Boudicca, see Dudley and Webster 143, Webster 13, Mikalachki 115 ff.
but to lead their liues in the warres after the best manner: who also as they haue all other things, so haue they likewise their wiues and children common, whereby the women haue the like audacitie with the men, and no lesse boldnesse in the warres than they. (44)

In relocating that invocation from Bonduca’s lips to Caratach, Fletcher presents a subtle irony to his audience. Caratach, a character who has already suggested eventual defeat in the face of Roman cultural superiority and control of history, is given the speech from Holinshed, where Adraste is the mother goddess of the Britons who take what is presented as perverse pride in their own “uncivilized” culture. When Caratach strikes the altar with his sword following the invocation of Andate, the flame leaps up in recognition of his successful prayers. Thus Fletcher presents his audience with a gynocentric deity, associated with values oppositional to traditional (i.e. Roman) patriarchal norms of self-governance and civilization, blessing Caratach, whose masculine identity, articulated through concepts of chivalric valour, is consonant with those patriarchal norms of self-governance and civilization. Meanwhile, those characters who actually do reject traditional patriarchal norms (Bonduca et al.), through their seeking vengeance for the crimes committed against them, participation in battle and public speech, appeal to a god who was associated, in the Roman mind at least, with the father of the gods and remorselessness. None of the gods to which the Britons appeal in this scene is consonant with the chivalric masculine tradition that Caratach so prizes; their remorselessness or bloodiness belies the victory through virtue that he seeks. By putting the successful invocation in his mouth, Fletcher is not simply reinforcing patriarchal norms. Caratach may be presented as a virtuous man and his invocation may be successful, but these two are not causally related. Instead, Fletcher makes Caratach’s appeal ironically refer back to the image of Bonduca as a warrior-queen.
The irony of Caratach’s invocation is sealed later, when he becomes subject to the very curse he lays upon cowards. In his invocation, he says,

Who does best,

Reward with honour; who despair makes flie,

Unarme for ever, and brand with Infamie:

Grant this divine Andate, ’tis but Justice (3.1.71-74)

Later, when the battle is lost, Caratach is the first to sound retreat, while Bonduca attempts to gather her forces. His defeatism contrasts with Bonduca’s appeals to the soldiers to stay and defend her and her daughters from further Roman sexual assault.

*BONDUCA* Back cowards,

Hares, fearfull Hares, Doves in your angers; leave me?

Leave your Queen desolate? Her hapless children

*Enter CARATACH and HENGO*

To Roman rape again and fury?

*CARATACH* Flie, ye buzzards,

Ye have wings enough, ye fear: get thee gone, woman,

*Loud showt within*

Shame tread upon thy heels: all’s lost, heark,

Heark how the Romans ring our knels. (3.5.148-154)

It could be read that Caratach is mocking and shaming the fleeing soldiers, yet given the repeated contrasts between Caratach and Bonduca, coupled with his own statements regarding chivalric honours going to the warrior who faces an enemy that outnumbers him, it seems not only possible, but also likely that his admonition to the troops here is at least partially genuine.
Caratach’s outward valour immediately following his cry to flee is a stark contrast as he beats several Roman soldiers off at once, yet it is in keeping with the chivalric model of masculinity.

Further, his misogyny is implicated in his abandonment of the front, as indicated in his shift from “ye” when talking to the British troops, to “thee” when talking to Bonduca and her daughters.

Caratach uses the “ye/you” form, which indicated an addressee of at least as high social status as oneself, only when talking to the troops, yet he addresses the women using the “thee/thou” form, which was used when addressing an inferior or someone with whom one was familiar (Blake 275-77). Either he sees Bonduca as a familiar acquaintance or treats her as the family member she is, which is contraindicated elsewhere in the play, or he is situating Bonduca as a social inferior, despite her position of authority over him. The difference in form of address represents a difference in the way Caratach conceptualizes gender roles for the army and for Bonduca and her daughters.

Bonduca is not a warrior-queen in the same tradition as Britomart, rather, she is a virago, breaking gender boundaries and subverting expected norms. As a virago, however, Bonduca is presented in a sympathetic manner, which was unusual for the Jacobean period where the figure of the virago on stage was usually presented as a kind of monster or unnatural deviant. As Julie Crawford puts it,

On one level, Fletcher’s Bonduca can be read as a marker of the troubled representational possibilities of the virago in the Jacobean reign, and as a parody, or at least representation, of Elizabeth. After James accedes to the throne, viragos and warrior women are no longer celebrated and rarely even ambivalently represented either textually

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113 That said, Caratach’s use of the “ye/you” form for the troops could just as easily be ironically derisive of the troops as it could be respectful, given the situation.
or on stage; instead, they are grouped with all gender-subversive women. In fact, the interrelated types of the Amazon, the warrior woman, the cross-dressing woman, and the witch, all of which are condemned in the *querelle des femmes* and contemporary controversies about the nature of women, are relevant to the ideological policing of James's reign, and to the representation of women in *Bonduca*. (360)

The presentation of masculinity in *Bonduca* would imply a complex presentation of gender generally, which is borne out through examination of the other virago characters in the play. The subversion of gender norms that Bonduca accomplishes in the play is a trait shared by her daughters. Though Bonduca’s daughters’ names are never given by historians, the playwright does offer a name for at least the second daughter. Fletcher’s play calls the second daughter “Bonvica” in the letter to Junius, individuating the characters of the daughters far more than in the histories. Indeed, since Fletcher uses “Bonvica” in the letter, the name is read aloud, making the name more resonant and her character more individuated with a theatrical audience than would be possible if it were merely a speech heading. One can read the second daughter of Bonduca, the object of Junius’s affections, as a subject of the yielding rape described by Catty or, through her initial rejection of the suicide, as an attempt to subvert normative expectations of early modern femininity.

Lucrece provided the exemplar for women of how to react when raped. By committing suicide, the victim collapses all epistemic ambiguity that existed regarding the possibility that consent was ever a part of the sexual act. Rape was conceived of through the story of Lucrece as primarily an affront to honour – both the honour of the female victim, but also to the honour of the patriarch who governed her. Consent, being a disposition or mental state, can only be shown to have been withheld through physical actions such as fighting, kicking, shouting, etc. As noted
in chapter three, the story of Lucrece complicated the issue of consent because she did not “raise a hue and cry.” In order to collapse the epistemic ambiguity others perceived regarding her mental state, she committed suicide. Within deeply patriarchal early modern English culture, one of the circulating myths of rape was its virtual impossibility – a myth Caratach ascribes to, as noted above. The only way a man was thought to be able to rape a woman was if a woman, on some level, yielded to his advances. The only way a woman could finally and firmly indicate that she withheld consent to the sexual acts that were inflicted upon her was to commit suicide. By taking her own life, she would be able to re-establish her own honour through indicating that she prized her chastity above her continued existence. Given that suicide was the normative model for feminine comportment after a rape – the cultural expectation – and given that Bonduca and her daughters commit suicide, it would seem that what is going on in the fourth act is a realignment of Bonduca and her daughters in terms of feminine chastity. This reading, however, fails to note both the reactions of the Romans to the suicides and the explicit reasons for the suicides themselves.

Act four presents an allegorized version of the rapes that started the revolt. Bonduca and her daughters, along with the remaining British forces, seek refuge within a castle, while the Roman forces lay siege. The catapults and phallic battering rams (4.4.1, 4.4.3) assault the walls while the Roman general Swetonius parleys for surrender using the discourse of chivalric romance and love:

\[ \text{DECIUS.} \quad \text{Yeeld, Queen.} \]

\[ \text{BONDUCA.} \quad \text{I am unacquainted with that language, Roman.} \]

\[ \text{SWETONIUS.} \quad \text{Yeeld, honour’d Lady, and expect our mercie.} \]

\[ \text{We love thy noblenesse.} \]
BONDUCA. I thank ye, ye say well;

But mercie and love are sins in Rome and hell.

SWETONIUS. Ye cannot scape our strength; ye must yeeld, Ladie,

Ye must adore and fear the power of Rome. (4.4.8-14)

Bonduca rejects the language of yielding, of a chivalry predicated on the vision of the yielding rape. The female body in chivalric love is figured as a fortress and Swetonius cautions Bonduca that he will take mercy on her if she yields perversely replays the rape of Bonduca’s daughters before the play began. Bonduca, however, plays on Swetonius’s use of the term “mercy” to expose the moral poverty of the chivalric romantic discourse, which leads into Swetonius’s appeal not to love or affection but power and fear. Throughout this section, the term “mercy” is repeated with subtle differences in meaning in the mouths of Bonduca, her second daughter and Swetonius. Indeed, the various ways that “mercy” is used suggest that what is at stake here is the authority of the multiple meanings of the term “mercy.” Swetonius’s sudden shift in rhetorical mood exposes the rapes as explicit strategies of colonial domination. Bonduca revels in this admission by Swetonius,

If Rome be earthly, why should any knee

With bending adoration worship her?

She’s vitious; and your partiall selves confesse,

Aspires the height of all impietie:

Therefore ’tis fitter I should reverence

The thatched houses where the Britains dwell

In carelesse mirth, where the blest household gods

See nought but chaste and simple puritie. (4.4.15-22)
Claire Jowitt has pointed out how this play can be read as a commentary on Jacobean colonial ambitions in Virginia, which comes to an ambivalent conclusion regarding James I’s colonial project (486). The Britons, Jowitt argues, are identified several times in *Bonduca* with the Algonquin peoples of the eastern seaboard, in terms of their control over the food supply, their relationship to the land, and their guerrilla military tactics as opposed to Roman (and British) preference for set-piece battles (484-5). Though the identification is never uncomplicated, the association of the colonizing Romans with the colonizing English is repeatedly underscored and the strategies of colonization and oppression, including the narratives of chivalric masculinity and love, are brought under scrutiny. *Bonduca* herself exposes the immorality of the colonial project in this speech. She indicts the Romans, saying that they can’t help but at least partially admit to the moral failures engendered by their colonization of Britain. The colonization of Britain does not bring order and civilization to Britain (just as the colonization of Virginia and other seventeenth-century British holdings did not bring order and civilization to them), because there already was civilization in place. *Bonduca*’s final lines offer a contrary vision of civilization that points to the suicide of *Bonduca*’s daughters: “sacred thoughts in holy bosoms stor’d/ Make people noble, and the place ador’d” (4.4.25-26).

When the siege continues, *Bonduca* and her daughters are persuaded to commit suicide rather than fall into Roman captivity; however, the second daughter is more reluctant than her sister or mother. She asks her mother to “speak gently/ To these fierce men, they will afford ye pitie” (4.4.29-30), and in doing so raises the problem of her own complicity in her rape. By asking her mother to conform more explicitly to a normative model of femininity, she implies that she herself did so during her own rape. If her rape was a form of yielding, then the logical romance narrative’s conclusion would be for Junius and her to wed, reinforcing the structures of
chivalric masculinity that Junius has ascribed to the whole play. This narrative seems to be at play as Bonduca’s second daughter appeals to the Romans to save her around lines 85ff., which causes Bonduca to label her “whore” (4.4.99); yet Fletcher manipulates the narrative structure to deny such a conclusion. To Bonduca, her second daughter’s consent would not simply invalidate the rebellion, but at the same time validate the vision of chivalric masculinity of Junius. The actual reasons for Bonduca’s second daughter’s initial refusal to commit suicide have less to do with the validation of chivalric masculinity and more to do with the trauma caused by rape.

1 DAUGHTER. Do it, worthy sister:

’Tis nothing, ’tis a pleasure; we’ll go with ye.

2 DAUGHTER. O if I knew but whither.

1 DAUGHTER. To the blessed,

Where we shall meet our father.

SWETONIUS. Woman.

BONDUCA. Talk not.

1 DAUGHTER. Where nothing but true joy is.

BONDUCA. That’s a good wench,

Mine own sweet girl; put it close to thee.

2 DAUGHTER. O comfort me still, for heavens sake.

1 DAUGHTER. Where eternal

Our youths are, and our beauties; where no Wars come,

Nor lustful slaves to ravish us.

2 DAUGHTER. That steels me:

A long farewell to this world. (4.4.104-113, italics mine)
One sister tries to comfort the other sister, leading her into the suicide that, paradoxically, instead of inscribing the daughters of Bonduca within a patriarchal system of governance, like Lucrece, allows them to escape that same system. In this dialogue, the patriarch (Swetonius) attempts to interrupt the women’s speech but is immediately shouted down by Bonduca herself. The first daughter describes a heaven without war and the rape that is used as a weapon of war, where they will be reunited with their dead father, Prasutagus. The second daughter of Bonduca fears death, but can only be brought to kill herself when she is assured that the men who raped her cannot follow them into a heavenly afterlife. It is the fear of a violation that might continue after death that keeps her alive, and it is her sister’s comforting reassurance that in heaven they cannot be sexually assaulted that “steels” her to death.

The action of the second daughter of Bonduca is contextualized by the first in terms of the normative visions of femininity from Roman antiquity, thus reinforcing that this suicide ought not be understood in terms of those traditional, normative visions. The first daughter references Portia and Lucrece, both of whom she finds lacking, but Lucrece’s suicide in particular she associates not with the resolution of epistemic ambiguity regarding her rape, but a suicidal despair brought on by desire.

Your great Saint Lucrece

Di’d not for honour; Tarquin topt her well,

And mad she could not hold him, bled. (4.4.117-119)

Though, as Ian Donaldson notes, this vision of Lucrece as a lustful woman was certainly not unique (36-37), it is an extravagant mockery of Lucrece by one who wishes to belittle a Roman heroine in favour of a more honourable Briton. Further, the description sits in contrast to the suicide the audience has just witnessed. Bonduca’s second daughter resolutely refuses to allow
the natural conclusion of the narrative of chivalric romance – marriage to the man who raped her. Even though Junius has already made it clear that he has no interest in her any longer, the generic requirements of chivalric romance demand that the two should be together by the end of the play; and her suicide is a radical disengagement with the genre. Though the story of Lucrece is a clear inspiration for the dramatic presentation of Bonduca’s second daughter’s suicide, Bonduca’s first daughter re-configures Lucrece as a character from untouchable and glorified saint to a leaky vessel of desire. Not only are the cultural differences separating Romans and Britons underscored, but Bonduca’s first daughter posits a uniquely British femininity predicated on unyielding resistance to rape and dishonour, even unto death. This model of femininity subverts the chivalric model of masculinity, built upon a narrative of yielding rape and ultimate reintegration into the dominant patriarchal order through marrying the rape victim.

If the death of Bonduca’s second daughter shakes the Roman forces gathered below the castle, Bonduca’s own suicide shatters them, for it solidifies the presentation of a feminine identity characterized by uncompromising resistance to the chivalric narratives that feed colonial expansion. The situation – an assailed castle with masculine besiegers begging for mercy from the feminine occupants of the castle – embodies the structure of yielding rape within the chivalric mode of masculinity and for her to choose death rather than rape would be to deny the assailants a form of masculine redemption only available through completing the narrative. Intending to poison herself, Bonduca addresses the gods,

[...] to ye all, Fates hang-men; you
That ease the aged destinies, and cut
The threds of Kingdoms, as they draw ’em: here,
Here’s a draught would ask no less then Caesar
To pledge it for the glories sake.

*CURIUS.* Great Lady.

*SWETONIUS.* Make up your own conditions.

*BONDUCA.* So we will.

*SWETONIUS.* Stay.

*DEMETRIUS* Stay.

*SWETONIUS.* Be any thing. (4.4.134-139)

If Bonduca dies, the Romans would be robbed of a triumph over an enemy, but more importantly, if Bonduca kills herself then she will have created a feminine subject position that discredits the chivalric narrative of re-integration of the sexually deviant knight who rapes into the dominant patriarchal order that the Romans have been pursuing all along. They beg her to live, offering her the chance to “be any thing,” yet one must assume that anything would be circumscribed within the scope of patriarchal order. Either that, or the Romans are begging her to live as part of a strategy to allow them to be the ones who kill her rather than allowing her to take her own life. When she does kill herself, she does so employing the medical discourse of birth, turning the gender relations of semen/spirit/soul and womb/body/flesh on their head.

I hate to prosecute my victory,

That I will give ye counsel ere I die.

If you will keep your Lawes and Empire whole,

Place in your Romane flesh a Britain soul. (4.4.150-4)

Bonduca’s suicide with her daughters inverts normative gender expectations and puts in place a counter narrative of gender to the chivalric one offered by Junius and the Romans. She and her daughters eke out a space of feminine resistance. By subverting the narrative of chivalric
romance, Bonduca and her daughters leave Junius and the other Romans with no ideological support for their colonization of Britain, save the paradoxical and gender-bending instruction to “place in your Romane flesh a Britain soul.” Further, this admonition leaves the Romans with no clear vision of a legitimate form of masculine self-governance, as the chivalric form has been discredited. The rest of the play exists as it were in the shadow of the trio of suicides that end act four, scene four. Masculinity remains the theme, yet there is no conclusion as to what form the masculine must take in a world where the feminine is characterized by resistance. Junius and Petillius’s attempts to recover their tarnished masculine honour and Caratach’s eventual capture cannot recover the narrative thread that was lost with the death of Bonduca and her daughters. The fifth act presents the attempt to reassert masculine dominance, but in a world notably devoid of women, where the hyper-masculine Caratach is forced to become nursemaid to the child Hengo. When the Romans finally capture Caratach, Swetonius gives orders that “Through the Camp in every tongue,/ The Vertues of great Caratach be sung” (5.3.201-2), yet there is something more than a little odd about the total occlusion of the eponymous character from the final laudatory songs. Though there is an attempt to re-establish homosocial order, without a feminine (or in Hengo’s case, troped feminine) object of exchange, the praises of the men are hollow echoes of patriarchal governance.

Impossible Recovery

Whereas plays such as *The Rape of Lucrece* and *The Wonder of Women* locate the primary rape(s) as being etiological points in Roman history (the expulsion of the kings and the conquering of Carthage respectively), *Bonduca* turns the etiological narrative upside down. Though the story takes place at the beginning of the Roman invasion and occupation of Britain, *Bonduca* does not provide a space for a renovated, virtuous patriarchal state at the end. Rome is
frustrated in its attempts to capture Bonduca for a triumph and the elimination of all women in the play forces Caratach into the position of mother and nurse to the juvenile Hengo. Rome is neither renovated nor recuperated into a virtuous patriarchal order, nor is the only surviving Briton. Though the Romans do indeed succeed in putting down the rebellion, the suicides of Bonduca and her daughters frustrate their success, as they refuse to situate themselves within a new Roman order. Fletcher ends the play with an appeal to an offstage, yet to occur triumph, however, this is ultimately ironic as it would celebrate a failure to recuperate a man who raped and a failure to renovate the system that enabled the man to rape.

The criticism of the chivalric model of masculinity in *Bonduca* first took the stage in 1613, in a period of increasing concern over the success of the colonial project in North America and in the aftermath of the death of Prince Henry. Chivalry and colonial expansion became mutually supportive terms as the tropes of chivalric romance were deployed to justify the colonial project, which together validated a form of masculinity Fletcher subjects to intense scrutiny in *Bonduca*. The rapes of Bonduca’s daughters, and their responses to those rapes, query the dominance of the narratives of masculine domination that were in circulation at the time. The play ultimately presents rape as the exemplar failure of one of the most valorized narratives of masculine governance in the early modern period – the knightly lover. Junius cannot complete the master-narrative of recovery into the patriarchal order that is dictated by the chivalric model of masculinity. He cannot marry Bonduca’s daughter and is thus left feminized. He attempts to reassert his masculinity through martial valour, yet even this rings hollow after the bravura performance of Bonduca. Instead of being a knight who had raped, yet whose victim yielded to his persuasions to marry him, Junius would be a knight who had raped. The rape lingers over the fifth act as an unresolvable crime in the chivalric mode. It is here that, for the
first time there is something beginning to approach a modern concept of the assaulter as rapist rather than merely as a man who raped, for it is here – when the knight is unable to restore patriarchal order despite the total occlusion of women – that the identification begins to become an identity. Junius’s failure can never be made right and that is something he must carry within him forever – a British soul in Roman flesh.
Conclusion

Thou call’st me effeminate, for I love women’s joys;
I call not thee manly, though thou follow boys. (78)

John Donne’s epigram “Manliness” helps to formulate the deep ambiguities and anxieties regarding masculinity in early modern England insofar as it illustrates the problematized relationship between heterosexual desire and manliness. Donne’s first line ends with an ambiguous genitive, which leaves it open as to whether the speaker finds joy in women or seeks the same pleasures that women do. The ambiguity works to relate heterosexuality with effeminacy, while the following line denies a relationship between homosexuality and masculinity. Though the poem does not articulate it, masculinity in the early modern period was a performance that evaluated worth through self-governed virtuous action within the world. Rape was formulated as a failure to govern oneself by giving into excessive and immoderate sexual desires, which desires were associated with femininity. In committing rape, the man who raped lost control of himself, was drawn to the feminine, and became identified with the feminine. By formulating rape in such a manner, however, rape was a category of activity within the world rather than a character trait or an identity that the man carried forever more. This formed a scripted performance of the recovery of masculinity at a time when anxieties regarding the nature of masculinity were becoming a cultural commonplace. This identification was never so whole and encompassing as to constitute an identity for the man who raped, such as it is today in the case of the rapist. Indeed, the differences between the man who raped in the early modern period and the rapist of today are so pronounced as to require an alienating leap of imagination to understand the rehabilitative model of sexuality that was at play when Shakespeare, Marston and
Middletown wrote their plays. Though this leap of imagination is what is required by any historian enterprise, it becomes particularly difficult given the topic of rape, which is so intimately associated with the sexual politics of the late twentieth century.

Throughout this dissertation, I have largely (though tacitly) condemned recuperation into patriarchal order insofar as it is a strategy of ideological reinforcement that perpetuates an unjust asymmetrical system of mutual obligation. The early moderns structured recuperation of the man who raped such that the discourses of mercy and forgiveness informed the process. Mercy was heavenly, divine, and natural – Portia claimed it was “not strained” (4.1.179) – and the quality of mercy hailed the deviant subject of the man who raped in a manner such that he could reassume his position of privilege within the patriarchal order. Early modern rape scripts of the kind Sharon Marcus discusses presumed a return to patriarchal order that came at the expense of the life or subjectivity of the victim, while reinforcing the subject position of the man who raped through the mechanism of forgiveness. Mercy and forgiveness were essentially conservative acts as regards the man who raped.

To the early moderns, “forgiveness” and “mercy” were terms that imbricated upon “recuperation,” yet this is not necessarily the case today. Since the development of the term “the rapist” in the mid-nineteenth-century, the modern English-speaking world has complicated the relationship between sexual assault and the recovery of the individual who committed the assault. It is no longer mercy that is natural; rather, we essentialize masculine desire as naturally predatory and rapacious. To a certain extent, today, society cannot forgive the rapist because he represents both the natural expression of masculine desire and an uncanny double for healthy masculine sexual activity. The ontological nature of the term “rapist” renders ambiguous the possibility of recuperation. Forgiveness, however, does not necessarily have to imply a
conservative element or a restoration of the prevailing ideological assumptions that privilege men over women. In the modern world, forgiveness can be a transformative, radical act, but only if it does not simply resituate the person who raped within prevailing systems of gender and power that contributed to the rape in the first place. Forgiveness must never be thought of as a requirement for victims of sexual assault; but as a mechanism for change, it offers unique possibilities for renovation of patriarchal jurisprudence and legal practices that systematically silence victims’ voices. As J. Angelo Corlett notes, this forgiveness cannot be unconditional, nor can it be presumed (28), but as Kathryn Abrams and Hila Keren point out, forgiveness and reconciliation can offer perhaps more productive alternatives to classical models of retributive justice, especially in cases of genocide, violent ethnic conflict, or (I would argue) rape (320).

It almost goes without saying that the growing rejection of the rapist as an identity category in today’s culture and the increasing acceptance of that same identity formation in the culture of early modern England are not mirror images of the same process. Today’s rejection of the rapist as an identity category stems from the rejection of the equivalence of womanhood with being a victim, whereas women were always already victims throughout the pre-modern period. The increasing importance of the household as the central unit of governance throughout the early modern period led to direct results in terms of gender relations, whereas (arguably) the household as a conceptual unit of governance plays an increasingly less important role in the modern western world. The increased focus on the household meant increasing the power and authority invested in the heads of households or the patriarchs. As the power of the patriarchs grew, sexual assault became both an assault upon the social status and the body of the female victim and an indirect assault upon the authority of the patriarch. These two definitions existed in tension with each other throughout the early modern period, but resulted in the figure of the
man who raped as a criminal who had assaulted the body and social status of a female victim, yet
who could be recovered by submitting to the authority of the patriarch/patriarchal order. Thus,
even though today we are moving towards a system that rejects the identity category of rapist in
favour of a categorization that posits sex and gender as a performance within a system of sexual
self-governance, as the early moderns did, to overly stress the analogy is disingenuous. The
rehabilitative identification of the man who raped was a solution to the problem of understanding
a crime directed against the body of a woman within a system that prioritized that woman’s
relationship to her patriarch over all else.

The term “rape” in the early modern world was fundamentally different from the term
used today – it described a different set of actions (*stuprum* and *raptus* versus sexual assault
predicated on non-consent), it presented a different victimology (it suggested a different
understanding of both who was the victim and what that comprised), and it situated the attacker’s
place within the culture in radically different terms. The cultural narrative of rape suggested that
the prevailing patriarchal order could always reintegrate the man who raped through his act of
marrying his victim or otherwise giving restitution to that victim. In doing so, the rape ceased to
be the pinnacle event of the victim’s life, but becomes a single step towards matrimony and
eventual reproduction, while for the attacker, the rape becomes a lapse of judgment rather than a
marker of ontological identity. Nevertheless, despite the difference, modern concepts were
embedded in the early modern understanding of the term. Rape as defined purely in terms of
consent could lead to the conclusion that married women could be raped by their husbands, if
consent was understood to be given on an act-by-act basis. Rape could not only assault an
individual, but could be a tactic of a genocidal campaign against a community. That important
difference, however, between identifying the attacker as a man who raped versus identifying the
attacker as a rapist, meant that any man could become the failed masculine subject and that universality of possible failure necessitated a mechanism by which he could reconcile himself towards the patriarchal order that he had served to undermine. This historically distant understanding of masculinity required sexuality to be performative in a Butlerian sense: a man could earn his masculinity back through virtuous action. More importantly, however, this recuperative performance was beginning to break down in the period as rape, which had been understood along the lines of enacted and forgiven transgression against patriarchal order, came to be understood as a crime against the personhood and humanity of the individual woman involved.

The plays in this study have interrogated the dominant rape script of the early modern period, that rehabilitation and recovery into patriarchal order, rather than explicating that script: the daughter of Bonduca denies Junius the chance to marry her, Tarquin’s rape of Lucrece is chorically re-enacted by the audience, and Vortiger is a villain throughout the play who is never recovered. These would seem to lend counter-examples to the argument I am trying to make rather than exemplify it. The point, however, is that in the early modern period, the recuperative rape script was so engrained into the culture that these rapes served as interrogations of the scripts that led to the successful performance of early modern English masculinity. Vortiger, Chiron, Demetrius, Junius et al., are all examples of masculine failures because they are not recoverable into the patriarchal order.

In chapters one and two, I tried to situate the historical difference between the early modern conception of the criminal content of rape and today’s in terms of the crime’s victim and harm. The crime of rape was both a crime against another man, insofar as it was understood as a species of property crime, and it was understood as a crime against a woman’s body, insofar as it
was understood as assault. In chapters three and four I tried to point out how Heywood’s *Rape of Lucrece* and the rape of Lavinia in Shakespeare’s *Titus Andronicus* suggested that the masculine audience was partially complicit in the fiction of the rapes, a complicity that could only be possible if any man was capable of the misgovernance that defined rape. The theatre, so intimately connected with the performance of sexuality and desire anyhow, provided a space wherein the possibility of masculine misgovernance could be displayed and critiqued as a universal aspect of early modern masculinity. It was not that each member of the audience was Tarquin, Chiron, or Demetrius, but that they could be if they did not govern themselves and their households well. The ever-present threat of misgovernance brought with it the threat of moral condemnation, as to lose control and let passion win out over reason was to become unmanly and upset the moral order upheld by patriarchy. Chapter five looked at how *Bonduca* criticized the chivalric model of masculine recuperation into the patriarchal order – marrying the victim of rape – by having the victim resist her rape unto death. The twin suicide of Bonduca’s daughters seals the act of rape as an irrevocable sexual assault, turning the identification (a man who rapes) into an identity (a rapist).

The shifting value of “rape” in the early modern period presaged more modern conceptions of rape as “an experience imposed on an embodied subject, a violent sexual assault that in its corporal nature destabilizes the intersubjective personhood of the victim” (Cahill 207). As such, the shifting values of the term also prefigured more modern conceptions of masculinity and the successful performance of masculine values. This dissertation has looked only at one possible form of rape available in the early modern period – male on female. I have purposefully excluded all forms of homosexual rape, as well as the possibility of female on male sexual assault, which could be a way of describing the bed-trick. As such, I have looked only at one
aspect of how the early modern period constructed masculinity through sexual assault. For a fuller analysis, I would have to look into both the bed-trick as a form of sexual assault, at the rapist as abject other (as in the case of Erichtho and Caliban, alluded to earlier), and at the presentation of homosexual rape and assault on the stage. That is for the next stage of this study.
Appendix A

JOHN BARTHOLOMEW AND LETTICE BETTS

John Bartholomew

Sent in by waft from S' Thomas Bennett

Lettice Betts

for lyenge together in whoredome and adulterie fhe the faid Lettice being A laborers wife at hawftede in Eflex and come away from her huſbande wth the faid Bartholomew having conveyed away manie of the goods of her huſband to the faid Bartholonew, wch he receaved: The faid Bartholomewe exāïed confesſeth his said lewde and adulterous lyfe wth the faid Betts wife, and that by his meanes and alurense fhe came away from her huſband wth him, and that he receaved and had certene goods of her huſbands, and that he hath manie tymes both in Contrey also Cittie had the uſe and carnall knowledge of her bodie, his hayre is poulde, and for his adultere and whoredome aforefaid he is by order of Court pn and kepte att worke/

The faid Lettice Betts confesſeth likewise her said lewde adulterous lyfe wth the faid Bartholomew and that wth him fhe came away from her huſbande, and that af longe time he hath kept her and had the uſe and carnall knowledge of her bodie/ And that fhe inbeafelled and conveyed away from her faid huſbande dyvers goods
as Beddinge brasse and pewter, She is by order of Court po. for her said adulterie and whoredome, and kept att worke./ (B. C. B. 5 fol. 328r)
Appendix B

Rape in the medieval and early modern periods was chronically underreported due to factors such as victim’s embarrassment and the fear of retribution from the man who raped them. At the Wiltshire 1249 eyre, where rape was most heavily reported of any eyre in the medieval period, reported rapes comprised about 10% of the total reported crimes. Where the assaulter was found guilty, punishment more often than not was limited to fines delivered to the father or guardian of the woman. In Carter’s study of rape in England in the period of 1208-1321, he discovered 145 cases of rape in five different counties of England (Berkshire, Warwickshire, Wiltshire, Yorkshire and London). Of those prosecutions for rape, 44 were found guilty of rape and of those who were found guilty 16% were actually imprisoned and 5% were hanged for their crime. The raw numbers do not take into account the specifics of the crime, such as the class status of both victim and accused, but they do provide an interesting insight into the prosecution of rape in the period leading up to the Tudor/Stuart innovations discussed in chapter one.

<table>
<thead>
<tr>
<th>Punishment</th>
<th>Number of Punishments</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest and Imprisonment</td>
<td>7</td>
<td>16%</td>
</tr>
<tr>
<td>Compromise</td>
<td>8</td>
<td>18%</td>
</tr>
<tr>
<td>Fine: 1 Mark</td>
<td>3</td>
<td>7%</td>
</tr>
<tr>
<td>Fine: ½ Mark</td>
<td>5</td>
<td>11%</td>
</tr>
<tr>
<td>Fine: 10 Marks</td>
<td>2</td>
<td>5%</td>
</tr>
<tr>
<td>Fine: 100 Shillings</td>
<td>1</td>
<td>2%</td>
</tr>
</tbody>
</table>
Invariably, historical statistics only present a partial image of the period in question. They are, at best, indicators of general trends rather than fine instruments of sociological research.

Nevertheless, here the work of Nazife Bashar into sexual crimes in the Home Counties illustrates a few major points that echo the conclusions drawn in chapter one. Rape prosecutions, for instance, were extremely rare throughout the period in comparison to other major crimes.

Rape Statistics 1550-1700

<table>
<thead>
<tr>
<th>Period</th>
<th>County</th>
<th>Larceny</th>
<th>Burglary</th>
<th>Homicides</th>
<th>Rape</th>
</tr>
</thead>
<tbody>
<tr>
<td>1558-1603</td>
<td>Sussex</td>
<td>&gt;1000</td>
<td>~150</td>
<td>~100</td>
<td>15</td>
</tr>
<tr>
<td>1573-1603</td>
<td>Hertfordshire</td>
<td>~200</td>
<td>50</td>
<td>50</td>
<td>4</td>
</tr>
<tr>
<td>1558-1700</td>
<td>Sussex</td>
<td></td>
<td></td>
<td></td>
<td>48</td>
</tr>
<tr>
<td>1558-1700</td>
<td>Hertfordshire</td>
<td></td>
<td></td>
<td></td>
<td>21</td>
</tr>
</tbody>
</table>

Further, the prosecutions, when they actually did occur, were heavily sided in favour of the defendant, who stood a 16% chance of being found guilty of rape. Though the majority of those who were found guilty were eventually sentenced to hang, there was a significant number who were recuperated or recovered into the community through the benefit of the clergy or through outright reprieve.

Rape Statistics in the Home Counties (Essex, Kent, Hertfordshire, Surrey, Sussex)

<table>
<thead>
<tr>
<th>Rape Cases (Total)</th>
<th>Guilty</th>
<th>Not Guilty</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>1558-1700</td>
<td>274</td>
<td>45</td>
<td>215</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Of the Guilty</strong></th>
<th><strong>Of the Not Guilty</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanged</td>
<td>31</td>
</tr>
<tr>
<td>Plead Clergy</td>
<td>6</td>
</tr>
<tr>
<td>Reprieved</td>
<td>6</td>
</tr>
<tr>
<td>Sentence not Given</td>
<td>2</td>
</tr>
</tbody>
</table>


Victims were, by and large, below the age of 18 throughout the early modern period, which is one of the reasons why the Joan Seler case, outlined in chapter one, though it is from the late medieval period, still has resonance in the early modern period. The statistics regarding rape of the young perhaps help to explain the Tudor interest in realigning the concept of consent and the age of consent.

Victimology (Where Victim's Age is Given)

<table>
<thead>
<tr>
<th>Victim Under 18</th>
<th>Victim Under 10</th>
<th>Victim Over 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>1558-1599</td>
<td>53</td>
<td>22</td>
</tr>
<tr>
<td>1600-49</td>
<td>57</td>
<td>17</td>
</tr>
<tr>
<td>1650-1700</td>
<td>21</td>
<td>5</td>
</tr>
</tbody>
</table>
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