

## Explaining and understanding consent and coercion

The legal narratives of the abductee, the abductor, and her relatives reveal the legal importance of the former's consent. According to most of the legal statutes and ordinances, coerced and consensual abduction were two judicial categories with different legal consequence. Different expressions were used to indicate consent or a lack of consent. Table 2 displays the information the final sentences in the bailiff's accounts and sentence books contain about the abducted woman's consent. Roughly half of the final verdicts on abduction cases in bailiff's accounts and sentence books contain specific evidence about the abductee's consent. These records show that authorities explicitly labelled many abductions as either consensual or coerced by the formulas *haers dancks ende wille* ('with her will and consent') or *jeghen haers dancks ende wille* ('against her will and consent'). In other cases, the clerks described the abduction as coerced or consensual more implicitly, by emphasizing the violent nature of the assault or using the words 'seduce' or 'going away together'. Table 2 tallies all abductions labelled as coerced or violent in the records by these explicit and implicit indications. While the aldermen and bailiffs portrayed twenty-one percent of the abductions as consensual, they designated thirty percent nonconsensual.<sup>57</sup>

**Table 2** Abduction labels in the bailiff's accounts and sentence books (15<sup>th</sup> c.)

	Antwerp (N)		Leuven (N)		Ghent (N)		Q Ghent (N)		Total (%)	
	abduc- tion	possi- ble	abduc- tion	possi- ble	abduc- tion	possi- ble	abduc- tion	possi- ble	abduc- tion	possi- ble
<b>consensual</b>	11	3	14	1	10	0	31	3	21%	6%
<b>coerced</b>	6	1	22	6	29	13	35	12	30%	29%
<b>ambiguous</b>	2	2	9	1	4	3	6	3	7%	8%
<b>unknown</b>	21	4	20	1	34	31	54	28	42%	57%
<b>total</b>	40	10	65	9	77	47	126	46	100%	100%

<sup>57</sup> The Leuven aldermen registers contain over eighty abductions known through declarations of consent. Needless to say, these abductions are all framed as consensual. The pardon letters include much more mixed descriptions of the abductee's consent. This is unsurprising given these letters defend the perpetrator. Inclusions that hint at the abductee's consent being present despite her outcries or attempts to escape served to exonerate the abductor and lay some of the blame on the abductee.

The records that implicitly convey the abducted woman's consent or lack thereof include subtle or associated indicators of force and consent.<sup>58</sup> Consent is regularly described as a behavioural communication of willingness; the woman's joy and enthusiasm show in the way she acts. Indeed, the clerks record visible and direct expressions of the abductee's willingness throughout the abduction: her joyful attitude, the fact that she visited the abductor several times and took the initiative to go to him when they went away together to be married, or even that she went with him out of love. Consent declarations also feature descriptions of this active form of consent. For example, when she declared her consent in front of the Leuven board of aldermen, Heylwijgh, the daughter of Claes Vander Lynden, stated that she went with the abductor 'with her own free will, without force of any kind, out of love'.<sup>59</sup> The combination of the individual character of Heylwijgh's 'free will' and the fact that she acted out of 'love' and was not pressured or influenced in any way shows an interpretation of consent as a feeling of willingness.<sup>60</sup> For some abductions labelled as forceful, the sentence books and the bailiff's records describe the violence committed by the perpetrator and the reaction to this violence by the abductee: her cries for help and attempts to escape. The clerks repeated several times that the abductee was subjected to threats and even physical violence. In 1498, Lieven Roothoofd brutally attacked a citizen of Ghent in her own house in an attempt to make her come with him. She cried for help while running to the house of a neighbour, whom Lievin also attacked.<sup>61</sup> Thirteen years later, the Ghent aldermen punished Michiel de Lu for forcing a young girl to go with him by threatening her with a knife.<sup>62</sup> Another woman was threatened by men with knives in a forcible abduction.<sup>63</sup> In another case, the abductee was treated so badly 'with threatening words and pushing' that she died five days after her abduction<sup>64</sup>.

58 SAB, CC, no. 12653, June–December 1404, fol. 35r–36v, 37v; Vleeschouwers-Van Melkebeek, 'Mortificata est', 408–9.

59 CAL, OA, no. 7753, fol. 8r (30 June 1453).

60 Historians disagree about whether love and passion were considered an essential part of marriage in the late Middle Ages. See for example Otis-Cour, 'Mariage d'amour' and Charageat, 'Couples et amour'; Bousmar, 'Des alliances liées à la procréation', 12, 40–51. Hickman and Muehlenhard distinguish between the feeling of willingness and the expression of that feeling as to what constitutes consent, in Hickman and Muehlenhard, "By the Semi-mystical Appearance of a Condom".

61 CAG, S 212, no. 1, fol. 133v (7 September 1498).

62 CAG, S 212, no. 1, fol. 161v (12 May 1511).

63 CAG, S 212, no. 1, fol. 162v, (11 August 1511).

64 SAB, CC, no. 12659, December 1491–December 1492, fol. 276rv.

In all these cases, the records portray the event as very consensual or very violent. Consent here seems to equate to an affirmative, positive, and enthusiastic form of choice. A lack of consent is shown through the presence of physical violence. The consent language used in some of the final sentences recorded by the consistory court in Brussels also conveys the idea of the abducted woman's active involvement. As stated earlier, these sources contain a significant number of so-called 'mutual abductions', described as two people who 'abducted each other mutually' (*se mutuo abduxerunt*) or as a woman who 'had allowed herself to be abducted by him' (*ab eo abduci permisit*). Some secular records explicitly state that the woman 'went away with' her abductor, thus that she went to him by herself. For example, the women who declared their consent before local officials generally stated that they 'had gone with' their abductor by choice. This terminology attributes a significant degree of agency to abductees, who are being held just as responsible as the abductors are. At first sight, such examples provide a powerful argument for the idea of abduction as elopement since they explicitly describe the abductee as an instigator of the abduction. 'Mutual abductions' are particularly striking since that description blurs the line between perpetrator and victim completely. They suggest that medieval people perceived consent as active, or that they at least understood the concept of free choice and attached it to the legal determinant of consent. These examples explicitly show that the abductee could be a co-perpetrator in the minds of medieval people.<sup>65</sup>

It is very tempting to interpret this recurrent language of love, free choice, and individual will as evidence for elopement. Still, there are several reasons why the linkage of consent with love and choice in litigation proceedings, statements, and sentences does not represent a social reality. To begin with, the expression of consent as free and individual in the abovementioned examples strongly resembled marital consent in canon law, a version of consent that was clearer and better known to lay people than secular laws on consent and coercion in abduction. People of all levels of society regularly witnessed wedding ceremonies in which consent was exchanged and heard stories about consent, love, and marriage.<sup>66</sup> Although abductions seem to have been common as well, people undoubtedly knew and learned more about marriage than abduction. Furthermore, consent declarations, pleas, and defences are not neutral records but were created for a reason, namely to convince a judge and win a certain legal outcome. The best way

65 Menuge, 'Female Wards and Marriage', 154–55.

66 Lipton, 'Marriage and the Legal Culture of Witnessing'.

to obtain these goals was to exaggerate and create a gripping, absorbing story. Since judges listened to these embellished accounts of abduction, it is not surprising that some final sentences convey abduction as a simple binary: extremely consensual or extremely violent. However, scholarship has shown that narrations of certain events in court laid more emphasis on blame than if they were told elsewhere.<sup>67</sup> Moreover, authorities themselves produced many records that were not neutral. Bailiff's accounts and pardon letters were clever constructions meant to evoke compassion for abductors rather than to present truthful accounts of events. Although many abductions probably fell somewhere between extremely violent and romantically consensual, the legal records rarely shed light on this grey zone.

To assess the 'grey zone' between violent abduction and romantic elopement, it is important to elaborate further on the language of consent used by scribes. The records employ a wide range of words to describe what I and other historians refer to as 'consent'. The sources in medieval Dutch use the words *consente*, *wille* and *danck* as seemingly interchangeable terms, while the French records include the terms *par son gré*, *volonté*, and *consentement*. These words are often used together in the same sentence. For example, many women were abducted with their *danck* and *wille* or *par son gré et consentement*. This could mean that they were used as synonyms, but they could just as well have had slightly different meanings at the time. Since those who study consent today also struggle with defining the term and distinguishing it from related concepts, historical dictionaries do not offer any help in precisely discerning the meanings of these different words in the medieval context.<sup>68</sup> At other times, the abductee's victimhood is inherently present in the terminology used. Apart from the remarkable 'mutual abductions' in the Brussels ecclesiastical records and the women who 'went away with' their abductor discussed earlier, this also features in most descriptions of abduction cases.<sup>69</sup> The language of consent in these records reflected medieval ideas about sex, chief among them the portrayal of men as active partners and women as passive ones.

Moreover, consent was seen and defined differently in different courts. Legally, 'abduction consent' fell somewhere between marital and sexual

67 See the incorporation of references to scholarship on speech analysis in Walker, 'Rereading Rape', 4.

68 Beres, "Spontaneous" Sexual Consent'; Seabourne also found several medieval words for consent and stated that 'possible shades of different meaning can no longer be ascertained', since the 'meaning of these terms is nowhere made explicit'. Seabourne, *Imprisoning Medieval Women*, 153.

69 Seabourne, 158.

consent. Because secular law did not define the consent of abducted women clearly, in contrast to canon law's sharp distinctions, consent was often an issue in secular courts. Secular laws did not explain what degree of consent sufficed to label an abduction case as consensual. Instead, the only clue about consent most legal texts offered was the fact that the abductee's cry for help was evidence of her lack of consent. One Leuven text puts forward the abductee's declaration of consent as yardstick, thus defining consent more in line with how canon law defined marital consent.<sup>70</sup> In addition, consent by abducted minors had completely different meanings in church and secular courts. For example, in 1486 Wouter de Bot was banished from Flanders for fifty years by the aldermen of Ghent for picking up from school his son, who was approximately fourteen, and escorting him to a marriage ceremony without the consent of his 'guardians, relatives, and friends'.<sup>71</sup> Modern commentators cannot view the boy's consent to go away secretly and enter into marriage as the willingness or agreement of a free individual. From the perspective of medieval canon law, however, he was old enough to consent. As long as his father had only used an acceptable degree of pressure that 'would not sway a constant man'—a standard open to interpretation of course—the boy's consent was valid and the marriage binding. According to the secular judge, however, Wouter's son was not old enough to consent to an abduction since he was a minor. Linking invalid consent to women's (and men's) legal incapability did not stem from a desire to protect children. Instead, it guaranteed the family full control over their property by protecting them from undesirable marriages. It was the consent of Wouter's paternal and maternal relatives that mattered, not the consent of his son, which led the aldermen to punish Wouter severely.<sup>72</sup> The secular court was following long-established custom; valid consent required the person to be of age or to have the permission of his or her parents or guardians.

Although some cases are clearly labelled consensual or coerced, many cases are more complex because there are ambiguous or mixed indicators of the abducted woman's consent (Table 2). These cases with mixed indicators reveal the grey area between consensual and nonconsensual abduction in legal records. Law identified two legal categories, with consent marking the difference, but many legal records show that these categories alone were insufficient, and the case had to be judged in court or by the bailiff. There were 129 abduction records without any contextual information on the

70 CAL, OA, no. 1258, fol. 16rv.

71 CAG, S 212, no. 1, fol. 87v.

72 CAG, S 212, no. 1, fol. 87v (13 July 1486).

abductee's consent. In fifty-four of these cases, the act states that the abduction was against the will of the woman's relatives. In forty of these fifty-four cases, unmarried women were abducted, but in fourteen cases a married woman was abducted against her husband's will. In the remaining cases, the brief summations of the settlement give no evidence, but they were likely judged as either consensual or violent. In addition, there are a few abduction descriptions, nine in Leuven, ten in Ghent and its surrounding districts and two in Antwerp, that explicitly feature contradictory information on the woman's consent. These ambiguous descriptions render it impossible for the historian to determine whether the case was coerced or consensual abduction, although these cases do offer an interesting perspective on the legal understanding of consent.

This ambiguity is especially apparent when the authorities explicitly labelled the abduction as an 'in-between' case that was neither entirely violent nor entirely consensual. Liesbet Van Zelle's abduction by the bastard Loete van Keets in Antwerp illustrates this very well.<sup>73</sup> A record on this case in the 1428 bailiff's account explains that Loete had been showing interest in Liesbet for a long time. Eventually, Loete's father promised Liesbet he would give his son a wedding gift if she married him, which was a common way for parents to make their child more attractive as a spouse.<sup>74</sup> Encouraged by his father's negotiations with Liesbet, Loete went to her house where he waited for her to come away with him, but she began to have second thoughts. Loete reacted to Liesbet's indecisiveness by using slight force and the help of a few accomplices to take her away; he 'led her with him *partly with and partly against* her will' after which he intended to marry her.<sup>75</sup> However, when it also became clear that Loete's father no longer wanted to endow the couple upon their marriage, Liesbet's hesitation turned into active refusal. Since her future father-in-law did not respect the terms that they had agreed upon earlier, Liesbeth no longer wanted to take Loete as her husband. Afraid of prosecution, Loete and his accomplices fled the Duchy of Brabant and asked the duke for a pardon, which was granted. The men also settled with the bailiff and paid him a sum of money. Similar terminology appears in other records as well. Balten Ravens was punished in 1418 Antwerp for taking a girl with him 'partly against her will' (*halftegen haren danck*).<sup>76</sup> Other cases use the phrase *assez contre son gré* or 'somewhat against her will'. In 1459

73 SAB, CC, no. 12902, July–October 1428, fol. 391rv.

74 Danneel, *Weduwen en wezen*, 171–72.

75 CAG, S 212, no. 1, fol. 87v (13 July 1486).

76 SAB, CC, no. 12904, December 1418–December 1419, fol. 483v.

Ghent, the bailiff imposed a composition on several men for abducting Tanne Sermans, daughter of Gilles Sermans, *assez contre son gré*.<sup>77</sup> The language used in such records might again indicate that late medieval people were aware that different degrees of consent were possible.

I propose three complementary explanations for the mixed indicators of abducted women's consent in many legal records. To begin with, the inconsistency and confusion in some final verdicts might have been an effect of the different legal narratives on which the judges and bailiffs based their sentences. As the previous sections have demonstrated, the strategic construction of narratives by several of the parties involved could even lead to the juxtaposition of completely different versions of events. It is not only historians who are unable to disentangle fact from fiction in these accounts. This was also an extremely difficult task for late medieval judges (as it still is today), who had to connect the case presented before them to the legal categories of abduction. It is therefore important to consider what might lie beneath the surface of the final sentences in the aldermen's registers and the bailiff's accounts, as the example of Margriet Wijngarders illustrates. She was a widow who was abducted by Jan Vlasselair in 1457 in Leuven. This case figures in two records in separate series of sources. In the aldermen's registers, Margriet's consent declaration states that on 28 June 1457, she went with Jan Vlasselair by choice and 'that the things he had done to her had happened with her own, free will and she would not hesitate to do the same again'.<sup>78</sup> The abduction is also mentioned in the Leuven bailiff's accounts, but it does not refer to Margriet's consent. On the contrary, the account describes the abduction as violent and forced. The clerk specifies that the assessment of the abduction as violent is based on testimonies of people who witnessed the abduction. Because Margriet refused to take Jan as her husband, the men 'put her back where they had found her'.<sup>79</sup> This contradictory information on Margriet's abduction shows the danger in making assumptions solely based on short, individual acts. Sentences generally stated one version of events and remained silent on the others.

A second explanation originates from the evidence on the influence relatives and abductors exerted upon abductees. External influence probably explains the abovementioned Amelkin Jacop's initial consent to an

77 SAB, CC, no. 14116, May 1459–May 1460, fol. 152r, 178r.

78 CAL, OA, no. 7351, fol. 2r (28 June 1457): 'dat zij huers goets moetswillen met Janne van Vlaslair gegaen is ende wes hij met huer begaen ende bestaen heeft dat dat is gesciet met hueren vryen ende eygenen wille ende hadde zijt noch te doene dat zijt alnoch doen soude'.

79 SAB, CC, no. 12656, May–December 1457, fol. 386rv.

abduction her mother had arranged. Indeed, the abductee's consent often did not reflect a decision made purely by the individual. These individual women existed in a society with certain values that shaped their social behaviour and influenced their decisions.<sup>80</sup> Important life decisions, such as the decision to consent to an abduction and subsequent marriage, not only affected the abductee but also her family, along with the abductor and his family. Some abductees were undoubtedly pushed to consent by the abductor and his accomplices, who might include relatives of the abductee. Sometimes abductees were not merely encouraged to consent but even severely pressured. This possibility is suggested by the defences of abductees included in the Liège consistory court register. These statements show some abductees admitted having declared their consent. However, they were now declaring that they only did this because they were severely threatened by the abductor.<sup>81</sup> An act in the Leuven bailiff's accounts further supports this. The act states that when abducting an anonymous woman, the abductor brought her to the Leuven aldermen to 'make her proclaim' that she had gone with him by her own consent.<sup>82</sup> Gillis Vander Gracht was charged in Ghent for abducting a woman and exerting pressure on her to marry his father, showing that abduction was a family affair as the previous chapter argues.<sup>83</sup> Although this charge was unsuccessful, it does prove that people knew of the canon law position that force or pressure was an impediment to consent and used this argument in secular courts too.<sup>84</sup>

Such retractions and threats undermine the idea that these women were agents actively arranging their own marriages. Although the abducted women did have to appear before officials to express their consent, it is therefore uncertain that all these records in the aldermen's registers were their authentic statements. When examining rape narratives in late medieval England, Barbara Hanawalt raised the question of whose stories these were, claiming that pleas by rape victims were by no means 'clear,

80 Gurevič, *The Origins of European Individualism*, 89; Winer, *Women, Wealth, and Community*, 4.

81 SAL, AD, no. 1, fol. 4v–6v (19 July 1435).

82 SAB, CC, no. 12656, June–December 1458, fol. 436r: 'Ende huer doen verkoemen dat zij huers dancxs metter voirscreven Quinten hueren vrienden ontgaen was'.

83 CAG, S 301, no. 50 fol. 41rv (27 September 1469); Vleeschouwers-Van Melkebeek, 'Mortificata Est', 363.

84 In the case of the abduction of Machtelde Ellemoeden, the abductor and abductee were both locked up in separate cells after the abduction. However, both before and after the imprisonment, the bailiff in charge states that Machtelde declared her consent which confirms that authorities knew these women could be pressured by their abductors to make a consent statement, in SAB, CC, no. 12653, December 1405–Easter 1406, fol. 87v–88rv.



unambiguous women's narratives'.<sup>85</sup> The same question should be asked when looking at the consent declarations by abductees discussed at the beginning of this chapter. Although these records seem to give a unique perspective on the abductee's involvement in a specific event, several factors urge us to problematize them. These acts do seem to stem directly from the abductees' mouths, which makes it tempting to interpret them as arguments for female involvement and the prevalence of elopement. However, even though abducted women did go to court to make these declarations, these statements do not per se inform us about their consent. The Leuven acts are highly standardized declarations in the third person, always constructed in a similar manner; the woman appeared before the aldermen, she went with the abductor willingly, she wanted everything he had done to her, and she would make the same choices again. Maybe the abductee merely responded affirmatively to the questions, perhaps posed by officials, about her consent to the abduction. Perhaps the abductor or someone else had given her instructions on what to say. In short, they were strategic legal statements, not personal, emotional expressions, which is already an important indication that it is dangerous to make claims about the abductee's consent based on these seemingly empowering statements.

Indeed, the abducted women might have been pressured and instructed by the abductor, as the examples above suggest.<sup>86</sup> After all, it was mainly the abductor who benefited from this consent declaration that sheltered him from the legal storm; the abducted woman was denying that she was a victim of rape or abduction and that he was a rapist or abductor. In several other cases in which the abductee's relatives had arranged the marriage by abduction together, distinguishing between the actions to which the abductee consented and the ones to which her relatives had led her is difficult or wholly impossible. Some consent declarations state the abductee declared that she went 'with her own free will, without being forced in any way'. This could be interpreted as evidence for the opposite scenario. Their descriptions of their free and individual consent suggest that they knew canon law rules on consent and force.<sup>87</sup> However, even in canon law, consent did not denote individual consent as we would define that today, since an adequate degree of pressure was accepted. It is even more important to

85 Hanawalt asked the same question when examining rape narratives in late medieval England, see Hanawalt, *Of Good and Ill Repute*, 124.

86 In late medieval England too, there is evidence of abductors and rapists using their influence to impact the trial. See Ormrod, *Women in Parliament*, 98.

87 Pedersen found evidence for at least a basic understanding of canon law on marriage formation amongst laity in medieval England, Pedersen, 'Did the Medieval Laity Know?'

distinguish between the idea of free and individual consent and the degree of 'consent' that was needed to label the case as a consensual abduction in the secular courts. Nevertheless, the abovementioned examples reveal a consciousness that a woman's consent might actually be coerced, as well as highlighting how narrow the gap between consent and coercion could be.

The last and third explanation for the cases with mixed consent indicators is that the abducted woman's consent was not static. If we think of consent as agreeing to, rather than being willing to, and acknowledge that consent could evolve over the course of the abduction, the records with contradictory information make more sense. Considering abduction as a process, which involved planning, the actual removal of a woman, sexual intercourse, the exchange of marriage vows, and negotiations and assessments between and within families afterwards, portrays abduction as a chain of choices rather than an entirely consensual or violent event. For example, although Colen Vander Varent abducted Heilwijch Toelen initially against her will in Leuven, she was already content with her (forced) suitor the day after the abduction. She did not want to press charges, declared her consent before the aldermen, and married him.<sup>88</sup> Many other abductions described as initially violent and coerced ended in marriage, often even with the agreement of the abductee's relatives. Two abductions from the Brussels consistory court records illuminate abduction as a process and reveal the difference between the abductee's removal from friends and relatives and marital consent. The official of this court judged the abduction of Katherina tsBincken on 7 July 1458. He labelled this abduction as *renitens* which could be translated as 'struggling'. Michael Betten and several accomplices had taken Katherina to the county of Hainaut. Although he had abducted Katherina *noluntariam et renitentem*, she wanted to marry him afterwards (*postmodum spontanea voluntate et libero suo consensu*). On 27 October 1458, the official of Brussels judged a case in which he acknowledged the clandestine marriage of Hendrik Sceers and Katherina Vander Meeren, even though she had been abducted *tali quali dissensu*. As they demonstrate the evolution of consent throughout the abduction process, these examples indicate that an unwanted abduction could result in a valid marriage to which the abductee consented, even in records from consistory courts which are often described as enabling women to make their own choices.<sup>89</sup> This consent was an agreement to the marriage. That does not entail in any way that the woman was marrying a

88 SAB, CC, no. 12659, December 1491–December 1492, fol. 277v.

89 For a brief synthesis of the discussion on women and consistory courts, see Beaulande-Barraud and Charageat, *Les officialités dans l'Europe médiévale et moderne*, 19–21.

man she had freely chosen or that she truly wanted as her husband. Secular law enabled urban courts to punish these abductions in which the abductee stayed with her abductor even though she had been taken against her will, but the bailiff's accounts often show that the bailiff saw no use in awarding punishment. When dealing with the abduction of Lijsbet Vandamme, the Leuven bailiff's account states that Liesbet eventually declared her consent and married Laureys, even after he and an accomplice had violently abducted her and her relatives had rescued her from them. The bailiff decided to accept payment of a composition rather than take the case to court because it was a 'silly' (*onnoezel*) offence.<sup>90</sup>

The root of the multifaceted nature of abduction consent lies in people changing their minds, forgetting and rethinking things, and so on, but it also can be explained by reconciliation and concern for property. Extensive evidence demonstrates that reconciliation between the abductor and the abductee and her relatives led many women to grant, affirm, or change their consent. Historians have frequently stressed the significance of honour and having a good reputation in late medieval society. For women, a good reputation was intrinsically dependent on their sexual behaviour, as detailed in Chapter 1.<sup>91</sup> Legal records in general often minimized violence against women by emphasizing their sexual transgressive behaviour; they were described as prostitutes who frequented taverns and inns.<sup>92</sup> Abduction cases recorded in bailiff's accounts and pardon letters will occasionally cite the abductee's previous sexual relations with the abductor, or charge that she had been with many different men, to justify pardons and acquittals.<sup>93</sup> For married women, honour depended on being a good wife and mother, while young unmarried women were especially judged on their virginity. Moreover, women's sexual behaviour not only affected their position in society; it also impugned their family's honour. Having a daughter, sister, or wife with a bad reputation was to be avoided at all costs, which led many families to agree to a marriage with the abductor in the end.<sup>94</sup> Medieval people associated abduction with sexual intercourse, since rape was often involved and consummation was an essential element in clandestine marriages *per*

90 SAB, CC, no. 12658, June–December 1472, fol. 26v–27rv.

91 Gauvard, 'Honneur de femme', 162.

92 Harris, "A Drunken Cunt Hath No Porter".

93 The bailiff of Land van Waas allowed Jehan de Voe to make a financial settlement for having *raryv outre son gré* Sandrine Maes, because she did not file a complaint and because he *paravant avoit eu coignoissance charnelle*, SAB, CC, no. 14111, January–May 1418, fol. 119v.

94 Danneel, *Weduwen en wezen*, 171–72; Cesco, 'Rape and raptus', 694–96; Dean, 'A Regional Cluster?', 149; Prevenier, 'The Notions of Honor'; Joye, *La femme ravie*, 147.

*verba de futuro*, which often followed the abduction. The records contain evidence of violent abductions ending in matrimony in the Low Countries, mirroring the conclusions drawn by Valentina Cesco in her study of early modern Istria.<sup>95</sup> Cesco has argued that there was an opportunity for women in how society dealt with honour: women engaging in elopements took advantage of the fact that marriage was a widely accepted way to deal with the humiliation and shame caused by the elopement. However, an abduction brought shame to abductees as well and in several of the cases discussed above, it was the abductor and his relatives who exploited this mechanism, which limited the abductee's ability to act after being seized away. The result was that many abductees were 'content' (*wel tevreden*) after their initial resistance.

A second reason for the complex nature of abduction consent is that property, not consent, was at the root of most disputes. Late medieval legal texts on abduction were primarily established to protect patrimonies and the social networks of wealthy families. Some discussions in secular records, although they are ostensibly concerned primarily with consent, approach it in a confused and convoluted manner, suggesting that the abducted woman's consent was not the primary issue. Legally, consent was especially significant in consistory courts when they had to decide if the marriage of the abductor and the abducted woman was valid. In secular courts, litigants hoping to avoid punishment often deployed consent as an argument. Although these attempts could be successful, the legal texts regulating such lawsuits were fundamentally inspired by the desire to protect parental rights and family property, not an individual's right to consent. Although abduction legislation in the Low countries differentiated between coerced and consensual abduction, at least concerning adult women, authorities seem to have been 'more concerned about patrimony than matrimony', as was the case in late medieval England.<sup>96</sup>

## Life after abduction

Having the abduction labeled as being consensual mainly benefited the abductor, who risked heavy penalties when accused of rape or coerced abduction. However, the introductory case, as well as the changing consent narratives in some of the cases discussed earlier, show that the abductee,

95 Cesco, 'Female Abduction', 362.

96 Dunn, *Stolen Women*, 97.