States of the Union: Law, Marriage, and Genre in Middle English Literature, 1200-1500

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Abstract

"States of the Union: Law, Marriage, and Genre in Middle English Literature, 1200-1500" analyzes the interplay between literary genres and ecclesiastical marriage law in medieval England. Before the late Middle Ages, marriage remained the purview of families, regulated by local custom. As the Church grew in influence, it increasingly sought to gain power over marriage, creating policies that clashed with local traditions and familial authority. Vernacular writers engaged such issues by leveraging their readers' expectations of genre, exploiting the porous boundaries of medieval genres to propose unorthodox solutions to pressing social and legal concerns. While Lateran IV, for example, sought to expand church oversight by banning clandestine marriages, the early romance *King Horn* presents a series of disrupted marriage vows in order to argue for the primacy of individual will over the edicts of the church. The expectations set by genre help establish what questions the text asks of marriage: the lives of married saints like Cecelia and Valerian probe the connections between different models of authority and spiritual chastity, while Chaucer's fabliaux problematize the mercantile understanding of conjugal debt by raising the specter of marital rape. For medieval reading communities, genre refracts the complex and contradictory debates about marriage instigated by the gaps and inconsistencies within medieval marriage law.

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Introduction: Literary Genre and Ecclesiastical Marriage Law

Marriage dominated English literature of the thirteenth and fourteenth centuries. Romances concluded with the protagonist's successful marriage, saints' lives luxuriated in sensual marriages to the Godhead, and fabliaux dismantled the marriage bonds that other genres took so seriously. At the same time, marriage as a social institution was changing at a tremendous rate, as a relationship that had formerly depended upon families and local custom became increasingly regulated and controlled by the Church.

This dissertation explores how different genres of literature responded to, interpreted, and even intervened in the rapidly changing marriage laws of the thirteenth and fourteenth centuries. While medieval marriage has inspired considerable scholarly work in the last few decades, including full-length studies in history, law, literature, and gender, the study of medieval marriages has still tended to separate the legal and historical aspects of marriage from their literary representations. For example, scholars such as Frederik Pederson, Michael Sheehan, and R.H. Helmholz have examined hundreds of records from English ecclesiastical courts, using the legal data in aggregate to understand how marriage was actually practiced in medieval England, demonstrating in which ways legal theory differed from lived experience.[1] On the other hand, scholars like Neil Cartlidge and David d'Avray have considered how we might understand marriage working metaphorically within literary texts to explicate various aspects of medieval life.[2] In particular, in his work on medieval marriage sermons, d'Avray speaks

[1] Michael Sheehan, "The Formation and Stability of Marriage in Fourteenth-Century England: Evidence of an Ely Register," *Medieval Studies* 33 (1971): 228-63; and *Marriage, Family and Law in Medieval Europe: Collected Studies*, ed. James Farge (Toronto: University of Toronto Press, 1996); Frederik Pedersen, *Marriage Disputes in Medieval England* (London: Hambledon and London, 2000); R.H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974).

[2] Neil Cartlidge, *Medieval Marriage: Literary Approaches, 1100-1300* (Cambridge: D.S. Brewer, 1997); David d'Avray, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2005).

of marriage as the dominant metaphor of medieval thought, influencing the language of business contracts, verbal promises and commitments, and the relationship of human beings to God. [3] Rather than viewing these marriages as significant in and of themselves, this approach considers instead what marriage represents within each text.

This separation between the legal and literary aspects of marriage is part of the larger separation that Richard Firth Green points to in law and literature studies as a whole,[4] in which scholars of both disciplines tend to consider the two as separate categories that only intrude upon each other in specific circumstances. While this criticism may well pertain to any interdisciplinary study, as Emily Steiner and Candace Barrington remark in their collection of essays on law and literature which attempt to remedy precisely this problem, Green's critique still holds weight today.[5] This dissertation takes up Green's challenge for medievalists to understand law and literature as "parallel forms of discourse," not oppositional categories.[6] In this way of thinking about law and literature, I follow especially in the footsteps of Elizabeth Fowler's work on jurisprudence and medieval contract in poetry, Green's own study of *trouthe*, and Bruce Holsinger's conception of "vernacular legality."[7] In particular, I examine how

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[3] That marriage is primarily a dominant metaphor in medieval thought is the contention of *Medieval Marriage: Symbolism and Society*.

[4] Richard Firth Green, "Medieval Law and Literature," in *The Cambridge History of Medieval English Literature*, ed. David Wallace (Cambridge: Cambridge University Press, 1999), 407-31.

[5] Emily Steiner and Candace Barrington, eds., *The Letter of the Law: Legal Practice and Literary Production in Medieval England* (Ithaca: Cornell University Press, 2002). See also Michael Freeman and Andrew D.E. Lewis, eds., *Law and Literature* (Oxford: Oxford University Press, 1999).

[6] Green, "Medieval Law and Literature," 407.

[7] Elizabeth Fowler, "Civil Death and the Maiden: Agency and the Conditions of Contract in *Piers Plowman*," *Speculum* 70 (1995): 760-92, "The Romance Hypothetical: Lordship and the Saracens in *Sir Isumbras*," in *The Spirit of Medieval English Popular Romance*, ed. Jane Gilbert and Ad Putter (London: Longman, 2000), 97-121, and "The Empire and the Waif: Consent and Conflict of Laws in the Man of Law's Tale" in *Medieval Literature and Historical Inquiry*, ed. David Aers (Cambridge: D. S. Brewer, 2000), 55-67; Richard Firth Green, *A Crisis of Truth: Literature and Law In Ricardian England* (Philadelphia: University of Pennsylvania Press, 1999); Bruce Holsinger, "Vernacular Legality:

authors adapt different genres of literature to address specific problems of marriage law. This project uncovers the real legal work performed by marriages in various genres of literary texts, considering literary marriages neither as examples of historical record, nor as metaphors for other relationships, but as a way for readers and writers of texts to work through the often complex or even contradictory marriage laws of the thirteenth and fourteenth centuries.

From a certain perspective, the fractured and compromised nature of medieval marriage regulation is inevitable, since marriage brings together the contradictory realms of politics, economics, sex, and gender, and it depends upon several systems of law. Marriage is at once a deeply personal and fundamentally social institution, made even more challenging to regulate by its attendant emotional and sexual components. In the thirteenth century, however, this already all-encompassing institution was beginning to be pulled – albeit unevenly and with considerable resistance - under the auspices of a controlling central authority. Before the late Middle Ages, marriage largely remained the purview of families, regulated by local custom. As the Church grew in influence, it increasingly sought to gain power over a practice that was both sacrament and political tool. Court records examined by Sheehan and Pedersen demonstrate that the competition for control over marriage and its attendant financial, political, and religious implications generated considerable conflict, as local traditions clashed with ecclesiastical law. For example, while the Church outlined an unambiguous doctrine of marriage that insisted upon both the primacy of consent and the necessity of clerical blessing at Lateran IV in

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The English Jursidictions of The Owl and the Nightingale," in *The Letter of the Law*, eds. Steiner and Barrington, 154-84.

1215, in practice, the Church could not consistently enforce these regulations, and men and women continued to contract marriage without church oversight.

Given such a large and at least partially tolerated gap between doctrine and practice, it is clear that ecclesiastical law could not claim undisputed authority over marriage. In the absence of such authority, I argue that for medieval reading communities, literature becomes a fertile ground for thinking and shaping new ideas about marriage. The thirteenth and fourteenth centuries witness a proliferation of literary texts that stage, multiply, and challenge the efficacy and legitimacy of the marriage vow - precisely the moment in which authority over the contract is least clear.[8] The marriage vow, as the performative speech that transforms unmarried persons into spouses, contains the potential both for radical personal agency and institutional control, as individuals step into circumscribed social roles. As Elizabeth Fowler points out, the majority of ecclesiastical marriage disputes focus on precisely this moment of contract, resulting in a notion of contract that is "better developed in the marriage doctrine expressed in the common law and the law of the church than it is in economic analysis and regulation."[9] By collating this development of contract and its shifting authority in the common and ecclesiastical law with instances of vow-making across literary genres, including romances, saints' lives, and fabliaux, medieval readers and writers participated in the complex process of marriage regulation.

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[8] Here I am indebted to Elizabeth Fowler's understanding of topoi, in which we are invited to collate various instances of a topos – in this case, the wedding vow – in order to test them against each other and the reader's own experiences of the topos. See especially "The Empire and the Waif" and "The Romance Hypothetical." On the topos as a method of collation, see also Mary Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture* (Cambridge: Cambridge University Press, 1990).

[9] Fowler, "Civil Death and the Maiden," 767.

When discussing medieval genre, especially the fraught category of romance, this project recognizes that no genre can be defined with absolute specificity. Romance in particular has resisted definition as a genre in the Middle Ages, leading to potential definitions as expansive as Geraldine Heng's, which sees romance as an inherently cannibalistic genre that digests other genres, or Christopher Cannon's, which argues that "the spirit of English romance became the spirit of English literature," and as restrictive as John Finlayson's definition of romance as the adventures of a single knight.[10] Rather than attempt to find a middle position with a new list of attributes, I rely upon Wittgenstein's conception of a "family resemblance" network and George Lakoff's notion of radial categories to define genre as a network of relationships, not a pre-defined list of common characteristics.[11] I follow Helen Cooper in considering that "no single [common feature] is essential for definition or recognition taken individually," a property shared not only by romances, as in Cooper's contention, but saints' lives and fabliaux as well.[12]

While medieval writers did not conceive of genre the way scholars do today, it is clear that medieval readers saw certain kinds of texts as definitively grouped and following similar patterns – otherwise, Chaucer would not be able to parody what we would call "romance" conventions in *Sir Thopas* and expect readers to understand his joke. The expectations set by genre help establish what questions the text asks of

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[10] Geraldine Heng, *Empire of Magic: Medieval Romance and the Politics of Cultural Fantasy* (New York: Columbia University Press, 2003); Christopher Cannon, *The Grounds of English Literature* (Oxford: Oxford University Press, 2004), 207; John Finlayson, "Definitions of Middle English Romance," *Chaucer Review* 15, no. 1 (1980): 44-62. This controversy led Dieter Mehl to declare that "the term romance…does not really have any precise and useful meaning." *The Middle English Romances of the Thirteenth and Fourteenth Centuries* (London: Routledge and Kegan Paul, 1968), vii.

[11] For a discussion of Lakoff's radial categories in relationship to medieval romance, see Melissa Furrow, "Radial Categories and the Central Romance," *Florilegium* 22 (2005): 121-140.

[12] Helen Cooper, *The English Romance in Time: Transforming Motifs From Geoffrey of Monmouth to the Death of Shakespeare* (Oxford: Oxford University Press, 2008), 9.

marriage: for instance, a romance tends to ask questions about consent and social identity, while a fabliau focuses upon property and sexual fidelity. As a consequence of this project, I have come to see genre less as a marker of the specific content of the text than a marker of what the text does. Conversely, the work performed by a text cues the reader as to its genre. For example, the content of the Middle English romance *Sir Isumbras* bears considerable resemblance to the *Life of St. Eustace* from the *Gesta Romanorum*, leading scholars to question whether *Isumbras* is best considered true romance or "secular hagiography."[13] This way of thinking about genre would consider not the particularities of plot events, but the work the text does for the reader as the primary factor in determining its genre: in this case, I would agree with Susan Crane that *Isumbras* and texts like it "do accept and incorporate Christian impulses from hagiography, but they temper their acceptance with clearly defined resistance to those implications of religious teaching that are incompatible with pursuing earthly well-being," which would categorize *Isumbras* as a romance.[14] This way of thinking about genre does not deny that a text can still resist easy categorization or fall between different genres, but suggests instead a different criterion for its evaluation.

In this way, genre becomes a tool for refracting many of the complex issues surrounding marriage in the fourteenth century, among them consent, authority, and identity. Drawing on an array of texts from a variety of genres central to medieval literary production, my dissertation examines how different genres engage with, mediate, and challenge the ambiguities of medieval marriage law. I contend that medieval readers and

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[13] Diana Childress argues in favor of this term in "Between Romance and Legend: 'Secular Hagiography' in Middle English Literature," *Philological Quarterly* 57 (1978): 311-22.

[14] Susan Crane, *Insular Romance: Politics, Faith, and Culture in Anglo-Norman and Middle English Literature* (Berkeley, CA: University of California Press, 1986), 92.

writers used genre to make sense of a legal institution that shaped their lives – commenting upon, challenging, and attempting to work through the consequences of medieval marriage laws.

Project Outline

In my first chapter, I consider the early thirteenth-century romance *King Horn*, which turns upon a series of failed marriage contracts between Horn and his lover Rymenhild. *King Horn* was written in the decade following the Fourth Lateran Council, which counted among its far-reaching reforms three rules regarding marriage. These rules – relating to incest, clandestine marriages, and the requirements for witnesses to prove either – left a considerable gap between official doctrine and individual experience, which led to a corresponding surge in marriage litigation as the century progressed. With its insistent focus on the legitimacy of Horn and Rymenhild's marriage, *King Horn* uses the prototypical romance narrative of the lover and his beloved to negotiate and exploit the real problems arising from the gaps left by the reforms of Fourth Lateran. In its constant delays, disruptions, and interferences, Horn and Rymenhild's marriage exposes the church's inability to regulate and control the sexual relationships between human beings.

My second chapter focuses upon the fabliau, a genre that inverts several qualities that medieval marriage theorists held essential: most important, sexual fidelity and the marital bond. In a fabliau, the only surety is infidelity, and vows made to adulterous lovers are more highly valued than the marriage vow itself. Such devotion to adultery has generally been glossed as a parodic inversion of romance, and the fabliau itself as a deeply conservative genre dedicated to preserving social norms. In *The Canterbury Tales*,

however, it is also in the fabliaux that Chaucer devotes the most time to sexual relationships created by choice, in which both men and women have equal say. The fact that these relationships occur only outside of the confines of marriage draws attention to the potential for sexual abuse in the conventional romance narrative. By examining the faux-marriage vows in *The Shipman's* and *Merchant's Tales*, I argue that the genre of fabliau, by exchanging a reality based in Biblical doctrine for a deliberately amoral alternative, provides Chaucer with the fictive and imaginative space necessary for a conception of marital rape.

My third and final chapter examines the contradictory roles of the marriage contract in lives of married saints, considering both those saints who remain virgins, like Cecelia and Valerian, and those who consummate their marriages, such as Bridget of Sweden. These saints, who articulate marriage vows both to their spouses and to Christ, reveal the theological complications derived from competing models of spiritual chastity. In these lives of married saints, readers experience a literalization of the doctrine that held that married persons participated in the marriage of Christ and the Church, as the saints negotiate competing vows to become both spiritual and human spouses. In this way, saints' lives participate in and respond to the protracted battle about the sacramentality of marriage, drawing out the consequences of the shift in marriage's definition for more ordinary lay marriages. These marriages test the boundaries of Christian theology by suggesting that, contrary to the Church's official position, the establishment of marriage as a sacrament introduced a paradox into the teaching that wives must obey their husbands – a loophole that, when exposed by Protestant thinkers like Martin Luther, eventually led to their reluctant acceptance of divorce.

By representing the critical social contract of marriage in almost obsessive detail, medieval writers sought to make sense of a structure that defined their communities. In this project, I demonstrate how the choice of genre helped medieval writers mediate between themselves and legal authority, furthering our understanding of law and literature as discourses that evolved in concert with one another, rather than in isolation. By seeing the marriage vow through a generic lens, this project exhibits how individual readers and writers can use literature to challenge and engage with the systems to which they belong.

Chapter One:
Clandestine Marriage, *King Horn* and the Fourth Lateran Council

The early Middle English romance *King Horn* has attracted little attention for its views about marriage. Subordinated by critics to Horn's sensational battles against the Saracens, the marriage of Horn and Rymenhild often scarcely credits a footnote. Yet the author of *King Horn* devotes unusual attention to the developing relationship between Horn and Rymenhild, reflected in the sheer narrative weight dedicated to the subject: Rymenhild and Horn attempt and fail to create a legitimate marriage no fewer than five times in the course of the romance. In fact, it is these failed contracts that drive Horn's martial pursuits, rather than the reverse.

The concentrated attention paid to the legal technicalities of Horn and Rymenhild's marriage, while unusual in a romance, resonates strongly with the world that created it. *King Horn* was most likely written in the aftermath of the Fourth Lateran Council, which counted among its far-reaching reforms three canons regarding marriage. These canons – relating to incest, clandestine marriages, and the requirements for bearing witness about the existence of marital impediments – left a considerable gap between the letter of the law and how it was practiced, which led to a corresponding surge in marriage litigation as the century progressed. With its insistent focus on the legitimacy of Horn and Rymenhild's marriage, I argue that *King Horn* uses the prototypical romance narrative of the lover and his beloved to negotiate and exploit the real problems arising from the gaps left by the canons of Fourth Lateran. In its constant delays, disruptions, and interferences, Horn and Rymenhild's marriage proves a test case that exposes the inability of either the individual canons or the church as a whole to regulate and control the sexual relationships between human beings.

The Fourth Lateran Council and Marriage

In order to measure *King Horn*'s response to the rulings of Fourth Lateran, I turn first to the canons themselves. Among the many topics addressed by Lateran IV, the council approved three related to the church's increasing interest in controlling how its parishioners contracted marriage. Canon 50 dealt with incest: it decreased the permitted degrees of consanguinity between married persons from seven to four, both in consanguinity and affinity (blood relationships and spiritual relationships, such as godparents). The canon now also allowed marriages between children of second marriages with relatives of the first marriage, citing *graui dispendio* [grave harm] as the reason for lifting these restrictions.[15] While this canon in some ways represents a relaxing of Church control, as the definition of incest became less strict, it also brought the definition in line with what an average person might be expected to know. The new definition of incest greatly decreased the potential for couples to "discover" an incestuous relationship in a remote degree, thereby allowing their relationship to be annulled. In this way, by changing regulations about incest, the church could also limit the number of divorces.

Canon 51 at first seems entirely unrelated to the question of consanguinity: it banned clandestine marriages, which it defined as marriages contracted without posting the banns, and it condemned priests who might witness such a contract.[16] But the canon

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[15] *Prohibitio quoque copule coniugalis quartum consanguinitatis et affinitatis gradum de cetero non excedat, quoniam in ulterioribus gradibus iam non potest absque graui dispendio huiusmodi prohibition generaliter obseruari* [Moreover the prohibition against marriage shall not in the future exceed the fourth degree of consanguinity and affinity, since in further degrees this prohibition cannot now be generally observed without great harm.] The Latin text and translations are adapted from Norman Tanner, Giuseppe Alberigo, J. A. Dossetti, and Periclīs-Petros Ioannou, *Decrees of the Ecumenical Councils* (London: Sheed and Ward, 1990).

[16] *Cum inhibition copule coniugalis sit in tribus ultimis gradibus reuocata, eam in aliis uolumus districte seruari. Vnde predecessorum nostrorum inherendo uestigiis, clandestine coniugia penitus inhibemus,*

explicitly linked these changes with the relaxation of incest laws in the previous canon: "Since the prohibition against marriage in the three remotest degrees has been revoked, we wish that it be strictly observed in the other degrees." By requiring that couples post the banns for three weeks before contracting marriage, then, the canon aimed to give everyone in the community ample opportunity to come forward with knowledge that the couple in question was related within the prohibited degrees.[17] Implicit in this new requirement is the idea that a single person might misunderstand (willfully or genuinely) how he or she was related to another, or that it might be possible not to know your own spiritual or biological relatives. Canon 51, then, demands the public announcement of marriage in order both to determine and verify social identity, implying that the community forms a more trustworthy source than individuals themselves.

The final canon regarding marriage, Canon 52, follows directly from the previous two: in the case of testimony regarding someone's familial relationships, hearsay evidence should not be admitted, unless it comes from a known upright person whose testimony is beyond question. Even then, the law required two witnesses who agreed. Most important, the canon insisted upon the particular quality of the witnesses involved: *testes autem huiusmodi proprio iuramento firmantes, quod ad ferendum in causa ipsa testimonium odio uel amore, timore uel commodo non procedant*. [Witnesses of this kind must declare on oath that in giving their testimony they are not acting in hatred, fear,

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prohibentes etiam ne quis sacerdos talibus interesse presumat. [Since the prohibition against marriage in the three remotest degrees has been revoked, we wish it to be strictly observed in the other degrees. Following in the footsteps of our predecessors, we altogether forbid clandestine marriages and we forbid any priest to presume to be present at such a marriage.]

[17] *Statuimus ut cum matrimonial fuerint contrahenda, in ecclesiis per presbyteros publice proponatur, competenti termino prefinito, ut infra illum qui uoleritet ualuerit legitum impedimentum oppanat.* [We decree that when marriages are to be contracted they shall be publicly announced in the churches by priests, with a suitable time being fixed beforehand within which whoever wishes and is able to may adduce a lawful impediment.]

love, or self-interest.] Together, these three canons reveal the centrality of accurate social knowledge to marriage – without a complete and honest accounting of familial identity, a legal marriage was impossible.

In the decades and even centuries following Fourth Lateran, however, medieval ecclesiastical courts quickly discovered that these decrees functioned more smoothly in theory than in practice. Michael Sheehan demonstrates that ninety percent of marriage suits brought before the courts at Ely as late as the end of the fourteenth century involved disputes over the validity of clandestine marriages.[18] Nor do these cases mainly concern couples in which one party had attempted to willfully defraud the other (although those certainly exist): many of the couples whose cases appear in these records appear genuinely uncertain about whether or not they are married, especially if one or both spouses had attempted to modify their vows. *King Horn*, written in the decades following Fourth Lateran, demonstrates the stakes of the new canon about clandestine marriage with a narrative that stages one failed marriage contract after another.

Most scholars date *King Horn* to near 1225, making it one of the oldest surviving Middle English romances.[19] While in large part *King Horn*, like the later *Bevis of Hamptoun* and *Havelok the Dane*, follows the typical plot of the exile-and-return romance, it stands out among its fellows in the way its major plot points turn less upon Horn's battles than on his repeated failed marriage attempts with the lady Rymenhild,

[18] Michael Sheehan, "The Formation and Stability of Marriage in Fourteenth-Century England: Evidence of an Ely Register," *Medieval Studies* 33 (1971): 228-63.

[19] Rosemund Allen argues for a later date based on the similarities she sees between *Horn* and the return of Edward I in the 1270s, but these similarities seem largely superficial. See "The Date and Provenance of *King Horn*: Some Interim Reassessments," in *Medieval English Studies Presented to George Kane*, ed. Edward Donald Kennedy, Ronald Waldron, and Joseph S. Wittig (Woodbridge: D.S. Brewer, 1988), 99-125. Helen Cooper and Melissa Furrow accept the earlier date for Horn in their later studies of romance: Cooper, *The English Romance in Time*, 420; Melissa Furrow, *Expectations of Romance: The Reception of a Genre in Medieval England* (Cambridge: D.S. Brewer, 2009), 72.

each of which invoke the questions of identity inherent in Canons 50-52. In fact, Horn's battles with the Saracens who murdered his father and his attempts to reestablish his place as king go very smoothly for this type of romance; unlike Havelok and Bevis, Horn faces no betrayal from his parents or guardians and finds instant and total acceptance within the foreign court that shelters him. While Havelok is cast down by his father's steward and raised by peasants, and Bevis faces constant suspicion as a Christian in a Saracen court, King Aylmar of Westernesse immediately sees Horn's beauty and goodness and prophesies his future success. While Havelok ignores his destiny and lives as a peasant and Bevis languishes in prison, Horn reclaims his father's kingdom with relatively straightforward success. Instead, for Horn, all the complications of the narrative center on King Alymar's daughter, who falls passionately in love with him. Like Bevis's Jocelyn, she pursues Horn; like Bevis himself, Horn imposes conditions upon her plea for marriage. Where *Horn* differs from other romances, though, is in the sheer narrative weight devoted to Rymenhild's attempts to marry Horn. Rymenhild and Horn attempt and fail to create a legitimate and lasting marriage no fewer than four times in the course of the romance, and these failures drive the rest of the plot forward. When Horn washes ashore in a foreign land after Saracens kill his father and set him and his companions out to sea, he immediately becomes a marriage interest. King Alymar, who takes him in because of his great beauty, predicts that he will gain great honor in his life, and his daughter Rymenhild falls in love with Horn for precisely these reasons. When Horn denies her first request for marriage, she asks her father to knight him so that he will marry her. Horn then insists on proving his worth in battle specifically for love of Rymenhild. He is forced into the next stage of his adventures when Alymar discovers

their relationship and sends him into exile, from which he returns only when he hears Rymenhild is in danger. He then leaves again to regain his father's kingdom, so that Rymenhild will "ligge by the king." In each case but the last, the poet provides us with the specific words of the attempted marriage contract, the failure of which both advances the plot and draws attention to the obstacles to the contract itself. For instance, Horn specifically refuses Rymenhild's second attempt to contract marriage with him because he is "ibore to lowe" to marry a princess; he then suggests that he could marry her only if she arranged to have him knighted. In a series of conditional vows, Horn insists that he must become first a knight, then his father's avenger, and finally a king before the marriage can take place.

By stacking one failed attempt at a completed marriage after another, *King Horn* forces the reader to contemplate the very problems of social identity central to Fourth Lateran. [20] The council's assumptions about the importance and reliability of communities fail in the face of the exile-and-return romance. Horn, as an exile in a foreign land, has an unreliable community – in fact, one of his trusted companions exiled with him, who would certainly fit the specifications of a reliable witness from Canon 52, actively impedes Horn's marriage by lying to Rymenhild's father. With each failed contract, the romance reopens the questions left unanswered by Fourth Lateran: how can anyone successfully contract a marriage in the face of imperfect social knowledge? What recourse do spouses have when the community fails? And ultimately, who has the authority to adjudicate the legitimacy of a marriage? In its series of incomplete contracts,

[20] Here I follow in the footsteps of Elizabeth Fowler, who argues about *The Man of Law's Tale* that it "explicitly invites us to think about philosophy and about jurisprudence, to become philosophers and to make 'eleccioun' or learned choices about our political and sexual fates." Like *The Man of Law's Tale*, *King Horn* similarly invites its readers to exercise their own judgment about the legal complexities of Horn and Rymenhild's marriage. Fowler, "The Empire and the Waif," 55.

Horn explores the limitations of church authority, implying that individuals, not canons, hold the power to create and regulate the sacrament of marriage.

Clandestine Marriages

The romance's first failed marriage attempt takes place after Horn has established himself and his company in Westernesse. After arriving with his twelve companions over the sea, set adrift by the Saracens who killed his father, Horn immediately takes service with Aylmar's steward. Horn's beautiful appearance and excellent service raise him high in King Aylmar's court, and he attracts the attention of no less than the King's daughter, Rymenhild. Desperate for Horn to accept her and her love, Rymenhild commands the steward to bring Horn to her chambers. The steward, fearing (rightly) what designs Rymenhild might have on the beloved Horn, instead fetches Horn's friend Athulf, who apparently looks enough like Horn that the steward can confidently tell him that "In Hornes ilike / Thu schalt hure biswike" (293-4). [In Horn's likeness / You shall deceive her.] True to the steward's words, Rymenhild does not notice the swap, and she proceeds to declare her love to "Horn" and demand that he marry her:

"Horn," quath heo, "wel longe
Ich habbe thee luved stronge.
Thu schalt thi trewthe plighte
On myn hond her righte,
Me to spuse holde,
And ich thee lord to wolde." 307-12

["Horn," she said, "for a long time
I have loved you deeply.

You shall plight your troth

Right here on my hand,

To hold me as your spouse,

And I will take you as my husband.]

Here Rymenhild invokes the key words and actions of a betrothal - she asks "Horn" to swear his troth to her and presents her hand to seal the bargain. She then offers her own vow in return to take Horn as her husband. The poet here clearly knows the requirements of a legal marriage vow: if Horn did accept these terms and plight his troth to her in exactly the way she asks, then these words would be sufficient to create a marriage between them, without priest or witnesses. While the Fourth Lateran Council did prohibit these kinds of clandestine unions in name, they continued in practice for hundreds of years, especially since the church also insisted that if a couple did marry in this way in spite of the ban, their marriage still counted – a necessity to uphold the sanctity of the sacrament of marriage, of which the husband and wife were the ministers.[21] In addition, the Church did not yet have the power to enforce such laws strictly: marriage had long been the purview of individuals and families, rather than the church, and insisting upon a priest's intervention may have caused even more resistance to the idea than the continued existence of clandestine marriages implies.[22]

Therefore, when challenged in an ecclesiastical court, judges upheld clandestine marriages as long as they could prove that the erstwhile spouses had said the correct words: a vow to take the other person as a spouse in the present tense, or the same vow in

[21] For more discussion of marriage as a sacrament, see chapter three.

[22] For the opposite view, see Neil Cartlidge, who argues that the unwillingness of the church to insist upon public witnesses created a large amount of litigation that could have been avoided by a stronger stance. *Medieval Marriage: Literary Approaches, 1100-1300* (Cambridge: D.S. Brewer, 1997), 19.

the future tense followed by sexual intercourse. The ecclesiastical court records examined by Michael Sheehan and Frederik Pedersen make it quite clear that not only were these standards upheld, but medieval litigants were in general very aware of the implications of their vows. In Sheehan's examination of the register at Ely in the early fourteenth century, he finds twelve suits that rose from an objection to marriage after the reading of the banns. In seven of these cases, "the notes on the case reveal that the contract *per verba de presenti* had occurred before the banns were read" – or in other words, the marriage had been clandestine, and not announced until after the vows had already come into effect. Sheehan also confirms that those bringing a case to court knew exactly how important the present tense was:

> In the first of these suits, Joan sought to avoid completing the marriage after the banns were read, having discovered that John Everard, with whom she had exchanged consent, was a serf. The formula of consent repeated to the court by Joan is somewhat vague and could be interpreted as a promise *per verba de futuro*. But John's description…makes it clear that he considered the contract to have been *per verba de presenti*. This reading of the text is supported by the fact that, having satisfied itself that John's status was known before the exchange of consent, the court declared the couple man and wife, ordering them to solemnize their marriage.[23]

Likewise, Pedersen describes a case between Elizabeth Lovell and Thomas Marton, who married "without the knowledge or consent of their parents." He finds that the couple in fact exchanged two sets of vows, as they realized after saying their vows in *verba de*

[23] Michael Sheehan, *Marriage, Family and Law in Medieval Europe: Collected Studies,* ed. James Farge (Toronto: University of Toronto Press, 1996), 49.

futuro that their marriage might be drawn into question, and they subsequently repeated their vows in *verba de presenti*. Marton, who had later tried to marry someone else of his parent's choosing, was ordered to uphold his marriage with Elizabeth.[24] Pedersen also discovers that "only two plaintiffs who alleged *verba de presenti* were unsuccessful in their plea. It was more rare to win a case of marriage *verba de futuro*. All the *verba de futuro* cases that were successful in the cause papers claimed and proved subsequent intercourse."[25] Sheehan concludes that "from examples such as these – and there are many more – it becomes evident that in some cases the reading of the banns and the solemn exchange of consent before the Church…were actually the publicity of an act that, so far as validity was concerned, was already complete."[26] Witnesses, especially clergyman, did help clarify matters (Pedersen notes that there is no surviving case in York in which the court ruled against a marriage if a priest or notary public attested to it), but they certainly did not need to take part in the vow in order for the marriage to be valid.[27]

Without seeing the form of Horn's return vow, we cannot know if Rymenhild's desired contract would take the form of *verba de presenti* or *verba de futuro*, but the poet quickly resolves this potential difficulty with Rymemhild's sexual boldness. Rymenhild makes it very clear that she expects sex will quickly make this quibble about verb tenses moot (He schal with me bileve / Til hit beo nir eve, / To haven of him mi wille; / After ne recche ich what me telle. 367-70). [He will stay with me / Until it is near evening, / So I

[24] Frederik Pedersen, *Marriage Disputes in Medieval England* (London:Hambledon and London, 2000), 110-13.
[25] Ibid., 137.
[26] Sheehan, *Marriage, Family and Law*, 49-50.
[27] Frederik Pedersen, "Marriage Contracts and the Church Courts of Fourteenth Century England," in *To Have and To Hold: Marrying and its Documentation in Western Christendom, 400-1600*, ed. Philip Reynolds and John Witte (Cambridge: Cambridge University Press, 2007), 302.

may have all my will with him / After which I do not care what might be said about me.] No matter which form this marriage contract takes, the poet has ensured that his audience will know Horn and Rymenhild's marriage cannot be dissolved.

Of course, Horn and Rymenhild do not marry with this contract, for the obvious reason that Rymenhild has declared her intentions to the wrong person. Athulf is not Horn, no matter how closely he might resemble him. But the issue of Athulf's resemblance to Horn proves more complicated than one might initially assume. The two men clearly look enough alike that Rymenhild, albeit a woman who has begun to "wexe wild" with passion, legitimately confuses one for the other and does not notice that the wrong man has entered her bower. When Athulf finally convinces Rymenhild that he is not Horn, however, she responds by insulting his appearance and bearing: "Ne spek ich noght with Horn: / Nis he noght so unorn; / Horn is fairer thane beo he" (333-5). [I do not speak with Horn: / He is not so ugly. / Horn is fairer than he is.] Given that she has just proclaimed everlasting love to Athulf, her insults about his ugliness fall rather flat. Mary Hynes-Berry argues that these insults show the strength of Rymenhild's passion, providing "dramatic testimony that more than a whim is involved."[28] K.S. Whetter dismisses the entire episode as "amusing."[29] Yet Rymenhild's dramatic response to her own mistake does far more than simply prove her love or provide comedy. Rymenhild's specific insult that Athulf is "unorn" provides the real fault here: Athulf is unacceptable specifically because he is un-orn, or *not Horn* (with a potential insult as to Athulf's ability to satisfy her sexually). This first failure draws attention to the uncertainty about Horn's identity in this foreign court. Appearances are manifestly deceiving in this

[28] Mary Hynes-Berry, *Cohesion in King Horn and Sir Orfeo*, *Speculum* 50, no. 4 (1975): 659.
[29] K.S. Whetter, *Understanding Genre and Medieval Romance* (Aldershot: Ashgate, 2008), 71n156.

instance: someone who looks like Horn might in truth be someone else entirely. What then truly distinguishes Horn from any of his companions, especially when someone who loves him can't tell him apart?

Upon discovering Athulf's deception, Rymenhild threatens to have him killed, which instantly draws from him the promise to bring Horn to her. Rymenhild relents and agrees to his offer, suggesting only that Horn disguise himself before coming to her bower. Before Athulf leaves to fetch Horn, however, he reveals why he and the steward have concocted this entire charade in the first place:

> Yef Horn were her abute,
> Sore I me dute
> With him ye wolden pleie
> Bitwex you selve tweie.
> Thanne scholde withuten othe
> The kyng maken us wrothe. 347-52
> [If Horn were around here,
> I fear very much
> That you would play (sexually) with him
> Between the two of you.
> Then, without an oath,
> The king would be very angry with us.]

Athulf fears that if Horn had come to see Rymenhild as she had asked, the two would "pleie" together, thereby angering her father the king. Athulf's concern lines up nicely with the steward's, who convinces Athulf to go along with the scheme by saying, "Sore

ich me ofdrede / Heo wolde Horn misred" (295-6). [I greatly fear / that she would misguide Horn.] Specifically, Athulf protests sexual activity "withuten othe," or without an oath of marriage. The steward's concerns seem logical, given that when he first leaves to fetch Horn on Rymenhild's orders, he has no idea of her intentions. But Athulf now knows that Rymenhild intends to marry Horn, and that she knows exactly how to perform that ceremony. As Susan Crane observes, "Rymenhild's seduction…turns out to be not a physical seduction but a temptation to marriage," even though Rymenhild certainly seems willing to consummate the relationship if necessary to complete a future tense vow.[30] Athulf's objection to Rymenhild and Horn's "pleieing" *after* he knows Rymenhild plans to marry Horn therefore must point beyond any initial reasonable concerns about premarital sex.

Instead, I propose that despite Rymenhild's clear intent to marry Horn, Athulf's behavior reveals that her knowledge of marriage law does not suffice to complete their contract. Through Athulf's misgivings, the poet signals the larger problems still at play in Horn and Rymenhild's relationship. One problem might be the lack of church involvement, as neither Horn nor Rymenhild has paused to post the banns in accordance with the new canons. Given that Horn and Rymenhild do not post the banns even before their final successful marriage, though, this cannot be the whole story. Horn, despite his beautiful appearance, faithful service, noble blood, and beloved nature, does not yet qualify as a valid husband for Rymenhild. In the next failed marriage proposal, Horn's specific objections to their contract suggest that their marriage (or lack thereof) still relies upon personal rather than institutional regulation.

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[30] Susan Crane, *Insular Romance*, 88.

Conditional Marriages

In the next section of the romance, Athulf goes to Horn as promised, and at last Horn himself arrives in Rymenhild's bower. Rymenhild repeats her plea for Horn's love, once again demanding that he marry her. Much to her surprise, Horn refuses:

Ich am ibore to lowe
Such wimman to knowe.
Ich am icome of thralle
And fundling bifalle.
Ne feolle hit the of cunde
To spuse beo me bunde.
Hit nere no fair wedding
Bitwexe a thral and a king. 421-8

[I am of too lowly birth
To marry such a woman.
I am born of a captive
And have become a foundling.
Nor would it be natural for you
To be bound to me as a spouse.
It would be no fair wedding
Between a slave and a king.]

Here Horn confirms what Rymenhild's refusal to marry Athulf suggested earlier: in order for Rymenhild to marry, she must find the right partner. Of course, both the readers and Horn himself know quite well that Horn is a prince, son of King Murry, and so Horn's

objection here does not make sense from a strictly procedural view. While Horn's father has been conquered, therefore rendering Horn's protest that he is the son of a slave true in a technical sense, Horn has already shown himself willing to reveal his noble heritage: he tells Rymenhild's father when he arrives at court that "Icome of gode kenne, / Of Cristene blode, / And kynges swthe gode" (180-2). Horn could easily reveal his parentage to Rymenhild now, as he already has to her father. But Horn does not do this. Instead, he sets a condition upon their marriage. If Rymenhild will help him become a knight, then he will marry her.

Help me to knighte
Bi al thine mighte,
To my lord the king
That he me yive dubbing:
Thanne is mi thralhod
I went in to knighthod
And I schal wexe more,
And do, lemman, thi lore. 439-46

[Help me become a knight
With all your might,
Ask my lord the king
That he dub me:
Then my captive status
Is turned into knighthood,
And I shall grow in status,

And do, beloved, your bidding.]

Horn's insistence on becoming a knight before marrying Rymenhild, even given his royal heritage, aligns neatly with the pattern of many romances – Bevis, Havelok, Isumbras, Gawain, and Orfeo are only a few of the many knights who must prove themselves by living up either to their own legends or to the promises of their noble heritages. We might expect, then, that Horn cannot simply take his noble blood for granted, instead needing to prove his right to a knightly status. In *King Horn*, however, the text explicitly links the issue of Horn's class to his marriage with Rymenhild. Horn seems perfectly content to remain in training with the steward until Rymenhild's declaration of love demands that he rise to a higher status. In addition, at the moment in which Rymenhild declares her love to Horn himself for the first time, she creates a situation that draws attention to their respective social classes. When Athulf agrees to bring Horn to Rymenhild's bower, she suggests that Horn dress himself as a squire, so that no one will note his passing or his presence in her bower. Rymenhild, then, creates a false identity for Horn that draws attention to the chasm between their purported social positions. In so doing, Rymenhild inadvertently destroys any possibility of Horn's agreeing to marry her. Horn is not a squire, and because he presents himself as the son of a slave rather than a king, he cannot become one without outside intervention. Horn, merely dressed as a squire, cannot marry anyone. His change in dress emphasizes the disconnect between his former station and his current one, and it accentuates the difference between himself and Rymenhild. Horn's objection to Rymenhild's plea for marriage, then, is prefigured by the very disguise that she insists he take - that he is "iboren too lowe" to marry a princess.

After Horn presents his terms, Rymenhild returns his condition with one of her own: she will ensure that her father knights Horn within seven nights, at which point Horn must marry her. ("Thu schalt beo dubbed knight/ Are come seve night.") In this way, Horn and Rymenhild set up a conditional marriage vow – a type that drew frequent attention in ecclesiastical courts. According to R.H. Helmholz's study of surviving court records from the thirteenth to fifteenth centuries, conditions were a relatively common and legal addition to marriage vows. "The canon law allowed certain sorts of conditions to be attached not only to future promises to marry, but also to marriages by *verba de presenti*. 'I take you as my spouse if my father consents' is the example given by the medieval canonists, and it, or a slight variation, is the most frequent condition found in the medieval court records."[31] Not all conditions, however, met with the same acceptance by medieval courts. In 1288, Muriel de Dunham successfully sued for John Burnoth to separate from his wife Joan, citing an earlier marriage to herself. John Burnoth did not deny the marriage, but claimed that Muriel had violated his condition of living an upright life by committing adultery. After Muriel produced witnesses that she and John had exchanged vows in the present tense and had intercourse following, the court upheld her claim, ruling John's condition invalid. In order for the church to accept them, conditions needed to be both honest (not against church doctrine) and possible (Helmholz gives the example of "touching the sky with my finger" as an impossible condition).[32] In this case, even though Muriel's purported adultery was a sin, it was not grounds to have a marriage annulled – even if John had sued for divorce, he could only have gained a divorce *a mensa et thoro*, in which he would be legally separated from his wife but could not marry

[31]R.H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974), 47.
[32] Ibid., 50-1.

again.[33] John's condition therefore violated church doctrine that did not allow remarriage in the case of adultery, and therefore could not be valid.[34]

Horn's condition, however, that Rymenhild go to her father and ask him to make Horn a knight, does not contradict any church teaching, nor is it an impossible task for Rymenhild to accomplish. This condition is valid, and therefore Horn's revised vow is no less binding than Rymenhild's original vow - if both partners meet the conditions, they will be married. Horn and Rymenhild agree to these terms, and Rymenhild wastes no time in convincing her father to dub Horn, who agrees gladly. Alymar not only knights Horn, but then tells Horn to knight all twelve of his childhood companions.

At this point, the reader (and certainly Rymenhild) might believe that the deal has been done. Rymenhild confronts Horn directly after the knighting ceremony, demanding that he "do nu that thu er of spake: to thy wif thu me take" (539-40). In fact, according to the criteria outlined by Helmholz, at this point Horn and Rymenhild already are married: the marriage became unconditional the moment the condition was fulfilled.[35] Horn's response, however clearly indicates that he believes otherwise. Instead of acknowledging the marriage, Horn introduces what seems to be a second condition:

> "Rymenhild," quath he, "beo stille!
>
> Ich wulle don al thi wille,
>
> Also hit mot bitide.
>
> Mid spere I schal furst ride,

[33] Conor McCarthy, *Marriage in Medieval England: Law, Literature and Practice* (Woodbridge: Boydell Press, 2004), 140-1.
[34] For the full account of Muriel and John's case, see Norma Adams and Charles Donahue, eds., *Select Cases From the Ecclesiastical Courts of the Province of Canterbury C. 1200-1301* (London: Selden Society, 1981), 337-49.
[35] Helmholz, *Marriage Litigation,* 47.

And mi knighthod prove,

Ar ich thee ginne to woghe." 537-50

["Rymenhild," he said, "be silent!

I will do everything you want,

At the time that it must happen.

I shall first ride with my spear

And prove my knighthood

Before I begin to woo you."]

At this point, however, a second condition should have been impossible. Canon law was quite clear on this subject: no conditions could be added after the initial contract.[36] At this point, with the initial conditions fulfilled, Horn and Rymenhild should be married. Yet clearly, Horn does not think so, nor (as Rymenhild's response demonstrates) does Rymenhild herself. Given Rymenhild's savvy knowledge of how to contract marriage without a priest, though, it seems unlikely for her not to realize that Horn cannot legally add a second condition this late in the proceedings. Why does she agree to his terms?

When Horn denies that their marriage has taken place, he has two principle objections: that it is not the right time, and that he must prove his knighthood before it will become the right time. Horn's objection, then, does not add another condition, but instead reveals that he does not believe he has fulfilled the first condition. Although he has been knighted, he does not yet believe himself to be a knight. In this way, Horn insists that a knight is not simply a social class or an honor conveyed with words, but constitutes a set of actions and ideals that Horn must take upon himself in order for this new social identity to come into being.

[36] Ibid., 49.

The problem of Horn's identity once again comes to a head within his marriage vows. In this passage, Horn demonstrates that marriage vows do more than bind husband to wife: they also define who and what that husband and wife should be. Horn's vow to Rymenhild to marry her once he becomes a knight therefore requires more than a simple dubbing. Horn must prove that he is a knight by demonstrating his strength and prowess in battle, until he becomes a knight in more than just name. In other words, Horn's conditional vow to marry Rymenhild will not take effect until he becomes the person *he named himself to be*. His vow therefore becomes an identity test: Horn will be married as soon as he meets the requirements he has set.

Rymenhild's Marital Knowledge

We cannot consider what it takes for Horn to marry Rymenhild, however, without also examining the reverse. Rymenhild has received relatively little critical attention in the study of *King Horn*, with most critics more interested in Horn's assumption of his father's kingdom and the question of English identity in the romance. Susan Crane sees Horn himself as "a repository of national custom," claiming that "when Horn wins his heritage and his wife, the seed of nationhood he carries can once more flourish".[37] As such, most recent scholarship on *King Horn* focuses upon how the romance defines Horn's kingdom against the religious and racial other of the Saracens, and how Horn himself slowly transforms into a suitable replacement for his father. Comments upon Horn's romantic relationships, on the other hand, generally limit themselves to how Rymenhild's attention confirms him as a worthy romance hero (Crane's remark about how Horn wins "his heritage and his wife" summarizes this particular critical view nicely). When their relationship receives any attention at all, it is credited as a balancing

[37] Crane, *Insular Romance*, 38-9.

component to the romance's martial episodes: one interaction between the lovers for each of Horn's major battles. K.S. Whetter provides a minor exception, reversing the emphasis of the structure of *King Horn* by giving Rymenhild credit for instigating Horn's martial conquests, as she both secures Horn's knighthood and provides a reason for Horn to risk himself in battle.[38] Individually, Rymenhild receives credit as one of Judith Weiss's "wooing women," establishing her as a curiosity that represents an "unusual inversion of romance conventions."[39]

We have already seen, however, that Rymenhild does not simply pursue Horn with mindless passion. Even as she begins to "wexe wild," she demonstrates knowledge about how marriages must be contracted, insisting upon mutual vows followed by sexual intercourse. Nor does she leave anything about her vows to chance. In both instances of Rymenhild's declaring her love for Horn, she does not speak her half of the marriage vow – instead, she ventriloquizes Horn's. With Athulf, she demands, using the modal "shall" to tell Athulf-as-Horn exactly what she wants him to do: "Thu schalt thy trouthe plight / on my hand here right." She uses the same language when Horn finally appears before her.

> "Horn," heo sede, "withute strif,
> Thu schalt have me to thi wif.
> Horn, have of me rewthe,
> And plist me thi trewthe." 411-14
> ["Horn," she said, "without any trouble,

[38] Whetter, *Understanding Genre*, 72.
[39] Ibid., 71. See also Judith Weiss, "The Wooing Woman in Anglo-Norman Romance," in *Romance in Medieval England*, ed. Maldwyn Mills, Jennifer Fellows, and Carol M. Meale (Cambridge: D. S. Brewer, 1991), 149-161.

You shall have me as your wife.

Horn, take pity on me,

And plight me this troth.]

By her repeated use of "thu schalt," Rymenhild seems to attempt to create both halves of the marriage vow herself - or as if by performing the vow for him, she can make it true. In this moment, Rymenhild takes on and inverts the role of the priest that is missing from this betrothal: whereas a priest might ask "Do you wish to have this woman as a wife?",[40] Rymenhild insists, "thu schalt." By scripting his vows for him, Rymenhild also attempts to shut down any possible variations in Horn's speech, leaving no room for doubt concerning the legitimacy of their marriage. If the circumstances of this vow were ever challenged in an ecclesiastical court, Rymenhild's careful speech has guaranteed that an ecclesiastical court would rule in favor of the marriage. Her attempt to control Horn's speech fails, though, when Horn proves himself as savvy in marriage law as Rymenhild by adding a condition to his future tense vow. Now Rymenhild has no choice but to see that condition fulfilled.

When she does succeed in convincing her father to knight Horn, Rymenhild fully expects that she and Horn will marry, but Horn avoids fulfilling his end of the bargain by insisting that the spirit of the condition has not been met: being named a knight does not in fact make him a knight. While Rymenhild accepts Horn's assessment of his initial condition, she also does not let Horn leave without pushing her suit one step farther.

[40] The rite in Latin from the Sarum Missal is as follows: "vis habere hanc mulierem in sponsam, & eam diligere, honorare, tenere, & custodire sanam & infirmam, sicut sponsus debet sponsam, & omnes alias propter eam dimittere, & illi soli adhærere quamdiu vita vtriusque vestrum durauerit?" Laurence Kellam and Edward Maihew. *Sacra Institutio Baptizandi: Matrimonium Celebrandi: Infirmos Vngendi: Mortuos Sepeliendi: Ac Alii Nonnulliritus Ecclesiastici: Iuxta Vsum Insignis Ecclesiae Sarisburiensis*. Duaci: Excudebat Laurentius Kellam Typog. Iurat, 1604.

Rymenhild gives Horn a magic ring, insisting that he carry it with him everywhere. This ring gives her a tool to judge Horn's loyalty, as he will never fall in battle as long as he looks at the ring and thinks of her, but it is also one more step in the marriage process that Rymenhild wants so desperately to move along. Frederik Pedersen's study of ecclesiastical court records from York notes that while gift-giving could not determine the validity of a marriage, it could certainly help indicate whether or not the couple believed one to have taken place. In the case of *Marrays c. Rowcliff*, Alice Marrays tried to dissolve her marriage to John Marrays by claiming both that she was underage at the time of the contract and that her family coerced her into accepting him. Against her testimony, witnesses declared that Alice had "expressed a wish to marry John Marrays on several occasions." Part of the evidence brought against her was the fact that she had accepted several gifts from John, "as if she was his wife." The court eventually upheld their marriage, convinced by gifts and testimony that Alice had willingly married John.[41] In a separate case related by Helmholz from the records in Lichfield, a woman brought her bridal gifts with her into court as evidence that the marriage had actually taken place.[42] By demanding that Horn accept a gift from her, then, Rymenhild lays up more evidence in favor of her marriage, just as John Marrays did – Horn's acceptance of a marriage gift is one more quiver in her arsenal, proof that may bind Horn to her in marriage.

Of course, Horn does not marry Rymenhild when he returns from proving his knighthood. To his credit, it seems that he fully intends to fulfill his promise. For the first

[41] See the full account of this trial: Frederik Pedersen, *Marriage Disputes in Medieval England* (London: Hambledon and London, 2000), 128-33.
[42] Helmholz, *Marriage Litigation*, 127n53.

time, Horn speaks the marriage vow to Rymenhild, using the words that Rymenhild taught him in her second attempt to marry Horn.

"Ne schal I thee biswike,
Ne do that thee mislike.
I schal me make thin owe
To holden and to knowe
For everech othere wighte,
And tharto mi treuthe I thee plighte." 671-6

[I shall not deceive you
Nor do what you dislike.
I shall make you my own
To hold and know
Before every other person,
And to that I plight you my troth.]

In this vow, Horn slides between the modal "shall" and the present tense "plighte," but the crucial words of the wedding vow – "I plight you my troth" appear in the present tense. Horn needs only Rymenhild's vow in return in order to confirm their marriage beyond any doubt.[43] This time, however, Rymenhild halts their progress towards the completion of their marriage. She tells Horn she has had a dream that prophesies her separation from him:

Heo sede, "Noght I ne wepe,
Bute ase I lay aslepe
To the se my net I caste,

[43] Although see the discussion of consummation as it relates to the validity of a marriage on pages 39-47.

And hit nolde noght ilaste;

A gret fiss at the furste

Mi net he gan to berste.

Ich wene that ich schal leose

The fiss that ich wolde cheose." 661-8

[She said, "I do not weep for nothing,

But as I lay asleep

I cast my net to the sea,

And it would not last;

A great fish immediately

Began to burst my net.

I know that I will lose

The fish that I would choose.]

In the face of Rymenhild's tears, Horn can only tell her "thi sweven schal wende / Other sum man schal us schende" (683-84). Either the dream will turn in their favor, or someone will cause the two of them harm. Rymenhild, however, already knows what will happen and interprets her dream correctly: she will indeed temporarily lose Horn, "the fiss that ich wolde cheose." While Horn comforts Rymenhild, the "worste mooder childe" Fikenhild goes to King Alymar and lies to him about Rymenhild and Horn's relationship, telling him that Horn has been having sex with Rymenhild every night in a bid to take the throne from King Alymar. Furious, the king goes straight to Rymenhild's chamber, where he finds Horn comforting Rymenhild about her terrible dream. He condemns Horn to

exile for his theft of Rymenhild's maidenhood, and once again Horn and Rymenhild must part before celebrating their marriage.

Consummation and Marriage

While in exile, Horn faces many battles against Saracens, which he comes through handily by looking upon his magic ring and thinking of Rymenhild. In the meantime, Rymenhild waits faithfully for Horn's return. After seven years, though, which is the same length of time that Horn asked her to wait for him, another king desires to marry her, and her father agrees to the match (a decision in which Rymenhild explicitly has no say – her father and her suitor are "aton" in this decision, which Rymenhild "ne dorste leten in none wise" (933, 936)). In desperation, Rymenhild sends a letter to Horn. While her letter-bearer does successfully reach him, the messenger dies before he can report back to his mistress that Horn is on his way to rescue her from the unwanted husband. Rymenhild attends her own wedding in tears, believing that Horn must be dead. Horn does return in time, however, and sneaks into the bridal feast disguised as a beggar. Once Horn has revealed himself to Rymenhild, he gathers his men, who have armed themselves in secret, and attacks the guests at the wedding. The rival king and all of his men die, leaving Rymenhild free. Horn then takes the other king's place, marrying Rymenhild and enjoying his dead rival's bridal feast.

Hi runge the belle
The wedlak for to felle;
Horn him yede with his
To the kinges palais,

Ther was bridale swete,

For riche men ther ete. 1265-70

[They rung the bell

To carry out the wedding;

Horn went with his men

To the king's palace,

There was a sweet bridal feast,

For rich men ate there.]

It would seem our long wait for Horn and Rymenhild's marriage is over. But while the "wedlak" has at last occurred, Horn still has one more condition: he will not have sex with his wife until he recovers his father's kingdom. He announces before all his wedding guests and King Alymar himself that he has never deflowered Rymenhild, and that Alymar had exiled him for a crime which he had never contemplated:

Thu wendest that I wroghte

That I nevre ne thoghte,

Bi Rymenhild for to ligge,

And that I withsegge.

Ne schal ich hit biginne,

Til I Suddene winne.

Thu kep hure a stunde,

The while that I funde

In to min heritage,

And to mi baronage.

That lond I schal ofreche

And do mi fader wreche.

I schal beo king of tune,

And bere kinges crune;

Thanne schal Rymenhild

Ligge bi the kinge. 1285-1300

[You believed that I did

Something that I never thought of doing,

To lie by Rymenhild,

And that I deny.

Nor shall I begin to do that

Until I win Suddene.

Keep her for a time,

While I find a way

To my heritage,

And to my barony.

I will reach that land

And avenge my father.

I shall be king of the town,

And bear the king's crown;

Then Rymenhild shall

Lie beside the king.]

While Horn's bold denial of the crime for which he was exiled might restore honor to himself and Rymenhild, it also casts serious doubts upon their marital status. Horn's refusal to consummate the marriage opens the door to considerable controversy about whether the couple has married at all. Twelfth- and thirteenth-century theologians were sharply divided as to whether or not sex was required to complete a marriage. On the one hand, Roman legal tradition emphasized consent, as in the much-commented upon statement by the third century jurist Ulpian: *nuptias enim non concubitus, sed consensus facit.* [For it is not consummation but consent that makes marriages.][44] This emphasis on consent coincided with the doctrine that the Virgin Mary had never consummated her marriage to Joseph, which had been near universally accepted since the fifth century. Hugh of St. Victor (d.1141) defended this position in *De Beatae Virginis Mariae*, citing Ulpian to explain why Mary and Joseph had a perfect marriage, despite the lack of consummation. Likewise, Peter Lombard (d.1164) insisted that only consent caused a marriage to happen: *Efficiens autem causa matrimonii est consensus, non quilibet, sed per verba expressus; nec de future, sed de praesenti*.[45] [However, the efficient cause of marriage is consent, not any one, but expressed in words; not of the future but of the present tense.] By insisting upon consent as the efficient cause of marriage, the agency of that change in relationship, the Lombard maintains the status of the holy family's union and emphasizes the importance of the spoken formula of marriage vows over any concerns about sexuality.

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[44] C. H. Monro and W. W Buckland, ed. and trans. *The Digest of Justinian* (Cambridge: Cambridge University Press, 1904), 35.1.15.

[45] Peter Lombard, *Sententiae in IV libris distinctae*, ed. The Father of the College of St. Bonaventure (Rome, 1971-1981).

Against this tradition, however, are the biblically derived notions of conjugal debt and the necessity of having children. Genesis commanded the first human couple to *crescite et multipicamini,*[46] which gave procreation a central place within married life. St. Augustine also defined procreation as the sole good of sex: *Consequens est connexio societatis in filiis, qui unus honestus fructus est non coniunctionis maris et feminae, sed concubitus.*[47] [Then follows the connection of fellowship in children, which is the only worthy fruit, not of the union of male and female, but of sexual intercourse.] While Augustine's treatise on marriage was still wary about the potential for sin within marital sex, his insistence upon the goodness of marriage in connection with children had a profound influence on future ideas about the purpose of marriage. In fact, Christopher Brooke goes so far as to assert that "no responsible lawyer or theologian ever supposed that consent or affection made a marriage in any profound sense. If its main purpose was to have children, consummation must count for as much as the mutual consent…"[48] While Peter Lombard and Hugh of St. Victor clearly did take seriously the idea that only consent made a marriage, Dyan Elliot argues that most local priests worked to encourage procreation within marriage, attempting to restrict chaste marriages by emphasizing the uniqueness of Mary and Joseph's relationship, making it a marriage to be admired rather than imitated.[49] In addition, as St. Thomas Aquinas points out, even Mary and Joseph raised Jesus together, which implied that having children was of the utmost importance even in the most holy family of all.

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[46] Genesis 1:28, Vulgate.
[47] *De bono coniugali*, in *Opera Sancti Aureli Augustini*, ed. J. Zycha, *CSEL* 41:347-410 (Prague, Vienna, and Leipzig, 1900), 1.1.
[48] Christopher Brooke, *The Medieval Idea of Marriage* (Oxford: Oxford University Press, 1989), 129.
[49] Dyan Elliott, *Spiritual Marriage: Sexual Abstinence In Medieval Wedlock* (Princeton, NJ: Princeton University Press, 1993), 177-78.

Complicating the notion still further is the central importance of conjugal debt. In 1 Corinthians, Paul instructed that a married person's body belonged to his or her spouse, and commanded that couples render the debt of their bodies to one another.[50] These verses helped create the idea that sexual intercourse was "an obligation of marriage; that husbands and wives had rights to the partnership of the marriage-bed." [51] A husband or wife could even demand the debt from his or her unwilling spouse, who was obliged to obey in order to prevent the desiring spouse from the sin of fornication (a situation much enjoyed by the Wife of Bath). As a result, Gratian insisted upon consummation as part of an indissoluble marriage, differentiating between a consummated marriage vow that was unbreakable and an unconsummated marriage that would still allow a spouse to enter religious life without the consent of his or her spouse. In his great twelfth-century compilation the *Decretum*, which was treated as the textbook of canon law for centuries, Gratian insists that s*ed sciendum est quod conigium desponsatione initiator commictione perficitur.*[52] [But it must be known that marriage is initiated by betrothal, perfected by joining.] Without the perfection of sexual intercourse, a marriage was incomplete.

So what does this mean for Horn and Rymenhild's marriage? Pope Alexander III decreed that a valid marriage must consist of *either* present tense vows *or* future tense vows followed by sexual intercourse, and it is this position that became standard after the thirteenth century.[53] In Horn and Rymenhild's reported "wedlak," however, the romance very pointedly leaves out the couple's vows. Before their actual marriage, Rymenhild

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[50] 1 Cor. 7:3-4, Vulgate. *Uxori vir debitum reddat similiter autem et uxor viro. Mulier sui corporis potestatem non habet sed vir similiter autem et vir sui corporis potestatem non habet sed mulier.*
[51] Brooke, *Medieval Idea of Marriage*, 131.
[52] *Decretum Gratiani*, c.27 q.2 c.3. Latin text made available by *Bayerische Staatsbibliothek*, available at http://geschichte.digitale-sammlungen.de/decretum-gratiani/online/angebot.
[53] Helmholz, "Marriage Litigation in Medieval England," 26-7.

manages to speak marriage vows twice and Horn once, in both the future and present tenses: but here, at the actual moment of their marriage, the text remains silent. Without these vows, we have no way of knowing if Horn and Rymenhild's marriage is valid. If we assume their marriage vows maintain the same form as their earlier attempts at marriage, then Horn and Rymenhild are not married until they have consummated their vows. Even if we assume they have vowed in the correct present tense, however, the couple's marriage remains in doubt. Alexander also believed that impotence could lead to the annulment of a marriage,[54] and an unconsummated marriage leaves the question of Horn's competency in doubt. One hundred years later, St. Thomas Aquinas interpreted Alexander's ideas about impotence by writing that "consent to marriage could not be genuine consent of it turned out to be consent to a matter of life of which either partner was incapable," which allowed for unconsummated marriages to be annulled.[55]

In Horn and Rymenhild's case, then, we are left with two possibilities. Either Horn never returns to consummate the marriage, in which case Rymenhild could have her marriage annulled, or the two have not successfully completed their marriage at all. In both cases, Rymenhild's status as a virgin princess in an uncertain state of marriage makes her very vulnerable, a fact the romance is quick to point out: when Horn leaves Rymenhild in order to regain his father's kingdom, the text tells us that "Rymenhild hit dere boghte" – she paid a severe penalty for Horn's inaction (1402). After all the vows the text has scripted so far, their absence here renders the status of their marriage deliberately uncertain.

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[54] *Decretum Gratiani,* c.33 q.1 dpc3. *Ecce, quod inpossibilitas reddendi debitum uinculum soluit coniugii*. [Therefore the impossibility of paying the debt dissolves the bond of marriage.]

[55] Brooke, *Medieval Idea of Marriage*, 131.

One of Horn's enemies immediately takes advantage of the precarious situation. Fikenhild, the worst of Horn's companions, gains considerable influence over the court in Horn's absence and demands that Rymenhild marry him. In the absence of Horn, Rymenhild's father does not dare tell him no, even though both he and Fikenhild witnessed Horn and Rymenhild's prior marriage. The unconsummated state of their marriage gives Fikenhild a very strong case to ignore it entirely. Helmholz summarizes this kind of situation as follows:

> Under this [Gratian's] view, if a man contracted one marriage but left it unconsummated, then proceeded to contract a second and consummated it, the second marriage, rather than the first, was the valid one…[in Lombard's view], the prior unconsummated union would prevail over the second consummated match if the first had been contracted by *verba de presenti*; it would not prevail if contracted only by *verba de futuro*.[56]

The poet deliberately denies readers the knowledge of which situation describes Horn and Rymenhild's marriage, but even without that information, Fikenhild poses a serious sexual and political threat. Fikenhild builds a tall stone tower in which to keep his bride, and meanwhile Horn suffers from a terrible dream in which Rymenhild attempts to escape from a sinking ship, but Fikenhild holds her back: "Fikenhild aghen hire pelte / With his swerdes hilte" (1429-30). Augmented by the clearly phallic images of the tower and the sword, Fikenhild is a danger precisely because he might succeed where Horn has failed – he has no kingdom to try and avenge, and no reason to delay consummating his marriage. In his desire to have Rymenhild lie by *a* king, Horn has left her vulnerable to

[56] Helmholz, *Marriage Litigation*, 26.

any king who might claim Rymenhild's maidenhood first. By failing to have sex with Rymenhild, Horn has left her vulnerable to a perfectly legal marriage with someone else.

Rymenhild and the Topos of Misrecognition

Horn's decision not to consummate his marriage with Rymenhild, while dangerous, does set up one final test of his social identity. While Horn has finally become the person he named himself to be in his initial vow with Rymenhild, upon his final return Rymenhild herself must learn to recognize her own husband. For Rymenhild, unlike so many romance heroines, is shockingly bad at recognizing her lover. Her misrecognition of Horn becomes an important topos through the entire romance, so pervasive that it has become a virtual topos in criticism of *Horn* as well.

Within the romance, Rymenhild has three opportunities in which to recognize Horn: first when he arrives in her chamber, second when he returns to rescue her from marriage to King Modi, and finally when he returns to rescue her from marriage to Fikenhild. In the first instance, Rymenhild fails completely to recognize Horn. She begins their love story by mistakenly declaring her love for Athulf, unable to tell the difference between one man and the other until Athulf himself reveals the deception. The second instance prompts John McLaughlin to categorize *Horn* as part of the Return Song tradition, a tale characterized by 1) a ruler's return after long exile, 2) a deceptive story told to test the worthy, 3) delayed recognition through a recognition token, 4) restoration of the ruler to his throne.[57]

McLaughlin's identification of this encounter as a Return Song, however, contains a major flaw. While Horn does return after long exile, tell a deceptive story to

[57] John McLaughlin, "The Return Song in Medieval Romance and Ballad: King Horn and King Orfeo," *The Journal of American Folklore* 88, no. 349 (1975): 304-307.

test Rymenhild's loyalty, present a recognition token and eventually regain his throne, the story does not fit the pattern of the Return Song in one very important aspect: Rymenhild does not recognize Horn, not by any of Horn's many tokens. Horn does not attempt subtlety here: when he approaches Rymenhild at her wedding to King Modi disguised as a beggar, he immediately informs her that he is not a beggar but a fisherman, come to check his net after seven years. In one pointed sentence, Horn directly references both Rymenhild's prophetic dream on the day of his banishment as well as the length of time he asked her to wait for him. He then brazenly proposes a toast to himself: "drink to horn of horne," he proclaims when Rymenhild offers him wine, punning on his own name and the drinking cup made from an animal's horn. Finally, he informs Rymenhild that he has traveled a long way to reach her bridal feast. At this point, Horn has offered enough hints of his identity that Rymenhild's misunderstanding seems impossible. Any romance heroine would correctly identify her lover with so much proof at hand. Howard Nimchinsky claims exactly that, saying that Horn's parable "is not wasted on Rymenhild, who, startled, remembers the prophetic dream she recounted to H[orn] shortly before he went away."[58]

Yet the text makes it quite clear that Rymenhild does *not* recognize Horn, despite the narrative force so powerful that it manages to convince two critics that it actually happened. When Horn relates his tale of fishing, Rymenhild reacts as follows:

> Rymenhild him gan bihelde;
> Hire heorte bigan to chelde.
> Ne knew heo noght his fissing,
> Ne Horn hymselve nothing. 1157-60

[58] Howard Nimchinksky, "Orfeo, Guillaume and Horn," *Romance Philology* 22 (1968): 11.

[Rymenhild looked at him;

Her heart began to grow cold.

She knew nothing of his fishing,

Nor anything about Horn himself.]

Quite clearly, Rymenhild has no idea that the man in front of her is her betrothed. Horn makes one last attempt to reveal his identity to her by dropping the ring that she gave him into the cup from which he drinks. The power attributed to this token convinces yet more critics that recognition has at last taken place: Mary Hynes-Berry notes that "the ring is a literal symbol of love and recognition when it becomes the means by which Rymenhild learns of Horn's presence at the wedding feast with Modi," and Richard Firth Green sums up the episode with the same assumption: "When he [Horn] returns seven years later disguised as an old palmer he reveals himself to her by dropping this ring into her wine goblet".[59]

When Rymenhild discovers the ring, however, rather than recognize Horn she fears that he has died: "sore hure dradde / that Horn isterve were" (1178-9). When she questions the "beggar," Horn spins a deceptive story about meeting a man along the seashore, receiving the ring from him, and then watching his ship sink – a possible reference to Rymenhild's dream of losing Horn to the sea. With each new development in their interaction, the reader expects Rymenhild to recognize her long lost love, but this epiphany never comes. Rymenhild believes the story of Horn's death and tries to commit suicide in her despair. Horn stops her by finally revealing his identity directly: "Quen, so swete and dere, / Ich am Horn thin oghe. / Ne canstu me noght knowe? (1216-18).

[59] Hynes-Berry, "Cohesion," 660; Richard Firth Green, *A Crisis of Truth: Literature and Law In Ricardian England* (Philadelphia: University of Pennsylvania Press, 1999), 270.

[Queen, so sweet and dear, / I am your own Horn. / Do you not know me?] Horn, it seems, is as shocked as we are that Rymenhild does not recognize him. Rymenhild's passionate reaction to the news of Horn's death proves her faithfulness and devotion, much as the steward proves his worth in *Sir Orfeo*, but it does not provide any recognition of his identity.

In fact, Rymenhild remains unsuccessful in recognizing Horn until her third opportunity, after Horn regains his father's kingdom and proves himself the true heir of Suddene by gaining allies and defeating the Saracens. In this encounter, since Fikenhild has enclosed Rymenhild in a tower to preclude Horn from entering as a beggar again, Horn disguises himself as a minstrel instead to gain access to the bridal feast. Once he has arrived, he plays a lai for Rymenhild.

Hi gunne murie singe
And makede here gleowinge.
Rymenhild hit gan ihere
And axede what hi were…
He makede Rymenhild lay,
And heo makede walaway.
Rymenhild feol yswoghe
Ne was ther non that loughe.
Hit smot to Hornes herte
So bitere that hit smerte. 1481-84, 1491-96

[He began to sing merrily
And play the harp there.

Rymenhild began to hear it

And asked what it was…

He made a lay for Rymenhild,

And she made great lament.

Rymenhild fell into a swoon.

There was none there who laughed.

It smote to Horn's heart,

So bitter was that smart.]

The emotion in the song touches everyone in the room ("ne was ther non that loughe"), but Rymenhild feels the effects of the song personally, making her own lament in return and falling into a swoon. It is at this point that she accurately recognizes Horn: she perceives that his music is specifically for her, and responds to it in kind. His song connects him to their shared past, as he learned harping at her father's command under the tutelage of his own steward. With her lament and subsequent swoon, Rymenhild proves that she shares his pain at their separation, as well as his love. By delaying her recognition of Horn until this moment, the text suggests that Rymenhild cannot recognize Horn until he takes on his proper social identity by regaining his father's kingdom. When she recognizes his song, Rymenhild confirms that Horn is, at last, the person she should marry.

After this long-delayed moment of recognition, the romance comes to a rapid conclusion. Within thirty lines Horn recovers his bride, establishes his friends as rulers in the various countries he has conquered, returns to his native country, and makes Rymenhild his queen. After four failed attempts at a complete marriage and the serious

danger of losing Rymenhild for good, the text does not give us a final successful vow, nor does it give us official confirmation that the couple consummates their marriage. The poet tells his readers that Horn and Rymenhild are now dead, but conspicuously does not mention their children or their legacy – an absence that takes on particular weight given that *King Horn*'s French source, the *Roman de Horn*, concludes with the author's promise that his own son will continue to write the adventures of Horn's children. Following thousands of lines of speculation about Horn and Rymenhild's marital status, the poet chooses at the last to leave his audience unsatisfied.

Fourth Lateran and *King Horn*

King Horn presents a marriage contract prolonged, contorted, and continually disrupted by circumstances both within and without the sphere of the couple involved. Yet it is also a marriage initiated by a woman who clearly understands many of the requirements for marriage, and completed by a man capable of manipulating the language of his vow in order to achieve the results he wants. While the interludes within their prolonged contract do balance the romance's martial episodes, the sheer number of failures by two competent individuals demands a better explanation.

The marriage decrees of Fourth Lateran make this last point perfectly clear. Redefining incest (Canon 50), banning clandestine marriages (Canon 51), and legislating against false witness (Canon 52) all insist upon a known and public identity for each person who wishes to get married. From each of these canons, then, we may derive the supposition that the community can better validate a marriage than individuals alone (ideally, from the Church's perspective, a community of their choosing) and is therefore better suited to control this transition from one set of social persons to another. *King*

Horn's continued failed marriage attempts, however, reveal that it is not always a simple task to know or understand a person's social relationships. Horn and Rymenhild's long, complicated path to marriage exposes the flaws inherent in each of Fourth Lateran's canons relating to marriage.

Horn is forcibly separated from his family and taken in as a foundling, with his history and family completely unknown. In a different story, this could easily prefigure an incestuous relationship, either with a biological or spiritual relation – as John Boswell points out, medieval authors had a "considerable preoccupation…with incest in relation to abandonment."[60] Oedipus and the medieval Judas are foundlings, as are Sir Degare and Sir Degarébel (son of Sir Eglamour), medieval romance heroes who both marry their mothers by mistake (although unlike Oedipus and Judas, they do not consummate the relationship). Even holy texts are not exempt from this theme: in medieval tradition, St. Alban and Pope Gregory are both foundlings who commit incest with their mothers. *King Horn* even sets up the possibility of this plot development by keeping Horn's mother alive, hidden in a cave back in his homeland. While *Horn* never explores this potential, it clearly presents a situation in which no amount of publicity or posting of the banns can definitively keep Horn safe from the possibility of incest. As a foundling in a foreign land, the only person who can give honest testimony to Horn's ancestry is Horn himself. In addition, the testimony we do see from someone who knew Horn as a child is manifestly a lie: Fikenhild swears that Horn has slept with Rymenhild while knowing full well that Horn is innocent. Fikenhild's testimony stems from hatred and self-interest, yet King Alymar accepts it as fact. Despite Canon 52's insistence upon the necessary

[60] John Boswell, *The Kindness of Strangers: the Abandonment of Children In Western Europe From Late Antiquity to the Renaissance* (New York: Pantheon Books, 1988), 373.

qualities allowing a witness to testify credibly, Fikenhild's actions reveal the obvious problem that no proclamation actually prevents someone from lying if he chooses. In this way, Fikenhild also helps demonstrate the fallacy of Canon 51: prohibiting clandestine marriage should ideally solve problems like incest, parental disapproval, and bigamy, but it cannot when the community itself is ignorant. No one in Alymar's court seems capable of judging Fikenhild's truthfulness correctly, nor of approving the marriage between Horn and Rymenhild.

In this situation, then, Horn and Rymenhild are not simply the best but also the only capable judges of the validity of their marriage, and the only people capable of establishing each other's social identity. Together, Horn and Rymenhild contract a marriage that would be impossible for anyone around them to confirm or attest to. The final silence regarding Horn and Rymenhild's consummation of their marriage underlines the failures of canon law to regulate their relationship and emphasizes the limitations of its power. Despite Fourth Lateran's attempt to tighten the Church's control over marriage, Horn and Rymenhild's marriage provides as test case in which only they are capable of validating their own marriage - separate from and unconcerned with the authority of the church.

Chapter Two:
The Unwilling Wife: *The Shipman's Tale* and the Problem of Marital Rape

In the last thirty years, Chaucer's fabliaux have undergone a transformation in the eyes of literary critics, especially regarding the tales' treatments of sex and sexual desire. Whereas previous generations had dismissed the sexual encounters in fabliaux as mere bawdy entertainment, scholars today have begun to take seriously the often virulent misogyny and sexual violence against the women of Chaucer's fabliaux.[61] In general, however, this trend has not extended to *The Shipman's Tale*. In fact, when compared to Nicholas's violent advances towards Alisoun in *The Miller's Tale*, Malyne's delayed and dubious consent in *The Reeve's Tale*, and May's suspicious silence in the face of her husband's desire in *The Merchant's Tale*, a fabliau in which a wife cheerfully and consensually arranges her own extra-marital affair *and* enjoys sex with her husband may come as a distinct relief. Certainly many scholars have thought so: Kathryn Jacobs even argues that the wife's affair in *The Shipman's Tale* improves her marriage with her husband by placing the two on a more equal footing.[62]

Jacobs's conclusion that a marriage is improved by adultery would be unthinkable in a romance, in which adultery, however celebrated (as with Lancelot and Guinevere or Tristan and Isolde), has disastrous consequences for the adulterous lovers' spouses, but it is far less strange in a fabliau. Fabliaux operate under their own set of rules, rewarding cleverness and quick thinking rather than conventional morality. As Glenn Wright suggests, "it is the *a*morality of the fabliau, not its often-decried immorality, that is

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[61] For a discussion of sexual violence in *The Miller's Tale*, see Corinne Saunders, *Rape and Ravishment in the Literature of Medieval England* (Rochester, N.Y., 2001), 298-99; for *The Reeve's Tale*, Nicole Nolan Sidhu, "'To Late for to Crie': Female Desire, Fabliau Politics, and Classical Legend in Chaucer's *Reeve's Tale*," *Exemplaria* 21, no. 1 (2009): 3-23; for *The Merchant's Tale*, Saunders, *Rape and Ravishment*, 295-98 and Jill Mann, *Geoffrey Chaucer* (London: Harvester Wheatsheaf, 1991), 64-70.

[62] Kathryn Jacobs, *Marriage Contracts from Chaucer to the Renaissance Stage*, (Gainesville, F.L.: University of Florida Press, 2001), 15-27.

central to the genre."[63] In this chapter, I argue that it is precisely this disconnect from the social values of its day that allows *The Shipman's Tale* to theorize deeply about the connection between violence and sex, especially marital sex, that features so prominently in the fabliaux as a whole. By exchanging a conventional, scripture-based model of sex for a deliberately amoral alternative, fabliaux provide the mental and moral flexibility to imagine a solution to the problem of nonconsensual marital sex. In contrast to *The Merchant's Tale*, I argue that *The Shipman's Tale* exposes the violent ideology underlying scriptural beliefs about marital sex and suggests an alternate model for marriage that opens up the possibility of marital rape.

Marital Rape and the Conjugal Debt

> "Another cause is to yelden everich of hem to oother the dette of hire bodies, for neither of hem hat power of his owene body." - *The Parson's Tale* (X 859)[64]

Scholars of medieval literature are comfortably familiar with the concept of conjugal debt, a phrase derived from Paul's first letter to the Corinthians and paraphrased by Chaucer above: "The wife hath not power of her own body, but the husband. And in like manner the husband also hath not power of his own body, but the wife. Defraud not one another, except, perhaps, by consent, for a time..."[65] Guided by this passage, theologians figured marital sex as a debt that each partner continually owed to the other, to be continually paid at either spouse's demand. A wife's body belonged to her husband, to be used whenever he pleased, and the same held true in reverse.[66]

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[63] Glenn Wright, "The Fabliau Ethos in the French and English Octavian Romances," *Modern Philology* 102, no. 4 (2005): 485.

[64] All quotations are from *The Riverside Chaucer*, ed. Larry D Benson, 3rd ed. (Boston: Houghton Mifflin, 1987).

[65] 1 Cor. 7:4-5a, Douai-Rheims.

[66] For a detailed examination of the origins of conjugal debt, see Charles J. Reid Jr., *Power over the Body, Equality in the Family: Rights and Domestic Relations in Medieval Canon Law* (Grand Rapids, Wis., 2004), 110-16.

In theory, this system made sexual relations an area of radical equality between husband and wife, who each could demand payment of the debt at any time. In practice, medieval writers had no trouble imagining that one spouse might call upon the debt with far more frequency than the other. Such inequality is the stuff of fabliaux, which mockingly portrayed husbands, whether due to age, impotence, or lack of skill, as unable to satisfy the desires of their lusty young wives. For Chaucer, such out of control female desire takes the shape of the Wife of Bath, Alisoun of *The Miller's Tale*, May of *The Merchant's Tale*, and the merchant's wife of *The Shipman's Tale*. These women, who often invoke conjugal debt as the rationale for their sexual behavior, suggest that the hilarious unintended consequence of Paul's formulation of marital sex is that wives will inevitably cuckold husbands who cannot pay their debts.

Outside of the fabliaux, however, medieval writers across genres reveal a different side of conjugal debt. In saints' lives, romances, and religious writings, writers took up the problem of what to do with a spouse who genuinely did not want to pay the marriage debt. Contrary to the lusty women of fabliaux, in virtually all of these cases, the imagined unwilling spouse is the wife. Saints' lives present women who pray to angels to protect them from their amorous husbands, like Chaucer's Cecelia, or who barely manage to escape family-sanctioned forced sex, as in the account of Christina of Markyate. Josian, the female protagonist of the romance *Beves of Hamtoun*, takes the extreme measure of murdering her unwanted husband in their marriage bed. Meanwhile, the rare male unwilling spouse, like St. Alexis, simply flees his marriage, and is in no danger of his wife taking advantage of him.

The question of what to do with a spouse who was genuinely unwilling to pay the marriage debt has roots as far back as the fifth century. In *De bono coniugali,* Augustine maintained that it was the duty of each partner to consent to sexual relations, even unwillingly, in order to keep his or her spouse from the sin of fornication.[67] He concluded that since sex for purposes other than procreation was a sin (although a venial rather than mortal sin when performed within a marriage), the ideal behavior for a Christian spouse was to renounce his or her own claim on conjugal debt while still rendering it when asked.[68] Augustine's position, however, takes each partner's inherent (and sinful) desire to have sex for granted, and so does not consider what steps a spouse should take if his or her partner attempted to deny the debt.[69]

Medieval theologians continued to discuss conjugal debt in terms of a reluctant obligation into the twelfth century. Over the next hundred years, that language began to shift, positioning the debt instead as a right of marriage rather than a duty. By the thirteenth century, spouses could take each other to court to demand the restoration of conjugal rights (usually in cases of abandonment). [70] While canonists and scholastics alike disagreed about when exactly when a spouse's obligation to render the conjugal

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[67] "So when a husband seeks from his marriage, or a wife from her husband, the means not of begetting children but of coping with weakness and lack of self-control, they should not in either case deny this to each other, for the danger is that at Satan's prompting they may as a result stoop to depravities which bring damnation through a lack of control on the part of one or both of them." Augustine, *De Bono Coniugali: De Sancta Uirginitate,* ed. and trans. by P.G. Walsh (Oxford: Clarendon Press, 2001), 15.

[68] "Intrinsic to the character of marriage is the refusal to demand [sexual intercourse] oneself, but also a willingness to grant it to one's spouse, so that he may not sin mortally through fornication." *De Bono Coniugali*, 25.

[69] For further discussion of Augustine's views on marital sex, see Elizabeth Clark, "Adam's Only Companion: Augustine and the Early Christian Debate on Marriage," *Recherches Augustiniennes* 21 (1986): 139-62; Philip L. Reynolds, *Marriage in the Western Church: The Christianization of Marriage during the Patristic and Early Medieval Periods* (Leiden: E.J. Brill, 1994), 241-311; Willemien Otten, "Augustine on Marriage, Monasticism, and the Community of the Church," *Theological Studies* 59, no. 3 (1998).

[70] For a thorough discussion of the theological writers and canon laws that led to this conclusion, see Reid, *Power over the Body*, 110-16.

debt first came into being, all parties agreed that once a couple had consummated their marriage, that first act of consent implied the same consent to all subsequent acts of marital sex.[71] As Charles Reid summarizes, "the content of the *ius coniugale* is the expectation that each part will be obeyed…the right of one spouse to demand the debt correlated strictly with the other spouse's obligation to render it."[72]

In light of this understanding of marital sex, the impossibility of marital rape in the Middle Ages becomes clear. While in today's courts instances of marital rape can be prosecuted, no such possibility existed in the fourteenth century. If a husband's body belonged to his wife, and a wife's to her husband, then no possible use of that body could be termed rape. Ruth Mazo Karras asserts that not only the term but also the concept did not exist in medieval literature:

> What we would call marital rape seems notably absent in medieval sources. They, of course, would not call it marital rape even if it were present, because for them rape was the taking by violence of something that did not belong to the rapist. In the case of a husband, his wife's body, or at least sexual rights to it, did belong to him. But medieval people still would have seen that it was possible for a husband

[71] Twelfth- and thirteenth-century theologians were sharply divided as to whether or not sex was required for a valid marriage. Gratian insisted upon consummation as part of an indissoluable marriage, while Peter Lombard maintained that only consent created a marriage. The position that prevailed combined the two: that a valid marriage must consist of *either* present tense vows *or* future tense vows followed by sexual intercourse. See also Chapter One, pages 44-45. This compromise position still did not answer the question of when the conjugal debt came into being. Honorius argued that conjugal debt only applied after the first act of consummation, while Bernard of Pavia maintained that it came into being as soon as the bride was handed over. See Reid, *Power Over the Body;* Helmholz, *Marriage Litigation in Medieval England*, James A. Brundage, "Implied Consent to Intercourse," in Angeliki E. Laiou, ed., Marriage in Ancient and Medieval Societies (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 1993), 246-48; Conor McCarthy, *Marriage in Medieval England: Law, Literature and Practice* (Woodbridge: Boydell Press, 2004).

[72] Reid, *Power over the Body*, 116.

> to compel his wife by violence to have sex with him, and we do not see that happening.[73]

While Karras is correct that literature does not provide us with overt examples of what we would now term marital rape, the concept is not entirely missing from medieval sources: in *The Canterbury Tales* alone, Cecelia would not have to tell Valerian that an angel watches over her and will kill him if he approaches her if she did not fear the possibility of his violent advances, Januarie fantasizes about the violence he will inflict on his new bride, and the Wife of Bath tells fond remembrances of her husbands who died after her eager seeking of the marriage debt, before telling a tale about a knight who makes a bargain under pain of death to go to his marriage bed. The possibility of violence, it seems, always underlies the supposed equality of conjugal debt.[74]

The potential for violence within the payment of the marriage debt became a serious problem for many theologians, as the logic that made marital rape impossible led to uncomfortable conclusions. The anonymous summa *'Induent Sancti'* argued that if a husband used force against his wife in order to have sex with her, he did not sin, since she was bound by marriage to render the debt – on the contrary, her resistance to his advances was a sin.[75] Thomas Aquinas presented a more sympathetic view of the resistant wife, but he nevertheless maintained the primacy of a husband's sexual rights. When considering the case of a man who forced his virgin bride to have sex with him,

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[73] Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing Unto Others* (New York: Routledge, 2005), 86.
[74] For the relationship between sex and violence towards women in medieval texts, see Saunders, *Rape and Ravishment*; Elizabeth Ann Robertson and Christine M Rose, *Representing Rape In Medieval and Early Modern Literature (*New York: Palgrave Macmillan, 2001); Carolyn Dinshaw, *Chaucer's Sexual Poetics* (Madison, W.I.: University of Wisconsin Press, 1989); Kathryn Gravdal, *Ravishing Maidens: Writing Rape in Medieval French Literature and Law* (Philadelphia: University of Pennsylvania Press, 1991); Anna Kłosowska, ed., *Violence Against Women In Medieval Texts* (Gainesville, F.L.: University of Florida Press, 1998).
[75] Reid, *Power over the Body*, 112.

Aquinas concluded that "the man who is just married has, in virtue of the betrothal, a certain right in her: wherefore, although he sins by using violence, he is not guilty of the crime of rape."[76] Complicating the issue of the wife's desire further, a husband's own desire could also be figured as paying the conjugal debt to his wife – i.e., a function of her desire instead of his. Aquinas also claimed that a husband should pay the debt to his wife even when she did not ask him to:

> By the payment of the debt a remedy is afforded against the wife's concupiscence. Now a physician who has the care of a sick person is bound to remedy the disease without being asked. Therefore the husband is bound to pay the debt to his wife although she ask not for it. Further, a superior is bound to apply a remedy for the sins of his subjects even though they rebel against it. But the payment of the debt on the husband's part is directed against the sins of his wife. Therefore sometimes the husband is bound to pay the debt to his wife even though she ask it not of him.[77]

A wife would not ask for the debt as often as she desired it, Aquinas explains, but instead would remain "silent through shame." The presumed insatiable female sexual appetite here binds women irrespective of actual spoken words or actions: if a woman asked for sex, it was because she burned with lust, but if she did not, then she felt ashamed of her desires and the husband should have sex with her anyway. Aquinas not only frees a husband from the sin of rape when violently coercing his wife, but also suggests that his wife may very well want him to do so.[78]

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[76] *Summa Theologiae, Secunda Secundae Partis*, 154, a 7, ad 4.
[77] *Summa Theologiae, Supplementum Tertiae Partis,* 64, a 2, *corpus.*
[78] For further discussion of Aquinas and marital sex, see Kari Elisabeth Børresen, *Subordination and Equivalence: the Nature and Role of Women in Augustine and Thomas Aquinas* (Washington, D.C.:

As the above discussion suggests, each medieval theologian who took it upon himself to explain the implications of paying the conjugal debt devoted his energies to the problem of a wife who did not wish to have sex with her husband, rather than the reverse: a telling absence in a literary tradition filled with stereotypes of women as insatiably lecherous. While fabliaux are full of wives who want more sex than their husband can provide, instances of husbands who are truly unwilling, rather than unable, to have sex are quite rare, mostly limited to saints' lives and cults surrounding virgin kings. In Dyan Elliott's *Spiritual Marriage*, she observes that "although theoretically available to either sex, spiritual [chaste] marriage was most frequently identified as a female religious practice" and that "the husband generally only complied with his wife's request after his will had been broken by external forces."[79] Out of the ninety couples she lists which are on record as living together chastely (some, she admits, possibly fictional), only nineteen such arrangements were initiated by the husband. Men who were unwilling to consummate their marriages generally fled before the wedding night, or in one extreme example, a husband murdered his wife because she would not agree to live chastely with him.[80] In no cases did the husband have sex against his will.

In theology and in the imaginations of medieval writers, then, forcing a spouse to pay the marriage debt remained the prerogative of the husband. Even in a culture which embraced fabliaux involving women so desperate for sex that they actively encouraged their own rapists, we do not see a debate concerning a wife's course of action if her husband refuses sex with her, even as that same problem was seriously discussed in

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University Press of America, 1981); Pierre J. Payer, *The Bridling of Desire: Views of Sex in the Later Middle Ages* (Toronto: University of Toronto Press, 1993), 79-83.

[79] Dyan Elliot, *Spiritual Marriage*, 11, 55.

[80] Ibid., 104, 29n42.

reverse.[81] The medieval understanding of rape here clearly haunts the writings about conjugal debt – only the problem of an unwilling wife, not husband, needed to be considered, because only men were considered able to take their right by force.

The conclusions we can draw from the writings of the canonists are twofold: one, while these writers considered the idea of an unwilling wife an interesting theological issue, they also saw her potential objections as ultimately irrelevant. The conjugal debt meant that a spouse could not morally or legally refuse to have sex when his or her partner asked, and if not freely renounced by both partners, it could be dissolved only by a spouse's death. Two, despite the unquestioned authority of a husband over his wife's body, the continued return to the worrisome possibility of sexual violence (if not rape) within marriage marked the unwilling wife as an area of great cultural discomfort. For Chaucer, this anxiety registers most strongly in *The Merchant's Tale*.[82]

"But God woot what that May thought in hir herte"

The sexual economy of conjugal debt takes pride of place in *The Merchant's Tale.* The tale begins with the introduction of our required stock character of the fabliau - the old, impotent husband. The suggestively named Januarie decides that after a lifetime of lechery, it is at last time for him to take a wife. Januarie specifically formulates this decision in terms of the conjugal debt:

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[81] See "De la damoiselle qui sonjoit," in *Fabliaux Et Contes Des Poétes François Des Xi, Xii, Xiii, Xive Et Xve Siècles,* edited by Étienne Barbazan and Dominique Martin Méon (Paris: B. Warée oncle, 1808), 455-57.

[82] I recognize here that I ignore the much-commented upon explicitly threatened rapes in *The Canterbury Tales* - the knight's rape of the maiden in *The Wife of Bath's Tale*, the grisly murder of Virginius's daughter to preserve her chastity in *The Physician's Tale,* and the attempted rape of Constance in *The Man of Law's Tale* the most familiar. None of these violent attacks, however, take place *within* a marriage, and neither do they question the rights of husbands to their wives' bodies – the knight rapes the maiden, but does not deny his responsibility to have sex with the old woman after their marriage (hence his extreme distaste), *The Physician's Tale* insists that the proper place for sexual "boldness" in Virginia is "whan she woxen is a wyf" (VI 71), and Constance denies her rapist access to her body but still bears her husband a son. By considering violent sex between spouses, *The Merchant's Tale* considers the problem of violent sex from a different angle.

Men sholde wedde, and forthermoore woot I
Ther speketh many a man of mariage
That woot namoore of it than woot my page
For whiche causes man sholde take a wyf.
If he ne may nat lyven chaast his lyf,
Take hym a wyf with greet devocioun,
By cause of leveful procreacioun
Of children to th'onour of God above,
And nat oonly for paramour or love;
And for they sholde leccherye eschue,
And *yelde hir dette whan that it is due.* (IV 1442-52, emphasis mine)

The perks of having a young wife, Januarie argues, are the possibility of having children and the pleasure of paying the marriage debt. Despite his pious lip service to the possibility of producing children for the honor of God and eschewing lechery, Januarie clearly desires to marry for the sake of easy access to sex. Moreover, he fundamentally misunderstands the doctrine of lust within marriage: "A man may do no synne with his wyf, / Ne hurte hymselven with his owene knyf," Januarie later argues, expressing his belief that marriage negates the sinful effects of lust (IV 1839-40). The obvious logical problems aside, *The Parson's Tale* makes sure to assert just the opposite: "God woot, a man may sleen hymself with his owene knyf" (X 859).[83] The conjugal debt, here figured by Januarie as a sin-free pass to all the sex he could possibly desire, instead opens Januarie up to more sin, as he can indulge his lust whenever he desires. Januarie's foolish

[83] For commentary on this parallel, see Conor McCarthy, "Love, Marriage, and Law: Three Canterbury Tales," *English Studies* 83, no. 6 (2002): 510-11.

ideas about marriage make him an object of ridicule long before any affairs take place. Larry Benson points out that *The Merchant's Tale* is twice as long as any of its analogues, and over a third of that length focuses on Januarie's delusions about the married state.[84] If this tale will truly reveal to the rest of the pilgrimage the "care and oother sorwe" (IV 1213) that stems from marriage, as the merchant claims in the tale's prologue as the result of his own wife's shrewishness, Januarie's foolishness suggests that such "sorwe" originates from the husband as much as from the wife.

Januarie's inevitable "sorwe" in marriage does not take long to materialize. In order to enjoy the marriage debt, Januarie chooses a young and beautiful woman named May as his bride. The tale comments that Januarie chooses her "of his owene auctoritee" (IV 1597), ignoring the better counsel of the well-meaning Justinius, who argues against taking a young wife. His friends, once convinced they cannot talk Januarie out of his decision, then negotiate the marriage on his behalf.

> They wroghten so, by sly and wys tretee,
> That she, this mayden which that Mayus highte,
> As hastily as evere that she myghte
> Shal wedded be unto this Januarie.
> I trowe it were to longe yow to tarie,
> If I yow tolde of every scrit and bond
> By which that she was feffed in his lond,
> Or for to hernen of hir riche array.
> But finally ycomen is the day

[84] Larry Dean Benson, *The Literary Context of Chaucer's Fabliaux: Texts and Translations*, (Indianapolis: Bobbs Merrill, 1971), 204.

That to the chirche bothe be they went

For to receyve the hooly sacrement. (IV 1692-1702)

At no point in this discussion does Januarie, or any of his friends, question whether May wants to marry him. Januarie's choice of a wife has always been exactly that – his free choice of any unmarried woman in the town. This in itself is unremarkable in a fabliau, which takes the marriage of the young girl to the old man as a welcome and familiar jest. What makes this marriage stand out in *The Merchant's Tale*, however, is that Chaucer does not allow this well-trodden topos to be so lightly overpassed. The merchant's account of Januarie's marriage foregrounds precisely what the marriage lacks – May's free consent. After 400 lines of Januarie's excitement and desire for this marriage, the narrative deliberately leaves out any hint of May's desires. Instead, all we know is that May is convinced "by sly and wys tretee," a phrase that does not inspire confidence in May's free consent to or enthusiasm for this marriage. The tale emphasizes May's lack of agency again after Januarie goes blind. Worried that his wife will cuckold him while he cannot see her, Januarie tries to convince May to remain faithful to him by reiterating his power to choose her: "thenk how I thee chees" (IV 2165). Januarie's choices, he implies, ought to have more weight over May's behavior than her own desires.

If Chaucer's description of the wedding glosses over the issue of May's consent, the bridegroom's behavior on his wedding night makes those problems explicit. Januarie eats and drinks only aphrodisiacs in preparation for his marriage bed, eagerly anticipating the payment of the marriage debt. The poem also describes exactly how Januarie conceives of his marital duties:

But natheless yet hadde he greet pitee

That thilke nyght offenden hire moste he,
And thoughte, "Allas! O tender creature,
Now wolde God ye myghte wel endure
Al my corage, it is so sharp and keene!
I am agast ye shul it nat susteene.
But God forbade that I dide al my myght! (IV 1755-61)

Januarie's attitude here is obviously played for laughs, inviting the reader to make fun of the impotent old man thinking about how much sex he's about to have. But Januarie is depicted here also as a husband who genuinely believes that he will – or at least that he could – physically harm his wife by having sex with her, and not only believing that it is his right, but that it is his responsibility before God to do it. Januarie is also, for all his talk of pity, unquestionably aroused by the thought of such violence. "Now wolde God that it were woxen nyght, / And that the nyght wolde lasten everemo" (IV 1762-3), he says afterwards, wishing for even more time in which to assault his new bride. His use of aphrodisiacs, another jab at his age-induced impotence, also marks his willingness and enthusiasm to inflict violence – even if his body fails him, Januarie insists upon medicinal remedies to restore his capability for what he imagines will be sharp, painful penetration.

In contrast to Januarie's eagerness, we are told that "the bryde was broght abedde as stille as stoon" (IV 1819). May expresses no eagerness to enter her husband's bed, and certainly no pleasure. While May's reluctance does perform the typical fabliaux moves of both humiliating the aged Januarie and playing up her own youthful sexual appetite ("she preyseth nat his pleyying worth a bene"[IV 1854]), the narrative still refuses to let go of

the question of May's consent. After Januarie happily goes to sleep, the merchant tells us "But God woot what that May thought in hir herte" (IV 1851). The merchant, who expressly relates all of Januarie's pleasure in his spouse and his wedding night, cannot tell his audience what May thinks about either.

Of course, in a larger sense, the thoughts of May's heart are irrelevant. Corinne Saunders points out that May's acceptance here, while not "active consent," is still an irrevocable part of the marriage contract.[85] Later on in the tale, when Januarie decides he wishes to pay the marriage debt, the tale explicitly points out that according to the logic of conjugal debt, May must obey regardless of her feelings on the matter.

> Anon he preyed hire strepen hire al naked;
> He wolde of hire, he seyde, han som pleasance;
> He seyde hir clothes dide hym encombraunce,
> And she obeyeth, *be hire lief or looth*. (IV 1958-61, emphasis mine)

Here Chaucer does not express anything new or revolutionary. On the contrary, all women were supposed to pay the marriage debt whenever asked, whether they liked it or hated it, and Januarie does nothing wrong in insisting on his marital rights. But this tale does not allow the reader to skim lightly over the issue of consent in marriage. Over and over again, *The Merchant's Tale* foregrounds May's unwillingness, her lack of active consent, and her unhappiness. Even when May herself talks about her marriage, she couches it in language that highlights the ambiguity of her consent:

> "I have," quod she, "a soule for to kepe
> As wel as ye, and also myn honour,
> And of my wyfhod thilke tender flour,

[85] Saunders, *Rape and Ravishment,* 296.

Which that I have assured in youre hond,

Whan that the preest to yow my body bond." (IV 2188-2)

The way May relates her marriage, she did not marry Januarie. Instead, the priest bound her body to him. Her view of marriage is entirely sexual, centered upon Januarie's control of her body. Her consent is now taken for granted, in a manner that comes close to equating conjugal debt with sexual slavery. May's body is enslaved to her husband's lust "be hire lief or looth," and no one in the tale, especially not Januarie, seems to care which it is. In this way, the tale makes it very clear that a husband's desires take precedence over a wife's pain - in fact, that the model of conjugal debt is predicated upon this precise lack of agency. Januarie can do whatever he likes to May, regardless of whether she wants it or not, because she owes him a debt that constantly renews itself and can never be fully paid. While the tale never officially terms Januarie's actions as rape, May's clear unwillingness to sleep with her husband, combined with her later enjoyment of having sex with Damian, registers a deep uneasiness with the problem of consent within marriage.

May's affair with the squire Damian, however, adds another factor to the issue of May's sexual consent. Critics willing to express sympathy for May's unsuitable marriage and sexual torment have tended to change tacks after May's adultery. Elizabeth O'Neill epitomizes this view when she writes that, "Many readers have pointed out that we feel sorry for May only until we realize that she will not put up much of a fight about marrying rich old January, and that she does not take much urging to carry on a romance beginning with love letters in the 'pryvee'(4.1954) and climaxing with hasty sex in a tree

(4.2352-52)."[86] Joseph Parry likewise suggests that at first the tale presents May as an object of pity, especially as it becomes clear that Januarie enjoys the thought of the pain he plans to inflict upon his young bride, but concludes that May's "grotesque" adultery ultimately renders Januarie a pathetic rather than villainous character.[87] The lesson is clear: May remains sympathetic only as long as she appears the innocent virgin, drawn in by an old and undesirable man.

This point becomes clearer in light of the Pluto and Proserpine episode that concludes the tale. At the climax of May and Damian's affair, the god and goddess of the underworld observe their adulterous actions in the pear tree and swear to intervene. Pluto, in sympathy to Januarie, vows to restore his sight immediately, so he can see the injury done to him. Proserpine retorts that in defense of women, she will ensure that May has the right words to placate Januarie, so she will not be blamed for the affair. Elizabeth Simmons-O'Neill, in examining forty-nine versions of the pear tree story, notes that God and St. Peter are the most common intercessors, delivering the overt moral that women should not be trusted.[88] Chaucer alters these Biblical intercessors in favor of pagan gods, ones whose marriage bears specific resemblances to Januarie and May's. Critics have long noted that like the tale of Januarie and May, the myth of Pluto and Prosperine centers upon an old husband and an unwilling young wife.[89] Proserpyne's story, however, is explicitly coded as rape. The merchant tells us that Pluto had "ravysshed" his

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[86] Elizabeth Simmons-O'Neill, "Love in Hell: The Role of Pluto and Proserpine in Chaucer's *Merchant's Tale*," *Modern Language Quarterly* 51, no. 3 (1990): 405. See also Benson, *The Literary Context of Chaucer's Fabliaux*, 238.

[87] Joseph D. Parry, "Interpreting female agency and responsibility in the 'Miller's Tale' and the 'Merchant's Tale'", *Philological Quarterly* 80, no. 2 (2001): 153.

[88] Simmons-O'Neill, "Love in Hell," 391-2.

[89] See especially Mortimer J. Donovan, "The Image of Pluto and Proserpine in the *Merchant's Tale*," *Philological Quarterly* 36 (1957): 49-60; Simmons-O'Neill, "Love in Hell," 389-407; Karl P. Wentersdorf, "Theme and Structure in the *Merchant's Tale*: The Function of the Pluto Episode," *PMLA* (1965): 522-527.

young bride out of her home and taken her in "his grisely carte" (IV 2230, 2233). While May instead marries Januarie under the auspices of the Church, Pluto's *raptus* of Proserpine finds an echo in May's obvious distaste with her husband and the tale's deliberate silence on the topic of her consent.

For many critics, however, these parallels ultimately lead to the tale's condemnation of May, not Januarie, and certainly not of rape. Saunders agrees that the inclusion of Pluto and Proserpina provides "a disturbing subtext," but also argues that the rewriting of the myth in *The Merchant's Tale*, which casts Pluto as a beleaguered and long-suffering husband under the thumb of his shrewish wife, in fact condones and excuses both rape narratives by misogynistically making the rapists the objects of pity.[90] Alternatively, Susan Hagen contends that the comedy she presumes necessary within a fabliau depends upon its readers not taking the rape narrative seriously. Specifically, when Januarie worries aloud about his abilities to hurt May in bed, we must instead remember May's youth and her voracious sexual appetite, "for if we really thought [Januarie] could "manace" or "offenden" her this passage would not be funny; it would be frightening in either its threats or its distaste."[91] Hagen continues, "if we pity May in her marriage to this hoary old knight, it is not because we believe she is innocent and January's lust will offend her; it is because we assume he will leave her eternally unsatisfied."[92]

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[90] Saunders, *Rape and Ravishment*, 297. Donovan, on the contrary, argues that the text condemns Januarie's treatment of May: "the display of affection after marriage is so forced as to make her appear the object of a *raptus* as real as Proserpine's" ("Image of Pluto and Proserpine," 52).

[91] Susan Hagen, "Chaucer's May, Standup Comics, and Critics," in *Chaucer's Humor: Critical Essays*, edited by Jean E. Jost, (New York: Garland, 1994), 129.

[92] Hagen, "Chaucer's May," 133.

Yet if we read May's adultery backwards into Januarie's treatment of her on her wedding night, retroactively excusing his violent desires in light of May's eventual betrayal, we ignore the real horror of his casual attitude towards the possibility of hurting his wife, made the more so because it is so accepted by his friends and by critics today. In our eagerness to condemn May's adultery, we gloss over the critical difference between sex with Januarie and sex with Damian – only one involves May's explicit consent. The implicit assumption of Hagen's argument – that if Januarie were physically able to carry out his plans to "manace" his young bride, she would enjoy it – ignores one of the central principles of this fabliau: not all sex acts are equivalent. May must endure sex with Januarie "be hire lief or looth," but she enjoys the prospect of sex with Damian. Desiring sex, the tale insists, does not mean that one desires all partners indiscriminately. May's lack of agency within her marriage does not disappear simply because she expresses sexual desire for someone else.[93]

Ruth Mazo Karras remarks that in the literature of the Middle Ages, "many depictions of rape do not so much make women complicit as make women's consent irrelevant."[94] While Karras refers to texts that evidence no difference between a rape and voluntary extramarital behavior, her assessment fits disturbingly well with accounts of marital sex. *The Merchant's Tale* elides May's consent within her marriage because her consent is irrelevant. May's silence in the marriage negotiations, including the ceremony itself, along with the merchant's refusal to convey her thoughts, all point to the simple truth that it does not matter what she or any other wife thinks of her husband's sexuality. Januarie has done nothing legally wrong in marrying or in having sex with May, and in

[93] The implication in this argument that someone who enjoys sex cannot be raped is self-evidently flawed.
[94] Karras, *Sexuality in Medieval Europe*, 113.

terms of Januarie's demands for May to pay the conjugal debt, their marriage looks like any other marriage. Given those facts, Januarie's acts cannot possibly be rape - and yet the tale insists on the similarity here between Proserpine and May, playing up the violence with which both were taken into marriage. By making this comparison, accompanied by a prolonged obfuscation of May's active consent, the tale drags conjugal debt into the open and exposes the violence inherent within it. If Proserpine's abduction can be seen as a rape, then so too can May's marriage. If so, then sex in any marriage is suddenly suspect, despite all legalities to the contrary. Seen in this way, the adulterous ending of *The Merchant's Tale* is less a humorous tale of a wife who cuckolds her husband and gets away with it and more a triumphant account of a woman who rediscovers her own sexual agency in the wake of legalized sexual violence.

"Namoore! By God, ye have ynough!"

The problem of marital rape expresses itself differently in *The Shipman's Tale*. Unlike *The Merchant's Tale, The Shipman's Tale* has not inspired a great deal of critical speculation about the nature of medieval marriage or conjugal debt. While the tale does feature a married couple, very little of the tale focuses on their relationship, and unlike Januarie, the merchant husband receives scant description. The cast of characters – miserly husband, frustrated wife, and clever monk – guarantees an adulterous liaison, and the couple's marriage fades in comparison to the lively trickery instigated by the lovers to carry out their affair. Why, then, should we think about marriage at all in this context? Is the merchant and his wife's relationship even important *as* a marriage, outside of providing us with our necessary stock players?

I argue that from its opening lines, *The Shipman's Tale* invites us to consider precisely this question. Consider these lines from the beginning of the tale:

> The sely housbonde, algate he moot paye,
> He moot us clothe, and he moot us array,
> Al for his owene worshipe richely,
> In which array we daunce jolily.
> And if that he noght may, par aventure,
> Or ellis list no swich dispence endure,
> But thynketh it is wasted and ylost,
> Thanne moot another payen for oure cost,
> Or lene us gold, and that is perilous. (VII 11-19)

These lines establish the genre of the tale as a fabliau, and they also embed the tale within the misogamist rhetoric of *The Wife of Bath's Prologue* and *The Merchant's Tale*. The idea that wives plague their husbands with unreasonable requests for money and rich clothing finds support from any number of clerical sources, most famously Jerome in *Adversus Jovinianus*. The merchant himself then goes on to repeat the "wisdom" of Theophrastus, quoted with great approval by Jerome, that a wife will not manage her husband's goods to his best interests, take care of him while ill, or remain faithful to him. These lines, so reminiscent of the Wife of Bath's comments about how she verbally abused her husbands for the sake of money and expensive clothing, establish right from the beginning that this marriage is far more concerned with the transfer of property than with emotional or spiritual feeling. Even as a negative exemplar, however, the beginning

of the tale asks its readers to start thinking about the roles of men and women within marriage.

After the tale's quick establishment of both genre and cast of characters, the plot of *The Shipman's Tale* falls easily into the pattern of "the lover's gift regained." In tales of this type, which typically involve a love triangle ending in adultery, the hopeful lover offers a gift to a married woman in exchange for sex, but then connives a way to have his gift returned to him, neatly escaping any personal loss. Traditionally in these tales, the lover gets away freely, the wife must face the choice between repaying the gift and admitting to adultery, and the husband remains blissfully unaware. Certainly this is the case in the two closest extant analogues to *The Shipman's Tale,* the first two tales recounted on day eight of Boccaccio's *Decameron*.[95] In the second story of the eighth day, which like *The Shipman's Tale* involves a wife's adultery, a gift exchanged for sex, and a lover's trick, a priest offers his "fine blue cloak" to a farmer's wife in order to have sex with her, since he cannot raise the money she demands for her services. After he has slept with her, he sends a messenger back with a mortar that he had borrowed from the wife on a previous occasion, along with the request that she return the cloak he left as surety. By arranging his delivery to be made in the presence of her husband, who is outraged that his wife has demanded surety of a priest and instantly demands that she give the cloak back, the priest ensures that the wife cannot protest her loss.

[95] For the debate on whether Chaucer was familiar with *The Decameron*, see Richard Guerin, "The *Shipman's Tale*: The Italian Analogues," *English Studies* 52 (1971): 412-19, and Peter G. Beidler, "Just Say Yes, Chaucer Knew the *Decameron*: Or, Bringing the *Shipman's Tale* out of Limbo," in *The Decameron and the Canterbury Tales: New Essays on an Old Question*, ed. Leonard Michael Koff and Brenda Deen Schildgen (London, 2000), 25-36. Guerin also suggests Sercambi's *Novella* 19 as a possible source for Chaucer, although Beidler argues that the text is too late for Chaucer to have known it. For the purposes of this article, I am more interested in the evidence that Chaucer was deviating from a well-known plot than in the specific texts from which he drew inspiration.

The first story from the eighth day differs slightly in its motivation, as the soldier who falls in love with a merchant's wife becomes disgusted with her when she demands money in return for her favors, but the structure remains quite similar. The lover borrows the money from the woman's husband, uses it to pay her for sex, and then informs her husband that he has already repaid the debt to the husband's wife. Since the soldier pays her in front of a witness, the wife cannot deny having received the money and has no choice but to give it to her husband. In each of these tales, it is the wife who suffers, and the reason is made quite explicit in the first story of day eight. Boccaccio's narrator announces that it is her "pleasure to relate [a trick] played by a man upon a woman…to commend the man and blame the woman" in order to counteract the many tales in which an immoral woman tricks a man.[96] As Albert Silverman explains, the wife in the "lover's gift regained" plot structure always comes out at a loss because she "loses virtue and gains nothing."[97]

This basic truth of the "lover's gift regained" motif is turned on its head in *The Shipman's Tale*. The majority of the structure remains the same: the merchant's wife sleeps with a monk in exchange for money to repay her debts, the monk borrows the sum from her husband, then informs her husband that he has already repaid his debt to his wife. It is when the husband asks his wife to return the borrowed money that *The Shipman's Tale* departs radically from its traditional underpinnings. Faced with the choice between admitting adultery and giving up her payment, the wife boldly creates a third option. She tells her husband as much of the truth as will not decidedly incriminate

[96] Giovanni Boccaccio, *The Decameron*, ed. Mark Musa and Peter E. Bondanella, (New York: Norton 1982), 365.
[97] Albert H. Silverman, "Sex and Money in Chaucer's *Shipman's Tale*," *Philological Quarterly* 32 (1953): 331.

her – she does not have the money, she thought it was a gift for her array (and therefore a means to increase her husband's standing in the community), and she will not be giving it to him. Then, in a stunning move that has inspired the majority of the analytical work centering around *The Shipman's Tale*, she offers her body as repayment in the form of sex, ironically repeating the adulterous trade in which she has just been engaged. Unlike the women in *The Decameron*, the wife escapes any punishment for her actions, and the fabliau rewards her for her quick thinking by allowing her to escape with both the money and her husband's trust.

Yet despite the tale's lack of condemnation of her actions and the overall amoral ethos of the fabliau, most scholars of *The Shipman's Tale* have latched onto this moment as the key to unlocking the tale's moral stance. Critics tend either to blame her actions, seeing her promiscuity as symptomatic of the terrible mercenary world created by the merchant class and the rise of nascent capitalism, or praise her for proving she has the business sense to match her husband's.[98] But in a world dominated by the fabliau ethos, the wife's virtue is surely immaterial. Even the host's poor attempt at a moral ("Draweth no monkes moore unto your in" [VII 442]) elides the question of the wife's virtue entirely, focusing only on what the cuckolded husband has done wrong. In the context of the genre, not only does worrying about the wife's virtue seem a mistake, but it also

[98] For the first perspective, Silverman, "Sex and Money," 329-336, John Finlayson, "Chaucer's *Shipman's Tale*, Boccaccio, and the 'Civilizing' of Fabliau," *Chaucer Review* 36 (2002): 336-51; and Helen Fulton, "Mercantile Ideology in Chaucer's *Shipman's Tale*," *Chaucer Review* 36 (2002): 311-28. For the second, see Kathryn Jacobs, "Rewriting the Marriage Contract: Adultery in the *Canterbury Tales*," in *Marriage Contracts from Chaucer to the Renaissance Stage* (Gainesville: University Press of Florida, 2001), 15-24; Lianna Farber, "Precarious Value in Chaucer's *Shipman's Tale* and *Franklin's Tale,*" in *An Anatomy of Trade in Medieval Writing: Value, Consent, and Community* (Ithaca, N.Y.: Cornell University Press, 2006), 68-79, and Cathy Hume, "Domestic Opportunities: The Social Comedy of the "Shipman's Tale," *Chaucer Review* 41.2 (2006): 138-162.

distracts from the important effects that the wife's actions have in restructuring her marriage.

When the wife first offers her body for sex within the tale, the exchange, though adulterous, is relatively simple. From the wife's perspective, the monk has offered payment for something he would not normally have access to – her body. Many critics have noted that in this exchange, the merchant loses twice: first his money, and then his wife, as both are unquestionably part of the merchant's property. William Woods argues that in addition to sex, the wife "has also sold a part of the merchant's possessions; for she herself is part of the household, a necessary part of his 'array.'"[99] Bernard Levy remarks that the wife has "borrow[ed] her body from her husband" to repay her debts and congratulates the wife on her business acumen.[100]

Yet if the wife had no right to sell her husband's property to the monk, she likewise had no right to sell it to her husband. The merchant already owns his wife's body. He has no need to exchange anything for sex with her, and certainly not money; in fact, in a culture steeped in the concept of conjugal debt, the notion of a husband having to pay for access to his wife's body is little short of ludicrous.[101] Moreover, this new bargain violates the legal principal of coverture, in which the husband and wife were considered legally a single person. William Blackstone explicated these details of coverture in his commentaries on English law:

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[99] William F. Woods, "A Professional Thyng: The Wife as Merchant's Apprentice in the *Shipman's Tale*," *The Chaucer Review* 24 (1989): 146.
[100] Bernard S. Levy, "The Quaint World of 'The Shipman's Tale'," *Studies in Short Fiction* 4 (1967): 116.
[101] Silverman recognizes this when he calls the merchant the "real victim," who ends up "ridiculously accepting his own wife's favors as compensation" ("Sex and Money" 331), but he does not follow the consequences of that acceptance to its logical conclusion.

> "For this reason, a man cannot grant any thing to his wife, or enter into covenant with her: for the grant would be to suppose her separate existence, and to covenant with her, would be only to covenant with himself: and therefore it is also generally true, that all compacts made between husband and wufe, when single, are voided by the intermarriage."[102]

Yet this new covenant is exactly what happens in *The Shipman's Tale*. The wife's bargain flies in the face of the structure of the marriage contract itself, as it implies that her body in exchange for a monetary debt is a legitimate repayment: something it can only be if the wife's body belongs to herself. The wife has not "borrowed" her body from her husband, she has stolen it – and he has not only accepted but also sanctioned the loss. Far from Murray Copland's assumption of the merchant's increase in sexual "wynning" due to his wife's "ingenious credit-system" for sex,[103] or Finlayson's confident assertion that within the tale "no one loses," the merchant has in fact lost significantly in this final exchange: he has bargained away his free right to his wife's conjugal debt.[104] The "ingenious credit-system" that Copland speaks of is no less than the merchant now having to pay for a good that he had previously enjoyed free of cost.

This vital point about the wife's lack of ownership of the service she wishes to sell to her husband has been overlooked by critics, largely because the wife's bargain with her husband has been seen less as a sale and more as a transfer of debt. In particular, Woods calls this exchange a transformation of debt, concluding that the wife can

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[102] William Blackstone, *Commentaries on the Laws of England: A Facsimile of the First Edition of 1765-1769* (Chicago, 1979), 1:430. See also Elizabeth Fowler, "Civil Death and the Maiden: Agency and the Conditions of Contract in *Piers Plowman*," *Speculum* 70 (1995), 770-85.
[103] Murray Copland, "*The Shipman's Tale*: Chaucer and Boccaccio," *Medium Aevum* 35 (1966), 23.
[104] John Finlayson, "Chaucer's *Shipman's Tale*, Boccaccio, and the 'Civilizing' of Fabliau," *Chaucer Review* 36 (2002), 347.

legitimately repay her monetary debt by simply converting it into a debt she already owes: "she converts the loan by paying her *marriage* debt."[105] Finlayson summarizes this view neatly by observing that "the lascivious reader is left to wonder how many marital conjunctions equal the hundred franc extra-marital act."[106] The nature of conjugal debt, however, renders this comparison both impossible and invalid. Because of the reciprocal nature of the debt, the acts of owing and paying were of necessity fulfilled simultaneously. Conjugal debt was a closed system: continually owed and continually rendered, it is therefore impossible to quantify in the way Finlayson suggests. To make this point more clear, imagine you and a partner have agreed to a legally binding contract in which you must buy each other lunch on any day that either person wishes. If you then lend your friend money for dinner, it would be senseless for that friend to attempt to convert his debt for dinner into the lunch debt that you both owe each and every day. More to the point, it would be senseless for you to accept this bargain, because you have lost something measurable – the dinner that is not part of your bargain – and gained nothing, because all lunches already belong to you. The wife cannot meaningfully "convert" her monetary debt into her conjugal debt, and her husband can only accept such an attempted conversion as a loss. The only way the wife's payment could be valid is if her body belonged to herself (to "suppose her separate existence," in Blackstone's words), and by accepting that payment, her husband validates that claim.

The consequences of this radical reversal of conjugal debt, moreover, have deeper implications than the cuckolding and loss of one merchant. Nor is the merchant's punishment simply the fulfillment of the fabliau convention that the cuckolded husband is

[105] Woods, "A Professional Thyng," 148.
[106] Finlayson, "Civilizing of Fabliau," 347.

humiliated while the wife escapes freely. With her bargain, the wife has destroyed her old marriage contract and constructed a new one. As Peter Nicholson observes, when the wife tells her husband to "score it upon my taille" (VII 416), "the terms she proposes amount to a new contract of marriage in which both rights and duties are carefully prescribed."[107] Finlayson recognizes that the merchant's marriage "thereafter will consequently be placed on a strictly materialistic basis."[108] This new contract not only gives the wife control of her own sexuality, able to demand monetary compensation for an act she previously had to render freely, but most dramatically changes the face of marriage itself by opening the door to a whole new category of marital relations. In one masterful stroke, the wife transforms herself from a commodity, a good that her husband has purchased once by marriage and can enjoy any time he pleases, into a service, for which the husband must pay each time he wishes to enjoy it. This transformation opens for the first time the possibility of sex *within marriage* to which a husband is not entitled; that is, sex that the husband has not paid for. That kind of sex, according to the concept of conjugal debt, did not exist. Even while recognizing forced sex as a sin of violence, it was still not possible to recognize it as rape, since a husband was always entitled to marital sex. *The Shipman's Tale*, by turning sex into a service rather than a commodity, questions that basic assumption. If there can exist a marriage in which sex must be paid for, then sex that is not paid for within that marriage is an infringement upon the rights of the other individual. Under the terms of the original marriage contract, the wife's cry of "Namoore! By God, ye have ynough!" (VII 380) in response to her husband's enthusiastic desire for sex when he returns home from his trip has no real hope of

[107] Peter Nicholson, "*The Shipman's Tale* and the Fabliaux," *ELH* 45 (1978): 592.
[108] Finlayson, "Civilizing of Fabliau," 347.

success. In this new contract, however, it might be possible that the next time the wife says "namoore!" that her husband might actually be obligated to stop – or at the very least, to compensate her first.

Within the merchant's marriage in *The Shipman's Tale*, the concept of marital rape becomes possible. The preexisting societal tension between the right of conjugal debt and the reality of violent, coerced sex that we see in *The Merchant's Tale* here finds a tentative solution, as the tale suggests that there could be instances in which a husband's sexual rights would actually be in the wrong. By convincing her husband to allow her to repay a monetary debt with sex, the wife effectively negotiates away her husband's right to the conjugal debt, insisting instead that access to her body must be paid for. Examining *The Shipman's Tale* in this way, we see that the nature of this change to the merchant's marriage reveals a real cultural anxiety about the potential abuses of conjugal debt. In her radical re-negotiation of her marriage contract, the merchant's wife creates an entirely new category of sexual relations within marriage, opening up the imaginative space necessary for a conception of marital rape.

As unprecedented as the merchant's wife's new contract is, the space she opens up in *The Shipman's Tale* remains, in the end, purely a literary one – in medieval law courts (and many contemporary ones), marital rape remained an unthinkable possibility. Yet the fabliau, in its blithe overturning of and indifference to marital norms, provides the reader with the opportunity to explore possibilities outside of the constraints of medieval law. In the literary space of *The Shipman's Tale*, the careful reader can see the gaps that open up in the merchant's wife's renegotiation of marital sex, and perhaps, like her, can imagine an entirely new relationship between married men and women.

Chapter Three:
Marriage in Saint's Lives: *Sponsa Christi et Sponsa Hominis*

Married saints occupy a peculiar position among the lives of the saints. The vast majority of saints are unmarried virgins, and female saints especially derived their sanctity by heroically preserving their virtue against both attempted rapes and forced marriages (which would have been considered very different circumstances in the Middle Ages).[109] The rare saints who did marry, such as Alexis or Cecelia, almost invariably did so under protest and subsequently convinced their spouses to join them in renouncing sexual intercourse and living holy, chaste lives.[110] In fact, saints are far more likely to undergo a mystical marriage to Jesus (the *sponsa Christi* motif) than to marry a human spouse.

The typical saint's life, therefore, would seem to have little to say about marriage as it was generally practiced by medieval Christians, most of whom did marry other Christians and engage in sexual intercourse. Although some men and women did attempt to model their marriages after those found in saints' lives, the Church discouraged such exact imitation by emphasizing the exemplary (and inimitable) nature of such saints.[111] Yet marriages in saints' lives, both to God and to human spouses, still invoke the particularities of canon marriage law, suggesting that these marriages provide a function for their readers beyond mere admiration. In these lives of married saints, readers

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[109] For more on this subject, see Ruth Mazo Karras, *Sexuality In Medieval Europe: Doing Unto Others* (New York, NY: Routledge, 2005); Angeliki E. Laiou, *Consent and Coercion to Sex and Marriage In Ancient and Medieval Societies* (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 1993); Charles J. Reid, *Power Over the Body, Equality In the Family: Rights and Domestic Relations In Medieval Canon Law* (Grand Rapids, Mich.: Eerdmans, 2004).

[110] See especially Dyan Elliott, *Spiritual Marriage: Sexual Abstinence In Medieval Wedlock (*Princeton, N.J.: Princeton University Press, 1993).

[111] *Spiritual Marriage*. Elliott examines both literary and legal records to find examples of chaste marriages, and concludes that saints' lives of virgin spouses encouraged women to stay in unwanted marriages rather than leave them, based on the hope that they might convert their spouses to chastity.

experience a literalization of the doctrine that held that married persons participated in the marriage of Christ and the Church, as the saints negotiate competing vows to become both spiritual and human spouses. In this way, saints' lives participate in and respond to the protracted battle about the sacramentality of marriage, drawing out the consequences of the shift in marriage's definition for more ordinary lay marriages.

In the first several centuries after the advent of Christianity, virtually all female saints were virgins, and most took on the persona of a *sponsa Christi* – a bride of Christ, rather than a bride of man.[112] St. Cecelia, one of the only early saints to marry a human partner, likewise remained a virgin by convincing her husband to live chastely with her. The emphasis on virginity in these lives accorded with the Catholic doctrine that the spiritual bride of Christ, the Church as a whole, was likewise a virgin.[113] By the end of the twelfth century, however, the cast of characters available for the role of *sponsa Christi* began to expand, heavily influenced by Bernard of Clairvaux's popularization of spousal imagery in his sermons on the Song of Songs.[114] Marriages in saints' lives were no longer exclusively between a saint and God, as married women – even sexually active ones – began to claim the title of spouse as their own. Some, like Humiliana of Cerchi, were said to have regained their virginity by the power of God's love and their own contrition; others, like Bridget of Sweden, did not bother. However, as Elliott remarks, what she refers to as the "democratization of the bridal persona" does have its limits: in all cases, the non-virgin bride is no longer sexually active.[115] If a widow, she resists

[112] St. Anne, mother of the Virgin, and Mary Magdalene are rare but notable exceptions.
[113] This reasoning also explained why men who married a widow could not later enter the priesthood: by spiritually joining themselves to a non-virgin, they had rendered themselves unfit to imitate Christ and spiritually join with the virgin Church. .
[114] See Dyan Elliott, *The Bride of Christ Goes to Hell: Metaphor and Embodiment In the Lives of Pious Women, 200-1500* (Philadelphia: University of Pennsylvania Press, 2012), 171-73.
[115] Ibid., 218.

suggestions of remarriage; if still married, she convinces her husband to swear a vow of chastity with her.

In fact, the restriction is narrower even than Elliott suggests. After the expansion of the bridal role in the thirteenth century, no Middle English female saint, regardless of vows of chastity or virginal status, refers to herself as a *sponsa Christi* while her husband is still living. Consider for example the life of St. Cecelia, most well-known from Chaucer's *Second Nun's Tale*. In most respects, Cecelia exactly resembles other female virgin saints who proclaim their mystical marriage to Christ: she dedicates herself to Christ at an early age, prays to maintain her virginity, and successfully preserves her virginity for Christ by converting her husband both to Christianity and chastity on their wedding night. Descriptions of her beauty, fortitude, and perseverance in the face of torture mirror those of *sponsa* St. Katherine of Alexandria, who inspired Catherine of Siena to pray for a mystical marriage of her own. At the very least, Cecelia appears to more closely resemble a *sponsa Christi* than Bridget of Sweden, who is referred to as "spouse" throughout her *vita* after her husband's death despite having borne eight children for him. Yet Chaucer at no point refers to Cecelia as a bride of Christ, instead addressing her as Christ's servant or thrall ("thee serveth ay thyn owene thral Cecile" (196)). This peculiarity holds true for other married saints as well: Julian and Bassilissa and Crysanthus and Daria are married virgins, and none of them identify as brides of Christ in their Middle English lives. If we take these saints' lives as our example, it seems that marriage to a human spouse, even a sexless one, precludes marriage to Christ.

At first, this absence may seem unremarkable. Bigamy was (and is) an unacceptable practice in the Church, apparently even when the second marriage was to

Christ himself. It makes less sense, however, when considered alongside the theology of marriage as a sacrament. Marriage was considered a sacrament because it mirrored the union of Christ and the individual soul, allowing both partners to mystically participate in the wedding of Christ and his church. Therefore, the marriage ceremony itself joined a person both with their chosen spouse and with Christ, through the outpouring of grace in the sacrament. By this logic, there should be no reason a married saint with a living spouse could not identify as a bride of Christ. More to the point, this exact situation occurred without theological difficulty in the real world: husbands and wives could, by mutual agreement, separate and enter religious life as priests, monks, nuns, or anchoresses, all of whom could take on the bridal persona. Canon law made it very clear that such couples were still married, despite their separation, and apparently saw no reason why that pre-existing marital bond should impede, for example, a woman from taking vows as an anchoress (provided her husband had agreed). Yet such a possibility does not seem to exist in Middle English saints' lives, in which women do not take on the bridal persona until after their husbands have died.

We can trace the source of this absence to two key conversations about marriage theology: first, the debate over the precise nature of the sacramentality of marriage in the twelfth and thirteenth centuries, and second, the desire to preserve a husband's domination over his wife in marriage. In saints' lives designed for lay piety, these two disparate areas converged in an unexpected way. The desire to keep the second sacrosanct undercut the first, exposing a deep discomfort with the theology of marriage as a sacrament: one we can see lived out in the *Book* of a would-be saint, Margery Kempe. Kempe's book reveals a fault line in the theology of marriage that would ultimately

inspire Protestant leaders like Martin Luther to strip marriage of its sacramentality after breaking with the Catholic Church.

Marriage as Sacrament

In the fifth century, the Catholic Church had a problem with marriage. St. Paul had attested in his first letter to the Corinthians that virginity was the ideal state of being for mankind, a concept that seemed confirmed by the Church's assurance that both Christ and his mother Mary, whom Christians were meant to imitate in their everyday lives, had preserved their virginity until death. If virginity were superior, then it was a small step to declare marriage inferior, even sinful, as the Manicheans believed.[116] Even when not considered through a heretical lens, marriage did not enjoy a particularly rosy reputation with many theologians: when the monk Jovinian wrote a treatise at the end of the fourth century that declared married persons of equal merit with virgins, his work inspired Jerome to write a blistering response (*Adversus Jovinianum*) that praised virginity, denounced marriage, and declared Jovinian's views heretical. Yet perpetual virginity was not a palatable goal for most of the people who composed the Church's body, many of whom, like the Wife of Bath, preferred barley bread. Practical considerations such as reproduction and inheritance likewise ensured that in order to provide a feasible model for lay piety, the Church needed to recuperate the reputation of marriage for Christians. Only then might marriage be an acceptable state for those most holy members of the Church: the saints.

Into this charged environment stepped St. Augustine, who in the first decade of the fifth century wrote "On the Good of Marriage" (*De bono coniugale*). Seeking a

[116] For more on the Manichean heresy, see Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation In Early Christianity* (New York: Columbia University Press, 1988), 390-92.

middle ground between Jovinian and Jerome, Augustine famously argued that "Marriage and fornication are not two evils, whereof the second is worse: but marriage and continence are two goods, whereof the second is better."[117] The goods of marriage, he continued, were threefold: the potential for children (*bonum prolis*), the fidelity of the couple to each other (*bonum fidei*), and the permanent marital bond (*bonum sacramenti*). In the centuries that followed, Catholic writers on the subject of marriage more or less accepted Augustine's formulation of the three goods of marriage wholesale, along with his insistence that marriage be considered a "good." The precepts that married couples should seek to produce children and remain faithful to one another encountered little opposition. It was Augustine's formulation of the third good, however, that instigated centuries of vigorous debate: the issue of whether marriage should be considered one of the sacraments.

The question of marriage's place among the sacraments of the New Law occupied medieval writers for centuries. Augustine, in his term for the third good of marriage, referred to marriage as a *sacramentum*, in deference to Ephesians 5:32 ("*sacramentum hoc magnum est ego autem dico in Christo et in ecclesia*").[118] This term did not refer to a "sacrament" in the fullest theological sense (which was itself a matter of intense debate), but to the indissolubility of the marriage bond. Later writers clearly understood this, and writers on both sides of the disagreement marshalled the intended significance of Augustine's *sacramentum* to their cause.[119] The argument continued for over seven

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117 Non ergo duo mala sunt connubium et fornicatio, quorum alterum peius, sed duo bona sunt connubium et continentia, quorum alterum est melius. Augustine, *De bono coniugale*, ed. J. Zycha, in *Opera Sancti Aureli Augustini*, *CSEL* 41:347-410 (Prague, Vienna, and Leipzig, 1900).

118 "This sacrament (or mystery) is great, but I speak of Christ and the Church." For Augustine, see *De nuptiis et concupicentia*, CSEL 42, 1.11.

119 See Seamus P. Heaney, *The Development of the Sacramentality of Marriage from Anselm of Laon to Thomas Aquina*s (S.T.D. diss; Washington, D.C.: The Catholic University of America Press, 1963), 132-

hundred years, spawning accusations of heresy at every new turn in its development. Even when theologians in the twelfth century at last seemed to agree that marriage belonged with the other sacraments, they did not agree on the nature of the sacrament: Peter Lombard differentiated marriage from the other sacraments by arguing that it alone did not confer grace.[120] One hundred years later, a council of Franciscan monks at the University of Paris accused Peter Olivi of heresy for expressing Lombard's opinion,[121] and the matter was not completely settled until 1563, when the Council of Trent officially defined marriage as a sacrament that did convey grace.

Why did the question of marriage as a sacrament inspire so protracted and volatile a debate? If we consider the writings at the center of this debate, it becomes clear that the crux of the difficulty rested with extreme clerical anxiety over marital sex: an anxiety that also explains why so few married persons, especially non-virgins, became saints. Marriage, according to most legal and popular understandings, implied consent to sexual intercourse. When considered in conjunction with St. Paul's admonition that men should marry only if they could not overcome their sinful feelings of lust, it was difficult to argue that an institution that legitimized sex could possibly convey the same kind of sacramental relationship as, for example, the Eucharist. How could something as holy as grace accompany something as sinful as sex, and how could a saint blamelessly take part in such a relationship?

136, and Philip Reynolds, *Marriage In the Western Church: the Christianization of Marriage During the Patristic Medieval Periods* (Leiden: E.J. Brill, 1994), 280-311.

[120] Iam ad Sacramenta novae legis accedamus, quae sunt baptismus, confirmation, panis benedictionis id est eucharistia, poenitentia, unction extrema, ordo, coniugium. Quorum alia remedium contra peccatum praevent, et gratium adiutricem conferunt, ut baptismus; alia in remedium tantum sunt, ut coniugium, alia gratia, et virtute nos fulciunt, ut eucharistia et ordo. Peter Lombard, *Sententiae in IV libris distinctae*, ed. The Father of the College of St. Bonaventure (Rome, 1971-1981), IV, d2 c1.

[121] David Burr, *The Persecution of Peter Olivi* (Philadelphia: American Philosophical Society, 1976), 44.

Peter Olivi, writing in the thirteenth century, spells out this sexual anxiety clearly. He argues that since virginity is a higher state than matrimony (an uncontested point), it makes no sense for marriage to be considered a sacrament if virginity is not, as that would place a non-sacramental status above a sacramental one. Therefore, he reasons, if marriage must be a sacrament, then it should be considered so only as a lesser sacrament than virginity. If marriage as a sacrament did convey grace, then it must be a lesser grace than that granted to virgins: and since virginity was not a sacrament, this implied marriage could not, in fact, convey grace.[122] Finally, Olivi asks, if marriage did convey grace, then by what act was that grace conveyed? It could not result from the blessing of a priest, like the Eucharist or baptism, since priests did not have to be present in order to speak wedding vows. It could not result from the vows spoken by the couples themselves, or else individuals could give themselves grace, when grace could only be given by God. The sexual act itself clearly could not provide grace – on the one hand, sex was inherently sinful; on the other, if sex somehow conveyed grace, then Mary and Joseph, the most famous married couple of all, could not have received it. Olivi therefore concludes that if marriage were a sacrament, it must not convey grace.

In response to Olivi's work, a group of seven Franciscans met at the University of Paris in 1283 and produced the Letter of Seven Seals (*Littera septem sigillorum*), which unequivocally condemned his errors. Regarding his views on marriage, the letter asserted "that marriage is a sacrament of the new law which confers grace. To affirm the contrary is erroneous, to sustain it is heretical, to question it is illicit."[123] David Burr notes that

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[122] Ibid., 45.

[123] "Littera septem sigillorum," *Archivum Fransciscanum Historicum* 47 (1954): 51-53, quoted in David Burr, "Olivi on Marriage: the Conservative as Prophet," *The Journal of Medieval and Renaissance Studies* 2, no. 2 (1972): 183-204.

Olivi's position on marriage was the only belief, in the twenty-two issues brought up by the letter, to be condemned as heretical. Olivi worked under the shadow of this condemnation for the rest of his career, and the controversy over his orthodoxy lasted thirty years after his death.[124]

Olivi's condemnation as a heretic illustrates the sweeping changes occurring in the twelfth and thirteenth centuries regarding the nature of the sacraments. Only a century and a half earlier, Peter Lombard had engaged with similar doubts about grace within marriage, and he did not face such opposition. Ironically, it was the Lombard's own work that caused Olivi so much damage. Lombard's *Libri IV Sententiarum* was the first to bring together all seven sacraments of the contemporary Catholic Church and label them as a unified group. He also provided the new working definition of the word *sacrament*: "Sacramentum enim proprie dicitur quod ita signum est gratiae Dei, ei invisibilis gratiae forma, ut ipsius imaginem gerat et causa existat" (Something can be properly called a sacrament if it is a sign of the grace of God and a form of invisible grace, so that it bears its image and exists as its cause).[125] Under this formulation, a sacrament of the New Law (under which heading the Lombard includes marriage) must be both sign *and cause* of grace. Peter Lombard hedged his definition by classifying marriage as a sacrament of the Old Law kept in the New Law, but this compromise position did not last for long.[126]

Thomas Aquinas follows up on this controversy in the following century. Aquinas notes the contradiction in the Lombard's work, but comes to a different conclusion about grace within marriage than Olivi. The *Libri IV Sententiarum* had been assigned as the

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[124] Burr, "Olivi on Marriage," 184.
[125] Peter Lombard, *Sententiae in IV libris distinctae*, ed. The Father of the College of St. Bonaventure (Rome, 1971-1981), d.I, c.3, 4.
[126] Thomas Aquinas, *Commentum in quatuor libros sententiarum Petri Lombardi*, in *Opera Omnia*, vol. 6-7 (Parma: Petrus Fiaccadori, 1856-58), d.26 q.2 a.1 ad.4.

official textbook of the University of Paris in 1230, and as such, by Aquinas's time the Lombard's grouping of seven sacraments and his definition of *sacramentum* were more or less unquestioned. Aquinas is therefore forced by Lombard's own definition to come to a conclusion that the Lombard himself denies – that marriage, as a sacrament, must convey grace.[127] The logic that led to this conclusion rested not so much upon the holiness of the marital bond, which theologians still viewed with the ingrained suspicion that accompanied all sexual acts, but upon the development of sacramental theology. This development firmly rejected Peter Lombard's suggestion that there might be separate classes of sacrament, and instead insisted that all sacraments must adhere to the same definition, ironically established by Lombard: sacraments were both sign and cause of grace. The roundabout method of reaching this conclusion ultimately made no difference to its power – now, men like Peter Olivi could be accused of heresy for questioning that grace was conveyed in marriage.

This firm conclusion led to two related conclusions about marriage. First, if marriage conveyed grace, then marriage must be indissoluble. Just as the spiritual marriage of Christ and the Church could never be severed, so should the carnal marriage of man and woman remain forever joined. Aquinas makes just this point in his *Summa contra gentiles*:

> Et quia sacramenta efficiunt quod figurant, credendum est quod nubentibus per hoc sacramentum gratia conferatur, per quam ad unionem Christi et Ecclesiae pertineant…Quia igitur per coniunctionem maris et feminae Christi et Ecclesiae

[127] See also Payer, *The Bridling of Desire: Views of Sex in the Later Middle Ages* (Toronto: University of Toronto Press, 1993); John Witte, *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville, Ky.: Westminster John Knox Press, 1997); Heaney, *The Development of the Sacramentality of Marriage.*

> coniunctio designatur, oportet quod figura significato respondeat. Coniunctio autem Christi et Ecclesiae est unius ad unam perpetuo habendam. Necesse est igitur quod matrimonium, secundum quod est Ecclesiae sacramentum, sit unius ad unam indivisibiliter habendam. Et hoc pertinet ad fidem, qua sibi invicem vir et uxor obligantur.
>
> And because the sacraments effect what they figure, one must believe that in this sacrament grace is conferred on those marrying, and that by this grace they are included in the union of Christ and the Church…Since, then, the union of husband and wife gives a sign of the union of Christ and the Church, that which makes the sign must correspond to that whose sign it is. Now, the union of Christ and the Church is a union of one to one to be held forever. Necessarily, then, matrimony as a sacrament of the Church is a union of one man to one woman to be held indivisibly, and this is included in the faithfulness by which the man and wife are bound to one another.[128]

That marriage should be indissoluble had been a precept since even before Augustine defined the *bonum sacramenti* as the third good of marriage, but prior to the conclusion that marriage conveyed grace, married couples did have limited options to separate: for instance, one of the spouses could unilaterally enter religious life if the marriage had not been consummated.[129] Now those options were firmly closed. Second, if marriage conveyed grace, then it participated in, rather than just symbolized, the marriage of Christ and the Church. It therefore became even more important to subordinate woman to man

[128] Aquinas, *Summa contra gentiles*, 4.78.
[129] *Spiritual Marriage*, 142-46. A bride or groom had two months post-marriage to enter religious life if it had not been consummated. If it had been, or if more than the two months had passed, neither spouse could enter religious life without the other's agreement.

in marriage. Just as Christ was head of the church, participation in the divine marriage meant that man was now sacramentally bound to act as head of his wife. Magister Simon's *Tractatus de sacramentis* helps demonstrate this point: he argues that marriage is a sacrament because the same three conditions for the union of consent in marriage are found in the union of Christ and the Church. These conditions are the union of wills, mutual love, and the proper submission of the wife to the husband ("In eo per quod fit, tria requirit: voluntatis unionem, mutuam dilectionem, viri erga mulierem protectionem mulieris erga virum debitam subiectionem").[130] These two conclusions had lasting consequences for the portrayal of marriage in saints' lives.

Lives of Married Saints[131]

JULIAN AND BASILISSA: PRE-SACRAMENTAL MARRIAGE

The legend of Julian and Basilissa dates back to the sixth century, although the saints themselves were supposed to have lived in the fourth century. Around 990 CE, Aelfric translated this life from Latin into Old English, as part of his wide-ranging project to excite the faith of laypeople in England.[132] Julian and Basilissa are one of three married couples that Aelfric chooses as especially suited to inspire lay piety.[133] The couple's life appears in Old English long before the "democratization" of the bridal role, and certainly before the Church instituted marriage as one of the sacraments. Their life therefore provides a critical look into how married saints negotiated their vows to each

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[130] Magister Simon, *Tractatus de sacramentis*, 47. Cited in Heaney, *The Development of the Sacramentality of Marriage*, 25.

[131] While perhaps the most famous example of married saints is Mary and Joseph, their marriage is a special case and beyond the scope of this work.

[132] This project included 26 saints' lives and homilies in the vernacular, written in the 990s. For more information, see *Ælfric's Lives of the Virgin Spouses with Modern English Parallel-text Translations: Julian and Basilissa, Cecilia and Valerian and Chrysanthus and Daria*, ed. Robert Upchurch (Exeter: University of Exeter, 2007), 1-3.

[133] The others (Crysanthus and Daria, Cecelia and Valerian) will be addressed below.

other and to God before the complicating factor of marriage as a sacrament. It is also the only Old English life featuring a pair of married saints to have no counterpart in Middle English, which may suggest that its particular view of married sanctity became less palatable in later generations.

According to Aelfric's *Life*, Julian lived in Antioch in the fourth century. Born to a noble Christian family, Julian decides at eighteen that he wants to remain a virgin ("bæd þone ælmihtigan Crist þæt he his clænnysse geheolde"). When his family asks him to marry, he prays for seven days to maintain his chastity, at the end of which God appears to him and reveals that Julian's prayers have been granted: God will send him a virgin to marry who will agree to live chastely with him. In addition, God will extinguish all desire for her from Julian's body. When his chosen bride Basilissa arrives and the two marry, their bridal bed exudes the scent of lilies and roses, which inspires Basilissa to desire to live chastely as well.

Basilissa's conversion to chastity provides our first look at the potential problems that arise from depicting marriage to a human spouse simultaneously with a marriage to God. Basilissa at first does not believe that such a thing is possible: "And me nu ne lyst nanes synscipes ac þæs hælendes geþeodnysse mid gehealdenre cleannise" (And now marriage is not pleasing to me *but rather* union with the Savior with chastity preserved).[134] In this formulation, marriage is opposed to union with Christ, which Basilissa now prefers to her already-accomplished marriage to Julian. Julian replies by assuring his bride she can have both: "Gif wit þurhwuniað on ansundum mægðhade and hine clænnysse lufiað, þonne cume wit to his rice and wit ne beoð totwæmede ac a to

[134] All Old English text and translations in this section come from *Ælfric's Lives of the Virgin Spouses*, ed. Robert Upchurch.

worulde blyssiað" (If we continue in uncorrupted virginity and love him purely, then we will come to his kingdom and we will not be separated but will rejoice forever). Basilissa then vows to remain a virgin, explicitly on account of the promise that she may have the Savior as a bridegroom ("Hælend to brydguman"). Following Julian's explanation, their bed shakes, a bright light appears, and both Christ and the Virgin Mary appear before them to bless their marriage.

After receiving dramatic and divine approval of their vows of perpetual married virginity, Julian and Basilissa spend the rest of their *Life* living out Augustine's three goods of marriage. In lieu of biological children, both Julian and Basilissa found monasteries, thereby creating dozens of spiritual children. "He wearð þa fæder ofer fæla muneca and Basilissa modor ofer manega mynecena" (He became the father over many monks and Basilissa mother over many nuns"). Here the couple lives out the precept that would become law by the end of the twelfth century: that a married couple could separate and enter religious life only if they mutually agreed to do so and mutually swore vows of chastity.[135] They maintain faithfulness to each other, with the goodness of their mutual fidelity and chastity confirmed by no less than Jesus and Mary. The permanence of their marriage bond is made clear by Aelfric's assertion that the two "wæron geðeodde mid soðre clænnysse, gastlice þonde on Godes gewytnysse" (were united with true chastity, spiritually thriving in the knowledge of God). In the absence of marriage as a grace-providing sacrament, Julian and his wife (who is referred to as his bride throughout the text, even after the two decide to live separately) find that they may readily serve both God and each other.

[135] Elliott, *Bride of Christ Goes to Hell*, 120.

While Julian and Basilissa do successfully live out their lives with, in effect, two spouses, Basilissa's initial difficulty imagining how she will maintain competing marriage vows to her husband and to Christ signals the problems to come. At this point in time, Julian can assure his wife that if they two remain chaste, they can live a life together that specifically involves both a marriage to Christ (Basilissa will have Christ as her bridegroom) and marriage to each other (they will not be separated, even in heaven). This possibility, although it hinges upon virginity as later *sponsa Christi* such as Bridget of Sweden do not, ceases to exist for married couples after the establishment of marriage as a grace-dispensing sacrament.

CRYSANTHUS AND DARIA: POST-SACRAMENTAL MARRIAGE

Unlike the life of Julian and Basilissa, the legend of Crysanthus and Daria did circulate in Middle English, and survives in three distinct versions today. In all of these, the basic framework of the legend is the same: Crysanthus, the son of a nobleman, converts to Christianity, much to the displeasure of his pagan family. When Crysanthus refuses either to worship idols or to marry and produce biological children for his family line, his father locks him in a room with five maidens, in hopes he will lose control of himself and have sex with at least one of them. Like Julian, Crysanthus prays to preserve his virginity, and God answers him: every time the five maidens enter Crysanthus's room, they fall asleep.

Since his first gambit has failed, Crysanthus's father sends in Daria, a beautiful pagan woman known for her great education, whom Crysanthus's father believes will be able to defeat his son's "Christian magic." Daria attempts to convince Crysanthus to return to his father's gods and worship idols. Instead, he successfully converts her to

Christianity, and the two decide to marry to appease his father, while still maintaining their virginity.

Up to this point, the marriage of Crysanthus and Daria follows the same pattern as that of Julian and Basilissa. By the fifteenth century, however, the nature of saintly marriage has changed. The version of Crysanthus and Daria's life from the *Gilte Legende* describes their marriage with the following: "thei coupled hem todegeres bi the grace of the holi goste and feyned hem to be togederes bi flessheli mariage and conuerted mani a creatoure to God." [136] The use of the word "feyned" here suggests a new uneasiness with the idea of a married couple simultaneously dedicating themselves to God. It also creates space for doubt as to the legitimacy of their marriage: is the marriage itself "feyned," or merely the "flessheli" part of it? Regardless, we certainly do not read of either spouse taking Christ as their bridegroom, as Bassilissa does. The couple's capacity to produce spiritual children is also much reduced: in the Old English version of their life, Crysanthus takes on the instruction of young men while Daria teaches the women, convincing all to live chastely and worship Christ. In this way, both husband and wife create new copies of themselves, spiritually reproducing as part of a holy family unit. By the time of the *Gilte Legende*, their separate instruction of men and women has been reduced to the statement that they "conuerted mani a creatoure," and their instruction of their spiritual children to live chastely has dropped from the picture entirely. Unlike Julian and Basilissa, who in the tenth century can take on identities as human spouses and as brides of Christ, Crysanthus and Daria's fifteenth-century life leaves both categories of

[136] "Crysanthus and Daria," *Gilte Legende*, ed. Richard Hamer, EETS O.S. 328 (Oxford: Oxford University Press, 2006), 775.

marriage in doubt. Married saints are no longer brides of Christ – at least, not while their spouses are still living.

Lives of Widowed Saints

While lives involving two married saints began to fall out of favor in the thirteenth century (with the exception of Cecelia and Valerian, who will be addressed below), post-thirteenth century brides of Christ did begin to come from less exalted ranks than the perpetually virginal. Elizabeth of Hungary, who lived in the early thirteenth century and whose life inspired several vitae that appeared by 1250, was one of the earlier examples of this new expansion of *sponsa Christi*. Elizabeth desires to remain a virgin, but is forced to marry by her father, who wishes her to bear children. Unwilling, but obedient to her father's wishes, Elizabeth "avowed to God and behight her trouthe to Conrat, an holi man that was her confessour, that yef she might ouerlyue her husbonde that she wolde kepe perpetual continence."[137]

While married to her husband, Elizabeth has several children, yet perpetually looks forward to her hoped-for life as a continent widow. In order to prepare for this moment, she eats only bread, as she plans to give away her husband's wealth to the poor after his death, and she clothes herself only in old, vile clothing, proclaiming, "Lo, thus y will go whanne y am in the state of a wedowe."[138] When her husband at last dies on a pilgrimage to the Holy Land, she immediately casts off all ties to him, including her children: the *vita* relates that she gives them to others to be raised and prays that God will draw her heart away from them, so that she will love and think of only Him.

[137] "Elizabeth of Hungary," *Gilte Legende*, 843-44.
[138] Ibid., 845.

After years of fasting, voluntary poverty and prayer, Elizabeth is at last rewarded for her constant devotion. On a day during Lent, she beholds the altar and receives a vision of Christ, to which she responds, "A Lorde, wilt thou be with me and I with the? Lorde, y will neuere parte from the." Later, she reports the vision to her fellow nuns as, "I sawe the heuene opin and my Lord Ihesu Crist that enclined towarde me, and y was of that auysion gladde and wepte for the departing, and he saide: 'Yef thou wult be with me, y shall be with the,' and y ansyered as ye herde."[139] After this vision, Elizabeth considers herself married to Christ, since she has now exchanged vows with him that promise to never be parted from each other. When her uncle proposes that she marry again, Elizabeth believes so strongly that she cannot break this vow that she threatens to cut off her own nose to make it impossible for anyone to desire her. At her death, she tells her attendants that the Lord, who addresses her as his beloved, is calling her to a wedding. Elizabeth therefore becomes one of the first non-virginal saints to claim a place as a *sponsa Christi*, even if it requires years of penance and her husband's death to achieve.

By the fourteenth century, the opportunities for a non-virginal saint have expanded further, and the saints themselves have become less apologetic about their lack of virginity. Bridget of Sweden's *vita* relates that she and her husband lived chastely together for two years before praying for God to send them children, in effect asking for God's blessing and permission to have sex. She bears eight children "to God's pleasure" before she and her husband decide to forswear marital sex and enter religious life. [140] After her husband's death, Bridget becomes a *sponsa Christi* without any importance placed on her loss of virginity:

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[139] Ibid., 848.
[140] Julia Bolton Holloway, *Saint Bride and Her Book: Birgitta of Sweden's Revelations* (Newburyport, Mass.: Focus Texts, 1992), 4.

> The blessed woman, Saint Birgitta, was so adorned and filled with all virtues that our Lord received her as his spouse and visited her many times with marvelous consolations and divine grace and showed her many heavenly revelations. He said to her, "I have chosen you to be my spouse that I may show you my secrets, because it pleases me to do so" and another time he said, "I have taken you as my spouse and for my own delight such as it pleases me to have with a chaste soul." [141]

Not only does her life not make an issue of her lack of virginity, but it claims that Christ himself declares Bridget a "chaste soul," and that she is "filled with all virtues." After Christ appears to Bridget, her life refers to her constantly as "the spouse," emphasizing that her identity as a bride of Christ supersedes any dubious sexual activity. Unlike Bassilissa and Daria, women who needed to maintain their chastity in order to be brides of Christ, Bridget can take on this role by her own virtue, regardless of sexual status. Since chastity was considered a virtue, Christ's proclamation that she is "filled with all virtues" may even retroactively wipe out her previous sexual behavior. Despite this expansion of candidates for brides of Christ, however, Elizabeth and Bridget still have one thing in common with the virginal brides: they must be unmarried at the time of their marriages to Christ. No amount of virtue, fasting, or prayer (all of which Elizabeth's and Bridget's *vitae* reveal they constantly engaged in) could allow either woman to become a *sponsa Christi* while her husband was still living. Instead, this status had to wait for their more earthly spouse to pass on.

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[141] Ibid., 7.

Lives of Virgin Brides

ST. KATHERINE: THE VIRGIN BRIDE

If there were a factory standard for the bride of Christ, Saint Katherine of Alexandria would be it: princess, martyr, eloquent converter of her torturers, and virgin, Katherine provided the model that large numbers of later female virgin martyrs would follow. Although Katherine's legend likely stemmed from late antique imagination rather than historical fact,[142] her wide range of attributes made her cult incredibly popular throughout the Middle Ages. In England, no fewer than sixty-two churches bore her name in their dedications, and her legend appears prominently in one of the earliest collections of manuscripts written for female lay piety in the vernacular: a group of six related manuscripts that also contain *Ancrene Wisse*, a guide for anchoresses.[143]

Katherine's appeal for anchoresses is clear. Just as anchoresses were meant to take Christ as a substitute for an earthly lover (as anchoritic texts like *Sawles Warde* and *Hali Maiðhead* make clear), so Saint Katherine takes on the role of Christ's bride. While Katherine is certainly not alone in this role, her life is one of the most dramatic and explicit examples of the bridal language. In the earliest Middle English version of her life, appearing around 1220,[144] Katherine responds to an emperor's proposal of marriage with an explicit statement of her marriage to Christ: "ich haued iweddet him to mi meidhad wid be ring of rihte bileaue 7 spoused me to him in a bonde þat neuer schal be

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[142] In 1969, the Catholic Church removed the feast of St. Katherine from the liturgical calendar, based on the lack of evidence for her historicity. The Church restored her feast as an optional memorial in 2002.

[143] Anne Savage and Nicholas Watson, *Anchoritic Spirituality: Ancrene Wisse and Associated Works* (New York: Paulist Press, 1991), 7-8; Sherry L. Reames, *Middle English Legends of Women Saints* (Kalamazoo, Mich.: Medieval Institute Publications, 2003), 169.

[144] Savage and Watson posit that *De passion S. Katherine* is translated from an undiscovered intermediate version of the life, between the "Vulgate" and "Shorter Vulgate" versions. *Anchoritic Spirtuality*, 261.

vnkytte. ”[145] Here, Katherine specifically mentions the unbreakable and everlasting nature of the marriage bond in the sacrament. Katherine's reply also makes it clear that her virginity is inextricably linked to this marriage – Christ has married not Katherine herself, but her maidenhood.

The version of Katherine's life from the *South English Legendary* likewise insists upon the indissolubility of her marriage bond to Christ:

> "Certes,sire," þis Maide seide: "þis wordes beoth all for nauȝt:
> þou ne schalt neuere bringue fram him: þat hath min heorte i-cauȝt.
> Do þat þou wolt, and haue i-don: and bring þi wille to ende,
> For þou schalt neuere for no-þing : min herte fram Ihesu wende." [146]
> ["Certainly, sir," this maiden said: "These words are all for nothing:
> You shall never bring me from him who has caught my heart.
> Do whatever you want, and have it done – bring your will to an end,
> Because you shall never bring my heart from Jesus, not for anything.]

In both of these versions, Katherine emphasizes that this spiritual marriage carries with it all the implications of an earthly one: it produces children in the form of the many who convert to Christianity under Katherine's influence, it provides Katherine with the good of mutual faithfulness, as she will not commit spiritual adultery by marrying anyone else, and it forms a bond that will last Katherine's entire life – and into the next life.

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[145] D'Ardenne and E.J. Dobson, eds. *Seinte Katerine: Re-edited from MS Bodley 34 and the Other Manuscripts*. EETS s.s. 7. Oxford: Oxford University Press, 1981. Savage and Watson note that these details of the wedding ring and Katherine's marriage to Christ are not present in the Latin version; instead the Middle English translator has added them here.

[146] "St. Katherine," *The Early South English Legendary, or Lives of Saints*, ed. Carl Horstmann, EETS O.S. 87 (London: N. Trubner & Co., 1887), 99.

Katherine's mystical marriage to God takes on its fullest expression in the fifteenth century. In the *Gilte Legende,* Katherine is led into marriage with Jesus by no lesser a person than the Virgin Mary, who presents Katherine to her son after her baptism. Mary introduces Katherine specifically as someone who has "for youre loue refused and forsake all ertheli thinge," upon which assurance Jesus says to her:

> Y take you to my wedded wiff, behotinge you truly neuer to forsake you while youre lyff lastithe. And after youre present lyff y shall bringe you to endeles lyff, where ye shull duell with me in blisse withoute ende, in tokin wherof y sette this ringe vpon youre finger whiche ye shull kepe in rememberaunce of me as oure wedding ringe. And now my dere wiff, be gladde and stronge of faithe. For ye must do gret thingges for my name.[147]

Following this extraordinary marriage ceremony, all the angels and saints rejoice, and Katherine experiences such sweetness in her soul that she nearly faints. She then creates spiritual children by converting untold numbers of her household and the surrounding area over four years before being martyred by the emperor Maxentius.

Each of these versions of Katherine's life, from 1200 to 1450, figures her marriage to Christ as a relationship directly in opposition to earthly relationships, especially fleshly marriage. In John Capgrave's version, she declares that she desires her marriage to Christ so much "þat myn hert loueth and desireth it aboue al thing," so that she wants nothing else.[148] In the *South English Legendary* and *Gilte Legende,* it becomes clear that it is not just that Katherine *wants* nothing else but Christ –in fact, she is unable

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[147] "St. Katherine," *Gilte Legende*, 892-93.
[148] Claire Waters, *Virgins and Scholars: a Fifteenth-century Compilation of the Lives of John the Baptist, John the Evangelist, Jerome, and Katherine of Alexandria* (Turnhout, Belgium: Brepols Publishers, 2008), 316.

to *have* anything else and still maintain a marriage to Christ. Katherine clearly sees marriage to any earthly lover as a form of adultery, and Mary specifically brings Katherine to marry Jesus *because* she has refused earthly lovers. However, as the example of Cecelia proves, simply refusing earthly lovers is not enough: marriage itself keeps Cecelia from marrying Christ.

ST. CECELIA: THE MARRIED VIRGIN

In most respects, Cecelia is an ideal candidate for the role of *sponsa Christi*. Like Katherine, Cecelia descends from a noble family, dedicates herself to Christ as a child, and prays to preserve her chastity for a lifetime. Unlike Elizabeth of Hungary, Cecelia's prayer is answered: she does remain a virgin, as Elizabeth could not. Cecelia's dedication to her virginity bears considerable resemblance to Katherine's as well: Chaucer relates Cecelia's prayer to remain a virgin as "O Lord, my soule and eek my body gye/ Unwemmed, lest that I confounded be."[149] The *Gilte Legende* version of Katherine's *vita* relates that "all her ioye had euer be to kepe her body and her soule from all corrupcion. And she had so gret and so perfit a loue to that vertu of chastite that she had leuer suffer dethe thanne to blemisshe it in any wise."[150] Both women see their potential loss of virginity as a corruption not just of their bodies, but of their souls, and worry that sex might lead to damnation (hence Katherine's preference to die and go virtuously to heaven rather than risk the possibility of hell as a non-virgin).

Happily for Cecelia, she succeeds in preserving her virginity, just as she had prayed. On her wedding night, she tells her husband Valerian that if he tries to have sex with her, an angel will appear and kill him for defiling her. After she convinces him that

[149] Geoffrey Chaucer, "The Second Nun's Tale", *The Riverside Chaucer*, ed, Larry Dean Benson and F. N Robinson, 3rd ed.(Boston: Houghton Mifflin, 1987), 136-7.
[150] "St. Katherine," *Gilte Legende*, 881.

this "angel" is not a former lover, she converts Valerian to Christianity, at which point he agrees to live chastely with her. Angels appear and present the couple with crowns of roses and lilies, in celebration of their vow to maintain their virginity for Christ.

While Cecelia now has had her own angelic celebration of her virginity, these angels do not call her a bride of Christ. On the contrary, the tale emphasizes her human partner rather than her spiritual one: Chaucer describes the angel as giving the crowns both to Cecelia and "her make" (224). In reference to God, *The Second Nun's Tale* calls Cecelia only Christ's "thral" (196). The same descriptions appear in both the *South English Legendary* and the *Gilte Legende* – Cecelia is God's servant, maiden, or thrall, but never his spouse. Marriage to Valerian, it seems, has stripped Cecelia of her potential to become a *sponsa Christi*, even if her virginity makes her a stronger candidate than Elizabeth or Bridget.

The lack of bridal language alone in the Middle English versions of St. Cecelia's life might seem incidental, were it not for the fact that she has not always been denied such a title. Aldhelm's *De Virginitate*, written in the late seventh century, easily praises Cecelia as Christ's lover, as the saint "loved the sweet kisses of Christ, embracing his fair neck with her lovely arms."[151] In a psalter from the first half of the eleventh century, one writer even composes a prayer to Cecelia that twice refers to Christ as Cecelia's "bridegroom," just as he is Bassilissa's.[152] None of the later versions of her life preserve this kind of language, which would allow Cecelia to occupy the roles of spouse of

[151] Aldhelm, *Aldhelm: the poetic works*, ed. Michael Lapidge and James L. Rosier (Cambridge: D.S. Brewer, 1985), 141.
[152] I owe this observation to Robert Upchurch, who discusses the prayer to Cecelia in *Aelfric's Lives of the Virgin Spouses*, 18-19. The psalter is BL Arundel 155.

Valerian and of Christ. Such a dual role only exists for Cecelia before the designation of marriage as a grace-dispensing sacrament.

While the absence of married saints who can also be *sponsa Christi* after the twelfth century is clear, the reasons for said absence are much less so. As discussed above, all marriages invoked the soul's marriage to Christ, which would suggest that a married woman could be – indeed, already was – married to Christ as well. Yet some time after marriage became defined as a sacrament, saints' lives lost the ability to be explicit about this double marriage. Examining Cecelia's *vitae* more closely suggests a partial explanation.

Part of the problem becomes clear at the moment that Cecelia converts Valerian's brother Tiburtius. Soon after receiving their crowns of virginity, Valerian asks for Tiburtius to join them, so that his beloved brother might convert to Christianity as well. Tiburtius becomes the first of the couple's spiritual children, convinced of Cecelia's truthfulness by the mystical scent of the flowered crowns that lingers in the room. After Tiburtius's conversion, Cecelia declares that "this day I take thee for myn allye…Lo, right so as the love of Christ, quod she, / Made me thy brotheres wyf, right in that wiese / Anon for myn allye heer take I thee, / sun that thou wolt thyne ydoles despise" (292, 295-97). While marriage should make Cecelia "one flesh" with her husband, Cecelia here denies that Biblical precept when she claims that not marriage, but Valerian's conversion made her into his wife. Already we see a conflict between earthly and spiritual marriage – by claiming that her first loyalty is to Christ, even without the added pressure of becoming a *sponsa Christi*, Cecelia brings up the worrisome possibility that a wife might not need to obey her husband if she believed herself already dedicated to Christ. In fact,

Cecelia's claim here suggests that she did not even consider their marriage valid until Valerian converted both to Christianity and virginity.

Consider also the issue of Cecelia's vows. When Cecelia prays to maintain her chastity, she specifically does not do so out loud (compare Christina of Markyate, whose verbal vow causes her considerable grief with regards to her family-arranged marriage). "To God allone in herte thus sang she," relates *The Second Nun's Tale* (135). By not making this vow out loud, Cecelia follows the prescribed model for a dutiful Christian daughter, who might desire to maintain her virginity but still must be obedient to her family's demand that she marry and produce heirs.[153] This vow "in herte" also allows the tale to neatly sidestep the problems that such a vow would make for the new consequences of sacramental marriage. Now that grace is conveyed in marriage, Cecelia must be irrevocably bound to her husband at the moment of her vow, obedient to him just as the Church is to Christ. She no longer has the freedom to unilaterally enter religious life, as Julian or Bassilissa might have done before consummation, if one of them had been less convinced of the need to remain a virgin. Her marriage is now as permanent and unbreakable as the bond between Christ and the Church: and with that bond comes the obligation to render the conjugal debt. If Cecelia had made her vows to maintain her virginity aloud, then her husband would have had to break them in order to have sex with her. If Cecelia could not convince Valerian to live chastely, the only options would be to have Cecelia break her vow to remain a virgin, or to insist on its primacy even in the face of her husband's desires: suggesting that her power to refuse sex was greater than her husband's power to demand it. To allow Cecelia to exist simultaneously as both

[153] For an extensive look at women who are force to break their vows of virginity, or who make only internal vows to appease their families, see Elliott, *Spiritual Marriage*, 219-223.

Valerian's spouse and Christ's invites the possibility that her loyalties are impossibly divided.

In Cecelia's case, of course, this must all remain speculation. In order to see this dangerous possibility lived out in practice, we must look outside the saint's life, to a woman who, much as she modeled herself after various saints, never quite became one.

The Evidence of Margery Kempe

The Book of Margery Kempe has long defied easy genre categorization. Lynn Staley considers the Book an example of "sacred biography," Barry Windeatt notes that the book "in structure or style…does not conform as a whole to a saint's life or to medieval pilgrimage narratives, although intermittently it may resemble aspects of those genres," and Karma Lochrie argues that it is best understood as a mystical, rather than hagiographic, text.[154] Despite this profusion of terms surrounding the text, Margery herself clearly has one genre in mind for steering her own actions in life: the vernacular saint's life. Staley points out how Kempe uses saints' lives to organize the narrative structure of her own *Book*, and Catherine Sanok has convincingly demonstrated that Margery consciously models her life after the example of early virgin martyrs, especially Katherine and Cecelia, whose lives were available in the vernacular.[155]

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[154] Lynn Staley, *Margery Kempe's Dissenting Fictions* (University Park, Pa.: Pennsylvania State University Press, 1994), 37; *The Book of Margery Kempe*, ed. Barry Windeatt (Cambridge: D. S. Brewer, 2004), 25; Karma Lochrie, *Margery Kempe and Translations of the Flesh* (Philadelphia: University of Pennsylvania Press, 1991). See also Ruth Summar McIntyre, "Margery's 'Mixed Life': Place Pilgrimage and the Problem of Genre in The Book of Margery Kempe," *English Studies: A Journal Of English Language And Literature* 89, no. 6 (2008): 643-661.

[155] Staley, *Margery Kempe's Dissenting Fictions;* Catherine Sanok, *Her Life Historical: Exemplarity and Female Saints' Lives In Late Medieval England* (Philadelphia: University of Pennsylvania Press, 2007). See also Naoe Kukita Yoshikawa, "Veneration of Virgin Martyrs in Margery Kempe's Meditation: Influence of the Sarum Liturgy and Hagiography," in *Writing religious women: female spiritual and textual practices in late medieval England*, ed. Christiania Whitehead and Denis Renevey (Toronto: University of Toronto Press, 2000), 177-198.

Margery's *Book*, inspired by hagiography and yet not hagiographic itself, offers a unique perspective on the problems intrinsic to a double marriage to God and man in a saint's life, ultimately performing a social critique of a husband's authority in marriage. In thinking about *The Book of Margery Kempe* in this way, I owe a debt to Staley, who argues that the *Book's* narrative structure is formally related to its social critique, and to Sanok, who points out that Margery's insistence on living out the example of early saints rather than her contemporaries creates a pointed criticism of the limited opportunities for public sanctity in Margery's own world.[156] By attempting to live her life as Katherine and Cecelia did, including a marriage to God and a sexual repudiation of her husband, Margery reveals the paradox for female behavior that results from defining marriage as a sacrament. In the same vein as Staley, I contend that it is the very uncertainty of the genre of Margery's *Book* that allows her social critique to take place.

Margery Kempe lived from around 1373 to 1440, dying one hundred and fifty years after the University of Paris attacked Peter Olivi's beliefs about the lack of grace in marriage as heretical. By this time, the democratization of the *sponsa Christi* motif described by Dyan Elliott had well taken root. The expansion of holy women to include wives and widows as well as virgins had produced saints such as Elizabeth and Bridget, whose influence spread far beyond their immediate geographical scope. Margery, a laywoman from England, demonstrates the reach and power of those lives in her own dictated book, in which she specifically mentions Bridget, who died in the same year Margery was born. Crucially for Margery, who had fourteen children, Bridget gave her hope and reassurance that she too could aspire to live as a beloved bride of Christ.

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[156] Staley, *Margery Kempe's Dissenting Fictions*; Sanok, *Her Life Historical*.

In her account of her life, dictated to two different priests over the course of several years, Margery retells events that cast her in the same light as the saintly women whom she so admires. After a particularly traumatic birth experience after which she reports being possessed by a demon, she repents of her previous desire for her husband and begins to pray for a renewed chastity. After several years, Margery manages to secure her husband John's solemn vow to live in chastity, in exchange for paying off his monetary debts. She then dedicates her life to prayer and pilgrimage. As a consequence of her devotion to Christ, Margery experiences uncontrollable fits of crying upon seeing the Host at mass, hearing a sermon about the crucifixion, and even seeing an attractive young man or beautiful male child that reminds her of the god-made-flesh. Her tears alternately inspire wonder and scorn in those she meets in her travels, and her book frequently pauses to assure its readers that her tears are genuine and a real proof of God's love.

In one such episode of weeping, Margery expresses her emotional torment over her lost virginity. She laments, "For becawse I am no mayden, lak of maydenhed is to me now gret sorwe; me thynketh I wolde I had ben slayn whan I was takyn fro the funtson that I schuld nevyr a dysplesyd the, and than schuldyst thu, blyssed Lorde, an had my maydenhed wythowtyn ende. A, der God, I have not lovyd the alle the days of my lyve, and that sor rewyth me; I have ronnyn awey fro the, and thow hast ronnyn aftyr me."[157] In this formulation, Margery characterizes her previous life with her husband as directly opposed to her current love of God, as if she cannot love both her husband and God simultaneously. Death at baptism now seems preferable to her than her marriage to her husband, which she characterizes not as a sacrament in which she participates in the

[157] *The Book of Margery Kempe*, ed. Barry Windeatt (New York: Longman, 2000), 135.

marriage of Christ and the Church, but as a time in which she ran from God and did not love him. In return, God assures her that she possesses his love just as the virgin saints do:

> I have telde the befortyme that thu art a synguler lover, and therfor thu schalt have a synguler love in hevyn, a synguler reward, and a synguler worshep. And, for-as-mech as thu art a mayden in thi sowle, I schal take the be the on hand in hevyn and my modyr be the other hand, and so schalt thu dawnsyn in hevyn wyth other hold maydens and virgynes, for I may clepyn the dere abowte and myn owyn derworthy derlyng. I schal sey to the, myn owyn blyssed spowse, "Welcome to me wyth al maner of joye and gladnes, her to dwellyn wyth me and nevyr to departyn fro me wythowtyn ende, but evyr to dwellyn wyth me in joy and blysse." [158]

In response to Margery's fears, she receives an assurance that not only will she not suffer for her lack of virginity, but will receive a "singular love" from God, setting her apart from and even more beloved than all the virgins who maintained their chastity for his sake.[159] Margery accepts God's promise of her place in heaven with the other virgins with characteristic weeping, joining Bridget and Elizabeth in the ranks of the non-virginal brides of Christ.

After hearing God's promise that she will dance with his other brides, Margery takes on the bridal persona even more strongly by undergoing a marriage ceremony. Margery's reported vows mirror those of her own earthly wedding exactly. God the

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[158] Ibid., 138.

[159] This point may have been inspired by the life of St. Bridget, who used the same defense to justify her own lack of virginity. Her desire to maintain her chastity, even though her husband did not allow it, still spoke to her credit, and in fact made her more worthy than those who remained virgin only through happenstance.

Father (in distinction to God the Son, whom Margery feels more comfortable with) vows to her "I take the, Margery, for my weddyd wyfe, for fayrar, for fowelar, for richar, for powerar, so that thu be buxom and bonyr to do what I byd the do. For, dowtyr, ther was nevyr childe so buxom to the modyr as I schal be to the, bothe in wel and in wo, to help the and comfort the. And therto I make the suyrte."[160] Margery would have heard similar words from John in her original marriage ceremony. Margery's second marriage also has a spiritual model: like Katherine of Alexandria, Margery too claims the approval of the Virgin Mary and the presence of a host of angels and saints. Taking her cue from both earthly and spiritual marriages, Margery seems to step directly into the role of bride as defined by the non-virginal spouses we have seen so far.

What separates Margery from the other examples of holy marriages in this chapter, however, is that this remarkable scene takes place before her husband's death. Nearly fifty chapters after her marriage to God, Margery relates her return to her husband after an accident in his old age and her care of him for a year. More than that, while at this point Margery has been chaste for fifteen years, she still feels anxiety over the lust she once felt for her husband. When her husband loses all sense in his mind and body and cannot even control his bodily wastes, Margery cleans his fouled body and rejoices to see a body she once found so attractive so odious: "Sche bethowt hir how sche in hir yong age had ful many delectably thowtys, fleschly lustys, and inordinate lovys to hys persone. And therfor sche was glad to be ponischyd wyth the same persone and toke it mech the mor esily, and servyd hym and helpyd hym, as hir thowt, as sche wolde a don Crist hymself."[161] This scene seems designed to demonstrate that Margery's final service to her

[160] *Book of Margery Kempe*, 192.
[161] Ibid., 332.

husband purges any last stirrings of desire for him, but it problematically takes place many years after her negotiated chastity and her second marriage to the Godhead.[162]

Here, Margery lives out the scene that is missing from all lives of married saints since marriage became a sacrament: a second marriage vow, made to God, while her first wedding vow is still very much in force. This chapter of Margery's book makes the point that Margery is still married very clearly: throughout the passage, she refers to John as her husband, and herself as his wife. More than that, God himself instructs Margery to fulfill her wifely duties. When Margery objects to God's demand that she remain with her husband and care for him for a year on the basis that she will be unable to serve God properly, he responds, "thu schalt have as meche mede for to kepen hym and helpyn hym in hys need at hom as yyf thu wer in chirche to makyn thi preyerys. And thu hast seyd many tymys that thu woldist fawyn kepyn me. I prey the now kepe hym for the lofe of me, for he hath sumtyme fulfillyd thi wil and my wil bothe, and he hath mad thi body fre to me, that thu schuldist servyn me and levyn chast and clene, and therfor I wil that thu be fre to helpyn hym at hys need in my name." [163] Not only does Margery remain bound by marriage to her husband, but God also explicitly connects her service to her husband to her service to God. To serve one husband, he tells Margery, is to serve the other.

While this particular vision of God suggests to Margery that there is no conflict between marriage to God and marriage to her earthly husband, the rest of her *Book* suggests otherwise. At the end of her husband's life, Margery relates that her neighbors blame her for her husband's accident, since as his wife she should have lived with him:

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[162] For more about Kempe's sexual life, see Lochrie, *Margery Kempe and the Translations of the Flesh*; Sarah Salih, *Versions of Virginity In Late Medieval England* (Woodbridge, Suffolk, UK: D.S. Brewer, 2001); Elliot, *The Bride of Christ Goes to Hell*, 210-220.

[163] Ibid., 331.

instead, Margery and John had separated to avoid accusations that they were still having sex despite their vow of chastity. When Margery first desires to convert to chastity, her husband refuses to give up the marriage debt for three years, heedless of her tears and protestations. He also disapproves of her vow to fast on Fridays, and her determination not to sleep in his bed. When, eight weeks into a trial of chastity, John posits the hypothetical (if unlikely) situation that a swordsman threaten to kill him if he did not have sex with her again, Margery responds that she would rather he die than that they should return to "unclennesse" – to which John accuses, "Ye arn no good wyfe."[164]

Is Margery a good wife? More to the point, to whom does she owe that goodness as a spouse? To hear Margery tell it, God considers her the perfect wife, given a singular grace among all his other brides. To hear her husband and her neighbors, Margery is not a good wife, as she avoids her husband's bed, lives apart from him, and pursues her own life separate from and unconcerned with his own. Margery justifies her behavior by arguing that she is, in fact, a good wife: just not to the husband that her family and neighbors expect. Even in this passage in which God orders her to tend to her husband, confirming that her earthly marriage still holds her fast, Margery takes on the responsibility only because she could serve John "as sche wolde a don Crist hymself." By using this language, Margery's *Book* implies that in the hierarchy of marriages in Margery's life, John very decidedly comes last, and Margery serves him not for himself or for the sake of their marriage bond, but because God, as her superior husband, orders her to do so.

With this perspective, it is clear that Margery's second marriage to the Godhead offered her an extraordinary level of freedom for a married woman, along with the

[164] Ibid., 86.

confidence to act in precisely the kinds of disruptive ways the Church most feared from its holy women. Margery's *Book* recounts example after example of priests and parishioners attacking her for her beliefs, throwing her out of churches, and subjecting her to trials for heresy. In one telling instance, Margery's God-given fit of crying is so loud and disruptive that it literally drowns out the male priest, privileging her individual emotional response above male clerical authority. Marriage as a sacrament demands that the wife subject herself to her husband as a function of the same grace that subjects the Church to Christ, but by wedding God concurrently with her husband, Margery gets to choose which husband to obey. By choosing God, Margery frees herself from the duties and expectations of an earthly spouse, and frees herself as well from the expectation that she obey her husband as a "good wife" – instead, she is accountable only to God, whom she reports as pleased with her behavior.

The question of whether Margery is a "good wife" suggests an answer as to why we do not see female saints taking on the persona of a *sponsa Christi* while their husbands are still alive: in order to be considered "saintly," a female bride's obedience to her (Christian) husband must not be in question, and Margery's example implies that "double" marriage leads inevitably to disobedience. Even though theologically speaking, every marriage participated in the wedding of Christ with the soul, portraying this theological issue in literature opened up dangerous possibilities that undercut a wife's subordination to her husband – a point made even more important in the wake of marriage's definition as a sacrament. Saints, it seems, could not be proper examples either for admiration or imitation if they were explicitly depicted making competing vows, since one would inevitably surpass the other. We can see this pattern carried out in

all of our saints' lives post-1200: either the saint makes vows only to God, as with Katherine, or she makes her vows to God only after her husband's death has fulfilled her first wedding vows. Even Cecelia, who does make a vow of virginity to God before her marriage, is only permitted to make that vow "in herte," to avoid even the implied conflict that might leave her room to challenge the authority of her husband.

Margery, of course, is not a saint. Although she models her actions from the examples of female saints, to the point that Sanok refers to her as a "would-be saint," she was never designated a saint by the Catholic Church.[165] It is tempting to speculate that her bid towards sanctity would have gone much farther without her claim to a second marriage to the Godhead: a marriage that allowed Margery to defy her earthly husband by calling upon the authority of her spiritual one. Without such a marriage, Margery's *Book* may have become the record of the life of a saint. While such a claim can only remain speculation, we can say for certain that by Margery's time, the question of whether marriage conveyed grace had been long settled in the affirmative. Margery's easy assertion of a marriage to the Godhead even with her husband living could suggest that the question of whether marriage was a sacrament in the same sense as other sacraments no longer worried the average layman, if indeed it ever had. In that case, Margery's ultimate lack of acceptance as a saint signifies that for the Church, the consequences of this theological decision for the marriage of laypeople were too dangerous to be explored.

Coda: Martin Luther and Marriage

With the decision that marriage conveyed grace, the Catholic Church achieved two ends: the subordination of the wife to the husband, and the absolute indissolubility of marriage. These two conclusions made it impossible to depict a female saint who was

[165] Sanok, "*Her Life Historical,*"117.

both spouse and *sponsa Christi*, since a woman who had made an unbreakable vow to God could potentially come into conflict with the unbreakable vow to her husband – a potential for rebellion that, as *The Book of Margery Kempe* illustrates, clashed irreconcilably with the hierarchies of marriage preached by the Church. This desire to maintain a husband's control over his wife, even in saints' lives, created a situation in which a perfectly acceptable theological reality – that human souls, even married ones, were spiritually married to Christ – could not be represented in religious literature intended for the laity. Lives of married saints, then, create the appearance of a theological conflict where none exists. This conflict exposes a deep fault line in theologians' thinking about sacramental marriage: one that first Erasmus, and then Martin Luther, picks up to strip marriage of its sacramentality in the sixteenth century.

In his commentary on Ephesians 5:32, which referred to marriage as a *sacramentum,* Erasmus notes (as did many theologians of earlier generations) that the term did not actually designate marriage a sacrament.[166] Instead, it refers only to a great mystery, or to a sign. He then mentions the many earlier writers, including Peter Lombard, who did not include marriage in the list of sacraments. Erasmus does not go so far as to deny marriage is a sacrament, but his comments about the subject resurrect earlier objections to the classification.

In 1520, Martin Luther visited the same issue as Erasmus, and he did not stop at merely collecting the evidence of previous generations. Luther returns to the question of grace within marriage that had so vexed earlier theologians, and he comes to the opposite conclusion. In "On the Babylonian Captivity of the Church," Luther specifically denies that grace is conveyed in marriage. "Now we nowhere read that he who marries a wife

[166] Erasmus, *Opera Omnia,* ed. clericus (Leyden, 1703-6), VI, 856.

will receive any grace from God."[167] He then works backwards by the same definition of sacrament that had convinced Thomas Aquinas: where once Aquinas concluded that marriage must convey grace because it was a sacrament, Luther first denies that marriage conveys grace, then concludes it must not be a sacrament. By denying marriage sacramental status, Luther enables precisely the actions that the Catholic Church had attempted to avoid: most significant, divorce. In the same treatise, Luther expounds upon this conclusion.

> The question of divorce is also discussed, whether it be lawful. I, for my part, detest divorce, and even prefer bigamy to it; but whether it be lawful I dare not define…I am more surprised, however, that they compel a man who has been separated from his wife by divorce to remain single, and do not allow him to marry another. For if Christ permits divorce for the cause of fornication, and does not compel any man to remain single, and if Paul bids us rather to marry than to burn, this seems plainly to allow of a man's marrying another in the place of her whom he has put away.[168]

Despite Luther's professed hatred of divorce, he could not escape the logical consequences of his denial of the sacramentality of marriage. If grace were not conveyed in marriage, as Luther contested, then it did not create an everlasting bond. Therefore, men and women could separate and then remarry others without committing the sin of bigamy. While Luther himself attempted to limit the acceptable circumstances in which to allow divorce, even he expanded those circumstances within his lifetime, adding desertion, cruelty, and a hindrance to Christian faith as valid reasons for divorce and

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[167] Martin Luther, *Prelude On the Babylonian Captivity of the Church, 1520,* ed. and trans. Albert T. W Steinhaeuser (n.p., 191-), 257.
[168] Ibid., 271-72.

subsequent remarriage. The acceptable conditions for divorce would only expand in the time to come. Without grace, the marriage bond need not resemble that of Christ and the Church, and no longer demanded eternal commitment and obedience.

There is no way to know how Luther's reformulation of marriage would have affected the depiction of marriage in saints' lives, as the Protestant movement likewise did away with the cult of the saints. However, Luther's (and other Protestant leaders) decision to also allow the marriage of priests suggests that the Protestant faith no longer saw the same conflict between marriage to God and marriage to man. Without grace conveyed in marriage, men and women could dedicate themselves to God, without the worry that their marriage bond – now only human and dissolvable – would come into conflict with the vows that bound their souls to the Christ.

Coda: The Council of Trent

At the end of any work bounded by a specific time period, the natural question remains: why stop here? Certainly, marriage did not disappear from literature after 1500, nor did the laws concerning marriage cease changing (the question of same-sex marriage today is only the most recent of the subsequent five hundred years of alterations to marriage law). In the sixteenth century, however, two events caused a fundamental change to the practice of marriage in England: first, the Council of Trent, and second, the establishment of the Church of England.

In the first chapter, I discussed how the protracted nature of King Horn's marriage, as well as its implicit critique of the reforms of Fourth Lateran, depended on the fact that clandestine marriages, while immoral, were nonetheless still valid. In 1563, the Council of Trent dispensed with this particular loophole by ruling clandestine marriages henceforth both invalid and pre-emptively annulled. Now, the Church required men and women to contract marriage with witness of clergy. The Council also increased the protection of women against forced marriage by way of rape by forbidding marriage between a woman and her abductor, at least while she remained under his control. While rape within marriage still remained a conceptual impossibility, as in the fabliaux discussed in chapter two, this canon recognized the potential for violence in sexual relations and proscribed at least this particular kind of violent, coercive sex from the purview of marriage. Finally, the Council officially declared matrimony one of the seven sacraments and decreed that it conveyed grace to its participants. As the third chapter would lead us to expect, the same session also reinforced the injunctions against divorce.

Of course, in England, the Council of Trent had little authority. Henry VIII broke with Rome and declared himself head of the Church of England in 1534 with the Act of

Supremacy. Except for the five-year stint in which Mary I restored Catholicism in England and repealed her father's Act of Supremacy, the rulings of the Catholic Church now had little direct effect on English marriage law, even though practicing Catholics still lived in England. The Church of England, which allowed divorce under broader circumstances than the Catholic Church and tended to promote married chastity over perpetual virginity, sparked the beginnings of dramatic changes in how marriage was contracted, lived out, and theorized in the early modern period.

The sixteenth century, then, marked a time in which marriage began to take on a new character, influenced by but beginning to depart from the medieval ecclesiastical courts. While the literature of the period continued to respond to and challenge legal changes, the attenuation of medieval genres (saints' lives, and to a certain extent, romance) in favor of new forms of literature (among them, the proto-novel and the public theater) also changed the parameters for how literature could respond to legal texts.[169] The particular medieval loopholes had been closed, and with them, interest in certain genres waned. Beyond the sixteenth century, whatever new issues developed in the process of legislating marriage would do so alongside new forms of literary genre.

[169] Among many others, see B. J. Sokol and Mary Sokol, *Shakespeare, Law, and Marriage* (Cambridge: Cambridge University Press, 2003); Susan Sage Heinzelman, *Riding the Black Ram: Law, Literature, and Gender* (Stanford: Stanford Law Books, 2010); Brian Lockey, *Law and Empire In English Renaissance Literature* (Cambridge, UK: Cambridge University Press, 2006); Lawrence Stone, *Uncertain Unions: Marriage in England 1660–1753* (New York: Oxford University Press, 1992).

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