

# Maps of Woe

## Narratives of Rape in Early Modern England

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### *Abstract*

By considering a selection of texts, both fictional and non-fictional, this study addresses different representations of rape in early modern English culture. Its aim is to highlight the interconnections between aspects of culture and the creative exchange, the confrontation and mutual assimilation between 'high' and 'low' cultural forms.

*Keywords:* Popular press, Representation of rape, *The Rape of Lucrece*, *Titus Andronicus*.

Doubte it not ... that it is noo pleasance to the chaste  
ladyes of herte and thought to be rauysshed but it is  
to theym right grete sorowe aboute all other ...  
Christine de Pisan, *The Boke of the Cyte of Ladyes*

### 1. *Introduction*

Rape, whether imagined, threatened, attempted, achieved, or resisted, was a pervasive subject in early modern English literature. In Shakespeare's and his contemporaries' works, rape stories are often chosen as their main subject, both shaping and reflecting common anxieties.<sup>1</sup> The theme was indeed widespread, and after Elizabeth I's death its incidence rose sensibly.<sup>2</sup> Its popularity, together with a change (though a slow one) in rape legislation, a shift of emphasis, rather than strict definition, reveals an interest in, and concern about sexual violence.

However recurrent the theme in literature may be, rape as a criminal offence constituted less than one per cent of all indictments. Though legal authority and statutory law regarded rape as a serious crime, incurring severe punishment, the records of the main law courts show that most of the small proportion of men charged with rape were found 'not guilty', reprieved, described as 'at large', or released without trial. Only a few of the accused were convicted and hanged (Bashar 1983, 22-48; Chaytor 1995, 378-407).

This study aims to investigate some of the different discourses on, and representations of rape that circulated in early modern English culture, by considering a selection of texts belonging to different genres, both canonical and non-canonical: poetry, drama, religious and legal writings, court records,

ballads and pamphlets. All these sources bear witness to the creative and critical exchange between 'high' and 'low' cultural forms, their confrontations, reciprocal adaptations and assimilations.

I am aware that the breadth and scope of the subject cannot be covered in the space allowed; therefore, I will limit myself to discussing and identifying areas that will need further investigation. This exploration requires, among other things, finding 'shared patterns without making a generalising distance from the objects of study' (Wiseman 2009, 23). Shared patterns, however, could veil a multiplicity of emphases and applications; attention, therefore, should be paid to the variegated meanings these patterns are given and to their uses. Therefore my endeavour will be to point out (inter)connections between aspects and levels of culture and highlight how 'ideas, concepts, discourses and practices might compete, clash or co-exist in a multitude of ways' (McShane and Walker 2010, 2). Analysing the representations of rape in the context of early modern English culture raises some general, and yet crucial, questions that need a preliminary discussion.

## 2. *Rape and Representation*

Rape is difficult to represent. As Mieke Bal argues,

rape cannot be visualized because the experience is, physically as well as psychologically, *inner*. Rape takes place inside. In this sense, rape is by definition imagined; it can only exist as experience and as memory, as *image* translated into signs, never adequately objectifiable. As a consequence, the signs are all we have. (2001, 100)

Rape can only be made real, and made a legal and social matter, as an artificial construction, a codified representation of an inaccessible event whose occurrence has to be proved by the victim herself, who has first to demonstrate her own sexual innocence (Solga 2006, 56-57).

Generally speaking, the narrative produced by the victim is the result of both a linguistic transformation and a biographical reconstruction: she has to externalize her *inner* experience and shape it. What is recollected and told is not only filtered by affective factors, both emotional and psychological, but crucially, by the views of rape dominant in the culture to which the victim belongs.

In early modern England, however, words were not enough; indeed, for the victim, her own words could sometimes become traps. As Garthine Walker argues, at the time, the victim's 'agency to act and speak after a rape was heavily circumscribed – many rape accusations resulted not in the prosecution of the alleged rapist but of the woman herself for slander' (1998, 19).

Though difficult to represent, yet, 'rape is very much a *represented* crime, whether it is represented in the testimony of a complainant or defendant,

or in a “literary” text’ (Catty 1999, 11). The nature of this representation is not transparent, the boundaries between ‘the represented’ and ‘the real’ are highly problematic and their relationship is complex, and highlights its inseparability from questions of subjectivity, authority, meaning, power and voice. Moreover, the term ‘representation’ cuts across boundaries of juridical, theological, philosophical, and literary discourses, a recognition that sustains the assumptions underlying my study (see Higgins and Silver 1991, 1).

The entanglement of rape and representation requires that we pay attention to who is speaking and in what circumstances (but also to who does *not* speak and why): ‘Whether in the courts or the media whether in art or criticism, who gets to tell the story and whose story counts as “truth” determine the definition of what rape is’ (Higgins and Silver 1991, 1). The nature of the ‘who’ includes more than gender; race, class, the sexual history of the victim, the relationship to the perpetrator (e.g. whether he was a stranger or an acquaintance), all play a role in whether a ‘rape’ is perceived to have occurred (1).

We broach here another problematic subject: the sources on which the investigation can rely.<sup>3</sup> Whether addressing the world of imagination or the ‘real’ world, texts considered here contribute to offer us ways into reconstructing mental and material worlds. Far from being a direct expression of attitudes and concerns, sources require particular alertness not only to the distortions of ‘real’ actions and social relationships but also to the distortions of ‘actual’ attitudes as well. For instance, most early modern texts present women telling stories that echo, or ventriloquize definitions of rape that obfuscate what might have been radically different perceptions. The prevalence of masculine perspectives in stories told by women leads, for instance, Kahn to pose a question concerning who is speaking in the character called Lucrece (1976).<sup>4</sup>

Indeed, even legal records, apparently more ‘objective’ sources, are problematic. First of all they cannot be taken as wholly representative of victims’ attitudes, not only because rape appears to have been under-reported but also because many of the women’s words survive in records created by male civic authorities.<sup>5</sup> Examinations and informations record the responses of witnesses, accusers or accused to questions by JPs.<sup>6</sup> They are mostly, but not always, written in the third person; their fidelity to the spoken word cannot be assumed; there is always some mediation by the JP, questioning, and the clerk, writing down an answer that is likely to be framed according to what legal officials thought worth recording. What is reported is a discursive (re) construction filtered by a frame of reference and an axiology that are in tune with the ethos and goals of contemporary culture. Though mediated, these texts represent a version of how women and men told their stories of rape and sexual violence and as such they can shed some light upon the cultural, social and religious expectations of a given community (Crawford and Gowing 2000, 10-11). The narratives were

all constructed to be plausible, to make sense to contemporary ears. Seeking to justify, explain, complain, confess, or deny, [men and] women in court played on familiar themes, established knowledge, and common fears or assumptions, and gave texture to their picture with a wealth of local, circumstantial detail. (11)

In the courts, for instance, in order to produce a ‘convincing’ and ‘acceptable’ testimony, victims (and perpetrators) have to adopt an almost ritualized discourse, a language as well as the communicative models and narrative conventions framing that discourse (Davies 1987, *passim*; Hanawalt 1998, 125-126).

A problem, perhaps obvious, arises immediately; it concerns the conflict between the personal meaning and individual experience and the discursive conventions that rationalize that experience, that make it knowable, understandable, and crucially, for the wronged person, believable. Moreover, most rape cases are characterized by a split reality, in the sense that they may well involve an event experienced as rape by a woman but not perceived as rape by the man (Higgins and Silver 1991, 2).

As Crawford and Gowing suggest, it is possible that these stories have been told and retold both outside the court as well as inside it (2000, 11). They may have also provided material for the composition of broadsides, ballads and chapbooks, ‘popular’ texts that had a large circulation and reached a widely differentiated audience. But who were the authors of these texts? Even though they reflect, to a certain extent, the attitudes, and concerns of ordinary people – the target audience – some of them were designed to persuade and shape opinions and were published with propagandistic aims. Therefore, it becomes ‘very difficult to distinguish between what was genuinely popular sentiment and what was the propagandist’s opinion, which he hoped his audience would come to share’ (Harris 1995, 8). It is true that many ballads, for instance, have their origins in oral culture; however, most of them have been transcribed into printed sources, and collected by antiquarians in later periods. Thus, once again, ‘we cannot readily assume that here we have firm evidence of authentic popular culture’ (8).

In the end, what emerges from these observations on the nature of texts and sources is the complex interaction between levels of culture, and an idea of culture as a dynamic process, where practices and beliefs are disseminated in society, often, as Natalie Zemon Davis reminds us, ‘jumping barriers of wealth, birth, religion, and ethnic background’ (1992, 1411).

### 3. *Meanings and Legal Definitions of Rape*

The term ‘rape’ has different meanings in different times and cultures. According to Mieke Bal,

its meaning depends on the status of, in particular, women in relation to men, and the status of the individual subject in relation to the community and its juridical

organization. It is thinkable that the action concerned is interpreted as rape by a part of the culture at stake, and not at all by another part. (2006, 156)

Moreover, the legal definition of rape has varied over time and between legal systems. This means that the semantics of the term is closely connected with the legal attitude to rape. Thus, we need to take into account the various early modern definitions of the word and their ideological implications.

'Rape' derives from the Latin 'raptus', a term which is commonly found in medieval legal documents, and applied equally to forced sexual intercourse, abduction – the theft of a woman – and elopement for the purpose of marriage, sometimes with the consent of both partners. The related term 'ravisht' is similarly ambiguous, since its meaning ranges from sexual violence to metaphorical delight in God (Robertson and Rose 2001, 7).<sup>7</sup>

Law and legal compendia in the medieval and early modern periods betray influence from other discourses, in particular those of the Old Testament law, the medieval and classical theories of human generation and classical literature. They are also founded on 'constructs of female sexuality and consent derived from a complex body of theological, medical, and philosophical texts, both medieval and classical' (Baines 1998, 69).

Medieval law sees the offense primarily in terms of power relations among men. As Bashar maintains, 'Rape law in the medieval period was constructed around the protection of male property in the form of movable goods, their wives and daughters, their bequeathed inheritances, their future heirs' (1983, 41). Although the definition of the crime of rape acknowledges the lack of female consent and the use of force,<sup>8</sup> the thirteenth-century statutes show that it was understood primarily as a crime against property; the law was geared to protect the property of the wealthy, as well as to safeguard bloodline and family interests (31).<sup>9</sup>

Amongst the 'goods' that had to be protected was female virginity, and the law was particularly concerned about its preservation. Virginity as a property value is highlighted by Bracton, the most prestigious legal authority of the Middle Ages, who was also highly influential in the early modern period. Bracton assesses rape within the context of virginity as follows:

The rape of virgins is a crime imputed by a woman to the man by whom she says she has been forcibly ravished against the king's peace. If he is convicted of this crime [this] punishment follows: the loss of members, that there be member for member, for when a virgin is defiled she loses her member and therefore let her defiler be punished in the parts in which he offended. Let him thus lose his eyes which gave him sight of the maiden's beauty for which he coveted her. And let him lose as well the testicles which excited his hot lust. Punishment of this kind does not follow in the case of every woman, though she is forcibly ravished, but some other severe punishment does follow, according as she is married or a widow living a respectable life, a nun or a matron, a recognized concubine or a prostitute plying her trade without discrimina-

tion of person, all of whom the king must protect for the preservation of his peace, though a like punishment will not be imposed for each. (1968, vol. II, 414-415)

Though all women must have some protection under the law, punishment for rape depends, for Bracton, on two factors: first, the (potential) relationship between the raped woman and another man; second, the quality of the loss: 'virginity defines the value of an unmarried woman' (Baines 2003, 60).<sup>10</sup> The role of the woman's consent is downplayed, if not irrelevant.

The description of the raped woman as 'defiled' derives mainly from Deuteronomy 22 which, together with narratives of rape such as those of Dinah, Jacob's daughter (Gen. 33:18-34:31), Tamar, David's daughter (2 Sam. 13:1-22), and the nameless Levite concubine (Judg. 19:1-21:25), has shaped the law's attitude in the early modern period. Deuteronomy 22 directs attention to offences by, and against 'maids', and makes a distinction between those who are betrothed and those who are not. If the raped virgin is not betrothed, the rapist must marry her and pay fifty shekels of silver to her father. Thus Deuteronomic law provides the model for marriage as one solution to rape, a solution indicated by Bracton and by many early modern authorities in order to protect the family honour after 'defilement'.<sup>11</sup> Deuteronomy 22 characterizes a woman's position, both legal, social and economic, in terms of her relationship to men; sexual offence is seen primarily as protecting the rights of fathers, and if the woman is married, of husbands. Moreover, it presents rape as 'the ultimate form of subjugation of women by men' (Baines 2003, 28). Significantly, in the Geneva Bible, as well as in the King James Version, the Hebrew word for 'raped' is rendered in English both as 'humbled' and 'defiled'.<sup>12</sup>

This is no surprise, since the early modern period was highly dependent on the Bible for legal, and social authority. It was on the Old Testament that the (law's) assumption of the subjugation of women was predicated. Rape law reflects, and contributes to strengthen, gender hierarchy; by emphasising property concerns, it diminishes the relevance of female consent: it protects male interests before women's rights.

Though medieval laws of rape applied for the period 1558-1700, Bashar contends that 'it seems that in the late sixteenth century, the legal view of rape changed. Rape came to be seen as a crime against the person, not a crime against property' (1983, 41). The 1557 and 1597 statutes treat rape and abduction as separate offences, but still describe rape as a property crime.<sup>13</sup> And, as the first English law book written for women, *The Lavves Resolutions of Womens Rights* shows, in the first decades of the seventeenth century, the legal definition of rape still subsumes both abduction and sexual violence:

There are two kindes of Rape, of which though the one be called by the common people, and by the Law itselfe, Rauishment; yet in my conceit it borroweth the name from *rapere*, but unproperly, for it is no more but *Species stupri*, a hideous, hatefull

kinde of whoredome in him which committeth it, when a woman is enforced violently to sustaine the furie of brutish concupiscence: but she is left where she is found, as in her owne house or bed, as *Lucrece* was, and not hurried away, as *Helen* by *Paris*, or as the Sabine women were by the Romans, for that is both by nature of the word, and definition of the matter: The second and right raiishment, *Cum quis honesta famae foeminam, siue virgo, siue vidua, siue sanctimonialis sit inuitis illis in quorum est potestate, abducit. Neque refert, an quis (volente vel nolente rapta) id faciat, nam vis quae Parentibus vel Curatoribus sit, maxime spectat.* (1632, 377-378)

However, some legal manuals underscore the distinction made in the 1557 and 1597 statutes and suggest that an important change in the definition of rape occurred around the middle of the sixteenth century. In the revised edition of Sir Anthony Fitzherbert's *The New Boke of Iustices of Peace* (1554), the crime of 'rape', 'which is to raiishe a woman agaynst her wyl' is distinguished from the category of 'Takers of women against their wyll' (fol. 1012v).<sup>14</sup> After this, the crimes of forced sexual intercourse and abduction tended to be treated separately; as a consequence, the issue of the victim's consent begins to be momentous in legal definitions (Greenstadt 2001, 343).<sup>15</sup>

The issue becomes evident, towards the end of the seventeenth century, in the influential definition of the crime given by Matthew Hale in his *Historia Placitorum Coronae*: 'Rape is the carnal knowledge of any woman above the age of ten years against her will, and of a woman-child under the age of ten years with or against her will ... To make a rape there must be an actual penetration or *res in re*' (1736, vol. I, 628).<sup>16</sup>

What appears particularly significant in Hale's definition and in the indications he gives for the prosecution of rape, is, as Julia Rudolph contends, the importance assigned to the sexual nature of the crime: 'Hale focuses on the specific physical actions and the physical manifestations of sexual violation' (2000, 177). The shift from a view of rape as a property crime to a view of rape as a sexual crime entails that greater emphasis is now placed on the victim's consent, on her innocence, morality, resistance and will. Increasing attention is paid to the question of proving or disproving consent, on the 'credibility' of the victim's testimony, on the necessity of showing 'circumstances and signs of the injury' and on the speed with which she 'make[s] fresh discovery and pursuit of the offence and the offender, otherwise [the appeal] carries a presumption that her suit is but malicious and feigned' (Hale 1736, vol. I, 633, 632).<sup>17</sup>

It should also be pointed out that, contrary to common contemporary opinion, Hale rules out the equation of conception and consent (628-631; see also Rudolph 2000, 177). In the law, this equation appears first in a thirteenth-century treatise by Britton, and was repeated in sixteenth- and seventeenth-century manuals for justices of the peace (Greenstadt 2001, 315). According to this view, female pleasure was necessary for conception: 'if the woman conceive upon any carnall abusing of her, that is no rape, for she can-

not conceive unless shee consent' (Finch 1627, 204).<sup>18</sup> Founded on popular and quasi-medical theories, the assumption that conception invalidates any accusation of rape was a commonplace in the early modern period.

The growing emphasis on the issue of the woman's consent shows a growing anxiety about the woman's ability to lie about her consent which, in turn, highlights a fear of women's sexual independence. As Julia Rudolph maintains,

Since the law was ... increasingly motivated by a fear of malicious rape prosecutions, the attendant increased focus on consent was double-edged: on the one hand, the emphasis on female consent was tied to a definition of a woman as an autonomous person, a rational agent; on the other hand, the whole issue of consent was also tied to a definition of woman as sexual, dangerous, and irrational, as female identity was being equated with female sexuality. (2000, 179)<sup>19</sup>

Failing to prove lack of consent, a woman could become complicit in the crime; therefore, the raped victim must not only refuse consent to her assailant but also make her refusal unambiguously evident to an audience that prejudicially questioned women's sexual motives (Solga 2006, 58). Thus her credibility, innocence, and consequently the possibility of a successful appeal to the authorities, rely on 'her physical and rhetorical performance before and after the act of violation' (Sallmann 2010, 47). Only by making visible what 'cannot be visualized', and translating it into 'signs', can the victim legitimates her legal action.

Significantly, Bracton 'instructs' a raped woman about the ways in which she could present herself as a credible victim of violation:

She must go at once and while the deed is newly done, with the hue and cry, to the neighbouring township and there show the injury done her to men of good repute, the blood and her clothing stained with blood, and her torn garments. And in the same way she ought to go to the reeve of the hundred, the king's serjeant, the coroners and the sheriff. ... Let her appeal be enrolled in the coroners' rolls, every word of the appeal, exactly as she makes it, and the year and the day on which she makes it. A day will be given [her] at the coming of the justices, on which let her again put forward her appeal before them, in the same words as she made for the county court, from which she is not permitted to depart lest the appeal fall because of the variance. (1968, vol. II, 415)<sup>20</sup>

The victim must provide evidence not only in her own voice and words but also with her body: 'torn garments' are proof of struggle, 'blood' and 'clothing stained with blood' indicate wounds and also bear witness to her (lost) virginity.<sup>21</sup> Moreover, in order to be successful, an appeal must include several exact repetitions of the account, each time addressing a different audience.

Borrowing from Bracton's treatise, *The Lavves Resolutions of Womens Rights* argues that a victim's efficacious appeal depends on two separate but related actions, lamenting and showing:

She ought to goe straight way ... and with Hue and Cry complaine to the good men of the next towne, shewing her wrong, her garments torne ... and then she ought to goe to the chiefe Constable, to the Coroner, and to the Viscount, and at the next Countie to enter her Appeale. (1632, 392-393)

Like Bracton's treatise, *The Lavves Resolutions* describes the constraints surrounding a rape appeal; here again, the burden of proof rests on the victim. However, though the 'instructions' given in the two treatises are very similar, *The Lavves Resolutions* shifts the emphasis and makes clear the complementarity of word and action, of telling and showing, in the initial revelation of a rape, a revelation that has to precede legal action, and, in a sense, make it legitimate. The introduction of the verb 'complaine', which, according to the *OED*, in medieval and early modern times, had the meaning of 'bewail', 'lament', signals the shift. The verb indicates the linguistic action the woman has to take: voice ('hue and cry') is not enough, she has to perform a specific speech act that conveys sorrow and suffering (Solga 2006, 58-60).<sup>22</sup> However, words alone can give rise to suspicion, since women can be liars; furthermore, given the early modern association of vocal and sexual openness, a 'loquacious' or 'eloquent' victim may convey a disturbing lack of innocence. According to Solga, in *The Lavves Resolutions*,

Making rape known ... is a matter of staging a familiar process of show-and-tell that relies on the mutual reinforcement of word and image ... Rape's revelation becomes more overtly a staged tragedy, the victim a tormented heroine: she is to go to the nearest town and raise hue and cry by 'complain[ing]' of the crime while at the same time showing her ripped clothes and bodily wounds in the public street. Her damaged body, spoken through her lamenting voice, will sign the truth of her narration ... producing her innocence via the dramatic convergence of action, speech, and sight. (59, 60)

The *inner* act of violence is thus turned into a public spectacle, its victim into an actor – playing both herself and the self she is expected to be – whose ability to perform according to a script determines the successfulness of the legal appeal. *The Lavves Resolutions* describes and prescribes a code of conduct that serves not only to make an act of violence known but also to construct the reality of an act that has taken place 'offstage'; in so doing, however, the actuality of rape itself is irremediably effaced (60; Sallmann 2010, 48).

Other strategies were enacted by the early modern legal system in order to expunge the reality of rape. As Barbara Baines has pointed out, the effacement of *real* rape occurred 'through the concept of coerced consent, through the concept that conception negates a charge of rape, through the concept of a woman's carnal pleasure that makes her "no" really mean "yes", and through the practice of avoiding litigation altogether by marriage arranged between the rapist and his victim' (2003, 9).

#### 4. *Loathsome Acts of Lust: Lucrece, Lavinia ...*

1594 saw the publication of the only two works by William Shakespeare in which a rape 'actually' takes place: the early drama *Titus Andronicus* and the narrative poem (*The Rape of*) *Lucrece*.<sup>23</sup> The exact time of composition remains uncertain for both texts. *Titus Andronicus* may have been written a few years earlier and retouched in or around 1593, and it is commonly believed that *The Rape of Lucrece* was written during the plague years of 1592-1593. Both works enjoyed initial popularity; *The Rape of Lucrece*, with its eight editions before 1640, of which six between 1594 and 1616, also influenced the so-called 'complaint poems' of the 1590s (Swärdh 2003, 11-12).<sup>24</sup>

Composed and printed so close in time, *Titus Andronicus* and *The Rape of Lucrece* show several similarities. One of these is that the acts of rape at the centre of both texts are part of larger political conflicts.<sup>25</sup> In *Titus Andronicus*, external conflict turns into the internal strife over the rule of Rome, and *The Rape of Lucrece* tells the story of the legendary birth of the Roman republic, the uprising against the royal rulers and the change of state government 'from kings to consuls' ('The Argument', 41).<sup>26</sup> Moreover, both texts draw on mutual sources of inspiration, for instance, Ovid and Virgil, and share formal aspects, such as the 'ekphrastic mode' (Swärdh 2003, 133). Further, there are direct references in the play to the rape of Lucrece, and, on several occasions, the texts mutually reverberate on the level of expression.

Lucretia, Bal says, is "the heroine of rape" celebrated throughout Western culture', her story, repeatedly reproduced, 'was, so to speak, part of the culture' (1994, 77, 76; see also 2001, 95). Livy's *History of Rome* and Ovid's *Fasti*, both relating the beginnings of Rome, are generally recognized as the most important classical sources of Shakespeare's poem, as well as of other narratives circulating during the early modern period.<sup>27</sup> Augustine's exposition on rape and Lucretia's suicide in *De Civitate Dei* (1.16-19), 'firmly established the legend as a basis for theological and legal debates on the subject, particularly during the medieval and early modern periods which, in turn, were reflected in the literature of the time' (Sallmann 2010, 45).<sup>28</sup> After Painter's translation of Livy's text in *The Palace of Pleasure*, the legend acquired wide popularity in English literature, Shakespeare's poem representing the most acclaimed example. As Donaldson has pointed out, 'The story of the rape of Lucretia is not one story but many stories' (1982, 3).<sup>29</sup>

In his version of the story, Shakespeare expands, and departs from, the classical sources and alludes to contemporary formal debates on the moral acceptability of Lucretia's suicide, thus adapting the story into his own cultural context.

In *The Rape of Lucrece*, rape is understood both as a crime against property and as an act against Lucrece herself, in which the woman's 'wyll' plays a crucial role. Lucrece is represented as belonging to Collatine and 'stolen' by Tarquin,

a king and a tyrant.<sup>30</sup> Once ‘stolen’ and spoiled, Lucrece laments the loss of her worth and the stain on her husband and family: calling for revenge, she kills herself. Her death triggers the revolution that, by popular ‘consent’, leads to the Roman republic. While the classical sources foreground the outcome of the rape and the subsequent suicide for the history of Rome, Shakespeare’s poem focuses primarily on the physical and emotional states of the two main characters, Tarquin and Lucrece.<sup>31</sup> In Shakespeare’s reconstruction of the story, special prominence is given to Tarquin’s inner debate, to the verbal exchange between the victim and the aggressor, and Lucrece’s extended lament after the rape. As Philippa Berry has noted, ‘over a third of the total number of lines in the entire poem’ is actually spoken by Lucrece, a ‘long rhetorical performance’, the greater part of which is a ‘complaint ... for her lost virtue’. This long speech, Berry continues, represents Shakespeare’s remarkable departure from his main sources, since most of it is uttered when Lucrece is alone. In Livy’s *History* and Ovid’s *Fasti*, Lucretia’s lament is much shorter and always addressed to a male audience (2003, 458). However, Lucrece’s fluent speech can be problematic since, given the negative connotations women’s ‘loquacity’ had in early modern culture, her eloquence could be perceived as a mark of lewd conduct and sexual incontinence. Indeed, in the rape scene, Lucrece’s fervent verbal defence cannot do anything but incite greater desire in Tarquin (ll. 645–651). However, no matter how much Lucrece says ‘no’, and tries to persuade Tarquin to give up his heinous deed, her language fails and the offense is perpetrated. Moreover, Tarquin tries to obfuscate his responsibility for the crime by telling Lucrece, ‘Thy beauty hath ensnar’d thee to this night’ (l. 485), thereby illustrating the ‘familiar pattern of shifting the blame from the rapist to the victim’ (Baines 2003, 89).<sup>32</sup>

The different genres of *Titus Andronicus* and *The Rape of Lucrece* – a play and a narrative poem – highlight the different ways in which a rape victim can communicate the violence she has experienced. As the legal compendia prescribed, in order to be deemed credible, a woman had to provide evidence both in words and action for the violence inflicted upon her.

On the stage, Lavinia is a ‘performer’, but a performer who cannot perform through the conventional theatrical means, voice and gesture, being deprived of tongue and hands: her complaint is ‘speechless’, her ‘action’ ‘dumb’ (*Titus Andronicus*, 3.2, 39–40).<sup>33</sup> What she enacts ‘is a performance of writing, an active, painful, full-body gesture that rehearses [her] violation, not by way of any well-worn convention, but by crudely miming the awkward, struggling contortions and oral invasiveness of forced sexual encounter’ (Solga 2006, 64). Differently, Lucrece is a textual construction, existing within a narrative poem, that is, in a text meant to be read by the literate élite; her drama is expressed through ‘spoken’ monologue. In the act of reading, individual readers incorporate the words printed on the page.

The poem and the play exhibit two different representations of rape. In the poem, the sexual assault takes place in Lucrece's (and Collatine's) mansion, in the marital bed, the symbol of the spatial, physical and spiritual union of marriage.<sup>34</sup> Insidiously, on the basis of friendship and trust, Tarquin introduces himself into, and desecrates 'the sanctity of another hearth and home', as well as the laws of hospitality. 'Like a foul usurper' (l. 412), he 'takes unlawful possession of what does not belong to him' (Belsey 2001, 320): he is a thief, a traitor and a ravisher. Tarquin is well aware of the consequences of his 'impious act' (l. 219): the 'scandal will survive' (l. 204) his death, his 'posterity' 'shall curse' his 'bones' (ll. 208-209). He also knows that his crime has no justification:

'Had COLLATINUS killed my son or sire,  
Or lain in ambush to betray my life,  
Or were he not my dear friend, this desire  
Might have excuse to work upon his wife,  
As in revenge or quittal of such strife.  
But as he is my kinsman, my dear friend,  
To shame and fault finds no excuse nor end. (ll. 232-238)

Tarquin's deliberative monologue preceding the rape pivots on the conflict between his 'brainsick rude desire' (l. 175) and the 'sorrow', the 'shame', the 'dishonour', the 'scandal', the 'guilt' and the 'fear' that will ensue if he perpetrates the deed, between 'frozen conscience and hot-burning will' (l. 247). The decision is reached when he comes to Lucrece's chamber door; no more debating, thought gives way to action: 'I must deflower' (l. 348).<sup>35</sup>

Shakespeare's poem contains two different narrations of the rape. The first account, given by the narrator, is focused on Tarquin's 'reprobate desire' (l. 300) and the deferral of its fulfilment. The reader (over)hears Tarquin's deliberations and 'follows' his progress towards Lucrece through the dark and locked rooms leading to her bedroom. The rape is described, both by the narrator and by Tarquin himself, as a form of heroic action, a 'march' towards conquest. Lucrece is objectified, her body is troped; the recurring imagery is that of a city that is 'besieged, conquered, and colonized' (Belsey 2001, 322).<sup>36</sup>

The act itself is depicted as coercive bodily violence: Tarquin interrupts Lucrece's plead, puts out the torch, like a 'wolf' 'seiz[es]' and gags her with 'the nightly linen' and rapes her (ll. 667-681), 'Cooling his hot face in the chastest tears / That ever modest eyes with sorrow shed' (ll. 682-683).<sup>37</sup> The text – 'at this point, at least – is as unequivocal as language can make it' (Belsey 2001, 329): Lucrece does not consent to the rape. The deed leaves her 'frantic with grief' (l. 762); it has not just attacked her body but also the core beliefs about her own identity that is thus dramatically altered (ll. 1682). For Tarquin's part, his unlawful 'appropriation' represents the loss of all his 'properties', he is 'A captive victor that hath lost in gain' (l. 730). And as Lucrece has reminded him: 'kings' misdeeds cannot be hid in clay' (l. 609).<sup>38</sup>

The second narration of the rape is voiced by Lucrece herself and addressed to her husband, father and kinsmen. Her account is condensed into four stanzas (ll. 1625-1652); the accent is on being overpowered and silenced. Tarquin threatened her both physically – he set his falchion against her heart (l. 1640) – and emotionally – he would cast ‘perpetual infamy’ (l. 1638) upon her if she did not yield. In Lucrece’s words:

Mine enemy was strong, my poor self weak,  
 And far the weaker with so strong a fear.  
 My bloody judge forbade my tongue to speak;  
 No rightful plea might plead for justice there. (ll. 1646-1649)

Interestingly, in her narrative, Lucrece highlights her silence and withholds from her audience mention of her long and eloquent verbal resistance, a piece of information the poem’s reader possesses. The reader also knows that this resistance, the only kind that was open to her, was fruitless not only because it had to oppose physical violence but also because it effected her aggressor’s further arousal (ll. 645-646). Moreover, the reader is aware that Lucrece’s words and subsequent behaviour are the result of her tormented deliberation following the rape. She has summoned an audience to whom she reveals the violence inflicted upon her and the name of the offender, indeed, in front of an audience, by daylight, she performs her suicide, an act whose import she had explained in her oral ‘will’ and ‘testament’, uttered soon after the rape (ll. 1181-1206).<sup>39</sup> It is indeed after Tarquin’s departure that, ‘desperate’, she addresses her absent husband, and mandates ‘How TARQUIN must be used, read it in me’ (l. 1195), offering her death as a paradigm for the punishment of her rapist and as means for her to eternize her own ‘fame’ and reputation for chastity (ll. 1202-1204).

The words Lucrece utters are the words that we see written on the page, the words we read, the words that constitute the poem itself. Lucrece’s request ‘to be read suggests a connection between her body and that of the poem itself, which was first published in 1594 under the title *Lucrece*’ (Greenstadt 2009, 57). Thus her ‘will’ is both her ‘resolution’ (ll. 1193, 1200) and the written form in which it is expressed, the text of her own body that she requests (commands?) others to ‘read’. The display of Lucrece’s ‘bleeding body through Rome’ (l. 1851) witnesses and makes public the act of violation performed secretly on her: it ‘publish[es] TARQUIN’s foul offence’ (l. 1852).<sup>40</sup> Lucrece’s call for Tarquin’s public punishment is realized by means of his and his kin’s ‘everlasting banishment’ (l. 1855), a momentous event in the history of Rome marking the foundation of a new ‘state government’. It was indeed the vindication of Lucrece’s rape and of her subsequent suicide that fuelled the ‘revolution’ which, with the consent of the people, overthrew the Tarquins’ monarchic rule, instituted the Republic and made Brutus consul. Since the

offence is brought to the community's attention, revenge cannot be merely a private matter, although steeped in political motivation, but becomes an action that necessarily goes beyond personal vengeance.

While in *The Rape of Lucrece* revenge is excited by the 'loathsome act of lust' (1636), in *Titus Andronicus*, rape occurs within a framework of revenge where an act of violence retaliates against another act of violence.<sup>41</sup> The play records the distinction between the two contemporary meanings of the term 'rape': rape as abduction and rape as sexual violation. In *Titus*, both forms of rape take place; they are treated as separate offences, thus reflecting the change in the definition of rape that legal manuals around the middle of the sixteenth century began to acknowledge.

When Saturninus charges Bassianus and his 'faction' with the 'rape' of Lavinia, Bassianus thus reacts:

'Rape' call you it, my lord, to seize my own,  
My true-betrothed love, and now my wife?  
But let the laws of Rome determine all;  
Meanwhile am I possessed of that is mine. (1.1.410-414)

Here 'rape' clearly refers to abduction, and is perceived as a crime against property: it is a *theft of a woman*, a matter between men, a question of male rivalry and honour, strife over the possession of Lavinia, who functions as 'moveable goods' in the patriarchal economy. Her will appears irrelevant; she accepts silently whatever decision and action her (future) husband and/or her father may take. 'Her rape and dismemberment simply figure what has already happened to her: absolute objectification' (Baines 2003, 161).

Rape as sexual violation, as a crime against the person, takes place 'behind the scenes', in the 'ruthless, dreadful, deaf and dull' woods (1.1.628), where none can see and none can hear. It is described as 'pillage of ... chastity' (2.2.44), or in terms of defloration (2.3.26) and ravishment (2.3 stage direction in Bate's edition, 5.1.92; 5.3.56; 5.3.98).

Significantly, the play draws attention to the 'invisibility' of the crime, and, implicitly, to the difficulty of its representation. The stage-direction to 2.3 (Bate's edition) reads: 'Enter the *Empress's Sons* with *Lavinia*, her hands cut off, and her tongue cut out, and ravished'.<sup>42</sup> As Jocelyn Catty points out, this description primarily helps the reader, not the spectator (though the production may make use of visual signals, e.g. blood stains); in a stage production, in order to be known, the rape 'needs to be related' by the victim 'in some way' (1999, 109). When asked to reveal the crime committed against her, Lavinia writes: *Stuprum* (4.1.78), a term pertaining to Roman law which might have sounded somehow 'strange', if not 'foreign', to a popular audience in early modern England. The use of a stark Latin legal term to define the offence produces a kind of distancing effect likely to enhance the perception of the

offence itself. According to Berger, *stuprum* refers to 'illicit intercourse with an unmarried woman or widow of honorable social condition' (1953, 719), a term highlighting the sexual nature of the crime that, in turn, is distinguished from another offence, *raptus*, 'the abduction of a woman against the will of her parents' (667). By choosing *stuprum*, Lavinia rejects the implication of *raptus*, i.e. that she is personal property, and overcomes the ambiguity inherent in the English legal term 'rape' whose definition subsumes both abduction and sexual violence. Her disfigured body is the tangible proof that she adequately resisted the rapists, her injuries corroborate her lack of consent.

As the play makes clear, though triggered by Chiron's and Demetrius's lust, the rape of Lavinia is an act planned and supported by Aaron and Tamora who conceive it as a form of revenge against Titus. Aaron himself encourages Chiron and Demetrius to combine strength to rape Lavinia and, by using hunting imagery, he compares the rape with the pursuit and capture of a 'doe' in the forest.<sup>43</sup> The phrase 'dainty doe' superimposes the characteristics of wildness, as well as nimbleness and shyness, onto Lavinia: she is the target to aim at, the quarry to be captured by means of weapons and force. Indeed, as Aaron himself makes clear: 'Single you thither then this dainty doe, / And strike her home by force, if not by words' (1.1.618-619). By equating the hunting process with the violation, the metaphor underscores aggressiveness and violence, it entails hurting and killing but it also implies that the victim shows resistance and evasiveness.<sup>44</sup>

An interesting difference in the treatment of rape in *Titus Andronicus* and in *The Rape of Lucrece* lies in the fact that, while in the poem, as well as in many other early modern rape scenes, the rapist first tries to obtain the woman's consent, in the play Chiron and Demetrius never address Lavinia to this purpose.

In 1594, the story of Lucretia's rape had become 'a theme for disputation' (*The Rape of Lucrece*, l. 821). Disputes or *controversiae* were part of the Renaissance educational system and stories of rapes were often chosen as a subject on which the exchange of perspectives could take place. Sometimes the debate voiced the rapist's inner struggle; more frequently it took the form of a contention between two types of discursive acts: the aggressor's persuasive speech aiming at obtaining the woman's consent and the victim's dissuasive speech whose failure leads to the violence itself and, in turn, to the loss of her good name.

##### 5. ... and Nameless Others

One of the issues that early modern narratives of rape invariably address concerns the notions of (dis)honour and reputation, notions that applied to all social levels, though their meanings varied sensibly according to gender and status (Reay 1998, 213).<sup>45</sup>

The biblical account of Dinah's rape (Gen. 33:18-34:31) provides the authority for the troubling equation of raped woman and whore. In this story, the victim is stigmatized as 'whore' and thus implicitly condemned for the violence done to her: rape 'defiles' her body and 'pollutes' her reputation. Further, it reclassifies the woman from a socially accepted figure, that of the 'honest' or 'good' woman, to that of the 'unchaste' woman, a discrediting category, that causes a change in social estimation. Once chastity is lost, Vives maintains, all other virtues are missing:

What can be safe to a woman sayeth *Lucretia*, when her honestye is gonne; And yet had shee a chaste minde in a corrupt bodye. ... Take from a woman her beautye, take from her kindred, riches, comelynesse, eloquence, sharpnesse of witte, cunning in her craft, gyue her chastity, and thou hast giuen her all thinges. And on the other side, giue her all these thinges, & call her a naughty packe, with that one word thou hast taken al from her, and hast left her bare and foule. (1585, 56-57)

In his 'True Roman Tragedie', *The Rape of Lucrece*, Thomas Heywood makes clear the loss of status and the social stigma that the victim of rape will experience. While telling her husband, father, and kinsmen about her violation, Lucrece stresses the damage done to her:

Heare me, I am dishonour'd and disgrac'd,  
My reputation mangled, my renown  
disparaged, but my body, oh my body  
...  
Staind, polluted and defilde.  
Strange steps are found in my adulterate bed,  
And though my thoughts be white as innocence,  
Yet my body soild with lust-burning sinne,  
And by a stranger I am strumpited,  
Rauisht, inforc'd, and am no more to ranke among the Roman Matrons. (1608, h2r-v)<sup>46</sup>

The sense of dishonour, shame and exclusion Lucrece experiences is shared by many other rape victims, often nameless women whose voice is sometimes recorded in broadside ballads and other popular texts.

'A new ballad, intituled, A warning to youth' (1628-1629), tells the story of a dissolute young man who rapes 'an honest Maide' (l. 81) after 'inforc[ing] her to drink' (l. 95).<sup>47</sup> 'Sencelesse' (l. 101), and therefore unable to make any 'resistance' (l. 100), she loses 'her sweet virginity' (l. 102). The ballad highlights a series of features that are present in many other representations of rape: the victim voices her complaint ('In pining grief, she languisht long, / Like Philomel by night', ll. 113-114); in her speech, great emphasis is put on status loss: rape has turned her from 'an honest Maide' (l. 81) to 'a Strumpet in disgrace' (l. 129). Shame finally leads her to self-destruction and, as a consequence,

to the death of the child she is expecting. As the story of Lucretia illustrates, rape and suicide are frequently associated. The raped woman often commits suicide with the weapon used by the rapist either to threaten her (the 'knife' in Shakespeare's *The Rape of Lucrece*) or to deceive her ('wine' in this ballad, where the victim drinks herself to death). The ballad also seems to contradict the view that pregnancy disproves rape. Indeed, the 'honest Maide' (l. 81) is 'sencelesse' (l. 101) when the rape occurs and the 'lustfull Lecher' (l. 93) succeeds in accomplishing his deed only with 'Satan aid' (ll. 90-91), that is, with the complicity of a supernatural entity. In spite of this, the victim conceives a child, an event that shows that rape and conception are not mutually exclusive. This, in turn, might suggest that the equation between conception and consent was not as generally accepted as scholars believe.

'The Life and Death of M. Geo: Sands' (1626) records the criminal events leading to the execution of a 'caitiff', George Sands, whose whole life was devoted to crime and mischief. After robbing and strangling a girl in Holborn, Sands 'perforce did ravish' an honest maid by threatening to kill her. In this case, the rape is committed with the 'ayd' of an accomplice whom Sands had seduced into 'this abuse' (ll. 81-84). The coercive circumstances in which the rape here as elsewhere – Shakespeare's *Rape of Lucrece* is another instance – occurs are emphasized. In this case, however, the emphasis is on the aggressor, whose exemplary iniquity serves the moralistic aims of the author of the ballad.

The image of the rapist as a 'cultural other' is exploited in 'A lamentable ballad of the tragical end of a gallant lord and vertuous lady' (1658-1664). The protagonist is 'a heathenish and blood-thirsty Blackamoor', a servant in a noble white family, who, in order to revenge himself on his master's unfair reproach, imprisons the whole family, except the master, in a locked tower of their castle, rapes the lady, and kills the children and their mother in the full sight of all the town-folks. Seeing all the horror and violence on his family, the gentleman dies. The 'villain void of fear' (l. 189), then, commits suicide by throwing himself out of a tower window. Locating responsibility for rape and violence outside the local community and attributing them to a 'racial Other' represent a way of underscoring the 'chastity' of the Western (imperialistic) culture (Little 2000, *passim*).

While ballads, or at least some of them, construct the rapist as someone outside the community and/or a devious and brutish creature, the picture portrayed by court records and pamphlets appears different.<sup>48</sup> Indeed, in most cases, the man charged with rape is known to the victim and part of the same cultural and social environment.

Surviving information about the thirty-four rape victims for the period 1640-1700 recorded by the Northern Circuit assizes shows that they were the wives, daughters or servants of husbandmen, labourers, shopkeepers or craftsmen; most of them were poor, or at least poorer than the men accused of rape (Chaytor 1995, 381).<sup>49</sup> From the late 1670s, accounts of the trials

that took place at the Old Bailey began to be published regularly. Compiled soon after the conclusion of each session (Emsley, Hitchcock and Shoemaker 2003-2012), the 'Proceedings' sold well.<sup>50</sup> A few accounts record rape cases.

In the narrative of a trial that took place on 6 September 1677, the man was found 'not guilty', since the woman who charged him 'did not cry out', and 'neither a woman who was in another room of the same house', nor a neighbour 'heard the least disturbance'. Furthermore, the alleged victim failed to report the abuse immediately to her husband and, when meeting her assaulter, she 'never charged him or took any notice of it' (Anonymous 1677, 4-5). In another case, the man 'Indicted for Ravishing a Maid' was cleared of the charge since the maid, when examined by the constable after being beaten by the defendant's wife, did not mention the rape, but afterwards 'pretended' it. In the account, she is described as 'a silly Country animal', while he is portrayed as a married man who offered to 'entertain her in his Service' (Anonymous 1678b, 5).

In his *Historia Placitorum Coronae*, Matthew Hale maintains that it is left to the jury to assess the credibility of the 'party ravished': she is 'more or less credible according to the circumstances of fact, that concur in that testimony'. Hale lists a few 'concurring evidences' that, he maintains, 'give greater probability' to the testimony. These are the victim's 'good fame', the present discovery of the offence, showing 'signs of the injury', 'if the place, wherein the fact was done, was remote from people', and whether she made an outcry 'when the fact was supposed to be done'. If these conditions did not obtain, 'a strong presumption, that her testimony is false or feigned' must weigh on the judgement (633).

In trials involving children, however, the young girl's concealment of the assault is frequently justified by her shame and fear. Often it is the child's mother who discovers the physical damage on the girl's body. In an account of the proceedings at the Old Bailey session for London and Middlesex held at the beginning of July 1678, a 'Prentice' was found guilty of raping a 'Maiden Child' between eight or nine years old. The crime was discovered only some days after it was committed because the girl had contracted a 'Disease' which 'caused the Mother to inquire into it' (Anonymous 1678a, 2). The girl was one of the few children who testified in court and the rape was proved by the testimonies of 'a Midwife, and other Matrons'. Similarly, in the narrative of another trial held at the Westminster Quarter Sessions in October 1680, a 'Girl of Nine or Ten Years of Age', 'being ashamed, and not thinking of any harm', did not reveal the violence committed against her, 'till her Mother found out that the lower parts of her Belly were ... grown so sore, that she could not sit down' (Anonymous 1680, 3). The man charged with the rape, a 'Popish Priest' (4), was found guilty and sentenced to pay 'a Fine of 500. Marks, to continue in Prison till it be paid, and to give good Security for his Behaviour during Life' (4).

In another case, after appearing before justice, the impenitent rapist, 'like *Judas*', hangs himself; here it is the perpetrator, not the victim, who commits suicide (Anonymous 1674, 4). The man, William Stapeler, a drover from Romford in Essex, was caught in the act and found guilty of raping a thirteen-year old girl who lodged in his house. Though, in this case, the pamphleteer vehemently condemns the act, his attention is fully focussed on Stapeler and the actions leading to his suicide. Nothing is said about the victim; indeed, she disappears from the scene.

The preoccupation with the convicted criminals' repentance, their open confession, and full conversion to God plays a central role in the 'Ordinary of Newgate's Accounts', which are other interesting sources for the study of early modern rape and, more generally, crime.<sup>51</sup> The stories here contained focus largely on 'The Behaviour of the Condemned Criminals in Newgate'; their life is presented as following a pattern that details stages of sin, crime, repentance, 'change of heart', as well as other questions of faith. The accounts are highly didactic, their aim being to impart moral lessons to contemporaries and encourage respect for the criminal law. Thus it is perhaps not surprising that, in these narratives, the victim is hardly mentioned. Very little is said, for instance, of Elizabeth Nichols, a child who was repeatedly raped by Thomas Benson, an apprentice to the girl's father; only her age – she was about seven or eight years old when she was assaulted – is mentioned. In the 'account of himself' that Benson gave to the ordinary, 'he said that the girl came into his Chamber and so he took the opportunity to commit this ... Act being then in Drink' (*Ordinary of Newgate's Account*, October 1684). Highlighting lack of premeditation on Benson's part, the statement also appears as an attempt to downplay his responsibility in the crime, an attempt that the ordinary immediately unmasks.

Most rape stories, as well as other crime narratives, were designed to deter the audience from felonious activity; they also served the authorities as a means to maintain direct control over public opinion concerning criminal matters. Indeed, serving a moral purpose, most pamphlets and cheap publications exemplify how evil is rightly punished, their closing words typically highlighting a 'fit warning' for lewd men to deter from committing 'sinful and dreadful actions', especially on children.

Space constraints do not allow me to devote adequate attention to how rape was represented in early modern women writers' texts.<sup>52</sup> Generally speaking, when reading these texts, we have to resist temptation of assuming that a woman writer's representation of rape will be different from a man's, and therefore we should be cautious of attributing gender-specific perspectives to these narratives. Significant in this sense is the fact that, in these texts too, mentions of Lucretia, as an example of chastity, proliferate.

However, it is interesting to notice that the only poem of the period written by a woman which apparently refers to her own experience of rape is

one of the so called 'casket sonnets' by Mary, Queen of Scots. Mary's writings have been for centuries highly controversial and closely examined for their political and biographical significance. This sonnet, too, has been exploited to this purpose. The first lines contain a possible mention to Bothwell's rape of Mary at Dunbar in April 1547:

Pour lui aussi j'ai jeté mainte larme.  
Premier, quand il se fit de ce corps possesseur,  
Duquel alors il n'avait pas le coeur. (ll. 1-3)<sup>53</sup>

After voicing a sense of distress, the poem denounces the rape, indirectly expressed through periphrasis, a device that reveals how Mary conceives rape: a possession of a body before 'having' its (her) heart. The phrasing of the lines, however, appears to betray a view of heterosexual love in terms of 'possession' whereby women surrender both heart and body to men, a view that implies a loss of sovereignty on the woman's part, and reinforces the dominant account of love and sexuality between man and woman.

One of most interesting discussions of rape by a woman writer is contained in Leigh's *The Mothers Blessing*, in a chapter concerning the names recommended for children (1616, 27-43). Here, she praises chastity as the pivotal virtue and exhorts women to be wary of men who 'lye in waite euey where to deceiue' them, and 'laugh and reioyce, that they haue brought sinne and shame to her that trusted them' (33). But shame, Leigh contends, is an indication of a woman's innocence, not of her guilt and complicity as Augustine and others worryingly suggested. 'Heathen women', she argues,

before they would be defiled, haue been carelesse of their liues, and so haue endured all those torments, that men would deuise to inflict vpon them, rather then they would lose the name of a modest mayd, or a chaste Matrone. Yea, and so farre they haue beene from consenting to any immodestie, that if at any time they haue been rauished, they haue either made away themselues, or at least haue separated themselues from company, not thinking themselues worthy of any society, after haue once bin deflowered, though against their wils. (38-39)

Leigh portrays women as victims of men's violence and coercion, and takes a clear stand on the issue of the woman's consent, sweeping away all 'presumption of collaboration' (Vigarello 2001, 29) between victim and perpetrator. In the passage, no doubt is expressed as to where the responsibility lies, and no reluctance to exonerate the victim is manifested. Moreover, Leigh seems to show awareness of the psychological consequences of rape and claims that it is shame, not guilt, that leads the victim to self-seclusion, or worse, to suicide.

As we have seen, in most early modern discussions of rape, the core question appears to be the possible consent of the victim, an issue that encourages an examination of her decisions, wishes and personal autonomy. The

significance given to these aspects, and to suffering as well, varies with time and alongside ‘changes in the systems of oppression exercised over women, their permanence, their refinement and their displacement’ (3). Since early modern judgement of rape is grounded in the understanding of the legitimacy of consent, a study of rape can shed some light on the era’s understanding of broader epistemological questions such as free will and the nature of individual agency, whose relevance pertains to both men and women alike.

Rape is indeed deeply embedded in culture: it ‘simultaneously exists as always one thing – a savage act against a woman ... – and never one thing, since it inevitably constitutes a thread in a complex network of interconnected cultural institutions and practices that changes from one historical moment to the next’ (Robertson and Rose 2001, 7). In speaking about rape, therefore, we cannot avoid such issues as patriarchy, domination, poverty, racism, war, sexuality, desire, morality and perceptions of crime and punishment. But speaking about rape also means unmasking that mechanism of violence which, as Eve Ensler puts it, ‘destroys women, controls women, diminishes women, and keeps them in their so-called place’ (2007, xiii-xiv). It means making visible what happens out of sight; it means giving voice to the unspoken.

<sup>1</sup> The concern here is with rape as an act committed by men on women. This does not mean to deny the reality of same-sex rape. This article is an expanded and revised version of a paper discussed at the Ninth World Shakespeare Congress (Prague, 17-22 July 2011).

<sup>2</sup> An examination of a large number of early modern English literary texts representing rape or attempted rape in fiction, poetry and drama can be found in Catty (1999, in particular, 25-118).

<sup>3</sup> In this volume, the problem of the reliability of early modern sources is addressed by Pugliatti (19-42) and also discussed by Cressy (47-62) and Baratta (185-208).

<sup>4</sup> On gender ventriloquism, see Harvey (1992) and Purkiss (1992).

<sup>5</sup> Legal records began to be kept more methodically from 1580. Through the period 1580-1720, legal records became fuller, but often less individual in style (Crawford and Gowing 2000, 6).

<sup>6</sup> Rape, murder, infanticide, arson, and witchcraft were dealt with at the higher criminal court, the assizes. However, as Gowing highlights, ‘most detailed testimonies of rape come not from prosecutions at the assizes, where rape was a capital offence, but from witness statements at the quarter sessions and church courts, where the offence at stake was pregnancy or fornication’ (2003, 101).

<sup>7</sup> The Latin verb ‘rapere’, from which the word ‘raptus’ descends, means ‘the action of carrying off by force’, a meaning that implies a lack of consent, but not the sexual connotation that characterizes the modern sense of the word.

<sup>8</sup> See section XXII, ‘The Old Law of Libidinous Rape’, in *The Lavves Resolutions of Womens Rights* (1632, 378-379).

<sup>9</sup> For studies on the medieval rape law see Post 1978.

<sup>10</sup> Later while treating gang rape, Bracton makes clear that ‘to defile a virgin and to lie with one defiled [are different deeds]’ and therefore ‘only one shall be held for the defilement, though several may be liable for lying with her’ (1968, vol. II, 417).

<sup>11</sup> The marriage solution as a means of protecting family honour is discussed by Post (1978, 152-153).

<sup>12</sup> Baines notes that in his lectures on Genesis, Luther explains that the word 'humbled' 'is the way the Hebrews speak of defilement' (2003, 53). In the Geneva Bible, the marginal note to Deuteronomy 22:24 elucidates the synonymic use of the words 'humbled' and 'defiled': subjugation equates with violation. The Latin Vulgate establishes a similar semantic connection between 'raped' and 'humbled'; in Deuteronomy 22:24 the term used is 'humiliavit'. In this study, quotations from the Old Testament are taken from the Geneva Bible.

<sup>13</sup> *Statutes of the Realm*, 4 & 5 Phil. & Mar. c.8, 1557-1558, 329-330; 39 Eliz. c.9, 1597-1598, 910. In the 1557 statute, the focus is on disinheritance and the forfeiture of property when a person abducts, deflowers, or contracts secret marriage with a 'Maide or Woman Childe'.

<sup>14</sup> The first edition, *The Neue Boke of Iustyces of Peas*, which appeared in both law French and English editions in 1538, does not distinguish between the two offences.

<sup>15</sup> After Fitzherbert's work, the definition of rape became more precise, turning away from the ambiguity that characterized earlier descriptions; see, for instance, Cowell's legal dictionary (1607); Finch's compendium (1627, 204-5); Dalton (1630, 281).

<sup>16</sup> Hale makes clear that, within marriage, rape cannot be recognized: 'the husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimony consent and contract, the wife hath given up herself in this kind unto her husband, which she cannot retract' (1736, 629). Hale's *Historia Placitorum Coronae*, published thirty years after Hale's death but written in the late seventeenth century, became the 'main authority on English criminal law for a century thereafter' (Cromartie 2004).

<sup>17</sup> For discussions of Hale's definition of rape, see Rudolph (2000, 176-177) and Chaytor (1995, 395-396).

<sup>18</sup> The same idea can be found in Staunford (1557, 24); Lambarde (1583, 261); Dalton (1630, 281); *The Lavves Resolutions of Womens Rights* (1632, 396). The first edition of Lambarde's *Eirenarcha* (1581) does not contain the conception-equals-consent view, which was introduced in the second edition (1583). As to conception-equals-consent view, Thomas Laqueur traces it back to second-century Rome (1990, 161). For a discussion on conception and consent, and on the complexities and ambiguities surrounding the concept of consent in early modern England, see Baines (2003, 63-79).

<sup>19</sup> Significantly, at the end of his chapter on rape, Hale engages in a discussion on malicious suits brought against innocent men (1736, 634-659).

<sup>20</sup> Similarly, Glanville's treatise of 1187 emphasized the importance of the victim's display of the 'injury done to her', the 'effusion of blood', and 'tearing of her clothes' (Eng. trans. 1965, quoted in Hanawalt 1998, 126).

<sup>21</sup> Deuteronomy 22 prescribed that, in case a man slanders his wife, saying that he 'found her not a maide' (22:14), the woman's parents 'take and bring the signes of the maydes virginitie vnto the Elders of the citie' (22:15); and the father will say: 'loe, these *are the tokens* of my daughters virginity' (22:17). The marginal note in the Geneva Bible explains that the 'tokens' are 'the sheet, wherein the signes of her virginitie were'.

<sup>22</sup> In Bracton's treatise, the verbal expression of the crime is implied, and, in the initial disclosure of rape, the attention is focused on the victim's show of injury and blood.

<sup>23</sup> The first quarto of 1594 gives the title as *Lucrece* on the title page and *The Rape of Lucrece* on the first page of the text and in the running heads. Not until the 1616 edition did the title-page read *The Rape of Lucrece*.

<sup>24</sup> For the genre of 'female complaint', see Catty (1999, 62ff). For a discussion of the editorial alterations and the transmission of the texts of *The Rape of Lucrece*, see Roberts (2003, 102-142).

<sup>25</sup> Other works by Shakespeare that mention, or allude to rape are: *The Two Gentlemen of Verona* (Proteus attempts to rape Silvia); *The Tempest* (Caliban's attempted rape of Miranda is part of the back-story); *Pericles* (rape appears as a theme in the brothel scenes); *Cymbeline*

(Cloten imagines his rape of Imogen, 3.5.137-144). Moreover, according to Stanley Wells, 'the bed trick in both *Measure for Measure* and *All's Well That Ends Well* represents a kind of rape by a woman of a man' (2010, 146). In *Measure for Measure*, Angelo, as a redeemed rapist, is modelled on the biblical character of Shechem, who violates Dinah in Gen. 33:18-34:31. Stanley Wells also argues that, in Shakespeare's works, 'loveless desire leads to brutal rape'. In this sense, *The Rape of Lucrece* 'forms an extended examination of the effects of lust without love' (119, *passim*).

<sup>26</sup> Quotations from *The Rape of Lucrece* are from The Arden Shakespeare (2007).

<sup>27</sup> Titus Livius (c. 64 BC – 17 AD), *Ab Urbe Condita* 1.57-60 and 344-49; Publius Ovidius Naso (c. 8 AD), *Fasti* 2.721-852. Shakespeare's sources are discussed in Bullough (1957, 177-199). In early modern England, the influence of classical literature accounts for a proliferation of allusion to Lucretia, Virginia and Philomela, whose stories are made available in English translations by Painter (1566), Pettie (1576) and others, while Ovid's *Metamorphoses*, made popular by Golding's translations of 1565 and 1567, takes rape as its prototypical metamorphosis and provides a model of rape as foundation myth (Catty 1999, 9). The importance and the popularity of Ovid's works in sixteenth-century humanist education cannot be over-emphasised. As Sarah Carter has recently underlined, the practice of reading, memorising, translating Ovid (both from Latin into English and back to Latin), the imitation and rewriting of his works played a crucial part in the curriculum of sixteenth-century English grammar education; the *Metamorphoses*, *Fasti*, *Heroides*, and *Tristia* were the 'sources for a variety of myths and exemplars in poetic style'. The *Metamorphoses* in particular, with their focus on 'desire, mutability, and mortality, [have] prove[d] eminently resonant to early modern thinkers' (2011, 2, 3). According to Amy Richlin, in the fifteen books of the *Metamorphoses*, over fifty stories of rape are contained, and in the six books of the *Fasti*, ten tales involving rape are told (1992, 158).

<sup>28</sup> According to Augustine, Lucretia's suicide undermines her claim of innocence. Her self-destructive act leads him to wonder: 'If she be an adulteresse, why is shee commended? If shee bee chaste why did shee kill her selfe?' (1610, 31).

<sup>29</sup> Medieval accounts of the story of Lucretia appear in Geoffrey Chaucer's *The Legend of Good Women* ('The Legend of Lucrece', c. 1386-1387) and in John Gower's *Confessio Amantis* (VII.4754-5130, c. 1390-1393).

<sup>30</sup> Lucrece's condition as (male) property is highlighted directly or by allusion in ll. 17-18, 33-35, 1056, 1067, 1191, 1660, and especially 1791-1806. René Girard reads the poem in terms of relations among men along the line of the paradigm of 'mimetic desire'. To his mind, in *The Rape of Lucrece*, Tarquin, 'unlike the original Tarquin of ... Livy' is drawn to Lucrece 'solely by her husband's excessive praise' of her virtues; driven by his 'false desire' (*The Rape of Lucrece*, l. 2), 'he resolves to rape a woman he has never actually met' (Girard 2000 [1991], 4. For the extensive analysis of the motif in the poem, see 23-28).

<sup>31</sup> One of Shakespeare's departures from the classical accounts lies in the fact that, in *The Rape of Lucrece*, he omits the first part of the story, which is contained in the prose 'Argument', and opens his poem with Tarquin's 'second' visit to Lucrece's house. Moreover, Shakespeare dedicates only a couple of lines to the aftermath of Lucrece's rape and death. After the display of Lucrece's 'bleeding body' (l. 1851), 'The ROMANS plausibly did give consent / To TARQUINS everlasting banishment' (ll. 1854-1855).

<sup>32</sup> The strategy of blaming Lucrece for the offence perpetrated on her, a strategy very often detected in real rape-cases, is also used earlier in the poem when Lucrece urges Tarquin to tell her 'Under what colour he commits this ill' (l. 476). His explanation is crystal clear: 'The fault is thine, / For those thine eyes betray thee unto mine' (ll. 482-483; for the whole reply see ll. 477-483).

<sup>33</sup> Quotations from *Titus Andronicus* are from The Arden Shakespeare (1995).

<sup>34</sup> The marriage bed as the centre of conjugal intimacy was a theme treated in the contemporary moral literature. William Perkins, for instance, states that 'the marriage-bed signifieth that solitarie and secret societie, that is betweene man and wife alone' (1609, 111; the treatise

appeared first in Latin in 1590 and later it was translated by Thomas Pickering). The intrusion of a third person into this society can be seen as something like the germ of disintegration of the society itself. In a sense, in *The Rape of Lucrece*, rape also represents a violation of the spatial rights and norms that regulate domesticity.

<sup>35</sup> The verb chosen by Tarquin reveals that he equates Lucrece with a virgin thus presupposing her innocence and chastity.

<sup>36</sup> See ll. 221, 428-445, 463-483, 1170-1173. The land-as-woman (and the woman-as-land) metaphor was pervasive in early modern travel narratives. Sir Walter Raleigh described Guiana as 'a Countrey that hath yet her Maydenhead ... neuer been ... conquered or possessed by anie Christian Prince', waiting for her English lover or conqueror to put his 'glad feet' on her 'smooth ... breast' (1596, 96; see also Chapman 1596, A1v-A4r.). Moreover, the personification of cities as women is frequent in the Hebrew Bible (Gordon and Washington 1995, 308). For the use of the language of warfare and military assault to describe rape in the Hebrew Bible see 308-325.

<sup>37</sup> Though the actual rape takes place somewhere between ll. 680-683, Tarquin's assault on Lucrece begins at l. 435, when he presses his hand down to her heart.

<sup>38</sup> For a full discussion of the issues of possession and dispossession in the poem, see Belsey (2001, 315-335).

<sup>39</sup> For the theological, legal and popular views on early modern suicide, see Clare in this volume (241-252).

<sup>40</sup> Painter's version of Livy's *Historia* reads: 'The bodie of Lucrece was brought into the markette place, where the people wondred at the vilenesse of that facte, euery man complainyng vpon the mischief of the facinorous rape, committed by *Tarquinus*' (1566, B2v).

<sup>41</sup> The story of *Titus Andronicus* survives in three different versions: Shakespeare's play, a ballad which was entered the Stationers' Register in 1594, and a prose narrative account which is extant in a mid-eighteenth-century chapbook. Jonathan Bate supports the view that 'the play came first, the ballad was based on the play, and the chapbook was a re-expansion of the story based on the ballad' (1995, 83).

<sup>42</sup> Both the three Quartos (1594, 1600, 1611) and the First Folio (1623) contain the stage direction, though with slightly different spelling and punctuation.

<sup>43</sup> The forest with its 'wide and spacious' 'walks' and its 'many unfrequented plots' is described by Aaron as 'Fitted ... for rape and villainy' (1.1.614-616), an outlying place where, 'shadowed from heaven's eyes', Chiron and Demetrius can 'serve' their 'lust' (1.1.630). However, if it is true that the forest is a place of perils for a woman, it is also clear that, despite a long tradition, handed down from the middle ages, which recommended that wives should be locked up, the house is no guarantee of security either, as *The Rape of Lucrece* shows.

<sup>44</sup> It should be noted in passing that the hunting metaphor has been widely used in (English) poetry to represent dynamics of amorous courtship and sexual chase. In *Titus*, not only does Aaron employ the age-old metaphor but more crucially he takes it, as it were, to the extreme by exploiting in full such elements as violence and destructiveness that are usually only partially activated in poetic contexts.

<sup>45</sup> For discussions on women's honour and dishonour in early modern England, see Gowing (1996), Walker (1996), and Pallotti (2012).

<sup>46</sup> Similarly, in sonnet 66, Shakespeare uses the verb 'to strumpet' to lament a characteristic of moral injustice: 'And maiden virtue rudely strumpeted' (6). Quotations from Shakespeare's sonnets are from *The Arden Shakespeare*, edited by K. Duncan-Jones (1997).

<sup>47</sup> There is probably an allusion here to Ephesians 5:18 which intimates: 'And be not drunk with wine, wherein is excess ...'. In the Geneva Bible, the marginal note to this verse explains that by 'excess' is meant 'Every type of disorder, together with every manner of filthiness and shamefulnes'. For a fuller discussion of the texts considered in this section, see Pallotti (2012, 290-302).

<sup>48</sup> Most pamphlets containing narratives or mentions of rape belong to the second half of the seventeenth-century.

<sup>49</sup>The depositions included in the Northern Circuit assize papers are of two kinds: the examinations of the defendants and the informations of the plaintiffs and witnesses (Chaytor 1995, 380).

<sup>50</sup>From January 1679, 'the Court Alderman of the City of London ordered that accounts of the proceedings at the Old Bailey could only be published with the approval of the Lord Mayor and the other justices present' (Emsley, Hitchcock and Shoemaker 2003-2012).

<sup>51</sup>The 'Ordinary of Newgate's Accounts' (1676-1772), that contain the lives of the criminals executed at Tyburn, shared the commercial success of the Proceedings of the Old Bailey.

<sup>52</sup>See, for instance, Whitney (1567, A4v); Lanyer (1611, ll. 205-206; 211-212). Attacks on seduction are also found in the pamphlets by Rachel Speght, Ester Sowernam and Constantia Munda, all published in 1617, which answered to Swetnam's *Araignment of Lewde, Idle, Froward and Vnconstant Women* (1615). The names of Ester Sowernam and Constantia Munda are, as Diane Purkiss has shown, 'pseudonymous' (1992, 71).

<sup>53</sup>'And I have shed for him so many a tear. / First when he took my body and made it his own / Although my heart was not yet won' (Mary, Queen of Scots 1992, 39). The authorship of Mary's writings has been seriously questioned. This and other issues are briefly discussed in Bell's introduction (27-29).

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