“Partly with and Partly against Her Will”: Female Consent, Elopement, and Abduction in Late Medieval Brabant

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Journal of Family History
2017, Vol. 42(4) 351-368
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DOI: 10.1177/0363199017725226
journals.sagepub.com/home/jfh

Abstract

This article addresses the issue of consent in abduction and elopement cases, aiming to contribute to a better understanding of marriage formation in the fifteenth-century duchy of Brabant. It challenges the division between abduction and elopement in current historiography. Whereas some historians believe in the high frequency of elopements as means for youngsters to freely choose their own spouse, I argue that socioeconomic interests motivated most abductions. Although some women certainly succeeded in influencing marital choices themselves, the abduction/elopement was not a frequently used method to oppose social norms and arranged marriages.

Keywords

gender, marriage, consent, law, choice, Brabant

Abduction/Elopement in the Evolution toward Companionate Marriage?

Romantic love and friendship are strongly associated with modern marriage. In the past, however, this was not always true. For decades, historians have sought to understand the motives that led people to engage in marriage, with no definitive answer to this challenging question. One frequently discussed term is “companionate marriage,” meaning a union of partnership between a man and woman who have freely chosen to marry each other, principally motivated by the pursuit of love and friendship.¹ In the 1970s, historians such as Edward Stone and Lawrence Shorter, argued that this ideal of marriage emerged only in the eighteenth century among the English middle class. Moreover, they claimed that “companionate” marriage was diametrically opposed to the earlier form of marriage, an affectionless alliance that primarily served familial and practical ends. Critics of Stone and Shorter’s rupture theory argued for the existence of love and individualism in marriage as early as the late Middle Ages.² Consequently, most scholars agree upon a gradual evolution toward companionate marriage between 1300 and 1700. Despite this consensus, however, it remains unclear to what extent mutual consent was an essential feature of “premodern” marriage.³

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This study on elopement and abduction of women contradicts the recently made claim that consensual marriages were the standard in a large part of late medieval society. Medievalists are equally divided on the nature of these phenomena in particular and marriage in general. All agree that marriage served often as a mechanism to connect families but differ profoundly on the degree to which individuals could actively participate in the formation of their own marriages and, thus, in the choice of partner.⁴ Many hold the traditional view that late medieval marriage primarily advanced the interests of the extended family, while individuals were mere pawns in a strategic game aimed at the preservation of family power and property.⁵ Other historians ascribe a higher degree of self-determination to the marriage partners⁶ based on the canon law principle of consent and evidence of individualism and affection in literature and legal records. They consider that the mutual agreement of both partners was essential to conclude a valid marriage.⁷ Recently, this second group of scholars has received support from historians who study the European Marriage Pattern (EMP), a contested model characterized by a high age of marriage for both partners, predominance of the nuclear family, and a high proportion of single persons. Proponents argue that this pattern emerged around 1350 in northwestern Europe due to increased proportion of women in the labor market after the Black Death, relatively egalitarian inheritance laws and, crucially, free choice in contracting marriage.⁸ However, studies of the EMP have never provided systematic analysis of records of actual practice to support their claims.

Some scholars view signs of individualism in legal records as evidence for the existence of consensual marriages or at least for a broad awareness of the ideal of marriage made by free choice. Indeed, there are legal records in which the tension between the canon law ideal of marriage based on mutual consent and family interest in strategic alliances results in abductions and elopements. Both were primarily methods to conclude marriage; a man took a woman away from her home, or a man and woman ran off together to get married secretly. Scholars use different terms based on the presence or absence of the abductee's consent: elopement or *rapt de séduction*, if the woman consented; abduction or *rapt violent*, if she did not. A recurrent question in studies on elopement/abduction is the degree to which female agency was at play. Some historians assert that many abductions were in fact elopements, which were an expression of female resistance to social norms and arranged marriages and had according to some even romantic characteristics.⁹ Others are skeptical with regard to this image of the elopement as "a struggle for freedom" and contend that women were most often victims, not rebels bravely wanting to determine their own future.¹⁰ These historians consider abduction or elopement primarily as a means for men to force wealthy women into marriage and thereby secure their own position through strategic alliances.¹¹

Recent research tends to distance from the divide between abduction and elopement by paying attention to the gray area between both. In her recent study on abduction, adultery, and rape, Caroline Dunn suggested this distinction between the woman as "abduction victim and active coconspirator," widespread in modern scholarship, fails to correspond with late medieval historical reality. She writes that the strict division is "a modern one, demonstrating both a post-Enlightenment concern for individual choice and a feminist attraction to the perspective of the woman's experience."¹² Similar to Dunn, Sylvie Joye argued for studying abduction without the bias of hindsight, as a social phenomenon during a specific time and under certain local conditions.¹³ Gwen Seabourne pointed out that there is a "whole spectrum between wholehearted agreement and active refusal, like reluctant agreement, passive acquiescence, resistance and consent."¹⁴ It was often extremely difficult for late medieval judges to ascertain the truth of the matter and disentangle socioeconomic from more personal motives. This problem is compounded when historians today try to classify abduction/elopement cases, when it is difficult or even impossible to distinguish the often intertwined social factors and feelings. As Garthine Walker illustrates, two narratives, one with the abductee as a victim in a "property crime" and the other with the abductee as a woman who actively

“wished to determine her own fate,” could come together in a single case,¹⁵ making it difficult to ascertain their veracity.

Despite the emergence of this multifaceted view in recent years, current research often still uses the abduction/elopement division to structure their findings, trying to separate abductions from elopements.¹⁶ However, forcing this distinction on judicial records of the late medieval city is impossible and undesirable. Therefore, this essay examines the division between elopement and abduction on two levels. First, it treats these phenomena judicially by looking at the place of female consent in law and justice. Second, I examine the motives behind elopements and abductions to ascertain the historical reality behind the judicial categorizations in the fifteenth-century Low Countries in a case study on the Brabantine cities of Leuven and Antwerp. As the core area of the EMP, known for increased autonomy for both marriage partners, the duchy of Brabant (at the western border of the Holy Roman Empire) is highly significant for the study of late medieval marriage. Furthermore, their favorable legal position in the Low Countries—for example, daughters enjoyed the same inheritance rights as sons—should have given women more opportunities to make autonomous marriage choices than women in other European regions, in which the daughter’s share was mostly dependent on the goodwill of her parents.¹⁷ However, women’s inheritance rights also made them vulnerable targets for abductors looking for a beneficial marriage.¹⁸

In this article, I argue that abductors were most often motivated by socioeconomic interests and that abductees often declared their consent in court for reasons other than pursuit of free choice in marriage or rebellion against their parents’ matrimonial policy. This does not imply that the women involved should always be seen as helpless victims oppressed by either their abductors or their families. Economic motivations are simply easier to detect than emotional ones, and we can never truly know how these medieval men and women felt and thought. Still, I argue that many women did not marry their abductors by choice in its modern sense, but to avoid the negative effects of the abduction on their reputations and to secure their social position, as marriage could have made life easier. In short, if the source records the victim’s consent it is not in itself a guarantee that she actively tried to determine her own marriage and future or that she followed her partner out of love. It is important not to conflate love, choice, and consent. They are not the same thing, since, for example, one can agree to marry reluctantly or without loving the person one marries. A judicial mention of the woman’s consent does not per se imply that she ran away with her lover or rebelled against her parents’ authority. Abductions were a rather exceptional method of making marriages from personal autonomy, and their appearance should not be considered an important milestone in the evolution toward companionate marriage. Some cases, however, demonstrate that women succeeded in influencing marital choices themselves.

Female Consent in the Juridical Sphere

Rather than considering law and justice instruments in the hands of repressive authorities, legal scholars today do not study justice as a one-way street, but as an interplay between governments and citizens, in which the supply of juridical services interacted with the demand from below.¹⁹ Integrating this judicial turn into the study of abduction and elopement requires consulting diverse sources from multiple authorities.²⁰

By combining an integration of multiple sources with an extended chronological period of study, this essay therefore hopes to contribute to a better general understanding of abductions and marriage formation in fifteenth-century Leuven and Antwerp. One group of sources offers a “top-down” perspective. The accounts of the bailiffs, who represented the duke of Brabant in both towns and held responsibility for apprehending and sentencing criminals, are registers that list the names of criminals punished and the incomes or costs of their cases.²¹ In addition, two urban sentence books were available. The Leuven “book of pilgrimage” (*Dbedevaertboeck*) lists all criminals forced to go on a

pilgrimage by the city aldermen between 1398 and 1421, while the Antwerp *Correctieboek* contains final judgments by that city's aldermen between 1415 and 1512.²² Together, these sources give information on the punishment of 193 abductors, guilty of 93 abductions. The second group contains private contracts that offer a "bottom-up" perspective. Contracts related to abductions/elopements survive in the aldermen's registers of voluntary jurisdiction which contain standardized acts in which women made official declarations in front of the aldermen that they followed their abductors out of their own free will, along with many other types of acts. Many of these sources only list names, offense, and the imposed penalties, but a significant number also include contextual information. Taken as a whole, these records reveal a great deal, even though we must consider the bias of the sources and possible discrepancies between what actually happened and what the authorities recorded. As will become clear, our modern perspective on concepts such as "free will" and "personal choice" does not necessarily match the vision of late medieval authorities.

An understanding of the uses of abduction and elopement in late medieval times requires a short excursion into canon law, since marriage regulation then fell under the Church's jurisdiction. After a slow and gradual process that started after the Carolingian era, the Church had gained full authority over marriage in the twelfth century. Marriage became one of the sacraments and therefore Church scholars earnestly discussed the precise meaning of a valid marriage. Ultimately, they placed the principle of consent at the center; mutual approval of both partners became the most important condition for concluding a valid marriage, because *ubi non est consensus utriusque, non est coniugium*.²³ The Church postulated additional requirements at the Fourth Lateran Council in 1215, such as a public solemnization ceremony and the announcement in advance of consanguinity or other impediments. Marriages that met with the principle of mutual consent but fell short of the extra requirements are called clandestine marriages. They were illegal but valid and could thus be punished but not undone.²⁴ As a consequence, canon law made it possible for individuals to marry without the approval or even the knowledge of parents and family. These clandestine marriages existed in two forms. They could be concluded *per verba de praesenti*, which meant that the spoken words "Yes, I do" sufficed to make a valid marriage. However, on the continent, most clandestine marriages were contracted *per verba de futuro carnali copula subsequuta*: the marriage vow, a promise to wed in the future, was converted into an actual marriage bond by sexual intercourse.²⁵

The canon law doctrine of consent contravened the interests of wealthy families. It jeopardized the family's social status and patrimony, because individuals did not have to have parental consent. Young people could choose their own marriage partners, perhaps disregarding their families' wishes and concerns. Secular authorities tried to fill the gap created by canon law and make parental approval a necessary condition for concluding marriages. Since marriage was outside the jurisdiction of secular authorities, law makers aimed at punishing abductions and elopements, which often preceded clandestine marriages. Through an abduction/elopement, a man took a woman with or without her consent from one place to another.²⁶ In that way, the couple escaped parental and social control and wed clandestinely. Later, the couple could return home to confront their families with their freshly made marriage, which was clandestine but valid and thus unbreakable. By criminalizing the abduction, lawmakers hoped to make it harder for young people to get married behind their parents' backs. Equally, different authorities in fourteenth- and fifteenth-century Brabant promulgated laws concerning abduction to deal with social consequences of marriage formation including several surviving ducal charters intended for the whole Duchy of Brabant and two city charters intended for Leuven. Antwerp and Leuven customary law, written down in the sixteenth century, contains provisions on abduction as well.²⁷

The meanings and practices of elopement/abduction and how the lines between the two were drawn were inflected by the specific legal regime, inheritance customs, and the cultural and economic context.²⁸ Therefore, the exact forms of abductions/elopements were shaped by the particular legal regime and specifically the abduction laws in place. Brabantine ducal law focused on two

principles: consent and the victim's age. To determine whether a woman was taken voluntarily or against her will, and thus to determine whether the act was an elopement or an actual abduction, authorities asked if the woman had cried out loud. The victim's outcry was proof that the woman was taken by surprise and did not consent to the abduction. The second important issue was the age of the victim. Did the perpetrator abduct a minor girl who was still under her family's guardianship, or did he "steal" a woman who had already come of age? While abduction of a minor was always illegal, regardless of her approval, seizure of an adult woman was only punishable if the victim was taken against her will.²⁹ As adult single women in the Low Countries were considered fully legally capable, seducing adult women was not illegal. However, the line between the age of minority and the age of majority was rather hazy. In fourteenth- and fifteenth-century Brabant, the age of majority was eighteen, twenty, twenty-five and sometimes even twenty-eight years old. A mid-fifteenth-century Brussels city charter explicitly stated that seducing minors was illegal "because these young people under 28 years old could not bind themselves without relatives."³⁰ According to sixteenth-century Leuven customary law, youngsters came of age at the age of twenty-five.³¹ So in theory adult men and women could marry whoever they wanted without risking punishment.

There were legal differences between the Brabantine cities under consideration here. In Leuven, the distinction between abduction and elopement was an official declaration of consent in front of the Leuven aldermen. Between 1389 and 1460, over sixty of such declarations can be found in the aldermen's registers which contain acts of voluntary jurisdiction of citizens. This declaration gave a woman a conscious and active role in determining whether the act was an abduction or an elopement. A woman received a charter with her statement "that she followed her abductor by choice and would not doubt to make the same choice again." Since authorities would take this legally valid charter into account, it could save the couple from a harsh punishment for forced abduction. One Leuven city charter of 1396 states that heavy penalty applied to all abductions and could not be bought off, even if the abducted woman appeared in front of the aldermen of the city to make a formal consent declaration. This legal text did not have a great impact, since official declarations of consent by abducted women kept on appearing in the Leuven aldermen's registers throughout the fifteenth century.³² On July 3, 1458, for example, Kateline Truydens declared to the aldermen of Leuven that "she had followed her abductor Hendrik Leemans out of her own free will in order to marry him." This stipulation seems to have applied exclusively to Leuven. In Antwerp, neither similar legal texts nor such declarations of consent can be found.³³ The Antwerp registers of voluntary jurisdiction contain another type of act not found in the Leuven registers, contracts in which children promised their parents or relatives not to marry without permission on penalty of disinheritance. Although there are only few, their existence shows that parents could anticipate a possible conflict by appealing to this voluntary procedure. Each region/city had its own ways to deal with conflicts over marriage. Determination of consent mattered throughout Brabant either through drawing up a declaration of consent or hearing witness testimony of the abductee's cry. In the Brabantine city of Brussels, eloping with a consenting woman of age was not a crime, given that only "raping and abducting women and ladies against their will or seducing young under-aged children" was punishable.³⁴ The specifics of the laws in place were powerful shapers of how people told stories about these abductions. For this reason, the sources considered here mirror the importance of consent in Leuven and Antwerp and its influence on the judicial settlement.

What penalties did these legal texts impose? All charters demand very severe punishment for the abductor; he should lose not only his property but also his life and be executed. Antwerp customary law, for example, states that "all women, rapists or abductors who harassed or abducted women, be it young daughters or other ones, against their will, will lose their body and their goods and will be executed with the sword."³⁵ Although abducted women were to be punished as well, legal stipulations are much less clear on this point; a woman who stayed with her captor would be punished, but only if she had been initially abducted against her will. Consequently, a woman taken against her

will, whose cries had been heard by witnesses, but who chose to stay with the abductor, would lose her property and her right to inherit from her parents. Myriam Greilsammer argues that this contradictory provision, which combines the act of abduction against her will and the decision to stay with the abductor, shows that authorities did not care about punishing violence against women but cared deeply about preventing nonconventional marriages.³⁶ Other historians contend that this seemingly contradictory stipulation served to discourage abducted girls from reconciling with their abductors afterward.³⁷ In any case, the confusing clause on penalties for women in combination with the flexible age of majority gave the authorities some maneuverability in punishing abductions. For example, when they found a witness who would declare that he or she had heard the “victim” scream, the couple could be punished, even if the abducted adult woman declared her consent during the trial.³⁸ One legal text, the aforementioned Leuven city charter promulgated by the urban government in 1396, imposes different penalties. Rather than execution for abductors, it orders that they be sent on a forced pilgrimage to Cyprus to stay there for one year. Some years later, in 1406, urban administration enacted a new ordinance to express its concern about “lewd acts and evil” with regard to marriage formation which “has been rising in recent times and appeared more frequently than before within the city of Leuven.”³⁹ It restates that abductions should always be punished, thereby implying that this was definitely not always the case.

In addition to the prescriptive legal stipulations on abduction, we must examine evidence of actual practice to determine how late medieval authorities really dealt with abductions and elopements. Did the theoretical, legal division, followed by many historians, reflect the historical reality? The true motives behind each case will naturally never be known, as it is impossible to determine the degree to which the sources reflect what actually happened. The bailiff might have slanted the case in his accounts to justify his decision to impose a composition, or the couple and their relatives might have altered their stories to effect the desired judicial outcome.⁴⁰ Late-medieval people were aware of the judicial difference between abduction and elopement and played with those concepts in court. Despite possible narrative manipulations from tactical considerations, the sources do give insight into plausible motivations and emotions that might figure into abductions, and into the way authorities and late-medieval people perceived this “crime,” as well as marriage in general.

In the records of penalties for 193 abductors from the sentence books and bailiff accounts, the most striking feature is the paucity of death sentences. The severe laws were rarely applied in practice. In Leuven, only one abductor was executed in the fifteenth century, while in Antwerp, four men who were complicit at abducting the same girl were executed by decapitation in 1483.⁴¹ Some abductors were banned from the city or sent on a forced pilgrimage, but the majority had to pay a sum of money to settle the affair with a friendly agreement called a “composition.”⁴² The lack of severe punishment in practice accords with previous research on this topic, there often was a huge discrepancy in the treatment of abductions between prescription and actual practice.⁴³ Despite that difference, the two central elements in most legal texts, the consent of the “victim” and her age, also mattered in practice. When the “victim” had followed her abductor willingly, the bailiff accounts did not label the event as an abduction, a *schaeck* in Middle Dutch. Furthermore, when an adult woman consented to her abduction, this was taken into account. An entry in the 1454–1455 accounts of the Antwerp bailiff states that two men abducted Lijsbeth, the widow of Jan Mees.⁴⁴ Since she was an adult woman who followed her abductors by choice, the men were not condemned but did have to pay a composition to the bailiff. In Leuven, in 1410, after Jan Uter Helcht took Elisabeth Lyedens away and married her, she declared in front of the aldermen that she had agreed to it. Still the Leuven bailiff tried to find a witness who would testify that Elisabeth had screamed so that he could punish the offenders. When he could find no witness, the city’s aldermen urged him to drop the charges against Jan and his accomplices, who did not receive any punishment and did not even have to pay a composition.⁴⁵ These cases show that despite the difference between law and practice, the

principle of age and consent and thus the distinction between abduction and elopement mattered both in the legal as in the judicial sphere.

Since minor girls were under the authority of their parents or guardians, abducting them was always prohibited, even if they consented. In Antwerp, Jan De Vreese took away Lynken Vandenberghe, an orphan who was still a minor.⁴⁶ Because Lynken's wards did not give her permission to marry, Jan was sentenced to a forced pilgrimage to the Swiss village of Einsiedeln.⁴⁷ In 1418, Hendrik Van Calsteren of Leuven and Ydeke Roenvox ran away together "under the pretext of abduction." After Ydeke's father complained to the authorities "that his daughter had been taken from him," they sentenced Hendrik to a pilgrimage to Cyprus, which suggests that Ydeke was still a minor.⁴⁸ On March 1, 1434, Mercelis Van Doseldonc was sentenced to a pilgrimage to Wilsenaken in Eastern Germany because he and his accomplices had abducted Gertrude, the daughter of Jan Pape.⁴⁹ The accomplices had to go on pilgrimage to 's-Hertogenbosch and Cyprus. Although Gertrude said that she "accompanied them out of her own free will and that she would do it again if she had to," the authorities punished the perpetrators and made her return so that "she was with those who she was supposed to live with." These judgments indicate that she was a minor still under her parents or guardian.

Although the "victim's" consent and age were important factors in both legislation and administration of justice, there seems to be a significant ad hoc factor in the judgment of abduction cases. Most of the cases were settled through a composition or a pilgrimage, but the destinations and the composition fines vary widely. As many historians have noted, the arbitrary nature of the judgments is partially due to differences in the degree of violence, or the social status of the victim and even of the perpetrator, since the bailiff likely imposed a composition in line with the criminal's financial capability.⁵⁰ However, for many cases, the punishments do not follow a logical pattern. Now and then child abductors were allowed to settle through a composition. Sometimes, the deviating Leuven ordinance of 1396 was followed instead of the ducal legislation: the consent of the victim was not taken into account and their abductors received heavy penalties. Many historians have concluded that it is impossible to discern a system behind the punishments, because it simply did not exist.⁵¹ Notwithstanding this arbitrariness, abduction could be an effective marriage strategy at least when the adult victim consented.

Socioeconomic Incentives and Related Offenders

Which drove people to undertake an abduction? One important consideration for understanding the motives of abductors and perhaps abductees was the socioeconomic status of the parties, a key aspect of the *schaeck*. Traditionally, historians have considered abductions as a phenomenon of the higher social groups, because of amount of property involved.⁵² The Brabant evidence often do not reveal anything about the social status of the parties. Although many of the surnames belong to well-known families whose members served as city officials, the social status of the majority remains unknown. This pattern strongly suggests that abductions touched the lives of people from many different social groups. For abductors, the sources mention "poor helpers," a knight, a cobbler, but also a goldsmith, and Jan Van Ranssem, who was a member of a prominent Brussels patrician family.⁵³ The sources do not yield much information about abducted girls. One woman was the widow of a tanner, one a beguine, one a bastard daughter, another one the Leuven mayor's daughter. The clerks addressed some as "my lady," a title indicating that she belonged to the higher middle or upper order.⁵⁴ This diversity demonstrates that abductions certainly did not take place only within the highest social groups, a strong support for the recent hypothesis that strategic marriage was not confined to the highest social spheres.⁵⁵ Nevertheless, the dominance of socioeconomic motivations was probably proportionate to the status and financial position of those involved.⁵⁶ When the mayor's daughter, Katharina Absoloens, was abducted in Leuven, her abductor Jan Van Ranssem,

whom she eventually married, had to pay a large “composition,” roughly ten times higher than the amount most abductors had to pay. This indicates not only the wealth of the abductor, because compositions were levied according to the perpetrator’s financial means, but also the outrage the abduction of the wealthy patrician daughter must have caused. In his case studies of abductions, Walter Prevenier illustrated as well how the abduction of rich women from important families roused emotions throughout the city and prompted the interference of prominent officials from the highest social spheres.⁵⁷

In most cases, the evidence points to socioeconomic interests as the predominant motivation for men to undertake abductions. One pattern is that the “victims” were often women who would bring property into a marriage. Orphan girls were regular targets of abductors, who would know exactly what property the orphans would put into the new households. This made them very attractive potential wives. Marrying a girl whose parents were alive was more risky, since the parents’ fortune, and thus the girl’s inheritance, might either increase or decrease. As historians have noted elsewhere, authorities expressed concern that orphans (of means) might be seduced or abducted by men intent on making beneficial marriages.⁵⁸ A second, more general pattern is that most abductees were young unmarried women or widows. Since daughters held equal inheritance rights and widows were treated the same way as widowers in the Low Countries, their status as heiresses meant that they were often coveted brides. Fear among families that daughters or widows would make undesirable marriages was very tangible in Antwerp, where the aldermen’s registers contain a few unusual legal acts in which relatives contractually forbade children to marry behind their backs. In 1426, for example, Liesbeth Paesschen officially promised her father and uncle not to marry without their permission.⁵⁹ A few years later, both Kateline Boedens and her brother Jan promised their father not to marry without his approval.⁶⁰ In 1405, even a widow made this type of declaration; Kateline, widow of Jan Smeets, promised that she would not take a new husband without the consent of her “friends,” four of whose names were listed.⁶¹

Third and more importantly, most abductions were carried out by a group of people. Even when the source states that the woman consented, multiple “offenders” were often involved. This reality clashes firmly with the rosy image of a man and woman secretly running away to escape their families’ control. Even more striking is the affiliation of the abductors, who were often closely related. In Antwerp and Leuven, abductors were brothers, fathers, sons, nephews, and uncles of each other, showing that the man’s relatives were not only frequently aware of the abduction and thus of his intention to marry but that they actively helped to make it happen. Therefore, abduction was usually less of a means for an individual to choose his own partner and more of a family enterprise to reinforce the family’s status and position through a forced but advantageous marriage. Jan de Vreese received help from his father to abduct the orphan girl Lijnken Vandenberge, while Peter, Hennen, and Lieven De Necker, three brothers, along with their nephew, together abducted a girl.⁶² In Leuven, when Willem De Smet took a girl, he was assisted by his nephew, his brother, and two other unrelated men, who were themselves brothers as well.⁶³ A few abductors were illegitimate, a disadvantaged group subject to much discrimination. An advantageous marriage could integrate the successful abductor into a strong social network and ameliorate his inferior status.⁶⁴ All these factors support the view that abduction for marriage was motivated by economic interest rather than by a desire for independence.

Furthermore, some abductions were accompanied by abuse and even rape. According to the bailiff’s account of 1492, a man named Jermijn Potsuynbergs abducted a girl, Berbelen Vanderweerde, who was less cooperative than Jermijn had expected. As a consequence, he threatened her and abused her so badly that she died of her injuries.⁶⁵ In 1419, an anonymous girl told the bailiff of Leuven she was dragged “with strength and force” through “hedges and bushes” (*doer heggen ende hagen*) by her abductors.⁶⁶ About forty years later, Lady Woutruyt Scoetelmans screamed for help while being violently abducted by Hendrick Colibrant and his accomplices in Antwerp.⁶⁷ In another

case, Ruelen van Ijsere had forcibly abducted Machtelt Truydens, a widow, and dragged her into the forest of Meerdaal (near Leuven) where he raped her in an effort to force her to marry him.⁶⁸ Although the sources do not give a lot of contextual information, it is very probable that abuse and rape were often used by abductors as tools to force a woman to agree upon marriage, which was beneficial for them. The deflowering of the victim affected her honor and reputation, which narrowed her chances to attract suitable possible husbands. Consequently, she would assent more easily to a marriage with her abductor.

Female Consent and Reconciliation

In 1995, Emma Hawkes reacted to what she called “the creation of the victim ideology” by Susan Brownmiller in her work on rape in England. Brownmiller constructed images of women as helpless victims and men as powerful, violent aggressors. Although this was likely accurate in some of the abovementioned cases, such a simple categorization fails to capture the entire body of real rape and abduction cases.⁶⁹ Despite the dominant paradigm that separates abductions from elopements, scholars have recently called for a more nuanced view. Indeed, as will become clear for Leuven and Antwerp, it is impossible to classify each case as an abduction or an elopement or each woman involved as a victim or an accomplice.

A remarkable number of records state that the girl was abducted *haers dancks and haers wille*, which means that she consented to her abduction. Why did so many women, according to the sources, helped their abductor avoiding heavy penalty by declaring their consent in court or before the Leuven aldermen? Most often, the judicial clerk mentions only that the woman did or did not consent, without any description of the context, making it difficult to ascertain motivation. Information with regard to the consent of the abducted is given in forty-seven of the ninety-three abduction cases in the bailiff’s accounts and the sentence books. Of those forty-seven abductions, twenty were with the consent of the victim, while nineteen were “against the woman’s will” and in eight cases contradictory information is given. The record states, for example, that the abduction was “against her will” but that the abductee did declare her consent to the aldermen. Apart from those judicial sources, sixty-two abductions can be found via the declarations of consent in the Leuven aldermen’s registers of voluntary jurisdiction between 1389 and 1461.⁷⁰ Two of those match with abductions in the Leuven bailiff accounts. In one case, the bailiff account indeed states that the abducted woman declared her consent to the aldermen.⁷¹ The other record, however, says that the *schaeck* was “against the victim’s will” and makes no mention of the corresponding consent declaration in the aldermen’s registers.⁷²

Although these declarations of consent seem to contradict the conclusion that the majority of abductors were motivated by desire for wealth, there are a number of possible explanations. The first is that some cases were clearly seductions rather than abductions and/or rape. Indeed, details of a few cases lead us to suspect that women actively chose to follow their abductor out of emotional and personal motivations, like the following case from the Antwerp bailiff’s account for 1500. A girl called Woyeken Hagen consented to an abduction “out of fear that another ugly man with a beard would have been given to her, which she had heard.” Fragments such as this support the argument of some historians that medieval young people used elopement to choose their own marriage partner, thereby escaping from family control. In another case, Hendrik’s abduction of Yde in the Leuven bailiff’s accounts, the clerk states explicitly that the couple ran off together “making a pretense of abduction.” While most acts state that a man took a woman, some acts record that the man and woman “went away with each other.” Other acts record that the man and woman already knew each other before the abduction and the woman’s father was the one who filed a complaint with the bailiff. In some cases, the victim had personally sought out her abductor.⁷³ The sources feature a few acts in which women were abducted by other women, sadly without any explanation or context.⁷⁴ Dunn has

argued that similar cases might be friends helping friends to escape an arranged marriage. In 1426, one woman was convicted in Antwerp because she persuaded a girl to elope with a man.⁷⁵

In addition, the fact that the abductor had a socioeconomic motive does not preclude other motives, feelings and economic profit could go hand in hand. Abductors and abductees may both have wanted the abduction, but for different reasons. If the abductor succeeded in seducing an economically attractive spouse, the abductee may have cooperated by his or her free choice and thus was not really a passive victim. From the Antwerp bailiff's accounts, the uncommon case of the woman Lijsbeth abducting Jan Peeters shows how motives could be intertwined. The couple had met at a fair, where they—according to the source—“started to fall in love” with each other. Jan's father, however, did not give his son permission to wed Lijsbeth “because she was not as rich” as he was. As a result, Lijsbeth abducted Jan with two accomplices and the couple married consensually.⁷⁶ Although Jan probably truly consented to follow and marry Lijsbeth, she may have seduced him, knowing that he came from a wealthy family, to persuade him to conclude a marriage that would benefit her greatly. In these cases, the abductees were more like conspirators than passive victims.

A second and more important point is that most cases that mention the abductee's consent were not initiated by her free will and personal choice and, as a consequence, cannot be classified as elopements. When Laureys and Willekin abducted Liesbeth and took her from Herent to Winksele (two villages nearby Leuven), she initially cooperated, but when the trio bumped into some of Liesbeth's relatives in an inn, she decided to go back home with them. Shortly after her homecoming, she left her family again to seek out Laureys. After she made an official declaration of her consent to the aldermen of Leuven, she married him.⁷⁷ In a similar case, Lijsbet Van Zelle was planning to wed the bastard Loete Van Keets and had already discussed the terms with Loete's father who had agreed to the future marriage. When it turned out Loete's father “did not want to give Lijsbet what he had promised to give her,” meaning that he would not respect the terms that had been agreed upon previously, Lijsbet refused to marry Loete. As a consequence, Loete abducted Lijsbet “partly with and partly against her will.”⁷⁸ Some acts contain contradictions, for example, stating that the woman had declared her consent in front of the aldermen and that she had been abused by her abductor or that the abduction was against her will but that the couple married after all.⁷⁹ In these cases, in which women did not initially choose to run away with their abductors, their “choice” to declare their consent or marry their abductors cannot be seen as a conscious expression of their free will. This is a more passive, negative form of assent. The combination of consent and violence, for example, makes it highly unlikely that the abduction's true motivation was the pursuit of personal choice in marriage. Instead, it supports the idea that the judicial notion of consent, used by late medieval authorities, differs profoundly from our present understanding of the term. Seabourne already warned historians not to “adopt without question the view that consent in, or acquiescence to, marriage necessarily implied assent to the initial removal.” This leaves us with a paradox: although women did not plan to leave with their abductor, they officially declared their consent, and sometimes, even married him, thereby helping him to avoid harsh punishment and to obtain his goal, namely, a beneficial marriage.

A solution to this paradox comes from the extensive evidence of reconciliation in the Antwerp and Leuven sources. Many historians of the Middle Ages have stressed the importance of having honor and maintaining it through a good reputation. Although recent research has emphasized that sexual reputation mattered for both men and women, sexual honesty and purity were of paramount importance for women.⁸⁰ While the stress lay on being a good wife and mother for married women, the preservation of their virginity was essential for young unmarried girls. Moreover, men's honor also depended on the behavior of the women surrounding them, since having a daughter or sister of bad repute directly impugned the honor of (male) relatives.⁸¹ Further, abduction was associated with sexual intercourse because rape was often involved and clandestine marriages *per verba de futuro* were sealed by consummation. Research on rape and abduction suggests that a marriage between perpetrator and victim could bring reconciliation and thus be an appropriate solution to settle the

conflict in late medieval times. Since the abduction as such was humiliating for the victim and her family, a marriage between her and her abductor was sometimes nearly inevitable.⁸²

One addition to some Leuven declarations of consent shows very clearly that the abductee's consent was not always consent in the purest meaning of the word. For example, one such standardized act records that a girl named Aleyde Vyssenaecks came before the Leuven aldermen to declare that she went along with her abductor Andries Hellinck by choice and she would not hesitate to do the same again. An additional item in Latin states that Andries owed Aleyde 100 *rijders*, a substantial amount of money. He was to pay this amount not at a defined time, but whenever the aldermen demanded payment. If Andries and Aleyde were married at the time the aldermen demanded payment, his debt would be cancelled. However, if the couple was not yet married and Andries was responsible for the delay, he had to pay the entire sum to Aleyde. This addition seems designed to give Aleyde an extra guarantee that the marriage would actually take place, and it indicates the doubt and fear she must have felt after being abducted. While there is no contextual information to confirm this, it is likely that Aleyde agreed to declare her official consent after her abduction in order to resolve the conflict, which would benefit her abductor by saving him from severe punishment. Afterward, it was important for Aleyde that she actually married her abductor to save her honor. In the case of Aleyde, an official contract was made to guarantee that the marriage between her and her abductor would take place, and if it failed, perhaps to compensate her for her defloration. In ecclesiastical legal acts, many women received compensation from the men who had deflowered them but after backed out of marriage. The manipulation of consent in cases like this conflicts again with the collusive, rebellious character that some historians have attributed to abduction.

One recurrent formula in the sources states that although the woman did not at first follow her abductor by choice, she was "nevertheless satisfied after a while" (*toch wel tevreden*).⁸³ Abductors could have exerted pressure on abductees to declare consent, which could exonerate the perpetrators, according to the Leuven city charter. One source states baldly that the abductors brought their victim to the court of the Leuven aldermen where "they made her proclaim" her consent.⁸⁴ Monique Van Melkebeek proves that in Ghent abductors sometimes forced girls to marry them.⁸⁵ Ecclesiastical records show that postabduction marriages were sometimes annulled because they were concluded through force instead of consent.⁸⁶ Other acts explicitly record reconciliation between abductor and abductee. For example, Eysen Costermans took Magrieten Scellens "with her will and consent," but the girl's relatives were able to separate Magrieten from him and bring her back home.⁸⁷ After a while, Magrieten went back to Eysen who took her as his "lawful wife with the consent and support of her family." In Antwerp, Elisabeth Gheerts and her parents reconciled with the girls' abductor Jan Van Der Gouwe.⁸⁸ The abduction was thus quickly settled, as if there were no conflict and objection against the marriage. These examples show that the abduction in itself was a significant problem for the women and their families, whose honor and reputation, two fundamental factors in late medieval society, were damaged.

In short, the sources label many cases as consensual through the repeated formula *dat het haers dancks ende haers wille was*, because they were presented as such in court. However, researchers should bear in mind that this outcome was often the result of multiple considerations, emotions, assessments, and discussions between the different parties involved. Therefore, I argue against the slippage between consent and choice, the latter being an active and positive expression of female agency, while the former was often a passive form of acquiescence. In many of the so-called cases of consent as noted by late medieval authorities, women were not motivated by free choice or even love per se. Frequently, this was a more passive form of "choice," as in the case of Andries and Aleyde. Women assented after they had been abducted because it was the best (or the least bad) option for them in the situation. Although it is tempting to read the mention of consent as choice, free will, or even love, these concepts are not interchangeable. Many motives and contextual factors

mutually influencing each other were present, making it problematic and undesirable to unravel the distinct incentives and concerns in each case.

Although socioeconomic motives and reconciliation significantly undermine the view that all cases labeled as consensual were elopements, it is also inaccurate to portray all these women as victims without self-determination. Some cases in late medieval Antwerp and Leuven offer a decided contrast to the image of abductees as weak victims. In Leuven, Magrieten and Marie escaped from their abductor with the help of one of the accomplices who perhaps felt remorseful.⁸⁹ Other women refused to obey their abductors, managed to escape by themselves, or filed a complaint against their abductor with the bailiff.⁹⁰ Furthermore, though very exceptional, a few women took matters into their own hands and abducted a man for marriage.⁹¹ As discussed above, some cases clearly suggest that the couple had eloped and the charge of abduction came from a father or other family member. The fact that the aldermen took the abductee's declaration of consent into account in determining the penalty shows that she could influence the outcome of the trial.⁹² Many women were active agents who resisted their abductor or played important roles in the arrangement of their own marriages and, thus, were clearly active in determining their fate.

Conclusion

Historians have often treated abduction/elopement as two distinct phenomena, trying to categorize each case as being either compulsory or consensual. Notwithstanding the importance of female consent in late medieval law and justice, the records from Brabant cannot simply be compartmentalized. Nevertheless, the evidence of these phenomena in fifteenth-century Leuven and Antwerp supports certain conclusions. First, socioeconomic interests mattered and determined spousal choices on many different social levels, rather than just within the nobility. Economic interests often motivated abductions, and the reactions of parents and family, as well as attempts of the authorities in Leuven and Antwerp to punish this crime, attest to their socioeconomic concerns. Fathers complained that "their daughters had been taken from them," that the abductor "was not as rich as he was," and in Antwerp, fathers and other relatives made daughters, sons, and even widows swear that they would not enter into marriage without their elders' consent. This evidence firmly contradicts the idea, advanced by EMP historians, that consent-based marriages were the norm in most of society in the late medieval Low Countries. However, personal choice and perhaps even affection were clearly motives in some cases. People were aware of the ideal of marriage based on personal choice which was defended by the Church. In those cases, the sources record that the abductor and victim "started to fall in love" or that the woman "was happy with her abductor" after a while. A few couples probably used abduction to circumvent their parents' control, such as Woyeken, who was afraid she would otherwise have to wed an "ugly bearded man." Nevertheless, abduction/elopement was not a commonly used method for young people to choose their own partners. That idea is a projection of modern values into the past. Some abductions were violent and clearly nonconsensual and even in those cases, the sources sometimes state that the victim declared that it was *haers dancks ende haers wille*. Reconciliation was probably an important factor there: women were more often victims but they still agreed on marrying their abductor because of their concern to save their reputation. Therefore, it is undesirable to classify each case as a violent abduction or a consensual elopement and each woman as a victim or an active accomplice. Even though socioeconomic incentives were indubitably an important factor, motivations for abductions were very diverse and context-bound. Multiple factors must have played a part and women were certainly not always commodities without a voice.

Acknowledgment

I want to thank Jelle Haemers, Shennan Hutton, Andrea Baryn, and Heleen Wyffels for their valuable comments.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This research is funded by the Research Foundation - Flanders (FWO).

Notes

1. Martha Howell, "The Properties of Marriage in Late Medieval Europe: Commercial Wealth and the Creation of Modern Marriage," in *Love, Marriage, and Family Ties in the Later Middle Ages*, eds. Isabel Davis, Miriam Muller, and Sarah Rees Jones (Turnhout, Belgium: Brepols, 2003), 17–18, 22.
2. Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (London, UK: Weidenfeld, 1977); Edward Shorter, *The Making of the Modern Family* (London, UK: Collins, 1976); for a synthesis of the reception of these studies, see Trevor Dean and Kate Lowe, "Introduction: Issues in the History of Marriage," in *Marriage in Italy, 1300-1650*, eds. Trevor Dean and Kate Lowe (Cambridge, UK: Cambridge University Press, 1998), 1–22.
3. Howell, "The Properties of Marriage in Late Medieval Europe," 17–18, 22.
4. Dean and Lowe, "Introduction," 9; David L. d'Avray, *Medieval Marriage: Symbolism and Society* (Oxford, UK: Oxford University Press, 2008), 1–2.
5. Georges Duby, *Medieval Marriage: Two Models from Twelfth-century France (The Johns Hopkins Symposia in Comparative History)*, trans. Forster Elborg (Baltimore, MD: Johns Hopkins University Press, 1978); Christiane Klapisch-Zuber, *Women, Family, and Ritual in Renaissance Italy*, trans. Lydia Cochrane (Chicago, IL: University of Chicago Press, 1985); Martha Howell, *The Marriage Exchange: Property, Social Place, and Gender in Cities of the Low Countries, 1300–1550*, Women in Culture and Society (Chicago, IL: University of Chicago Press, 1998); Jan Dumolyn, "Patriarchaal Patrimonialisme: De vrouw als Object in Sociale Transacties in het laatmiddeleeuwse Vlaanderen: Familiale Strategieën en Genderposities," in *Verslagen Van Het Centrum Voor Genderstudies: U Gent 12*, eds. Geraldine Reymanants, Marysa Demoor and Katrien Heene, vol. 12 (Ghent, Belgium: Academia Press, 2003), 1–28.
6. Michael Sheehan, "Choice of Marriage Partner in the Middle Ages: Development and Mode of Application of a Theory of Marriage," in *Medieval Families. Perspectives on Marriage, Household, and Children*, Medieval Academy Reprints for Teaching, vol. 40, ed. Carol Neel (Toronto, Canada: Toronto University Press, 2004), 157–91; Stanley Chojnacki, "The Power of Love: Wives and Husbands," in *Women and Men in Renaissance Venice: Twelve Essays on Patrician Society*, ed. Stanley Chojnacki (London, UK: Johns Hopkins University Press, 2000), 153–68; d'Avray, *Medieval Marriage*, 2008; Dana Wessell Lightfoot, *Women, Dowries and Agency: Marriage in Fifteenth-century Valencia*, Gender in History (Manchester, UK: Manchester University Press, 2013).
7. For a synthesis of the arguments for an individual approach of marriage in late medieval times, see Martha Howell, "From Land to Love. Commerce and Marriage in Northern Europe during the Late Middle Ages," *Jaarboek Voor Middeleeuwse Geschiedenis* 10 (2007): 216–53.
8. Tine De Moor and Jan Luiten Van Zanden, "Girl Power: The European Marriage Pattern and Labour Markets in the North Sea Region in the Late Medieval and Early Modern Period," *The Economic History Review* 63, no. 1 (2010): 1–33.
9. Myriam Greilsammer argues that women's favorable legal statute in this region gave them more rights and possibilities. This would have enabled them to make choices that could jeopardize their families' patrimony. Myriam Carlier depicted the elopement in late medieval Flanders as an emancipative tool for partners to marry against their parents' wishes. Caroline Dunn writes on how "lovers disguised elopement with abduction," while Julia Pope describes some abductions as an alternative form of courtship. Myriam Greilsammer, "Rapts de séduction et rapts violents en Flandre et en Brabant à la fin du Moyen Age," *Revue*

- d'Histoire Du Droit* 56, no. 1–2 (1988): 50; Myriam Carlier, *Kinderen van de minne? Bastaarden in het vijftiende-eeuwse Vlaanderen*, Verhandelingen van de Koninklijke Vlaamse Academie van België voor Wetenschappen en Kunsten, vol. 3 (Brussels, Belgium: Paleis der Academiën, 2001), 102; Caroline Dunn, *Stolen Women in Medieval England: Rape, Abduction, and Adultery, 1100-1500*, Cambridge Studies in Medieval Life and Thought, vol. 4, no. 87 (Cambridge, UK: Cambridge University Press, 2013), 15; Julia Pope, “Abduction: An Alternative Form of Courtship?” (Kalamazoo, MI: International Medieval Congress, 2003), <http://www.culpepperconnections.com/historical/abduction.htm> (05/04/2017).
10. Susan Brownmiller was the first to launch this “victim ideology”; Susan Brownmiller, *Against Our Will: Men, Women and Rape* (London, UK: Secker and Warburg, 1975). The “struggle for freedom” quote stems from Bert De Munck’s article on abductions in the Austrian Netherlands, in which he reacts to Greilsammer’s view of the abduction as a means for female emancipation in Bert De Munck, “Free Choice, Modern Love, and Dependence: Marriage of Minors and *Rapt de Séduction* in the Austrian Netherlands,” *Journal of Family History* 29, no. 2 (2004): 189; Gwen Seabourne has questioned some authors’ perception of the abduction as a means to circumvent parental and societal authority in Gwen Seabourne, *Imprisoning Medieval Women: The Non-judicial Confinement and Abduction of Women in England, c.1170–1509* (Farnham, UK: Ashgate, 2011), 145.
 11. On the socioeconomic motives for the abduction of women for the purpose of marriage, see Walter Prevenier, “Vrouwenroof als middel tot sociale mobiliteit in het 15e-eeuwse Zeeland,” in *De Nederlanden in de late middeleeuwen*, eds. Dick De Boer and Jannis Marsiljé (Utrecht, the Netherlands: Spectrum, 1987), 410–24; Dunn, *Stolen Women in Medieval England*, 82; Sylvie Joye, “Le rapt de Judith par Baudoin de Flandre (862): un ‘clinamen sociologique’,” in *Les élites au haut moyen âge: crises et renouvellements*, eds. François Bougard, Laurent Feller and Régine Le Jan (Turnhout, Belgium: Brepols, 2006), 371–77.
 12. Dunn, *Stolen Women in Medieval England*, 97.
 13. Sylvie Joye urged caution on a teleological view on abductions. The historian cannot reduce the abduction/ elopement to a small step in the long evolution toward love marriages based on mutual agreement but should, instead, study the abduction in its own specific societal framework. See Sylvie Joye, *Le Mariage par Rapt au haut Moyen Age* (Turnhout, Belgium: Brepols, 2012), 35–37.
 14. Seabourne, *Imprisoning Medieval Women*, 152.
 15. Garthine Walker, “‘Strange Kind of Stealing’: Abduction in Early Modern Wales,” in *Women and Gender in Early Modern Wales*, eds. Michael Roberts and Simone Clarke (Cardiff, UK: University of Wales Press, 2000), 63–68.
 16. Caroline Dunn treats abduction and elopement in two different chapters. Arnade and Prevenier provide each elaborated case study with titles such as “The abduction of Anna Willemszoon” and “Elopement cases.” In her paper presented at the International Medieval Congress at Kalamazoo in 2003, Julia Pope labeled many of her cases as “heavily connected with wardship, money, and marriage.” However, some abductions, she argues, were used to go from courtship to marriage. Dunn, *Stolen Women in Medieval England*, 2013; Peter Arnade and Walter Prevenier, *Honor, Vengeance, and Social Trouble: Pardon Letters in the Burgundian Low Countries* (Ithaca, NY: Cornell University Press, 2015), 146, 158; Pope, “Abduction: An Alternative Form of Courtship?,” 2003.
 17. Greilsammer, “Raps de Séduction et Raps Violents,” 49–50, 60–61.
 18. Philippe Godding, “La famille dans le droit urbain de l’Europe du Nord-Ouest au bas Moyen Age,” in *The Household in Late Medieval Cities*, eds. Myriam Carlier and Tim Soens (Leuven, Belgium: Garant, 2000), 34–35.
 19. Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423, Conjunctions of Religion and Power in the Medieval Past* (Ithaca, NY: Cornell University Press, 2013).
 20. Even when historians applied these methods to only one case, their discussion of the multiple bodies involved demonstrated the complexity of judicial settlement. The casuistic studies of Jeremy Goldberg, Walter Prevenier, and Monique Vleeschouwers-Van Melkebeek offer valuable detailed analyses of some

- well-documented abductions; Walter Prevenier, “Huwelijk en clientele als sociale vangnetten: Leuven in de vijftiende eeuw,” in *Van blauwe stoep tot citadel: varia historica Brabantica nova Ludovico Pirenne dedicate*, eds. J. P. A. Coopmans and A. M. D. Veen (‘s-Hertogenbosch, the Netherlands: Noord-Brabants Genootschap, 1988), 83–91; Monique Vleeschouwers-Van Melkebeek, “Mortificata est: het ontverven of doodmaken van het geschaakte meisje in het laatmiddeleeuwse Gent,” *Handelingen van de Koninklijke Commissie voor de Uitgave van Oude Wetten en Verordeningen van België* 51–52 (2011): 357–435. See also Goldberg’s recent casuistic study: Jeremy Goldberg, *Communal Discord, Child Abduction, and Rape in the Later Middle Ages* (New York: Palgrave Macmillan, 2008).
21. State Archives Brussels (subsequently SAB), *Chambre de comptes*, Accounts of the bailiff of Leuven, no. 12653, 12654, 12655, 12656, 12657, 12658, 12659; SAB, *Chambre de comptes*, Accounts of the bailiff of Antwerp, no. 12902, 12903, 12904. The accounts between 1403 and 1504 were used.
 22. City Archives Leuven (subsequently CAL), *Oud Archief*, Dbdevaertboek, no. 584; Felixarchief Antwerp (subsequently FAA), *Vierschaar*, Correctieboek 1414–1512, no. 234.
 23. Gratian, *Corpus iuris canonici*, ed. Emil Friedberg, vol. 2 (Leipzig, Germany: Tauchnitz, 1879–1881), C. 30 q. 2 c. 1; Stephanie Coontz, *Marriage, a History: How Love Conquered Marriage* (New York: Penguin, 2006); Charles Donahue, *Law, Marriage, and Society in the Later Middle Ages: Arguments about Marriage in Five Courts* (Cambridge, UK: Cambridge University Press, 2008).
 24. Donahue, *Law, Marriage, and Society in the Later Middle Ages*, 31–33.
 25. Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages*, The Middle Ages Series (Philadelphia: University of Pennsylvania Press, 2012), 204–6.
 26. This movement was necessary lest the couple would be discovered soon. They had to be away from their families and acquaintances in order to be able to wed secretly. Moreover, sometimes, the abductor took a woman from one episcopacy to another one to escape from episcopal control. After all, communication between the different dioceses did not always go smoothly. See Michiel Decaluwé, “Gerechtighe huwelijksstrategieën in de Zuidelijke Nederlanden in de vijftiende eeuw. Aanwending door leken van het kerkelijke huwelijksrecht tot eigen voordeel,” *Pro Memorie* 8 (2006): 77–78.
 27. SAB, *Charters of Brabant*, Joyous Entry of Joanna and Wenceslaus 1356, no. 901, art. 21; CAL, *Oud Archief*, Joyous Entry of Antoon of Brabant 1406, no. 1335, art. 16; SAL, *Oud Archief*, Joyous Entry of Filips of Saint-Pol 1427, no. 1254, art. 25; “CI: Ordonnance du duc de Brabant,” in *Codex Diplomaticus volgend op Brabantse Yeesten: Les gestes des ducs de Brabant door Jan van Boendale*, vol. 2, ed. J. Willems (Brussels, 1839), 605; CAL, *Oud Archief*, Q (1216–1517), no. 1258, fo. 16rv; Guillaume De Longé, ed., *Coutumes du pays et duché de Brabant. Quartier d’Anvers, coutumes de la ville d’Anvers* (Brussels, Belgium: Gobbaerts, 1870–1874), 768; Willem Van Der Tanerijen, *Boec van der loopender practijken der raidtcameren van Brabant*, ed. Egied Strubbe (Brussels, Belgium: CAD, 1952), 366–374.
 28. Goldberg, *Communal Discord*, 2008; Dunn, *Stolen Women in Medieval England*, 2013; Walker, “Strange Kind of Stealing,” 2000.
 29. Greilsammer, “Raps de Séduction et Raps Violents,” 65–68.
 30. *ende van dat dese jonge liede beneden hueren xxviii jaeren sonder hueren mage ende vriende hen niet en moegen verbinden* in “Ordonnance du Magistrat bruxellois sur la tutelle et sur le mariage des mineurs, 19 juin 1445,” Low Countries Law, initiative under the control of Jos Monballyu, <https://www.kuleuven-kulak.be/facult/rechten/Monballyu/LCL/bronnen/brux.html> (04/12/2017).
 31. Philippe Godding, *Le droit privé dans les Pays-Bas méridionaux du 12e au 18e siècle* (Gembloux, Belgium: Duculot, 1987), 70–75.
 32. Between 1389 and 1461, the aldermen’s registers of Leuven contain at least sixty-two declarations of consent. The *Itinera Nova*-project of the Leuven City Archives is digitizing, transcribing, and indexing the registers of the aldermen. Given the extensiveness of these registers, only the already transcribed records were consulted (via the “Transcription Search” option on the *Itinera Nova* website). For more information on this project, see “Itinera Nova,” <http://itineranova.be/in/home> (10/12/2017).

33. "Het 2^e oudt register, in't parkement gebonden, 1438–1459," in *Antwerpsch Archievenblad*, ed. L. Bisschops, vol. 29 (Antwerp, Belgium: Dienst Der Stadsarchieven, n.d.), 313.
34. "Ordonnance du Magistrat bruxellois sur la tutelle et sur le mariage des mineurs, 19 juin 1445."
35. Indeed, sometimes, women were accomplice abductors as well: De Longé, *Coutumes du pays et duché de Brabant*, 768: *Alle vrouwen crachters oft ontschakers, die vrouwen, t'sij jonge dochters oft andere, tegens hennen danck ontleijden oft vervueren, verbueren aen den heere lijff ende goet, ende worden metten sweirde uuijtgerecht, zonder eenige kercke vrijheijt te mogen genieten.*
36. Greilsammer, "Raps de Séduction et Raps Violents," 60.
37. In Ghent, for example, a severe ducal charter was promulgated in 1438 that punished every girl who followed her abductor with disinheritance, even if she reconciled with her family after her abduction. For more information, see Marianne Danneel, *Weduwen en wezen in het laatmiddeleeuwse Gent*, Studies in Urban Social, Economic and Political History of the Medieval and Modern Low Countries, vol. 3 (Leuven, Belgium: Garant, 1995), 112–16.
38. For a synthesis of the arguments for an individual approach of marriage in late medieval times, see Howell, "From Land to Love," 2007. Examples: SAB, no. 12653, fo. 35r–36v, 37r, 68v, 87v–88v.
39. CAL, *Oud Archief*, Q (1216–1517), inv. no. 1258, fo. 17rv: *Want nu cortelinge meer dan in andere tijden voerleden opghestaen ende gheschiet sijn binnen der stad van Lovene.*
40. About manipulation of the narratives, see Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-century France* (Cambridge, UK: Polity Press, 1988); about the difficulties and possibilities of judicial sources with regard to marriage conflicts, see Shannon McSheffrey, *Marriage, Sex and Civic Culture in Late Medieval London*, The Middle Ages Series (Philadelphia: University of Pennsylvania Press, 2006), 11–13; Arnade and Prevenier, *Honor, Vengeance, and Social Trouble*, 13–14; Walter Prevenier, "Les multiples vérités dans les discours sur les offenses criminelles envers les femmes dans les Pays-Bas méridionaux (XIV^e et XV^e siècles)," in *Retour aux sources: textes, études et documents d'histoire médiévale offerts à Michel Parisse*, eds. S. Gouguenheim, M. Goullet, O. Kammerer et al. (Paris, France: Edition A. et J. Picard, 2004), 955–64.
41. SAB, no. 12655, fo. 418r; SAB, no. 12655, fo. 432r, 439v; SAB, no. 12904, fo. 46r, 48v.
42. For more information on the use of these compositions in the Low Countries, see Guy Dupont, "Le temps des compositions: pratiques judiciaires à Bruges et à Gand du XIV^e au XVI^e siècle (Partie II)," in *Amender, sanctionner et punir: recherches sur l'histoire de la peine, du Moyen Age au XX^e Siècle*, eds. Marie-Amélie Bourguignon, Bernard Dauven, and Xavier Rousseaux (Louvain-la-Neuve, Belgium: Presses Universitaires de Louvain, 2012), 15–47; Guy Dupont, "Le temps des compositions: pratiques judiciaires à Bruges et à Gand du XIV^e au XVI^e siècle (Partie I)," in *Préférer miséricorde à rigueur de justice: pratiques de la grâce (XIII^e–XVII^e Siècles)*, eds. Bernard Dauven and Xavier Rousseaux (Louvain-la-Neuve, Belgium: Presses Universitaires de Louvain, 2012), 53–95.
43. Fernand Vanhemelryck, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het ancien régime (1404–1789)*, Verhandelingen van de Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten van België. Klasse der Letteren 97 (Brussels, Belgium: Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten van België, 1981), 175; Louis T. Maes, *Vijf eeuwen stedelijk strafrecht* (Antwerp, Belgium: De Sikkell, 1947), 223–25.
44. SAB, no. 12903, fo. 64v, 74v–75r.
45. SAB, no. 12653, fo. 317rv.
46. FAA, no. 234, fo. 153v.
47. SAA, no. 234, fo. 154r.
48. CAL, no. 584, fo. 124r.
49. FAA, no. 234, fo. 58r.
50. Vanhemelryck, *De criminaliteit in de ammanie*, 175; Jan Van Herwaarden, *Opgelegde bedevaarten: een studie over de praktijk van opleggen van bedevaarten (met name in de stedelijke rechtspraak) in de*

- Nederlanden gedurende de late middeleeuwen (ca. 1300–ca. 1550)*, Van Gorcum's Historische Bibliotheek, vol. 95 (Assen, the Netherlands: Van Gorcum, 1978), 244.
51. Dupont, "Le temps des compositions," 2012.
 52. Goldberg, *Communal Discord*, 175; Seabourne, *Imprisoning Medieval Women*, 92.
 53. SAB, no. 12656, fo. 228v, 517rv; CAL, no. 7304, fo. 416v, and no. 7306, fo. 172v; Max De Troostembergh, "Absolons," in *Annuaire de la Noblesse Belge* (1910), 15–17.
 54. CAL, no. 7726, fo. 110r and no. 8124, fo. 286r; FAA, no. 234, fo. 58r; CAL, no. 7308, fo. 15r; SAB, no. 12656, fo. 228v.
 55. Contrarily to European Marriage Pattern historians, Jan Dumolyn already suggested that marriage was a strategical matter, even within lower social groups. De Moor and Van Zanden, "Girl Power," 2010; Dumolyn, "Patriarchaal patrimonialisme," 12.
 56. Danneel, *Weduwen en wezen in het laatmiddeleeuwse Gent*, 112.
 57. Arnade and Prevenier, *Honor, Vengeance, and Social Trouble*, 138–46.
 58. For the Low Countries, research on orphans is limited. For the Southern Low Countries, only Ghent and Leuven have been studied: Danneel, *Weduwen en wezen in het laatmiddeleeuwse Gent*, 1995; Ine Craenen, "Wel wees maar niet verweesd: de relatie tussen wees en voogd in Leuven van 1450–1461" (Master's thesis, KU Leuven, 2015).
 59. FAA, no. 12, fo. 154r.
 60. FAA, no. 20, fo. 56v.
 61. FAA, no. 1, fo. 350v; In Middle Dutch, "friends" is often used within the expression *vrienden ende magen*. They indicate the group of relatives, not necessarily bound by blood ties or marriages, who support each other financially and socially. For more information, see Marianne Danneel, "Vrienden en magen in de bronnen van de laatmiddeleeuwse Brugse weeskamer," *Handelingen van de Koninklijke Zuid-Nederlandse Maatschappij Voor Taal-En Letterkunde* 36 (1982): 33–39.
 62. FAA, no. 234, fo. 153v–154r; SAB, no. 12904, fo. 46r.
 63. SAB, no. 12653, fo. 68v.
 64. Carlier, *Kinderen van de minne?* 273–75; For examples of bastard abductors, see SAB, no. 12902, fo. 392rv; "Het 2^e oudt register, in't parkement gebonden," 313; CAL, no. 7306, fo. 241r, no. 7332, fo. 101v, no. 7715, fo. 196r, no. 8110, fo. 22v–32r, 267v.
 65. SAB, no. 12659, fo. 276v.
 66. SAB, no. 12654, fo. 190v.
 67. SAB, no. 12903, fo. 212v.
 68. SAB, no. 12658, fo. 106r–108v.
 69. Emma Hawkes, "She Was Ravished against Her Will, What so Ever She Say: Female Consent in Rape and Ravishment in Late Medieval England," *Limina* 1 (1995): 52; Brownmiller, *Against Our Will*, 1975.
 70. Itinera Nova.
 71. Records on the abduction of Elisabeth Lyedens: SAB, no. 12653, fo. 317rv and CAL, no. 7306, fo. 241r.
 72. Records on the abduction of Magrieten Wijngardens: SAB, no. 12656, fo. 386rv and CAL, no. 7351, fo. 2r.
 73. SAB, no. 12657, fo. 362v–363r; CAL, no. 584, fo. 124r; SAB, no. 12654, fo. 209r.
 74. CAL, no. 584, fo. 12v, 27v, 54r.
 75. FAA, no. 234, fo. 29r.
 76. SAB, no. 12902, fo. 283rv.
 77. SAB, no. 12658, fo. 26v–27v.
 78. SAB, no. 12902, fo. 391rv.
 79. SAB, no. 12659, fo. 277v.
 80. McSheffrey, *Marriage, Sex and Civic Culture*, 174–75, 254, n. 35; Didier Lett, *Hommes et femmes au Moyen Age: histoire du genre XIIIe–XVe siècle* (Paris, France: Colin, 2013), 168; Arnade and Prevenier, *Honor, Vengeance, and Social Trouble*, 2015; Walter Prevenier, "The Notions of Honor and Adultery in the Fifteenth-century Burgundian Netherlands," in *Comparative Perspectives on History and*

- Historians: Essays in Memory of Bryce Lyon (1920–2007)*, eds. David Nicholas, Bernard Bachrach, and James Michael Murray (Kalamazoo, MI: Medieval Institute Publications, 2012), 259–78.
81. Claude Gauvard, “Honneur de femme et femme d’honneur en France à la fin du Moyen Age,” *Francia* 28, no. 1 (2001): 162.
 82. Valentina Cesco, “Rape and Raptus,” in *Women and Gender in Medieval Europe: An Encyclopedia, Routledge Encyclopedias of the Middle Ages*, ed. Margaret C. Schaus (New York: Routledge, 2006), 694–96; Walter Prevenier, “Violence against Women in Fifteenth-century France and the Burgundian State,” in *Medieval Crime and Social Control*, Medieval Cultures, vol. 16, eds. Barbara Hanawalt and David Wallace (Minneapolis: University of Minnesota, 1999), 186–203; Mia Korpiola, “A Regional Cluster? Italian Secular Laws on Abduction, Forced and Clandestine Marriage (Fourteenth and Fifteenth Centuries),” in *Regional Variations in Matrimonial Law and Custom in Europe, 1150–1600* (Leiden, the Netherlands: Brill, 2011), 149; Sylvie Joye, *La femme ravie: le mariage par rapt dans les sociétés occidentales du Haut Moyen Age*, Collection Haut Moyen Age, vol. 12 (Turnhout, Belgium: Brepols, 2012), 147 et seq.
 83. SAB, no. 12657, fo. 362v–363r; SAB, no. 12659, fo. 277v; SAB, no. 12658, fo. 50rv.
 84. SAB, no. 12656, fo. 436r: *dat zij des voirscreven Quintens wijff in den vrijheit van Loven hebben bracht voir scepene van Loeven ende huer doen verkoemen dat zij huers danckxs metter voirscreven Quinten hueren vrienden ontgaen was.*
 85. Vleeschouwers-Van Melkebeek, “Mortificata est,” 363.
 86. Peter Fleming, *Family and Household in Medieval England, Social History in Perspective* (New York: Palgrave, 2001), 23; Cordelia Beattie, “A Room of One’s Own? The Legal Evidence for the Residential Arrangements of Women without Husbands in Late Fourteenth- and Early Fifteenth-century York,” in *Medieval Women and the Law*, ed. Noël James Menuge (Woodbridge, UK: Boydell, 2000), 50.
 87. SAB, no. 12657, fo. 167v.
 88. “Oudt register mette Berderen, 1336–1439,” in *Antwerpsch Archievenblad*, ed. L. Bisschops, vol. 28 (Antwerp, Belgium: Dienst Der Stadsarchieven, n.d.), 272.
 89. SAB, no. 12657, fo. 92v; SAB, no. 12659, fo. 92v.
 90. SAB, no. 12658, fo. 106r–108v; SAB, no. 12659, fo. 276v.
 91. SAB, no. 12902, fo. 263v–264r, 283rv; CAL, no. 7726, fo. 145r–145v.
 92. According to Greilsammer, this was not the case. Even if an adult woman consented to her abduction, authorities would try to punish the case. In a previous article, I have questioned Greilsammer’s argument and hypothesized that a lot of such cases probably were not punished in late medieval Leuven; Channele Delameillieure, “Dat zij ‘haers dancks ende moetswillen gegaen es’. De schaking als huwelijksstrategie in vijftiende-eeuws Leuven,” *Tijdschrift voor Sociale en Economische Geschiedenis* 13, no. 2 (2016): 77–100.

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