

## NOTES

1. Elsie Anne McKee, *Katharina Schütz Zell. Volume I: The Life and Thought of a Sixteenth-Century Reformer; Volume II: The Writings. A Critical Edition*, Studies in Medieval and Reformation Thought 69 (Leiden: Brill, 1999).

2. McKee, *Katharina Schütz Zell. Volume I*, p. xviii.

3. McKee, *Katharina Schütz Zell. Volume I*, p. xiii.

4. Ironically, it seems that now this author is better known than her husband. See, for example, Peter Matheson's entry on her, listed using the masculine form of her husband's name, "Katherine Zell," in Paul F. Grendler, ed., *Encyclopedia of the Renaissance* (NY: Scribner's, 1999) v. 6, p. 339. There is no entry for Matthew Zell. It should be noted that all of the works cited by Matheson were written by McKee.

5. Amy Leonard, *Nails in the Wall: Catholic Nuns in Reformation Germany* (Chicago: U Chicago P, 2005).



**Jeremy Goldberg.** *Communal Discord, Child Abduction, and Rape in the Later Middle Ages.* (The New Middle Ages Series.) Palgrave Macmillan, 2008. Pp. xiv + 239.

THIS BOOK IS largely a detailed study of one case, *Marrays c. de Rouclif*, heard by York's diocesan court in 1365–1366. The case was initiated by an action for the restitution of conjugal rights, an area that fell within the purview of canon law, with John Marrays claiming that his wife, Alice de Rouclif, had been abducted by Sir Brian de Rouclif, who claimed wardship over her. The case was defended on the grounds that Alice was not legally John's wife as she had been too young to consent to marriage. These two points presumably give Goldberg the "child abduction" of the title, although the court ruled in John's favor, and Alice was fairly swiftly restored to John, despite an appeal. The case is "extraordinary," according to Goldberg (p. 29), because of the number of witnesses examined (fifty-seven when the norm in similar cases is six) and the number of female witnesses brought (thirty-three, when the ratio of male to female witnesses was usually over seven to one).

The book seems to have two different foci: one concerns the evidence and how we approach it; the other relates to women and consent. Part one sticks most closely to the first, as it uses *Marrays c. de Rouclif* to discuss a range of themes and questions. It is entitled "Alice's evidence," even though she was not

permitted to give evidence in the court as to do so would have been to prejudice whether she was of canonical age or not. The preface to this section links it with a rich tradition within pre-modern studies, that of microhistory, and cites, among others, Ladurie's *Montaillou*, Ginzburg's *Cheese and the Worms*, and Davis's *Return of Martin Guerre*. However, Goldberg's study is notable for its attempt to stick closely to what the sources can tell us, rather than to tell a compelling story.

After a first chapter, which sets out what is known about Alice's life and a brief summary of the case, the next five chapters then explore individual witnesses and their depositions from a number of different perspectives. Chapter 2 discusses the nature of the Latin depositions and the extent to which the stories told in them are shaped by the questions asked. Chapter 3 considers how witnesses recalled past events in a largely oral and visual culture. Goldberg argues that servanthood, with its fixed terms on contract and migration, were mnemonic elements, but so were the more gender-specific ones of pregnancy, delivery, and wet-nursing. He believes that this is the reason why so many female deponents were called in this case; of the thirty-three women called, only two were not giving evidence about the birth of Alice or of her older brother. Chapter 4 explores the distinctive social diversity of the parties and witnesses in this case and considers the ways in which deponents and litigants were bound by associations of neighborliness, community, or tenure. The next chapter similarly looks at ties created by birth or marriage, but it is here that Goldberg concentrates on consent as much as the evidence.

Chapter 5 centers on the deposition of Anabilla Wascelyne, the sister of John Marrays, which was the fullest of the entire case, and in which much is conveyed in the form of reported speech. Goldberg argues that the function of such remembered speech was to help John's case that Alice consented but "though selective and partisan, is essentially a reliable record of some of what Alice said" (p. 121). Goldberg also puts much weight on reported speech in chapter 6. The focus here is on intimate events that are witnessed only accidentally, in particular the consummation of marriage between John and the preteen. This act is alleged in the deposition of Dom William Marrays, a mitred abbot, who says that the younger daughter of Anabilla, who normally shared Alice's bed, told him that "she saw John and Alice lying together in the same bed and heard a noise from them like they were knowing one another carnally, and how two or three times Alice silently complained at the force on account of John's labor as if she had been hurt then as a result of this labor" (p. 106). Goldberg not only takes this to imply coerced sex also but adds, "To the modern reader [...] the whole thing smacks of the sexual abuse of children"

(p. 106). He also contentiously suggests that this deposition could have served as pornography for its contemporary audience of clerical personnel associated with the court: “There are elements here of pedophilia, of sadism, and of voyeurism” (p. 111). Chapter 7, which tries to access the thoughts and feelings of Alice—though Goldberg recognizes that this “must be a speculative and even imaginative exercise” (p. 105)—continues with the line that Alice was “an abused child” (p. 124).

In the shorter Part 2 (“Sex and the City”), Goldberg offers two further case studies on the theme of consent. These relate to bourgeois widows, Agnes Grantham and Alice Brathwell, who were the subject of disputed marriage cases before the ecclesiastical court of York. Agnes Grantham claimed that she was forced to contract marriage under the threat of rape. (Goldberg argues that she was probably raped but did not want to acknowledge this.) Alice Brathwell simply claimed that she had never exchanged words of consent with William Dowson. Goldberg draws parallels between the cases: the marriages were sought after because of the wealth and property the women controlled, and canon law afforded them limited protection from ambitious men eager to possess that wealth and property. But these women do successfully resist these attempts (if only by contracting marriage with other suitors), and Goldberg sees in this a difference between bourgeois and aristocratic femininity: “the combination of aristocratic concern with family and lineage and an aristocratic masculinity that emphasized martial and sexual prowess demanded a correspondingly compliant femininity[...] Bourgeois society, with its emphasis on trade, the workshop, on sociability and trust, constructed a less aggressive masculinity and a correspondingly more assertive femininity” (p. 175). Such contextualization of why the ten- or eleven-year-old Alice might have thought sex with John was expected of her is, for this reader, more helpful than the “modern” reading of the case as child abuse. Goldberg knows his material well, but feminist medievalists should also read this book because it raises once again those difficult questions about how far we should see women in patriarchal societies as victims or agents.

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