

ORIGINAL ARTICLE

“They Call it *Schaec* in Flemish”: The Language of Abduction with Marital Intent in the Late Medieval Low Countries

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In 1425, Pieter Grootwouters paid a fine “for having taken with him” and “taken into marriage” a citizen’s daughter against her father’s will in Ghent.¹ Local authorities punished Pieter for trying to push through a marriage without parental consent, which the francophone account describes by combining the words *emmenen* and *prendre à mariage*. Although medieval scholars have long shown interest in such partner choice disputes, they continue to struggle to understand them fully. This difficulty exists largely because many medieval texts recording this phenomenon employ words like *raptus* that are no longer in use today and that, moreover, lump together notions of offenses and practices that are perceived as fully separate in our present-day society.² Although the description of Pieter’s undertaking is pretty straightforward, scholarship has used many different terms to talk about it, like rape, abduction, ravishment, seduction, and elopement. While these terms could all fall within the medieval interpretation of the commonly used term *raptus*, they have totally different and often irreconcilable meanings today. This presents researchers who want to study the behavior of Pieter Grootwouters with a major challenge: they seem to completely lack a clear vocabulary to talk about these seizures of women for marriage.

The varied terminology in modern scholarship mirrors the multivalence and ambiguity of some of the terms used to describe partner choice conflicts in medieval sources. Complex terms like *raptus*, *rapt*, and *ravishment* served as focal points in current scholarship, which mostly deals with medieval

¹ *De Pieter Grootwouters que fu calengié en l’amende de V lb. pour avoir prins à mariage et emmené la fille [...] contre le gré dudit.* In Brussels, State Archives, nr. 14112: account from May to September 1423, fol. 101r (hereafter SAB, nr. 14112, May–September 1423, fol. 101r).

² Caroline Dunn, “The Language of Ravishment in Medieval England,” *Speculum* 86 (2011): 79–116.

England.³ It is unclear to what extent these ambiguous medieval words, which could have meant rape or abduction but also seduction, corresponded to an actual conflation of these offenses in the Middle Ages. Gwen Seabourne has suggested that rape and abduction overlapped for late medieval English people, while Caroline Dunn's work found that English ravishment descriptions distinguished more clearly between rape and abduction in the fifteenth century than in the thirteenth and especially fourteenth century.⁴ Studies on late medieval England generally put more emphasis on the intertwining of abduction and rape than studies tackling the phenomenon on the continent, where scholars have mostly connected abduction to marriage making.^{5,6} Valentina Cesco has suggested that the overlap between rape and abduction, very persistent in late medieval English law and jurisdiction, was less of an issue in continental European regions.⁷ Evidence supporting this claim is lacking, as the ways in which rape and abduction were described and intertwined outside of medieval England has received little attention in current research.

This article intends to bring clarity to the terminological and legal confusion regarding partner choice conflicts that persists in current scholarship. By examining the language used by lawmakers, judges, and authorities to describe such conflicts, this article sets aside the modern terms and preconceived categories of contemporary study to examine how Pieter's behavior was talked about in and out of the courtroom in the late medieval Low Countries. Focusing on legal texts (1218–1438) and fifteenth-century judicial records, this article shows that medieval Flemish had a specific word to describe an offense that was not captured by other available terms: *schaec*. This term can best be translated as “abduction with matrimonial intent,” a specific category of behavior that differed from other offenses that had their own terminology in the Low Countries (rape was referred to as *vrouwencracht*). By focusing on the phenomenon of *schaec*, this article shows that the Low Countries' authorities distinguished between the seizure of women for sex and the seizure of women for marriage. Linguistic ambiguity still characterizes some Low Countries' cases, but this only poses a problem in cases that were recorded in French or Latin, languages with no equivalent for the specific term *schaec*. Cases reported in Dutch are usually clear. If ambiguity does occur in the middle Dutch records, this is not because of the use of unclear

³ Corinne Saunders, “The Medieval Law of Rape,” *King's Law Journal* 11 (2000): 19–48.

⁴ Gwen Seabourne, *Imprisoning Medieval Women. The Non-Judicial Confinement and Abduction of Women in England, c. 1170–1509* (Farnham: Ashgate, 2011), 196; and Dunn, “The Language of Ravishment,” 113.

⁵ See, for example, Sylvie Joye, *Le Mariage par Rapt au Haut Moyen Age* (Turnhout: Brepols, 2012); and Geneviève Ribordy, “Mariage Aristocratique et Doctrine Ecclésiastique : Le Témoignage du Rapt au Parlement de Paris pendant la Guerre de Cent Ans,” *Crime, History & Societies* 2 (1998): 29–48.

⁶ This is largely due to the extensive attention given to famous authors of medieval English literature charged with *raptus*, which has led scholars to debate whether these men were guilty of rape, and what *raptus*, a term prevalent in Latin, Middle English, and Old French, entailed. For an overview of the literature on this topic, see Dunn, “The Language of Ravishment,” 79, n. 1.

⁷ Valentina Cesco, “Rape and Raptus,” in *Women and Gender in Medieval Europe: An Encyclopedia*, ed. Margaret Schaus (New York: Routledge, 2006), 695.

language but because of the inclusion of both elements of abduction and rape without clarifying the perpetrator's primary goal.

This article focuses on different cities in the Low Countries; namely, the quarter of Ghent, including the city and the surrounding, less urbanized districts called Vier Ambachten, Oudburg, and Land van Waas in Flanders, along with the Brabantine cities of Antwerp and Leuven. The first section offers a general overview of what marriage making entailed in the Low Countries, briefly discussing the jurisdictions involved and the records they produced. Afterwards, an examination of *schaec* through many legal and judicial texts and records will unearth what this term legally meant. The next section explores the Low Countries' multilingual legal landscape and its effects on the ways in which abductions were described and defined, showing that the lack of French and Latin counterparts for *schaec* was solved through code switching and the use of phonetic equivalents. This article ends with a discussion of other ambivalent terms that were used by lawmakers and judges, also discussing a few terms that carried information about the abductee's consent and were thus more specific than *schaec*.

This case study on the Low Countries shows that medieval people used a clear and straightforward terminology to talk about abductions with marital intent. At the same time, however, medieval legal culture's multilingual nature could cause confusion for judges and lawmakers in the past as well as for historians today.

Marriage and Jurisdiction

Medieval canon law identified two ways to contract marriage. Couples could marry by speaking words of consent or—and this way was more common in the late medieval Low Countries—by exchanging marital promises (words of future consent) followed by sexual intercourse.⁸ The involvement of family was not required, but it was a deeply entrenched custom. Low Countries' customary laws state that involvement in their offspring's choice of spouse was a parental right as long as the child was still a minor.⁹ Traditionally, making marriage was thus a process that involved family interference and public concern. Because all it took to get legally married was speaking the right words, however, it was relatively easy to flout marriage's usual public, processual character. Men could try to “convince” or force women to say “yes, I do,” or young people could marry without informing their families.¹⁰ Both ecclesiastical and secular authorities tried to deal with these issues.

⁸ Charles Donahue, *Law, Marriage, and Society in the Later Middle Ages: Arguments about Marriage in Five Courts* (Cambridge: Cambridge University Press, 2008), 387–89, 600; and Monique Vleeschouwers-Van Melkebeek, “Aspects du Lien Matrimonial dans ‘Le Liber Sentenciarum de Bruxelles’ (1448–1459),” *Tijdschrift voor Rechtsgeschiedenis* 53 (1985): 49.

⁹ Philippe Godding, *Le Droit Privé dans les Pays-Bas Méridionaux du 12^e au 18^e Siècle* (Brussels: Académie Royale de Belgique, 1986), 106.

¹⁰ About these conflicts and how they were dealt with in court, see Fabrizio Titone, “The Right to Consent and Disciplined Dissent: Betrothals and Marriages in the Diocese of Catania in the Later Medieval Period,” in *Disciplined Dissent. Strategies of Non-Confrontational Protest in Europe from the Twelfth to the Early Sixteenth Century*, ed. Fabrizio Titone (Rome: Viella, 2016), 139–68.

In 1215, church authorities promulgated new overall rules that would guarantee a marriage's publicity, like the publication of banns and the presence of a priest and witnesses. Marriages not taking these stipulations into account were considered illegal, yet as long as consent had been exchanged, they were valid and could not be undone, a clause that led to frustration in lay society.¹¹ As a remedy, secular authorities drew up their own legal texts criminalizing the seizure of women for marriage against their or their families' wishes. This article studies a body of ten legal texts issued between 1218 and 1438 by the city governors of the cities of Leuven and Ghent, counts of Flanders or dukes of Brabant.¹² While three seigneurial texts dealing with various issues were promulgated by the dukes of Brabant and covered the whole duchy, one ducal legal text targeted abduction in Leuven particularly. In 1396, the city governors of Leuven themselves issued a new legal text tackling the matter. Several comital texts deal with abduction for the city of Ghent, including one by Countess Marguerite around 1250, one by Guy of Flanders in 1297, and one by Philip the Good in 1438. In addition, the Ghent city government promulgated one law text in 1218 and one in 1438 tackling abductions with marital intent.

Jurisdiction regarding marriage conflicts in all three cities and the Ghent districts was shaped by different players. The local courts dealt with criminal and civil cases. The city governors were selected from both elite and craft guild families and acted as judges. These courts have left behind final sentences (records of how cases were resolved) in Antwerp, Ghent, and Leuven. In addition, bailiffs had an important judicial role as they served as public prosecutors and represented the dukes of Burgundy locally. Although a bailiff did not have the power to pass verdicts, he played a crucial role in local law enforcement. His job was to search for offenses or serve as the main point of contact for citizens who wanted to file a complaint. He gathered evidence, called the aldermen when a trial had to occur, and made sure that once convicted, offenders would serve their sentences. However, the bailiff did not have to pass all offenses through to the aldermen, as he had the authority to make settlements out of court and allow suspects and convicts to pay a monetary settlement.¹³

¹¹ There were a number of other conditions for a valid marriage related to the age and status of the partners. Monique Vleeschouwers-Van Melkebeek, "Classical Canon Law on Marriage. The Making and Breaking of Households," in *The Household in Late Medieval Cities. Italy and Northwestern Europe Compared*, ed. Myriam Carlier and Tim Soens (Leuven: Garant, 200), 16.

¹² Legal texts issued for the Duchy of Brabant in 1356: Ria Van Bragt, *De Blijde Inkomst van de hertogen van Brabant Johanna en Wenceslas* (Leuven: Nauwelaerts, 1856); in 1406: City Archives Leuven, Oud Archief, nr. 1335, art. 16 (hereafter CAL, OA, nr. 1335, art. 16); and in 1427: CAL, OA, nr. 1254, art. 25. Legal texts issued for Leuven in 1364: Jan van Boendale, *Brabantse Yeesten: Les Gestes des Ducs de Brabant* (Brussels: M. Hayez, 1839–1869), 605; in 1396: see CAL, OA, nr. 1258, 16rv. Legal texts issued for Ghent in 1191: "Mathilde," in *De Oorkonden van de Graven van Vlaanderen (1191–1206)*, ed. Walter Prevenier (Brussels: Palais des académies, 1964–1971), II:1–16; in 1218: "VII. Ordonnance des Echevins," in *Coutume de la Ville de Gand*, ed. Albert Gheldolf (Brussels: Gobbaerts, 1868–1887), I:398–401; around 1250: "Keure ou Statut Octroyé par la comtesse Marguerite," in *Coutume*, I:405; in 1297 "XXIII. Grande charte des Gantois," in *Coutume*, I:426–85, spec. 450–51; and, finally, two legal texts issued in 1438: State Archives Ghent, nr. 2356, 332v–333v; "LXXI. Peines contre le Rapt et le Viol," *Coutume*, I:623–25.

¹³ For more information about the bailiff's role, see Guy Dupont, "Le Temps des Compositions : Pratiques Judiciaires à Bruges et à Gand du CIVE au XVIe Siècle (Partie I)," in *Préférent Miséricorde à*

These bailiffs' activities were registered in biannual or, in the city and the districts of Ghent, triennial accounts, which include reports on punished offenses, among which were cases of rape, abduction, and adultery. Taken together, these judicial records contain reports on 308 abductions and 112 cases that were possibly abductions but could also have been cases of rape or abductions for purposes other than marriage, as will be explained further on. They shed light on different social groups, from laborers to craft guild members and people belonging to families who traditionally held political power within their communities. The aristocratic elites are not represented in this body of secular sources, as they generally used other means of conflict management and used courts at a seigneurial level that are not included in this analysis.¹⁴

Finally, cases regarding a marriage's validity were dealt with in consistory courts of the diocese of Liège, to which Leuven belonged, and the diocese of Cambrai, to which Antwerp belonged.¹⁵ Consistory records followed canon law and represented ecclesiastical ideas on marriage, sex, and morality. Although the episcopal judge's task was to decide if a marriage bond existed or not, abductions and rapes preceding the alleged exchange of consent occasionally pop up. The Cambrai records are extensive but only final sentences have been preserved, while the Liège records include final sentences as well as more detailed litigation proceedings, although only one Liège register dating from 1434–35 remains intact today.¹⁶

This body of sources, consisting both of legal texts and judicial records, offers abduction descriptions in different languages, as the late medieval Low Countries knew a multilingual legal culture in which Middle Dutch, French, and Latin were used. Medieval Dutch was spoken by the majority of the inhabitants in Antwerp, Ghent, and Leuven.¹⁷ These cities' legal texts and records were also generally written in Dutch. In Ghent and by extension in the County of Flanders, however, the clerks recording the bailiff's decisions translated spoken Dutch statements and sentences into French, since the bailiff's records were drawn up in French throughout the fifteenth century except for a few years in the 1480s.¹⁸ French remained the language of law in the County of Flanders, at least for comital records and institutions, such as the bailiff, who represented the count, and the central, higher courts. After all,

Rigueur de Justice, ed. Bernard Dauven and Xavier Rousseaux (Louvain-la-Neuve: Presses Universitaires de Louvain, 2012), 53–95; and Jan Van Rompaey, "Het Compositierecht in Vlaanderen van de Veertiende tot de Achttiende Eeuw," *The Legal History Review* 29 (1961): 43–79.

¹⁴ Buylaert, "Familiekwesties: De Beheersing van Vetes en Private Conflicten in de Elite van Laatmiddeleeuws Gent," *Stadsgeschiedenis* 2 (2007): 12–13.

¹⁵ Final sentences and court records from the consistory court of the diocese of Tournai, to which Ghent belonged, have not been preserved.

¹⁶ The consistory courts' records will be included to a lesser extent in this analysis, as rape and abduction were mainly dealt with by secular authorities in the Low Countries.

¹⁷ Wim Blockmans and Walter Prevenier, *The Promised Land: The Low Countries Under Burgundian Rule, 1369–1530* (Philadelphia: University of Pennsylvania Press, 1999), 46–47.

¹⁸ Between 1485 and 1488, the Flemish-speaking urban governors of several Flemish towns were able to exercise control over several central institutions, because of which Dutch replaced French as the language of administration for a few years: in Marc Boone, "Langue, Pouvoirs et Dialogue," *Revue du Nord* 379 (2009): 30.

the Flemish count was a vassal of the French king, and Flanders was therefore part of France, in contrast to the rest of the Low Countries. Some high medieval legal texts against abduction and rape were still drawn up in Latin. They are included because they shed light onto the emergence of *schaec* as a well-defined offense. In addition, the consistory courts' records are in Latin, despite inclusions of litigant statements in the vernacular in the records of Liège. It is important to be aware of this difference in language between the records and the testimonies, interrogations, and discussions that the records summarized. Even the Dutch records might have deployed a legal language that differed from the ways in which people talked in their daily lives. Yet studying legal records is useful because the language of the law did not exist in a vacuum, as it shaped and was shaped by social attitudes toward abduction, marriage, and gender.¹⁹ The term *schaec* was more than a legal term, as will be argued further on.

Schaec: Abductions with Matrimonial Intent

Apart from a few general terms meaning “to lead” or “to take away,” [Tables 1](#) and [2](#) record the abduction terms used in ten legal texts and the secular judicial records under scrutiny and show that the most used terms for abduction were the middle Dutch noun *schaec* and its related verb *ontschaken*. Therefore, this term shall be explored first before we turn to the other prevalent words. *Schaec* was a medieval Flemish word that described a category of behavior and could have two meanings in Flanders and Brabant. On the one hand, it was used more generally to describe abductions of women, with or without the consent of the individuals positioned to give consent (the woman herself or her family/guardians), for the purpose of entering into a marriage or some other sexual/romantic relationship. On the other hand, the term was defined more strictly in law, especially in the law texts issued by secular seigneurial and local authorities and by judges in secular courts. According to this strict legal definition, *schaec* meant either the abduction with marital intent of a minor, regardless her consent, against her families' wishes, or the non-consensual marital abduction of an adult woman. The bailiffs' accounts and consistory court records, however, used a freer and broader definition of the term in their documents than the strict legal definition used by legislators and city governors, as this section will show.

¹⁹ Scholars of linguistics agree that “language both reflects and creates how we see the world”: see Lia Litosseliti, *Gender and Language. Theory and Practice* (London: Hodder Arnold, 2006), 9–10, 13–14. About the importance of acknowledging the possible disparities between the language preserved in medieval sources and the language that was spoken in people's everyday lives, see Christopher Fletcher, “What Makes a Political Language? Key Terms, Profit and Damage in the Common Petition of the English Parliament, 1343–1422,” in *The Voices of the People in Late Medieval Europe: Communication and Popular Politics*, ed. Jan Dumolyn, Jelle Haemers, Hipolito Rafael Oliva Herrer, and Vincent Challet (Turnhout: Brepols, 2014), 92; about the relationship between legal records and the voices of ordinary people, see discussion in Tim Stretton, “Women, Legal Records, and the Problem of the Lawyers' Hand,” *Journal of British Studies* 58 (2019): 684–700.

Table 1. Terms Used for Rape and Abduction in Urban and Seignorial Legal Texts Promulgated in the Late Medieval Low Countries

City/Region	Year	Issuer	Quote	Medieval Word	Translation
Leuven	1364	Ducal	<i>ontscaken</i>	<i>ontschaken</i>	to abduct
	1396	Urban	<i>ontscaken</i>	<i>ontschaken</i>	to abduct
Ghent	1218	Urban	<i>rapuere</i>	<i>rapuere</i>	to rape, to abduct
			<i>abiret</i>	<i>abire</i>	to go away
			<i>ontscaket</i>	<i>ontschaken</i>	to abduct
	mid 13 c.	Comital	<i>abducit</i> <i>ontscaket</i>	<i>abducere</i> <i>ontschaken</i>	to abduct to abduct
	1297	Comital	<i>ontschaecen</i>	<i>ontschaken</i>	to abduct
<i>ontspanen</i> <i>prendene</i>			<i>ontspanen</i> <i>prendre</i>	to seduce to take away, to grasp	
1438	Urban	<i>ontsake</i>	<i>ontschaken</i>	to abduct	
1438	Comital	<i>efforcemens</i> <i>ravissemens/ravira</i> <i>prenderal/prinses</i> <i>violera/violences</i> <i>emmenra</i>	<i>enforcer</i> <i>ravir</i> <i>prendre</i> <i>violera</i> <i>emmener</i>	to assault to rape, to abduct to take to rape to take with	
Brabant	1356	Ducal	<i>ontschaect</i>	<i>ontschaken</i>	to abduct
			<i>ontleyde</i>	<i>ontleiden</i>	to lead away
	1406	Ducal	<i>ontschaect</i> <i>ontleydde</i>	<i>ontschaken</i> <i>ontleiden</i>	to abduct to lead away
1427	Ducal	<i>ontschaect</i> <i>ontleydde</i>	<i>ontschaken</i> <i>ontleiden</i>	to abduct to lead away	

Table 2. Recurrent Words in Middle Dutch and French* Used at Least Five Times to Describe the Act in 420 Cases of Abduction and Possible Abduction in the Bailiff's Accounts and Sentence Books of Antwerp, Leuven and the Quarter of Ghent (Fifteenth Century)

Rank	Word	English Translation	Freq.
1	<i>emmener*</i>	to take away	114
2	<i>leiden (wech, ont-, ver-)</i>	to lead (away), to seduce	89
3	<i>enforcer*</i>	to assault	69
4	<i>ontschaken</i>	to abduct	51
5	<i>prendre (avec, par force)*</i>	to take (with, forcibly)	31
6	<i>esquaquer*</i>	to abduct	23
7	<i>aanveerden</i>	to assail	20
8	<i>apprehender*</i>	to grasp, to restrain	18
9	<i>ravir*</i>	to assault	16
10	<i>gaan (met)</i>	to go (with)	15
11	<i>ontspanen</i>	to lead away, to seduce	14
12	<i>espouser (par cautelle)*</i>	to marry (in secret)	13
13	<i>krijgen/hebben (zijn wil)</i>	to have/get (his will)	10
14	<i>avoir (en mariage)*</i>	to have (in marriage)	9
15	<i>voeren (met hem, weg)</i>	to lead (with him, away)	9
16	<i>brengen (naar, ten huwelijk)</i>	to take, to bring (to, in marriage)	6
17	<i>poursuivre*</i>	to follow	6
18	<i>aller (avec)*</i>	to go (with)	5
19	<i>halen</i>	to get	5
20	<i>violer (sans)*</i>	to rape (without)	5

Schaec is derived from the Germanic word *skâk*, which meant “robbery,” and was specifically employed to denote the abduction of women in the late medieval Low Countries.²⁰ The modern Dutch noun for the abduction of women, *schaking*, derives directly from the medieval word and has no exact translation in other languages as far as I am aware.²¹ Therefore, for lack of a proper

²⁰ Eelco Verwijs and J. Verdam, “Schaec,” *Middelnerlands Woordenboek*. <https://gtb.ivdnt.org/iWDB/search?actie=article&wdb=MNW&id=48552&lemma=schaec&domein=0&conc=true> (August 16, 2021); and Philippa Debrabandere, “Schaken,” *Etymologisch Woordenboek van het Nederlands*. <https://etymologiebank.nl/trefwoord/schaken2> (August 16, 2021).

²¹ *Schaking* is not frequently used in contemporary Dutch. It is still included in penal law codes to denote the abduction of a woman to have sexual intercourse with her or to marry her: see note 77. It also occurs in literature and is used to talk about the contemporary practice of bridal kidnapping in various regions across the world.

translation, I translate it as “abduction with marital intent” or simply “abduction” throughout this article. The records under scrutiny employ the term *schaec* for the first time in 1218, in a Latin city ordinance issued in Ghent. In later law texts, the category of behavior that would be seen as the offense *schaec* was increasingly delineated and shaped into a rather distinct legal category. The social meaning of the term, however, extended beyond the interpretation of *schaec* stipulated in law.

The 1218 charter promulgated by the city governors of Ghent includes the term for the first time as a conjugated verb. This bilingual record in Latin and Dutch states that: *Si vero ancilla vel puella vel famulus vel leno mulierem vel puellam vel domicellam ad hoc allexerit ut cum alisquo viro abiret: scilicet “ontscaket,” nasus ei abscondetur.*²² This stipulation thus punished “servants, women and procurers who lured girls into going away with men, which is called *ontscaket*,” by cutting off their noses. Here the verb *ontschaken* means the act of encouraging or inciting a girl to go away with a man. The stipulation envisions the act as not only executed by the man with whom the girl ran away, but by people, in the act identified as female, who facilitated the abduction. The inclusion of a vernacular term in a Latin legal text is remarkable but not unparalleled. Scholars have found several similar examples and have explained this form of code switching as emerging from the fact that some vernacular terms were simply untranslatable.²³ The 1218 ordinance uses *ontschaken* specifically for consensual abductions in which the abductee “went away” (*abiret*) with the abductor. A mid-thirteenth-century comital text on the abduction of women in Ghent targets people *qui domicellam abducit, id est “onscaket,”* punishing them with banishment for 3 years and a fine.²⁴ This text only blamed the person who actually took the woman. Whereas the 1218 stipulation seems to have targeted consensual abductions—since it dealt with non-consensual abduction and rape in another stipulation—the later text does not specify whether *ontschaken* means that the abduction it envisioned was consensual or not.

The 1297 charter issued by Count Guy of Flanders is the first one to delineate the offense of *schaec* more clearly. The later Ghent legal texts, as well as the Brabantine texts, all employed the interpretation of the term that is put forward in Guy’s text. It contains two articles under the heading “About women who are abducted” (*Van wive die ontscaect*). The first article states that those who “abduct a woman who has a mother or father or is an orphan under guardianship with her consent” but against the will of her father, mother, or guardians will be banished from Flanders for 3 years, while the targeted woman would be disinherited.²⁵ The second stipulation states that

²² “VII. Ordonnance des Echevins,” 398–401.

²³ John H. Baker, “The Three Languages of Common Law,” *McGill Law Journal* 43 (1998): 8.

²⁴ “Keure ou Statut Octroyé par la Comtesse Marguerite,” 405.

²⁵ This legal text from 1297 was still applied in fifteenth-century judicial practice as there are several pleas in which relatives of the abductee ask for her disinheritance after abduction, referring to this text. See Monique Vleeschouwers-Van Melkebeek, “Mortificata Est: Het Onterven of Doodmaken van het Geschaakte Meisje in het Laatmiddeleeuws Gent,” *Bulletin: Commission Royale pour la Publication des Anciennes Lois et Ordonnances de Belgique* 51–52 (2011): 359.

women who were abducted against their will but nevertheless stayed with their abductor “either in marriage or in a similar arrangement” will be disinherited. This text again targets both abductors and abductees, and here *schaec* means both the abduction of minors against the will of their parents, regardless of their consent, and the non-consensual abduction of adult women for the purpose of marriage. Minors “who still had a mother and a father or were orphans under guardianship” marrying against their family’s wishes were disinherited, while it seems that for adult women the abduction—at least initially—had to be non-consensual in order for them to be punished for it. There was no fixed age of majority in the Low Countries, although customary law stipulations generally set it at 25 years old in the cities under scrutiny.²⁶ While minors needed their parents’ approval according to customary law, adults were fully legally capable and could—at least in theory—marry whomever they wanted. The criminalization of consensual abductions of women under 25 years of age in the 1297 text is remarkable, as similar legal texts only emerged in the sixteenth century in many other European regions.²⁷ In the 1297 text, abduction is explicitly connected to marriage or marriage-like relationships and the importance of parental consent.²⁸ Moreover, this text includes an additional article that again shows that the crime of *schaec* could be charged not just against the man but also against people who participated in the abduction. Here, the 1297 legal text uses the verb *ontspaenen* to denote the luring of a woman, an act that was penalized by cutting off the nose or by banishment.

The legal definition of *schaec* centered on the abductee’s age and consent and her family’s consent appears in all fourteenth and fifteenth-century texts that include the term. This categorization based on age and consent is particularly well laid out in the Brabantine ducal charters. As with the 1297 charter, the 1356, 1406, and 1427 charters contain different articles on the punishment of a myriad of offenses, including two separate articles on *schaec*: one dealing with children and one dealing with adult women. For example, the 1406 text states that “if someone abducts or leads away a child, he will lose his property and his life.” When minors were affected, their own consent thus did not matter and was not considered by the law, as it was their parents’ or guardians’ consent that was relevant. Regarding adult women, the text

²⁶ Godding, *Le Droit Privé*, 71–72.

²⁷ In France, the necessity of parental consent to the marriages of teenagers and people in their early to mid-20s emerged only in secular legal texts from the sixteenth century onwards; see Danielle Haase-Dubosc, *Ravie et Enlevée: De l’Enlèvement des Femmes comme Stratégie Matrimoniale au XVIIe Siècle* (Paris: Albin Michel, 1999), 20. In Italian cities and in the German city of Nuremberg, such stipulations arose in the fourteenth and fifteenth centuries already; see Gabriela Signori, “Family Networking. The Gift Book of the Nuremberg Patrician Walburg Kress, Née Waldstromer,” in *The Urban Family: Marriage, Kinship and Lineage in the Middle Ages*, ed. Jelle Haemers and Jesus Solorzano (Logroño: Instituto de Estudios Riojanos, 2020), 179; Trevor Dean, “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*, ed. Mia Korpiola (Leiden: Brill, 2011), 147–59.

²⁸ Scholars have suggested that there existed a plurality of sexual relations beyond marriage and that these were widespread and accepted: see Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012).

reads: “if a woman or lady is abducted who cried out, or if we find out that it happened against her will [...] the man who perpetrated the abduction will lose his life and his property.”²⁹ The 1438 text issued by the Ghent city governors penalizes adult abductees who were abducted against their will but nevertheless married their abductor: “if an *onscake* happened with cries for help” and if a “steadfast marriage” nevertheless happened between the crying abductee and the abductor, the former would be disinherited.³⁰ The consent of adult women thus did matter and affected the legal outcome, as adult women could contract marriage regardless of their families’ approval.

It is not surprising that the verb *ontschaken* and the corresponding noun *schaec* appear often in records of judicial practice as well, since the language people used and the idioms available to describe the offense of abduction were related to “a broader textual environment,” McIntosh’s term for the legal framework in which people embedded their narratives.³¹ Similarly, in her study on the language of anger and hatred in felony cases in medieval England, Elizabeth Papp Kamali argued that scribes transferred “complicated fact patterns” into the language available to them, trying to fit patterns to the most similar phrases and idioms.³² Appearing in the fifteenth-century records of all three cities, *schaec* applied to both consensual and non-consensual abductions, as information on the women’s consent usually appears in the records. For example, the Ghent city governors banished a man for abducting a girl with her consent (*ontscaket bij haren wille*) in 1473.³³ Three years later, the aldermen punished a man for a violent *schaec* “with force and cries for help,” the latter serving as essential evidence of the victim’s lack of consent. An unusual Antwerp record about a woman’s abduction of a man offers further insight into the meaning of *schaec* and shows that in legal practice, the definition of *schaec* as stated by the law texts cited prevailed. The bailiff made a woman named Liesbeth Recmast pay a fine for abducting Jan Peters. The act justified this out-of-court settlement by stating that Jan consented to his own seizure and that both Jan and Liesbeth were adults. Because of these elements, the record concluded, this was not a case of *schaec*: “good men came to the bailiff and told him that Jan and Liesbeth had promised each other to marry and that he had gone with her with his consent, and it would be impossible to make *schaec* out of this because they were both of age.” The bailiff cited abduction’s legal definition, the seizure of minors regardless of their consent or of adult women (and apparently men too) without their consent. Taking away consenting adults was not a legally punishable offense and thus did not fall into the legal category of abduction.

²⁹ CAL, OA, nr. 1236, fol. 39r–43v.

³⁰ State Archives Ghent, St-Baafs en Bisdom Gent, R2, fol. 332v–333 (April 24, 1438).

³¹ Marjorie McIntosh, “Finding Language for Misconduct: Jurors in Fifteenth-Century Local Courts,” in *Bodies and Disciplines: Intersections of Literature and History in Fifteenth-century England*, ed. Barbara Hanawalt and David Wallace (Minneapolis: University of Minnesota Press, 1996), 89.

³² Elizabeth Papp Kamali, *Felony and the Guilty Mind in Medieval England* (New York: Cambridge University Press, 2019), 113.

³³ City Archives Ghent, series 212 (hereafter CAG, 212), nr. 1, fol. 3r; CAG, 301, nr. 52, fol. 135v.

However, the record also notes that Jan's father filed a complaint that "his son had been *ontschaect*."³⁴ For Jan's father, Liesbeth's action was an infringement that he wanted to see labelled as *schaec* even though his son was not a minor and Liesbeth's behavior did not fall within the term's legal definition. The analysis of a few additional acts allows a more nuanced understanding of this important term and shows that the way in which *schaec* was understood by the broader community could extend beyond the clearly defined legal interpretation of that concept. In Antwerp, Merten Heynen helped to abduct Lijsbet, the widow of the late Jan Mees. Initially, Merten was freed of charges by an unspecified local court, probably because the widow had agreed to the seizure, and the case did not fall within the legal definition of *schaec*.³⁵ However, the case had taken place in the territory of the Antwerp bailiff who felt entitled to demand that Merten pay a fine for abduction anyway. Legally, the consensual "abduction" of an adult did not qualify as the punishable offense of *schaec*. However, these examples show that the term *schaec* could still be applied to these cases, suggesting that how the term was understood outside of the courtroom extended beyond its legal definition.

The bailiff played an ambiguous role here, since he was not a judge but did have the authority to make out-of-court settlements. Therefore, he did not have to connect his decisions as rigorously to the law as the city governors did. This possibility is supported by the telling abduction example in the Leuven bailiff's accounts, which illustrates the difference between the bailiff and the city governors. After the abduction of Elisabeth Lyedens by Jan Uter Helcht, which she declared had been consensual, the bailiff tried to find witnesses who had heard her scream as proof that the abduction was forced. However, the bailiff failed and was therefore instructed by the city governors of Leuven to release the abductor. No infraction of the law had been committed.³⁶ While the Antwerp bailiff referred to the law on abduction to explain not taking Jan's father's plea to court—probably knowing that the case would not hold up—he jumped at the opportunity to make a financial settlement with a man who had been freed of an abduction claim in a local court (mentioned previously). These examples show the ambiguous position of the bailiff who made monetary settlements (part of which would end up directly in his pockets) but they also show that the behaviors of Jan's unwanted daughter-in-law and of Marten Heynen were labeled improper by society. The bailiffs' accounts include multiple examples in which the presence of the abductee's consent was used as a motivation to settle the case via a fine instead of taking it to court. When Lodewijck Zeghers abducted and married widow Margriet Vanderhallen "with her will" in Leuven, the bailiff nevertheless had Lodewijck pay a fine.³⁷ The practice of punishing these cases

³⁴ SAB, nr. 12902, June 1420–March 1421, fol. 282rv.

³⁵ Widows were considered fully legally capable in the Low Countries and were thus free to choose their own spouses. However, scholarship has shown that relatives nevertheless regularly interfered with a widow's choice of spouse. Marianne Danneel, *Weduwen en Wezen in Laatmiddeleeuwse Gent* (Leuven: Garant, 1995).

³⁶ SAB, nr. 12653, 1410, fol. 317rv.

³⁷ SAB, nr. 12658, December 1471–June 1472, fol. 3v–5v.

informally must thus have been accepted, and reveals *schaec*'s broader meaning. It shows that the consensual abduction of adults could also be referred to as *schaec*. It goes without saying that there might have been a gray zone here, as there was no fixed age of majority. Also, whether a woman had initially consented or not was not always as clear, as many women consented to marry their abductor after their initial forcible abduction.³⁸ The bailiff therefore had some room to maneuver. He could apply the concept of *schaec* more loosely than it was framed by the law, and the fact that bailiffs often did so suggests that this broader, more flexible interpretation of *schaec* conformed to society's interpretation of the term.

A quick look at the use of the term *schaec* in non-judicial records further reveals the term's familiarity to a medieval audience beyond the legal sphere. Indeed, the term occurs in multiple well-known literary texts. For example, the popular story of Floris and Blancefloer, which was translated into Middle Dutch by Diederic van Assenede and circulated widely in the late Middle Ages, tells the tragic love story of a king's son and a servant woman.³⁹ This middle Dutch text refers to the Trojan prince Paris who *ontscoec* Helen of Troy. In Dirc Potter's fourteenth-century treatise about love called *Der minnen loep*, he mentions how young virgins were sometimes *ontschaect* and quickly fell in love, staying with their abductors.⁴⁰ A 1475 Dutch translation of Christine de Pizan's *Livre de la cité des dames* from 1405 used the term when discussing the abduction of the Sabine women and, in another section, of a Greek woman who was *ontschaect* by pirates against her will. Once *ontschaect*, the latter woman jumped overboard, as she would "rather die than be raped."⁴¹ The inclusion of the Dutch word *schaec* in these literary sources suggests that the term was well known outside of the context of the law and evoked associations with ideas of courtship and impossible love. De Pizan's translator's use of *schaec*, however, shows that the term was equally known and used to describe non-consensual abductions that went hand in hand with rape, while the use of the term for the abduction of the already-married Helen of Troy indicates that not only marital relationships but also romantic relationships more generally might have been the goal of abductors in popular conceptions of *schaec*. An extensive analysis of *schaec* in literary sources falls outside the scope of this article, but the inclusion of this term in such texts does reveal its significance beyond its legal meaning.

³⁸ I examined the importance and meaning of the abductee's consent in the late medieval Low Countries earlier in Chanelle Delameillieure, "Partly With and Partly Against her Will: Female Consent, Abduction, And Elopement in Late Medieval Brabant," *Journal of Family History* 42 (2017): 351–68.

³⁹ Diederic van Assenede, *Floris ende Blancefloer*, ed. Henri Ernst Moltzer (Groningen: JB Wolters, 1879), 60.

⁴⁰ Dirc Potter, "Der Minnen Loep," in *Instituut voor Nederlandse Lexicologie* (Sdu Uitgevers/ Standaard Uitgeverij: The Hague/Antwerp, 1998), verse 1810.

⁴¹ Christine De Pizan, "De Stede der Vrouwen," *Digitale Bibliotheek voor de Nederlandse Letteren*, II, Cap. 46. https://www.dbnl.org/tekst/pisa001nver01_01/ (July 21, 2022).

The Search for an Equivalent in French and Latin

The Dutch word *schaec* had a special legal and social meaning that was difficult to translate. This posed a problem in the multilingual legal system that prevailed in the Low Countries, especially in Flanders. This friction is evidenced by the code switching and odd descriptive terms that appear in Ghent's French records (see *esquaquer* in Table 2). Although the records were written in French, the Ghent bailiff's accounts often refer to the 1297 Dutch legal text by including the Dutch word *schaec*. This fascinating bilingualism in the Ghent accounts also occurred in the Latin legal texts discussed that incorporated the Dutch term *ontschaken*. In Vier Ambachten, a man paid a fine for abducting Soete Cruwel, whom he had "taken away and married without the consent of her father, which is called 'abduction' in Flemish" (*amené et exposé sans le consentement de son père, ce qu'on appelle 'scaecq' en flament*).⁴² Pierre Deyen was punished "for having abducted, taken and married in secret" Betkin Caulben (*pour avoir emmenée et espousé couvèrement*). The deed also states that this act was called "*scaec*" *en flamen*.⁴³ The French explanations of how the Flemish legal term *schaec* was understood make these records valuable evidence. The texts clearly refer to the term's legal meaning, as it is defined explicitly within these reports as the seizure of a woman specifically for marriage.

The French records also refer to Dutch law texts on abduction with the verb *esquaquer*. Although this French derivative and phonetic equivalent of the Dutch verb *ontschaken* never appears in Ghent legal texts, clerks used it to connect their verdicts, registered in French, to the well-known Flemish legal stipulations. The word *esquaquer* enabled clerks to describe the case with a term that conveyed the specific meaning of the word *ontschaken*. This odd French phonetic rendering of *ontschaken* occurs relatively often (23 times, see Table 2), but it was rarely used on its own. In most cases, it accompanied the verb *emmener*. Margriete Huughs was *esquaquier et emmener de force*; the widow of the late Gheerolf Mergaert was *esquaquée et emenée*; Gheerkin Kerse had *emmené et esquaqué* Kateline Coppens; and Lieven le Dame had *esquaqué et emmené de force* Beatrijsse de Neelle.⁴⁴ The pair *esquaquer*-*emmener* corresponds to a similar association of terms in the Dutch records. *Ontschaken* was usually joined to different verbs that meant "leading away." This combination even appears in some legal texts, such as a few charters issued by the dukes of Brabant (*ontschaecte ocht ontleyde*). In these cases, there is supplementary information on the abductee's consent (like the addition of *de force* in the cases mentioned), further confirmation that *schaec* covered both consensual and non-consensual abductions for the purpose of marriage. The language in these records makes clear that French had no definitive equivalent for the Dutch word meaning abduction for marriage, so scribes writing in French

⁴² SAB, nr. 14113, January–May 1428, fol. 6v.

⁴³ SAB, nr. 14111, January 1419–May 1420, fol. 195v.

⁴⁴ SAB, nr. 14109, May–September 1409, fol. 242v–243r.

Table 3. Abduction Terminology of the Church Court Registers of Brussels, Cambrai and Liège (Fifteenth Century)

Latin Word	English Translation
<i>abire</i>	to go away
<i>abducere</i>	to abduct
<i>rapuere</i>	to rape, to abduct
<i>ducere</i>	to lead
<i>descacare</i>	to abduct
<i>apprehendere</i>	to grasp, to take

had to adapt the unique term *ontschaken*.⁴⁵ Medieval people were remarkably aware of the precise meaning of this term and its distinction from related but slightly less-specific words in other languages.

This finding becomes all the more remarkable when the consistory courts' records, drawn up in Latin (Table 3) are included. As in secular records, the consistory court clerks employed more than one word to describe the act of abduction for marriage. The Low Countries consistory courts have generally left behind only the short final sentences that do not discuss many abductions. Most Latin terms like *abducere* and *abire* are easy to translate and interpret, as they also occur in ecclesiastical registers elsewhere. However, the records include one notable term, namely the obscure verb *descacare*. The register from the consistory court of Liège is the only source that contains this term. Liège clerks used it seven times in the records of five cases of abduction. *Descacare* is likely a medieval Latin word deriving from Germanic origin: *scha-chare*, which means "to rob."⁴⁶ Significantly, the ultimate origin is the Germanic word *skâk*, which also formed the basis of the Dutch words *schaec* and *ontschaken*, the noun and verb used by late medieval secular lawmakers and judges to describe the abduction of women for marriage, with or without their consent. In the Liège register—Dutch was the working language in a large part of this diocese—*descacare* always appears as an ablative gerundive, *descacando*, in a sentence with the abductee as the subject. For example, one record from 1435 states that *ipsa Margareta descacando abivit cum Gerardo, filio Johannis Spoerkens*, which can be best translated as "the same Margareta has let herself be abducted by the aforementioned Gerard, son of Johan Spoerkens, and has gone away with him."⁴⁷ All phrases containing *descacando* are used in this particular way, to describe consensual abductions, which differs from the use of the word *schaec* in secular sources. Nevertheless, it is remarkable that only in Dutch did a specific term for abductions for marriage exist, and that the

⁴⁵ Latin abduction records from France regularly add "for the purpose" of marriage (*favore matrimonii*) to make it clear that not sex but abduction was at the case's core; see Henriette Benveniste, "Les Enlèvements: Strategies Matrimoniales, Discours Juridique et Discours Politique en France à la fin du Moyen Age," *Revue Historique* 283 (1990): 25.

⁴⁶ "schachare," in *Glossarium Mediae et Infimae Latinitatis*, ed. Charles Du Fresne Du Cange (Niort: L. Favre, 1883–87).

⁴⁷ State Archives Liège, Archives Diocésaines (hereafter SAG, AD), nr. 1, fol. 124r.

scribes writing in French and Latin also needed this specific language, which is the reason that they adopted the (variants of) the Dutch term for lack of a good translation. Yet not all records in French used these particular words to denote abductions with marital intent. The records and even one legal text from Ghent (discussed below) contain a variety of French terms used to describe abductions that are characterised by more ambiguity.

Ambiguous Terms or Ambiguous Offenses?

Of the 1213 cases that Dunn found for late medieval England, she labelled 43% as “ambiguous,” which means that the terminology used, mostly the Latin term *raptus*, the English *ravishment*, or the French *ravir*, did not allow her to ascertain whether the cases involved rape, abduction, or both.⁴⁸ The terminology in the Low Countries is more straightforward, especially in the Dutch records, facilitating the differentiation of abductions from rapes. Nevertheless, many cases were recorded in French or use terms other than *schaec* to describe what happened. While some of these other terms are rather straightforward, the events in a significant portion of the cases studied remain unclear. I have labelled them “possible abductions” in Table 4. In addition to the vague category of “possible abductions” containing possible rape cases, other cases featured unspecified forms of abuse. For example, when Gillis de Coe, a carpenter from Ghent, harassed a woman to go with him in 1506, she refused and started shouting loudly.⁴⁹ Also in Ghent, Pieter den Meyer was banished from Flanders in 1486 for taking (*leiden*) a respectable lady to a tavern against her will.⁵⁰ Even though these cases employ the same terminology as abduction cases, they use literal descriptions of the act rather than using a specific term revealing the true nature of the offense at stake. As a consequence, the perpetrators’ goals—sex, marriage, or something else—are uncertain in these cases.⁵¹

Despite the clarity of the term *schaec*, a large number of cases were described through other terms and therefore cannot easily be categorized. While some terms clearly meant “to abduct,” other words like *enforcer*, *ravir* and *aanveerden* are less straightforward. While *ravir* could mean both rape and abduct, the other verbs were even more general and meant “to assault” or “to attack.”⁵² Many records employ several words or give additional context

⁴⁸ Dunn, “The Language of Ravishment,” 119.

⁴⁹ CAG, 212, nr. 1, fol. 154r.

⁵⁰ CAG, 212, nr. 1, fol. 90r.

⁵¹ Rolf Hage already cited that various parties involved in or affected by an abduction constructed their own version of the facts in court for the purpose of protecting their honor in the Dutch Republic. This led to different, often conflicting narratives in which even judges had a hard time determining the truth. See Rolf Hage, *Eer tegen Eer: Een Cultuurhistorische Studie van Schaking tijdens de Republiek, 1580-1795* (Hilversum: Verloren, 2019).

⁵² According to Henry Ansgar Kelly, *ravir* and *prendre* were synonyms, both meaning “to take away,” in late medieval England. Dunn also sees the regular pairing of *rapuit* and *abduxit* and argues they were “lexical doublets” with a similar meaning; see Henry Ansgar Kelly, “Statutes of Rape and Alleged Ravishers of Wives: A Context for the Charges against Thomas Malory, Knight,” *Viator* 28 (1997): 361–419; and Dunn, “The Language of Ravishment,” 96. However, in the Low Countries

Table 4. Abductions and Possible Abductions in the Bailiff's Accounts and Sentence Books (Fifteenth Century)

	Abductions		Possible Abductions		Total	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Antwerp	40	80%	10	20%	50	100%
Leuven	65	88%	9	12%	74	100%
Ghent (city)	77	62%	47	38%	124	100%
Ghent (surrounding districts)	126	73%	46	27%	172	100%
Total	308	73%	112	27%	420	100%

to clarify what these words meant in a specific case, but often such cases are nevertheless challenging to categorize. Seventy-three per cent of all cases in the bailiff's accounts and sentence books were abductions, whereas the terminology in 27% of the cases is ambiguous. However, there are considerable differences between cities and regions. While the records of the city of Ghent clearly labelled 62% of all cases as abductions, the Leuven records did this for 88% of cases and Antwerp did this for 80%. The difference between Ghent (Flanders) and Leuven and Antwerp (Brabant) is not a coincidence; it results from the language difference, with French used in Flanders and Dutch used in Brabant. Ghent scribes often employed highly ambiguous French words, such as *enforcer* or *prendre par force* (see Table 2). These verbs could specifically mean “rape” and indeed often carried this meaning in the records under scrutiny.⁵³ In 1431, for example, the Ghent authorities sentenced a man to death for having *efforchié plusieurs femmes*, which presumably meant that he raped them rather than abducted them.⁵⁴ Also, the Ghent records often pair the words *violier* and *enforcer*, which could mean that they were used as synonyms. Still, there are clues that many of these vague terms were also used to talk specifically about cases of abduction with marital intent.

There is one legal text regarding abduction written in French, namely a charter promulgated by Philip the Good in 1438 for the city of Ghent.⁵⁵ This charter uses many of these words, such as *enforcer* and *ravir*, which may seem vague in the initial reading. However, this one charter intentionally deployed these terms to indicate abductions for marriage, rather than rape, for two reasons. The first is that the city governors of Ghent issued a Dutch-language ordinance on abduction on April 24, 1438, 1 month and

records, *ravir* is paired with both abduction terms and rape terms, so it is not always possible to ascertain its exact meaning.

⁵³ “Enforcer,” in *Dictionnaire du Moyen Français, version 2020*. <http://www.atilf.fr/dmf> (August 16, 2021).

⁵⁴ SAB, nr. 14113, January–May 1431, fol. 4v.

⁵⁵ “LXXI. Peines contre le Rapt et le Viol,” 623–25.

10 days before the promulgation of the French-language ducal ordinance on June 5, 1438 (see both charters in Table 1).⁵⁶ The content of the charters is virtually identical, which indicates that the promulgation of the second ordinance was a direct consequence of the publication of the first. In addition, the ducal charter states that it was drafted at the request of the city government of Ghent. Whereas the 1438 city ordinance in Dutch uses the word *ontschaken* and thus specifically targets the abduction of women for marriage, its ducal counterpart in French uses the aforementioned ambiguous French words, likely because there is no French word that carries the exact meaning of *ontschaken*, as suggested by incorporation of the Dutch word *schaec* and the phonetic gallicisation *esquaquer* in many French legal records.

A second indicator is that Philip the Good's French legal text explicitly connected the vague verbs it employed with marriage. These abductions are *prinses, ravissements, efforcemens et violences de pucelles et autres femmes soubz umbre de mariage*. Through this addition, "under the guise of marriage," it becomes clear that the real goal of this text was to prevent men and women from contracting coerced marriages or marriages without parental consent.⁵⁷ Because the French words did not convey the same meaning as the word *schaec*, a reference to marriage was needed. Since clerks constructed formulaic phrases in legal records to reference terms used in legal texts, the clerks' use of words such as *enforcer* and *ravir* in French abduction records is not surprising. Undoubtedly, these terms often meant abduction for marriage, but since these verbs were also used in descriptions of rape, their meaning remains unclear.

Sometimes contextual information indicates that abduction was the offense not rape. For example, a record from 1431 states that Willeken Stalm took a woman from Doornzele, a village north of Ghent, "by force to have her in marriage" (*pris par force pour l'avoir en mariage*).⁵⁸ In another case, documented in two separate texts in successive bailiff's accounts, *enforcer* clearly meant abduction. Although one report used only the verb *enforcer*, the other document relating to the same case deployed the words *esquaquer* and *emmener de force*. This second act therefore clarifies that this was a case of an abductor who took a woman to force her to marry him, not a case of rape.⁵⁹ However, the exact nature of the offense is unclear in most acts that use *enforcer*. For example, Gilles Deploix was decapitated because he had *enforchié et ravie* Macheline Boons, whereas Jaques Meynkin had *enforchiée et fourmenée* (tormented) Mariken de Eendenarre. Because the additional verbs *ravir* (the French counterpart of the ambiguous Latin verb *rapere*) and *fourmener* were paired with terms that unmistakably meant abduction in other acts, determining their precise meaning is

⁵⁶ SAG, nr. 2356, fol. 332v–333v.

⁵⁷ Walter Prevenier, "Les Multiples Vérités dans les Discours sur les Offenses Criminelles envers les Femmes dans les Pays-Bas Méridionaux (XIVe et XVe siècles)," in *Retour aux Sources : Textes, Etudes et Documents d'Histoire Médiévale Offerts à Michel Parisse*, ed. Sylvain Gouguenheim (Paris: Picard, 2004), 955–64.

⁵⁸ SAB, nr. 14113, July–September 1431, fol. 3v.

⁵⁹ SAB, nr. 14110, May–September 1414, fol. 194v and 14111, September 1416–January 1417, fol. 14rv.

complicated. Therefore, cases and deeds that only use the word *enforcer* without clarifying context have been placed in the “possible abduction” category.⁶⁰

Dutch records can also make clear categorization difficult, although different terms were used for abduction (*schaec*) and rape (*vrouwencracht*) in legal texts. While in the French records confusion is due to the use of ambiguous language, ambiguity in Dutch records stems not from the terminology, but from the fact that the record mentions both abduction and rape without clarifying the perpetrator’s primary goal. For example, Jan Mappe was banished from Flanders for “leading a woman away” and for “doing his will with her” in 1481.⁶¹ In Leuven, Loeden van Let abducted the widow of Willem Van Brussel at night. He tried to “get his will from her” and hurt her badly, yet she managed to escape.⁶² The aldermen of Ghent banished another man from Flanders because he had “carnally known” and “took and led away” an anonymous woman.⁶³ In Antwerp, Lijse Vanden Walle was taken away “very far” by Lemmen Dansaert, who also “had his will with her.”⁶⁴ As abduction and rape were closely intertwined, whether the primary goal was one or the other is really a question of intention. Did the perpetrator intend marriage or sex? Was this always clear to the medieval judge? After all, rape, abduction, and marriage often occurred in combination. Research has shown that rapists sometimes married their victims.⁶⁵ Even though marriage might not have been the perpetrator’s intention, marriage was an accepted way of dealing with the conflict.⁶⁶ In addition, abductors often raped abducted women, since this might increase the chances that the women would agree to exchange words of consent. Rumors about a woman’s sexual behavior had negative effects on her and her family’s reputation, even if the intercourse had happened against her will.⁶⁷ Moreover, in the Low Countries, where marriage through words of future consent and sexual intercourse were the norm, sex constituted an important factor of marriage making. Therefore, I have placed all these cases with mixed terminology and no clear signal whether sexual intercourse or marriage was the perpetrator’s motivation in the “possible abduction” category.

⁶⁰ SAB, nr. 14118, December 1481–May 1483, fol. 9v–10r; nr. 14108, January–May 1402, fol. 113r.

⁶¹ CAG, 212, 1, fol. 55r (August 14, 1481).

⁶² SAB, nr. 12658, July–December 1480, fol. 372rv.

⁶³ CAG, 212, 1, fol. 377r (May 12, 1536).

⁶⁴ SAB, nr. 12903, December 1456–June 1457, fol. 108rv.

⁶⁵ Marie Kelleher, “Later Medieval Law in Community Context,” in *The Oxford Handbook of Women and Gender in Late Medieval Europe*, ed. Judith Bennett and Ruth Mazo Karras (Oxford: Oxford University Press, 2013), 140.

⁶⁶ James Brundage, *Sex, Law and Marriage in the Middle Ages* (Aldershot: Variorum, 1993), 62–75.

⁶⁷ Valentina Cesco, “Female Abduction, Family Honor, and Women’s Agency in Early Modern Venetian Istria,” *Journal of Early Modern History* 15 (2011): 349–66. Recently, however, Carol Lansing has argued that lower-status women were not as affected by concerns over honor and sexual purity, and therefore, they could more easily make rape charges in late medieval Bologna; see Carol Lansing, “Opportunities to Charge Rape in Thirteenth-Century Bologna,” in *Women and Violence in the Late Medieval Mediterranean, ca. 1100–1500*, ed. Lidia L. Zanetti Domingues, Lorenzo Caravaggi, and Giulia M. Paoletti (New York: Routledge, 2022), 83–100.

Despite the rather large number of cases in the category of “possible abductions,” especially in the Ghent records, rape and abduction were perceived as different offenses in the late medieval Low Countries. Bailiffs sometimes pointed out that the abductor had not raped the abductee. For example, Jehan Van Overtvelt violently abducted Lisbette van der Vinen, but did not rape her (*esquaqua et prist de force sans violer*).⁶⁸ In 1423, Liven Vaseline abducted Zoeten Hauwen in Ghent without raping her, included again as an extenuating circumstance.⁶⁹ In Vier Ambachten, Mergriet Ysmans was *esquaquiée* and *emmenée* by Pierre Martin, but she was not raped and did not file a complaint, which motivated the bailiff to settle the case out of court.⁷⁰ In Waasland, the bailiff punished Henry Baerd who had *apprenhendi, emmené et esquaquié* Amelberghe Martins. The deed specifies that he did not rape the woman but wanted to marry her.⁷¹ The Antwerp bailiff too mentioned that a woman had been abducted and had not been raped in his 1454 account.⁷² By contrasting rape and abduction, these records confirm that the two offenses were not viewed as one and the same. These examples show that in the minds of medieval people, rape and abduction could occur during the same incident, but did not always happen together. The judges’ and scribes’ choice to use specific and straightforward language by referring to the word *schaec* or including its phonetic gallicization shows that the difference between seizures for sex and those for marriage mattered.

Apart from these vaguer descriptions complicating efforts to distinguish cases of *schaec* from cases of rape, there are records using a terminology even more specific than *schaec*. Indeed, some terms were only used for consensual forms of abduction. They describe the abduction as an act of seduction. The most striking word that implies consent, *ontspanen*, was only used in Ghent, but in both law and legal records (see [Tables 1](#) and [2](#)). The abovementioned 1297 text by Guy of Flanders uses this term to describe the action of third parties who encouraged a woman to run away with a man. According to the historical dictionary, *ontspanen* means to lure or entice someone away.⁷³ Fifteenth-century records of legal practice reveal that clerks applied *ontspanen* not only to third parties who facilitated the woman’s seizure but also to the perpetrators themselves. For example, the record of Anthone le Wint’s abduction of Calleken Crels states that the girl went away with him (*s’en ala avec lui*) and married him (*expousa*), which in Flemish was called *ontspanen* (*en flamment van ontspeenen*).⁷⁴ Other words or phrases that imply the

⁶⁸ SAB, nr. 14112, May–September 1423, fol. 4rv; the term *violer* was thus well-known and used regularly in late medieval Flanders, in spite of what has been argued by, among others, Nancy Virtue, “Another Look at Medieval Rape Legislation,” *Mediaevalia* 22 (1998): 79.

⁶⁹ SAB, nr. 14112, May–September 1423, fol. 4r.

⁷⁰ SAB, nr. 14109, May 1409–September 1410, fol. 10r.

⁷¹ SAB, nr. 14109, September 1410–January 1411, fol. 328v.

⁷² SAB, nr. 12903, December 1453–June 1454, 64v, fol. 74v–75r.

⁷³ Eelco Verwijs and Jacob Verdam, “Ontspanen,” *Middelnederlands Woordenboek*. <https://gtb.ivdnt.org/iWDB/search?actie=article&wdb=MNW&id=37963&lemma=ontspanen&domein=0&conc=true> (August 16, 2021).

⁷⁴ SAB, nr. 14113, January–May 1428, fol. 7v.

abducted woman's consent are words that can be translated as "to seduce." Records generally use the verb *leiden* or even the derivative verb *verleiden*, which meant "to seduce" as it still does in modern Dutch. While *schaec* was a fairly particular term already, it covered different categories of abduction with marital intent, and a few records used even more specific terminology, but these cases constitute a minority.

Conclusion

"In Flanders, they differentiate between rape and abduction, but in the law it is named the same, namely *raptus*."⁷⁵

In one of his legal commentaries, fifteenth-century Ghent legalist Philips Wielant explicates that rape and abduction were considered separate phenomena, although they were both referred to as *raptus*. Yet late medieval law and jurisdiction was recorded mostly in the vernacular in the Low Countries, and in these languages, the term *schaec* and related odd neologisms in French (and in Latin in the Liège consistory court) could mean abduction with the intent of marriage, with or without force, with or without consent and with or without sex. Therefore, medieval abduction descriptions in the Low Countries clearly differed from terms used in modern Anglophone scholarship, which range from rape to elopement. Words for abduction were *ontschaken*, *esquaquer* or *leiden*, all meaning "to abduct" or some form of "to lead away." Stipulations on rape, on the contrary, use the straightforward and unambiguous words *vercrachten* in Dutch or *violer* in French, still the words for "rape" today. This distinct terminology strongly suggest that medieval lawmakers perceived rape and abduction as separate offenses. Still, abductions with marital intent were complex phenomena that both challenged and reified communal norms surrounding marriage and in which contradictory narratives of violence, rape, consent, love, and female emancipation and victimhood come together.⁷⁶ It is therefore not surprising that the strict legal categorization of abductions depending on age and consent could not always easily be applied to each case. Judges and bailiffs struggled to label each case that they encountered, especially if they had to report in French. Whether the intense and early criminalization of this type of marital conflict in the late medieval Low Countries can explain the fact that its authorities used a particular term to describe it, is an interesting question that requires more comparative research.⁷⁷ The term *schaec* appeared for the first time in 1218 to describe the practice of luring girls into marriage, but its meaning gradually expanded to include abduction with marital intent, an offense that does not seem to have been fully captured by terminology used in other late medieval languages.

⁷⁵ Filips Wielant, "Van ontschaken. CAP. XCVI.," *Practijcke criminele* (Ghent: C. Annot-Brackman, 1872), 130.

⁷⁶ Garthine Walker, "'Strange Kind of Stealing': Abduction in Early Modern Wales," in *Women and Gender in Early Modern Wales*, ed. Michael Roberts and Simone Clarke (Cardiff: The University of Wales Press, 2000), fol. 63–68.

⁷⁷ See note 27.

To a certain extent, this legal confusion continues to exist today. The modern Dutch noun *schaking* translates as the seizure of a woman against her will or for romantic reasons.⁷⁸ An equivalent of this particular term in other languages seems not to exist. In German, only the word *Schächer* remains, an obsolete term for robber or murderer, exclusively used in a biblical context. German scholarship uses the terms *Frauenraub* or *Entführung* for abduction for marriage.⁷⁹ In other languages, especially in English, it is considered odd to combine “abduction” with an adjective such as “consensual.” English scholars mostly use the term “abduction” to indicate the removal of someone from one place to another against their will. Because a “consensual abduction” thus seems like a contradiction in terms, Anglophone scholars generally refer to these consensual abductions with a specific noun, namely “elopement” or “seduction.” However, we should be careful when applying these terms to medieval cases, as even cases that were reported as consensual could be far from a lovers’ escapade. Terms like “ravishment” or “rapt” could include both abduction and rape, and modern Dutch lacks an equivalent for these more general terms. The problem of ambiguity thus persists in modern terminology, leading to researchers’ working on different geographical areas, approaching and framing these marital abductions very differently. It is hoped that this article stimulates further consideration of the role played by the language of *schaec* in defining the sociocultural reality of these partner choice disputes.

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⁷⁸ One general dictionary explains *schaking* as taking away a woman against her will; see “Schaking,” *Van Dale Lexicografie*. <https://vowb.vandale.nl/zoeken/zoeken.do> (August 16, 2021). In the Netherlands, *schaking* is still included in the code of criminal law and defined as the abduction of an underage woman with her consent but against the will of her parents or guardian for the purpose of securing her property in or out of wedlock, in “Artikel 281,” *Wetboek van Strafrecht*, II. <https://wetten.overheid.nl/BWBR0001854/2021-07-01/> (August 16, 2021).

⁷⁹ Edith Ennen, *Frauen im Mittelalter* (Munich: C.H. Beck, 1994), 62; and Nicole Matter-Bacon, *Städtische Ehepaare im Spätmittelalter: Verhaltensmuster und Handlungsspielräume im Zürich des 15. Jahrhunderts* (Marburg: Tectum Verlag, 2016), 121–25.

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