

## John Donne, "Batter my heart," and English Rape Law

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The shockingness of the sestet of "Batter my heart" is so well known that it has long since ceased to shock, though one can still flutter the occasional undergraduate class with it. "The Grace of God is rape," we murmur at such times, "of course. What else would it be?" Seeing the poem and its extended metaphor of ravishment in its specific historical context—and not simply as an example of the metaphysical conceit *in extremis*, an Ignatian spiritual exercise, or a window to Donne's subconscious<sup>1</sup>—will, I want to argue, restore something of its original impact. More importantly, such a perspective will show that the terms of its imagery are at once more complex and more socially constructed than Donne criticism has generally assumed. Certainly, the sonnet speaks to God, but it also speaks, with power and subtlety, to the legal condition of women in Donne's England by playing off the ravishment of forced marriage against that of consensual abduction against that of carnal rape in a context which invokes at once the captivity of women as chattel and the ecstatic captivity of religious rapture.

The ravishment of the soul by Grace, one points out to the fluttered undergraduates, is in fact a familiar and almost unavoidable Augustinian trope, available to any writer in Europe in the last 1500 years, but given particular significance by what one reader has called the "Calvinist hegemony" which prevailed in the Church of England around the time the sonnet was written. It is customary and entirely correct to place the poem in the context of the doctrine of prevenient Grace, promul-

gated by Augustine and reasserted with particular vehemence by Calvin, which makes the soul incapable of moving toward God by the exercise of its own will and thus dependent on divine intervention for "the grace to begin" ("Oh my black Soule").<sup>2</sup> It is appropriate even if we accept R. V. Young's reminder that prevenient Grace was also a Catholic doctrine, re-enunciated as recently as the Council of Trent in 1547, because both the Protestant and Catholic versions of the doctrine trace back to the same Augustinian source.<sup>3</sup> In Augustine's monopolistic concept of divinity, all virtue, like all life, must belong to God; the human soul may aspire to goodness or salvation, but cannot in itself achieve or possess them. As it awaits salvation from without, it becomes ever more imprisoned in the habits of material and fallen existence (Augustine's *consuetudo*). The action needed to release the soul from this dead shell is indeed comparable to the melting down of a defective vessel or the invasion of a usurped town. In 1597, one of the leading Calvinist theologians of Donne's church, William Perkins, declared—in a startling anticipation of the first quatrain of "Batter my heart"—that "he that will believe in Christ must be annihilated, that is, he must be bruised and battered to a flat nothing."<sup>4</sup> The concept of violent penetration or crushing force morphs easily into that of ravishment, as the word's double life in religious and sexual discourse reminds us.<sup>5</sup>

So persuasive is this general contextualizing that it is easy to forget that the legal nature of *raptus*—the term which covered both carnal rape and various forms of abduction, whether voluntary or involuntary—was a matter of significant interest in Elizabethan society. A new and rigorous version of the rape statute was passed in 1597, shortly after Donne's departure from the Inns of Court. The intensity of his interest in his legal studies has been doubted by readers such as Arthur Marotti, but, R. C. Bald reminds us, Donne continued to express a desire to return to the law virtually up to the time he entered the Church.<sup>7</sup> Significantly, one of his posts after ordination was as Chaplain to the law students of his old school, Lincoln's Inn. Whatever one may imagine about Donne's student habits, the language of law and contract, as we all know, pervades his writing, as does a concern with the

interplay of sexual persuasion and coercion.<sup>8</sup> In particular, of course, he shows in the love poems a marked interest in the shift margins between force and consent, as he does in "Batter my heart." Whatever other legal controversies may have escaped Donne's attention, the issue of ravishment did not.

As we know, that interest in this matter was pervasive in Elizabethan and Jacobean culture is attested to by the remarkable frequency of the subject in the literature: from Marlowe's *Tamburlaine* (in which Zenocrate is ravished from her father and her intended) and Shakespeare's *Titus Andronicus*, *The Rape of Lucrece*, and *Venus and Adonis* (where the sexual roles are reversed), through *Measure for Measure*, *The Duchess of Malfi*, *Women Beware Women*, *The Changeling*, and beyond. The legal manifestation of this concern was the Statute of 39 Elizabeth I (1597), which, not for the first time in English legal history, defined rape as a capital felony and as primarily—though not exclusively—a crime against the person of the woman rather than against the property of her father or husband. In so doing, it followed on from the legislation of 1576 that eliminated the major loophole of benefit of clergy which, in theory at least, could have exempted virtually any formally educated Elizabethan rapist from punishment.

This legislation responded to more than a century in which penalties for rape had declined. By 1576, Marion Wynne-Davies has pointed out, "the only penalty incurred by a rape conviction was imprisonment for a year or less."<sup>9</sup> While the 1597 Act may have implied, "a greater signification for the female indentity . . . in late sixteenth-century England,"<sup>10</sup> it is easy to make it sound more revolutionary than it was. Wynn-Davies is under the mistaken impression that the Statute's treating rape as a crime against the woman's person was an innovation. The unsuccessful reassertion of the seriousness of this crime is, in fact, a regular feature of medieval and Renaissance legal history.<sup>11</sup> Indeed, the language of Donne's sonnet has its roots in this tangled history of the concept of ravishment, its definitions and penalties. The Statute of Westminster II (1285), that landmark of English civil law, had also defined the crime as a felony against the person of the woman—as well as a violation of the property of her male relatives—and had prescribed

castration, blinding, and/or hanging as the appropriate penalties, though it provided an important loophole: the rapist would be exonerated if the victim agreed to marry him. At the same time, however, it lumped together the various crimes that could be included under the term *raptus*: carnal rape but also abduction, whether for the purposes of rape or marriage, or for other financial purposes. For example, the kidnapping of wards for the purpose of securing control of their inheritances also came under the statute.<sup>12</sup> Latin *raptus* literally means “seizure” and can refer to robbery as well as rape. The anonymous author of the thirteenth-century *Mirror of Justices* complained that “by the arbitrary words of the statute [i.e., Westminster II], the one word ‘rape’ is used for every forcing of a woman of whatever condition she may be.”<sup>13</sup>

The breadth and wording of the statute left it open to a number of abuses, including both entrapment and faked abduction. One could, for example, accuse someone of rape and offer to get him off through the remedy of marriage.<sup>14</sup> On the other hand, a daughter of sufficient nerve faced with a forced marriage could arrange to be abducted by the man she preferred and absolve him of the crime by marrying him. Indeed, J. H. Baker has concluded that “[p]leadings in fourteenth-century actions for ‘ravishing’ . . . often reveal that the underlying complaint was of a consensual elopement.”<sup>15</sup> In fact, of course, the looseness of the Statute meant that in perhaps the majority of cases more than one sense of ravishment would apply: for example, abduction for the purpose of rape for the purpose of forcing marriage. In perhaps the most famous case generated by this law, the writ of one Cecilia Champagne releasing Geoffrey Chaucer of any charges “*de raptu meo*” (for my *raptus*), it has proven virtually impossible to know what crime is referred to, assuming that any crime took place.<sup>16</sup>

It is important to remember—both as a general matter and as regards Donne’s sonnet—that we are not dealing, strictly speaking, with rape laws; Westminster II and its successors cover the multitude of sins that come under the heading of ravishment. The subsequent Acts of 1486 (3 Henry VII) and 1597 modify the original without getting rid of the fundamental ambiguities: that the crime involved, even in its sexual sense, could be construed either as theft of property or as a crime of

violence, either as misdemeanor or felony. The Act of 1486, for example, seems to have been particularly intended to prevent staged "abductions" by removing the protection of matrimony and thus enabling the woman's family to "reclaim its possessions."<sup>17</sup> Abduction with the woman's consent still counted as abduction, a provision which has the odd effect of making Romeo technically the ravisher of Juliet, and John Donne, of course, since this provision was not repealed in 1597, the ravisher of Anne More by virtue of their clandestine marriage. As those two cases suggest, the law's attempt to prevent the practice by closing the loophole was typically less than successful. While the ravisher might now be subject to legal penalties, he was nonetheless in a strong negotiating position, since prosecution would leave the parents with a "dishonored" and presumptively unmarriageable daughter. Sir Thomas Egerton, of course, chose to accept his ward's marriage and content himself with blighting the career of her husband. Donne, in turn, incorporated this experience into "Batter my heart," where the female soul demands consensual ravishment from the spiritual husband of her choice. William Kerrigan is certainly right to suggest that the metaphoric situation of the poem "resembles, with interesting shifts of identity and reattributions of virtue, the drama of [Donne's] own marriage."<sup>18</sup>

All three of the major ravishment laws up to Donne's time, like their thirteenth-century predecessors (Westminster I [1275] and the Statutes of Merton [1235-36]), enforce swingeing penalties while allowing for a wide range of offenses (incidentally guaranteeing that ravishment of one kind or another was a very common crime). In practice, this also meant that courts habitually watered down the rigor of juridical theory in cases of carnal rape. As John Marshall Carter puts it, "the hesitancy of juries to castrate, blind, or kill a man for rape continued to block the implementation of a systematic rape prosecution procedure."<sup>19</sup> It was simply easier in practice to enforce financial penalties and lesser convictions were almost certainly easier to obtain. Indeed, Barbara Hanawalt has argued that medieval juries were more stringent on crimes against property than on those against persons.<sup>20</sup> It need hardly be added that male jurors in the thirteenth, sixteenth or any other century

are inclined to give the benefit of the doubt to an accused male. That tendency was reinforced by the stipulation, from Westminster II on, that claims of rape should be made immediately in order to be credible, though obviously shame, fear, captivity or other reasons might prevent a victim from doing so.<sup>21</sup> Blaming the victim is not a twentieth-century innovation, nor, we must assume, is unreported rape.<sup>22</sup> The speaker of Donne's sonnet, like so many women in rape cases, is at once a victim and on trial, liable to be judged by her condition and confined to it. Still, we should perhaps moderate our contempt for juries that refused to enforce severe penalties in the absence of absolute certainty of guilt, since absolute guilt often depends in such cases on something very difficult to know: the state of mind of a victim who by definition has been unable to assert her will effectually. The law of 1597 left unresolved, in other words, not only the problem of proof, which continues to hamper the drafting and enforcement of effective rape laws, but also a fundamental ambiguity which Donne exploits in "Batter my heart": whether a woman is to be regarded as chattel, defined in the language of the poem by captivity and enforced betrothal, or as an agent, defined not by her external condition but by her inward desires. Those desires are unproblematic in the sense that the soul knows consciously what it wants, but very problematic, as in the rape trials we have been discussing, because of the possibility of an unconscious collusion, a part of the speaker that accepts captivity, her "reason" that proves untrue. The poem is, of course, about being unable fully to want what one needs to want. "Betrothal," the fundamental term of the conceit, is also the kind of circumstance that belies the victim's stated desire.

The neglected legal context of "Batter my heart" provides Donne with a fruitful uncertainty of meanings for rape/ravishment which make his use of the figure more complex, subtle, and socially-situated than previous criticism has assumed. The religious context alone might account for the feminine identity of the soul as a mere grammatical category derived from Latin *anima*. The legal context, however, allows Donne to inhabit the feminine position, to reverse the familiar power relationship of the *Songs and Sonets*—he lectures, she takes notes—

and to imagine himself as the dependent and victimized Other.<sup>23</sup> The very structure of the poem enacts the emergence of the soul as feminine subject out of commodified object: first a defective but inert vessel—some obscure domestic object—then a captive town, finally a desiring woman.

That desiring soul first presents herself as the victim of ravishment in the sense of captivity to forced marriage (“betrothed unto your enemy”). This is the root sense specified by the *Mirror of Justices*: “rape is strictly speaking the abduction of a woman with intent to marry her” (p. 29); and reiterated in the Act of 1597, whose preamble notes that women of substance have “been oftentimes taken by misdoers contrary to their will, and afterward married to such misdoers.”<sup>24</sup> It is also a primary sense of Donne’s use of the term in “Holy Sonnet II” where the devil “doth steale nay ravish that’s thy right,” not to mention the sense in which Clarissa Harlowe is ravished by her family who hold her hostage in an attempt to deprive her of her separate inheritance and force her to marry Solmes, the toad of their choice: an example which reminds us that the complexities of ravishment law remained an issue long after Donne’s time.

The soul’s situation is defined as betrothal—legally binding in Donne’s time but not unbreakable—rather than marriage, since it lacks at least one of the fundamental requirements for marriage: consent of both parties.<sup>25</sup> I assume that the logic of the conceit implies that the prior abduction includes rape: the city and its viceroy are “captiv’d”: the enemy, unlike the Lord, is within the gates. That allows, even requires, a plea for a counter-ravishment, an abduction that would “divorce . . . untie or break” the merely formal bond.<sup>26</sup> One kind of ravishment is proposed as cure for another. This in turn modulates into a plea for carnal rape, which would consummate a genuine marriage to which the woman’s consent is given by the poem itself. The “rape” is not and cannot be rape, since it is intensely desired, even demanded; the figurative woman could only be “raped” by the “enemy.” This ravishment makes “chaste” by converting the figurative mistress into faithful wife. At the same time, the chaste wife may also be symbolically fertile, since the peculiar medico-legal doctrine of the time held

that the woman's consent was necessary for fertilization to take place. Genuine rape was presumed to be sterile, like the relation from which the speaker here seeks to escape.<sup>27</sup> It is thus a mistake to think, as Stevie Davies does, that "the final couplet, wittily calculated to shock and excite, glamorizes rape by raising it to the status of a spiritual principle."<sup>28</sup> The only rape that can have happened in this imaginative situation is the one whose consequences this speaker seeks to escape. The "crime" involved is, in fact, that form of consensual ravishment specifically, if ineffectually, prohibited by the Act of 1486 and surviving to form the basis of Donne's own marriage, since it constituted one of the few ways in medieval and early modern English society that a woman could assert her marital choice in the face of parental opposition.<sup>29</sup> The remedy for ravishment is thus ravishment in not one but three closely integrated senses. Even by Donne's standards, this conceit is a remarkable feat of narrative condensation.

It is an equally remarkable feat of conceptual prestidigitation, the more so because all these legal senses—each with a precise allegorical meaning—are folded into the religious sense of ravish, which shares a common root, *raptus*, with "rapture," the ecstasy that is at once sexual and religious: the sense in which the two souls are enraptured in "The Ecstasie," but also the sense in which Anne Donne's soul is "ravished into heaven" in "Holy Sonnet XVII." A soul in bliss is, of course, *in raptu*. As they always aspire to do in Donne, the carnal and spiritual senses fuse, at least in figure and in wish. Donne's despair-plagued Augustinian imagination looks beyond itself to, implicitly, a vision of wholeness in which the kinds of love that are separated and opposed in "XVII" come together.

They come together, significantly, in a mind feminized by an Augustinian ideology that makes the worshipper stereotypically feminine in submissive dependency on one masculine power and liability to seduction and penetration by another. In the *Holy Sonnets*, of course, argumentative aggression, that most basic attribute of Donneian masculinity is what does not work, producing only the unanswered questions followed by panic-stricken retreat that mark "Holy Sonnet IX" ("If poysonous mineralls"). For that matter, the hectoring demands



of this poem are met with a silence not unlike that of so many women auditors in the *Songs and Sonets*. What is striking here is the imaginative leap that enables Donne in response to this hardly feminist theology to know and voice the condition of the woman, constrained by force and circumstance—abduction and betrothal—from acting on her desire.<sup>30</sup> That soul's plea, ultimately, is for the Grace that dissolves law and its rational, closed categories. Ravished will be chaste. Enthralled will be free, as Augustine always said it would. As he also said, you will be defined and judged by what you love. Surrender of the will becomes fulfillment of the will, in sex as it is in heaven. What does the soul want? To be dissolved in the Other and, at the same time, recognized by the Other: "dearely' I love you, and would be lov'd faine."

It seems to me that Stevie Davies again misses the point when she argues that Donne's trans-sexual identification did not call for a revision of misogynistic attitudes; on the contrary, if humanity stood as female to God's male that was because human nature incorporated all those defects Christian tradition visited on woman: inferiority, fickleness, curiosity, and the covert wish for supremacy.<sup>31</sup>

Within a Calvinist tradition, of course, it could hardly be otherwise, but the sins are not uniquely "feminine." Donne's masculine speakers in the *Holy Sonnets*, for example, the "sonne" speaking in II ("As due by many titles"), share the same qualities. The purpose of the "trans-sexual identification" is precisely to dissolve gender differences: if your heart is Eve, you are Eve. In the face of God we are all what woman is in the face of law. Of course, the feminine is here defined in culture-specific and culturally limited terms as that which suffers and desires to be acted upon. It is remarkable, however, how that feminine nature is centered as a definition of the human in relation to God, even as masculine striving is marginalized. That shift from the imaginative world of the *Songs and Sonets* is required by Calvinism but enabled by the complex of legal terms in which Donne has defined the relationship. The vehicle enriches the tenor.

None of this is to deny that the rape metaphor is a metaphor, but it is also a means that enables Donne to glance at the claims of feminine love and at the subjugation of the female to unsought possession as a

normative social state. To imagine the soul as female is to imagine it as captive. Think of all those silent women in the *Songs and Sonets*: lectured upon shadows, forbidden to mourn, threatened with apparitions; all quietly other, keeping their desires to themselves, despite the attempts of one male speaker after another to tell them what they are, a process that usually involves dismissing them from full humanity ("Hope not for mind in women," the speaker of "Love's Alchymie" concludes) or co-opting them into his ego-building project, in which they are awarded perfection for completing him. Full humanity in the secular poems is consistently defined as "perfection," a state of completeness which would be resistant to time and change. That state is androgynous in the sense that it is achieved only, as in "The Good-Morrow," by the union of two polarized genders, one of which goes undefined—or defined only from without—except by its relation to the male. The feminine is strikingly unvoiced. Here, necessarily, we have to imagine a female soul within the masculine ego which is the normative persona of the *Holy Sonnets*, but also the truest voice of that persona: an apple, as it were, within the worm. I take that as a register of the expansion of sympathy which occurs when Donne, to paraphrase the "Epithalamion Made"—appropriately enough—"at Lincoln's Inne," puts on imperfection and a woman's voice.

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## Notes

1. For conceits, see Helen Gardner's *Introduction to John Donne: The Divine Poems* (Oxford: Clarendon, 1952); for psycho-biography, John Carey, *John Donne: Life, Mind, and Art* (London: Faber, 1981) and Arthur Marotti, *John Donne: Coterie Poet* (Madison: Univ. of Wisconsin Press, 1986); "Ignatian exercise" refers, of course, to Louis L. Martz, *The Poetry of Meditation* (New Haven: Yale, 1954). A convenient digest of traditional readings of "Holy Sonnet XIV" is provided in *John Donne's Poetry*, ed. A. L. Clements (New York: Norton, 1966), pp. 246-58.

2. P. M. Oliver, *Donne's Religious Writing* (London and New York: Longmans, 1997), p. 30; Oliver's convenient summary of the relevant church history is pp. 20-31. The Calvinist reading of Donne's religiosity is, of course, primarily associated with Barbara K. Lewalski; see especially *Protestant Poetics and the Seventeenth-Century Religious Lyric* (Princeton: Princeton Univ. Press, 1979).

3. Important recent discussions of this context include Alan Sinfield, *Literature in Protestant England, 1560-1660* (London: Croom Helm, 1983); and John Stachniewski, *The Persecutory Imagination: English Puritanism and the Literature of Religious Despair* (Oxford: Clarendon Press, 1991).

4. See "Donne's Holy Sonnets and the Theology of Grace," in *"Bright Shoots of Everlastingness": The Seventeenth-Century Religious Lyric*, ed. Claude J. Summers and Ted-Larry Pebworth (Columbia: Univ. of Missouri Press, 1987), pp. 20-39. Catholic doctrine, as Young points out, differs from Calvinist primarily in its "insistence . . . on the cooperation of man's free will with God's grace" (p. 23). In "Batter My Heart," of course, the will does seek to cooperate with God but, lacking Grace, is unable to effect its desire. It is neither wholly depraved nor wholly free. Young's argument against "Protestant" readings of Donne's theology has been extended by M. Thomas Hester, for example in "'Let them sleepe': Donne's Personal Allusion in 'Holy Sonnet IV,'" *PLL* 29:3 (1993): 346-50, which considers the significance of references to the sacrament of Penance in the poem.

5. *A Treatise tending unto a declaration, whether a man be in the state of damnation or in the estate of grace* (1597); quoted by Stachniewski, p. 268.

6. I discuss some of the implications of this mode of Augustinian thought in *Hyperion and the Hobbyhorse: Studies in Carnavalesque Subversion* (Newark and London: Univ. of Delaware Press, 1996), chapters one and four.

7. On "Donne as an Inns-of-Court Author," see Marotti, pp. 25-43; on his continuing interest in the law, see R. C. Bald, *John Donne: A Life* (Oxford: Clarendon Press, 1970), p. 227; and Maureen Sabine, *Feminine Engendered Faith: The Poetry of John Donne and Richard Crashaw* (Basingstoke: Macmillan, 1992), p. 70.

8. For an exhaustive survey of legal references and interests in the poems and the sermons, see Geoffrey Bullough, "Donne: Man of Law," in *Just So Much Honor: Essays Commemorating the Four-Hundredth Anniversary of the Birth of John Donne*, ed. Peter A. Fiore (University Park and London: Pennsylvania State

University Press, 1972), pp. 57-94. Antoinette Schaepman at the University of Groningen is currently working on the subject of Donne and the law, as was Jeremy Maule of Cambridge at the time of his death in late 1998.

9. "The Swallowing Womb": Consumed and Consuming Women in *Titus Andronicus*," in *The Matter of Difference: Materialist Feminist Criticism of Shakespeare*, ed. Valerie Wayne (Hemel Hempstead: Harvester, 1991), p. 131.

10. Ibid.

11. For a survey of the early legal history, see John Marshall Carter, *Rape in Medieval England: An Historical and Sociological Study* (Lanham, Maryland, and London: University Press of America, 1985). My account of the history of ravishment laws is generally indebted to Carter. I have also more recently consulted the survey included in Barbara J. Baines, "Effacing Rape in Early Modern Representation," *ELH* 65 (1998): 69-98. Baines's detailed account is weakened by her assumption that ravishment statutes are exclusively concerned with carnal rape and that other charges, such as abduction with or without consent, are simply means of "effacing" the actual crime.

12. For the history of this widespread problem, see Sue Sheridan Walker, "Wrongdoing and Compensation: The Pleas of Wardship in Thirteenth and Fourteenth Century England," *The Journal of Legal History* 9:3 (1988), 267-307. Deborah G. Burks, "'I'll Want My Will Else': *The Changeling* and Women's Complicity with Their Rapists," *ELH* 62 (1995), 759-90, narrates the 1617 case in which Sir Edward Coke kidnapped, and his estranged wife, Lady Hatton, counter-kidnapped their daughter, Frances Coke, whom her father wished to force into marriage to Sir John Villiers.

13. Anon. (Andrew Horne?), *The Mirror of Justices*, ed. William Whittaker (London: the Seldon Society, 1895), p. 29.

14. See Babara Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge, Mass.: Harvard UP, 1979), pp. 253-54.

15. *An Introduction to English Legal History*, 3<sup>rd</sup> Edition (London: Butterworths, 1990), p. 518.

16. See, in particular, P. R. Watts, "The Strange Case of Geoffrey Chaucer and Cecilia Chaumpagne," *The Law Quarterly Review* 63 (1947): 491-515; and Christopher Cannon, "*Raptus* in the Chaumpaigne Release and a Newly Discovered Document Concerning the Life of Geoffrey Chaucer," *Speculum* 68 (1993): 74-94. Both conclude, on the basis of tenuous and hotly disputed evidence that *Raptus* in this case probably did mean carnal rape (Watts, 510). On the other hand, Chaucer's father had been the victim of a *raptus* connected with a family dispute. The evidence is summarized in *The Riverside Chaucer*, ed. Larry Benson (Oxford: Oxford Univ. Press, 1988), pp. xvii-xviii.

17. Wynne-Davies, p. 131.

18. "The Fearful Accommodations of John Donne," *ELR* 4 (1974): 352.

19. Carter, p. 131. Cf. Susan Brownmiller, *Against Our Wills: Men, Women, and*

*Rape* (New York: Simon and Schuster, 1975), p. 30: the law at this time "read better on parchment than in real life."

20. *Crime and Conflict*, p. 61.

21. The stipulation derives from the earlier authority of Bracton; see *Bracton on the Laws and Customs of England*, tr. Samuel E. Thorne (Cambridge, Mass.: The Selden Society and Harvard Univ. Press, 1968), I: 415.

22. Carter, p. 122, reports only 145 cases between 1208 and 1321; 44 resulted in convictions; only 2 of the convicted were hanged.

23. In this regard I am, of course, disagreeing with Arthur Marotti's bizarre reading of the poem as "a passive homosexual fantasy" (*John Donne: Coterie Poet*, p. 259). Via "betrothal" the figure here necessarily identifies the soul as female.

24. Quoted by Wynne-Davies, p. 130.

25. See James A. Brundage, "Implied Consent to Intercourse," in *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*, ed. Angelika Laiou (Washington: Dumbarton Oaks Research Library, 1993), p. 246: in the legal tradition stemming from Gratian, marriage was "a two-stage process that began with consent and was completed by physical consummation . . . coitus was an essential element and without sexual union there was no binding marriage contract." In the rival tradition, Peter Lombard "taught that consent alone created marriage" (247). Oliver, one of the few to notice that the imagery of "Batter my Heart" refers to Elizabethan law, is inaccurate in asserting that betrothal was "as fully binding as marriage" (p. 124).

26. Thomas J. Steele, "Donne's Holy Sonnets, XIV," *Explicator* 29 (1971), item 74, is right to notice that "ravish" in l. 14 means "to take away, to remove spatially, as when St. Paul is spoken of a being ravished into the third heaven," but wrong to exclude the sexual meaning required by "chaste" and by the legal context of the conceit.

27. For examples of the promulgation of the doctrine by sixteenth- and seventeenth-century authorities, see Baines, note 19, pp. 92-3.

28. *John Donne* (Plymouth, UK: Northcote House, 1994), p. 52. The great majority of readers of the poem, in fact, automatically refer to the requested action as rape.

29. Frederick J. Ruf, *Entangled Voices: Genre and the Religious Construction of Self* (Oxford and New York: Oxford Univ. Press, 1997), p. 41, suggests that the *Holy Sonnets'* composition around 1609-11 corresponded to a period of "enormous stress because of the enmity of his father-in-law" over Donne's marriage and that this constitutes part of the poems' subtext.

30. Compare Gary Stringer's recent interpretation: "For such a speaker [as Donne] verbally to relinquish his masculinity and cast himself in a subservient female part—to decline to the exact opposite of all that he has gloried in being before—is to dramatize his abjectness and verify the sincerity of his motives in the strongest possible terms" ("Some Sacred and Profane Con-Texts of John Donne's

'Batter my Heart,'" in *Sacred and Profane: Secular and Devotional Interplay in Early Modern British Literature*, ed. Helen Wilcox, Richard Todd and Alasdair MacDonald [Amsterdam: VU Press, 1996], p. 179). My reading incorporates that one, but also insists on the expansion of sympathy required to dramatize the feeling, not merely the position, of abjectness.

31. *John Donne*, p. 51.