



Alys's Formulation of Intent – or Her
Killing Us Softly with Her Siren Song

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Hver since the publication of Vernon Hall, Jr.'s *Baker Street Journal* article treating the possibility of foul play in the abrupt and untimely death of Alys of Bath's fourth husband,¹ the questions of Alys's guilt or innocence, and of the degree to which she might have been involved in her late husband's demise, have intrigued Chaucer students and scholars alike. Foremost in the recent scholarly search for justice in this matter has been Beryl Rowland, who, in following Hall's lead in two of her subsequent articles, introduced two legal issues at the heart of the inquiry—namely, the issue of Alys's allegedly being, by her own compulsive admission, accessory before the fact in the death of her “revelour” husband, and the issue of her allegedly being accessory after the fact in her collusive relationship with Jankyn, to which she appears to confess, again by means of a compulsive self-revelation, after being “knocked down” by Jankyn in one of his fits of rage.² Following Rowland's line of reasoning has been Dolores Palomo, whose 1975 *Chaucer Review* article further supports the contention that Alys inculpates herself in the murder by her own digressive tactics, and introduces, in a careful analysis of Chaucerian implication, the contention that Alys also exculpates herself deftly by indirectly accusing Jankyn of the crime through her gossips (from whom she hides nothing), and by journeying with the other

Formulation of Intent—or Siren Song

pilgrims to Canterbury, an act which, according to canonical law, she must perform in order to make restitution for her having been found to be in the state of adultery, the result of the legal dissolution of her fifth marriage.³

Other scholars have taken the investigation in other directions. Both Mary Hamel and Douglas Wurtele assume that Alys's fourth husband died of natural causes. Hamel, however, suggests that Jankyn suspects Alys of having murdered his predecessor; and Wurtele assumes that Jankyn and Alys proposed murdering the "revelour" and are therefore morally, although not legally, guilty of his death.⁴ Susan Crane, on the other hand, admonishes us to remember that the Wife of Bath is a fictional character, and that "to invent more of her life than Chaucer has already given us is to take ourselves for poets."⁵

Without inventing anything (while heeding the spirit of Susan Crane's admonishment), this paper proposes to address once again the relationship between Alys and her fourth and fifth husbands, this time by examining the medieval legal implications of the alleged conspiracy between Alys and Jankyn. To do this, it will be necessary to consider, in light of each other, the two principal moments in Alys's *Prologue* that have raised the most critical eyebrows and questions. The first of these involves Alys's Lenten dallying-field encounter with Jankyn, which consists of the if-I-were-a-widow come-on and the blood-and-money dream. The second

Formulation of Intent—or Siren Song

of these, of course, is the knock-down drag-out fight between Alys and Jankyn.

The dallying-field episode has been considered the point in the *Prologue* when Alys admits to being an accessory before the fact in the “revelour” husband’s alleged murder. This episode has also been identified as the moment in the *Prologue* when, by means of “aiding and abetting,” Alys finds herself morally—if not legally—implicated in the alleged scheme.⁶ Lee Patterson has argued that this encounter occurs in the “darkest” part of the *Prologue*, in which the suffering of the unloved spouse is the subject,⁷ so whether we agree or disagree with those who would indict Alys, we should carefully reexamine this episode because, if motive for what she has allegedly done actually exists, such a moment of vulnerability will probably reveal it.

There is little doubt that Alys’s admitted unhappiness in her fourth marriage is one reason for her journey with Jankyn into the dallying fields. Nor can this unhappiness as motive be ignored when she recounts that “I spak to hym and seyde hym how that he, / If I were wydwe, sholde wedde me” (567–568).⁸ But is this utterance as significant as some have made it out to be? In the eyes of medieval law, as the rest of this essay will attempt to demonstrate, it is, and even more so than perhaps has previously been suggested.

To Begin, whether or not a crime of homicide with premeditated malice has occurred, this dallying-field statement can be construed as a formulation of intent—that is, the design, resolve, or determination

Formulation of Intent—or Siren Song

with which one acts. What is more, the conditional element included in the statement instills in the mind of Jankyn an idea. As a result, Alys sets the stage and so establishes a conspiracy.⁹ If a homicide has happened as a consequence of this conspiracy, as some have speculated, then such a conspiracy would have serious legal implications, even for the medieval legalist. If, on the other hand, no homicide has occurred, or if insufficient evidence exists to determine that a homicide has occurred, then the moral implications of what Alys has done here are still serious since she has at least inspired so as to incite. This judgment might be disregarded but for the fact that Alys herself subsequently further sets the stage by inducing in Jankyn, by means of the authority of dream prophecy,¹⁰ the belief that he would profit from his intimate relationship with her, a belief she offers in the blood-and-money dream she recounts:

I bar hym on honde he hadde enchanted me,—
My dame taughte me that soutiltee
And eek I seyde I mette of hym al nyght,
He wolde han slayn me as I lay upright,
And al my bed was ful of verray blood;
But yet I hope that he shal do me good,
For blood bitokeneth gold, as me was taught
(575–584).

Combined with her first statement, this utterance, which Alys herself subsequently characterizes as a lie,

Formulation of Intent—or Siren Song

establishes *mens rea*, the guilty mind of one who has criminal intent.¹¹ It is no doubt for this reason that Chaucer has Alys momentarily forget what she is saying, interrupt herself, and then immediately resume her marital history beginning with the day of her “revelour” husband’s funeral. The narrative sequence expressed by a guilty mind, including a rupture in the narrative, the unexplained death of an unloved spouse, and brazen “daliaunce,” raises suspicion as the critical efforts of Rowland and others have demonstrated.

Be that as it may, it is not Alys’s alleged action but rather her state of mind, intricately revealed in a matter of moments in this episode, that invites further consideration of other examples of criminal intent in the *Prologue*. The consistency of state of mind is an important consideration to be determined in the case of Alys since such consistency would provide us with greater insight into her motivation for doing what she says she used to do, and into what others have alleged she has done. It would be well at this juncture, however, to recall how Chaucer’s world viewed criminal intent and liability, especially where foul play was involved. The most comprehensive and accessible treatment of this aspect of the law available to readers of the court and to Chaucer would have been Henry de Bracton’s thirteenth-century *De Legibus et Consuetudinibus Angliae*.¹²

In turning to this work, we should heed Frederic William Maitland’s warning concerning Bracton—namely, that the legalist is an untrustworthy guide to

Formulation of Intent—or Siren Song

legal notions of his English contemporaries when he goes beyond what is actually done in courts of law.¹³ Anthony Michael Platt and Bernard L. Diamond, however, assure us that, whatever Bracton's sources may be, one of the major contributions made by him in his treatment of law is his emphasis on subjective intent as being a necessary criterion of criminal behavior.¹⁴ While Bracton's direct dependence on Bernard of Pavia and indirect dependence on Gratian are well documented,¹⁵ what he has to say about criminal intent does conform to actual practice as thirteenth and fourteenth century coroner's rolls, year books, and select case rolls attest.¹⁶ Accordingly, insight into how Bracton views criminal intent can be gained through consideration of his definition of homicide.

In discussing the crime of corporal homicide, Bracton introduces the issue of state of mind no less than four times, without even considering intent as a feature of homicide committed by word. In the first example of corporal homicide done by deed, for instance, Bracton indicates homicide done in the administration of justice raises the issue of criminal intent if the homicide is "done out of malice or from pleasure in the shedding of human blood...."¹⁷ Malice or evil purpose is again considered by Bracton when homicide of necessity is done. In this case Bracton says that when the homicide is unavoidable and is carried out without premeditated hatred, and with a sorrow of heart, there is no liability.¹⁸ The fourth form of corporal homicide in this part of the *De Legibus* Bracton labels "of intention";

Formulation of Intent—or Siren Song

what distinguishes this is the variety of states of mind acknowledged. Bracton says one commits a corporal homicide of intention if one acts in “anger of hatred or for the sake of gain, deliberately and in premeditated assault.”¹⁹ Finally, Bracton reintroduces the issue of intent when considering the punishment for criminal intent of those whose cases might be classified as exceptional. Being part of a group whose acts end in homicide, for example, does not free one from liability: “Several,” Bracton says, “may be guilty of homicide just as one may be, as where several have quarrelled among themselves in some dispute and one of them is slain; and [if] it does not appear by whom nor by whose blow it was done, all may be called homicides, those who struck, those who with evil intent held while he was struck, and those who came with the intention of slaying though they struck no blow.” Being at one or more removes from the actual deed of killing is also no defense according to Bracton. Those who order a killing and those who neither slay nor have any intention of slaying but attend a slaying to offer counsel and aid to slayers are liable. What is more, even one who might rescue the slain from death but fails to do so is not free from guilt.²⁰

The determination in actual medieval legal practice of some distinctions made here may have been impossible or may even have been ignored; the importance which is given to criminal intent in this and other parts of the *De Legibus*, however, cannot be disputed. That this feature of law received substantial

Formulation of Intent—or Siren Song

philosophical and practical consideration by readers of the Plantagenet court of the fourteenth century is a fact of legal history. Whether Chaucer, one of those readers of court, read Bracton may be difficult to determine, though his knowledge of Bracton's conception of the "king's pleasure" suggests he did.²¹ However, the interest in intent and other legal subtleties Chaucer demonstrates, for example, in the *Reeve's Tale* or in the *Tale of Melibee* indicates he possessed much more than just a passing familiarity with the law. How he uses the definition of criminal intent he establishes in the dallying-field episode as the informing structural principle of the entire *Prologue* convincingly demonstrates this.

Alys's *Prologue* follows a pattern of successive moralizations of the letter *tribulatio*, at the beginning of which Alys, as *entremetteuse*, prepares the way to herself.²² In the first of these moralizations (what Lee Patterson identifies as the refashioned *sermon joyeux*), Alys therefore engages us in an argument in favor of the inevitable fleshly temptations and delights brought on by marriage. Her purpose, which is to convince us of the joys of this particular kind of tribulation, is so persuasively presented that it is easy to overlook her use and abuse of authority, the exegetical method by which she moves us to accept her point of view as well as her self-assertive carnality.²³ It may not be that she entirely or convincingly inveigles us since her contravention of authority admits of numerous—and in some cases startling—ambivalences,²⁴ but if we do not object to the

Formulation of Intent—or Siren Song

no-win situation that she defines marriage to be when identifying the husband's role as 'debtor and slave,' then our acquiescence predisposes us to her experience-based idea of the dynamic of a not-so harmonious conjugal relationship. In other words, if we do not respond the way the Pardoner does (though not for the same reason) by quickly starting up and rejecting the deceptiveness of the "joly body" of the immediate text, then we find ourselves legally estopped²⁵—that is, in the curious position of involuntarily conspiring with Alys and experiencing a state of incitement somewhat like that experienced by Jankyn in the dallying fields. The objects of his and our experience are different, and yet the same: he hopes to gain wealth and physical or sexual gratification through marriage while we give the nod to the degradation of human dignity within the sacrament of matrimony. Jankyn of course cannot walk away since he is part of the fiction and since, according to Alys, he has already participated in her collusive strategy as a pledge or witness. Likewise, we cannot walk away from our Chaucer book, even if we would like to throw it down or tear out a leaf, because we know by this point we have no choice but to keep reading even though reading will imperil us as it has so done already.

If Alys's method in the dallying-field episode involves establishing a conspiracy by formulating intent, instilling an idea, setting the stage, and reaffirming that process, then her method in the second part of the *Prologue* is nothing new since it conforms to that design by transforming the conspiracy established between Alys

Formulation of Intent—or Siren Song

and the reader in the *sermon joyeux* into a discursive/discursive collusion or bearing “on honde.” The reader who has voluntarily or involuntarily accepted Alys’s come-on in the first part of the *Prologue* by not stopping the process of reading or throwing down the book, now in the second part has no choice but to allow him- or herself to be borne “on honde that the cow is wood.” In other words, we must believe in the value of falsehood and of bearing false witness, even if we do not agree. Reason, of course, should compel even the least attentive reader to question the apparent limitations of Alys’s morality in light of what she is saying. But no sooner is the advice for “wyse wyves” offered than the focus of the discourse is dramatically altered, maneuvering us into the position of discursive debtor and slave by preempting not only the language of accusation but also any and all manner of response. The means by which this change is effected is Alys’s use of the dramatic monologue, in which we are compelled to participate silently. This discursive/discursive manipulation of the reader has been accurately described as the experience of the nightmare of the antifeminist imagination.²⁶ But it has an even darker side to it. We find ourselves, especially those among us who are not antifeminist in our outlook, unable not to collude or to co-play with Alys. We discover, in other words, that we are trapped or estopped, the way a conspirator is trapped in whose mind an idea of gain or mischief has been placed. Though we have done nothing, we are accused of not providing for our spouse, of

Formulation of Intent—or Siren Song

philandering, of conspiring, and of being a lecher, a chider, a jealous, a drunk, a preacher, an antifeminist, a misogynist, a misanthrope, a shrew, a liar, an old fool, and a spy, and we have no choice but to accept what is said. The rub of course is that if we realize this is happening to us as we continue to read, then the pain resulting from the hallucinatory one-sided exchange between Alys and us becomes even greater, not only because we begin to feel the full psychological effect of accusation without a chance at rebuttal, but also (and worse still) because we are forced to experience the degradation of human dignity in the discursive/discursive actualization of the debtor/slave condition to which, through our initial and continued reading, we have already tacitly consented.

It would seem from what Alys says in the dramatic monologue, in the shift back into a conventional narrative, and in the final hallucinatory address that ends the *Prologue's* second part, that it has been her intention, all along, to provide us with enough clues to realize we have become at least her discursive debtor and slave—that is, we have allowed ourselves, like a conspirator, to be bereft of our freedom, at first perhaps involuntarily, but then voluntarily by the very act of reading itself. Such a realization, for one thing, creates a tension, the full ironic effect of which is perhaps not apparent until Alys rubs our imaginary cheek in the closing lines of the second part and counsels us to be patient and meek. We have not only been played with, which is partly our own doing, but we have also

Formulation of Intent—or Siren Song

been played upon, something over which we have not had control. To make matters worse, however, as soon as the second part ends we cannot but think the worst is over, and nothing could be farther from the truth. We are readied for the last part of the *Prologue* where form and content ostensibly open up, but what has actually been done is that we have been set up for yet another fall, this one the most perilous of all.

This undermining of our ethical confidence is effected by Alys's illusion of options. We can of course continue reading the *Prologue* as cozened or "Jankyned" readers and sympathize with Alys's victimization. In this particular case, we must favor the moment of ideogrammed book destruction and accept, without any hesitation or resistance, our own contravention of moral authority as well as the consequent irrevocable fall from, or "killing" of, our own innocence. But if we have been at all sensitive to the troubling condition of ineffectuality we are forced to experience through the discursive collusion resulting from Alys's hallucinatory dramatic monologue, then we find ourselves further ensnared, as many critics have been, as we attempt to remove ourselves from the discursive conspiracy and try logically to prove her guilt in an alleged murder, for which there is insufficient factual evidence, and for which there is excessive circumstantial evidence, compliments of Alys's digressive method. In other words, by trying to right the situation through establishing guilt when the facts cannot actually support such a conclusion, we contravene legal authority and

Formulation of Intent—or Siren Song

precedent. In other words, we put our innocence in jeopardy again, this time by “killing” or giving up reason or logic. It is here, then, that the second important *Prologue* episode, the knock-down drag-out fight between Jankyn and Alys, takes on a special meaning for us as an emblem of our own predicament. Alys’s characterization of the event as a murder—“‘O! hastow slayn me false theef?’... / ‘And for my land thus hastow mordred me?’”(800–801)—cannot but challenge our understanding of the degree to which she comprehends legal subtlety and the degree to which Jankyn, at least, understands its applicability. A homicide *se defendendo* might be what Jankyn would be charged with were Alys actually killed by the blow of his fist. But because there is no evidence to support self-defense, because the circumstantial evidence of Jankyn and Alys’s love-dangerous marriage is known to all of Alys’s gossips, and because Jankyn’s antifeminist reading material might suggest a state of mind predisposed to antifeminist violence, the fact that the act of striking Alys is without prepensive malice may actually be irrelevant. What is more, we realize at this moment that Jankyn’s plight is like our own: we discover ourselves “cornered” in a condition worse than Alys’s much scorned mouse, which only “hath but hole for to sterte to, / And if that faille, thanne is al ydo” (573–574). And we can do only as Jankyn does. As readers or participants in the discourse, we try to make peace with Alys, but we also know our efforts to

Formulation of Intent—or Siren Song

preserve our “estaaat” are futile. Welcome the sixth: we’re history, too.

Well, not quite. Another option is permitted us. We can laugh at the entire discursive manipulation as does the Friar. It’s really the only way to deal with a no-win situation like this discursive estoppel. But we must do this judiciously. For if we laugh and then offer a judgment of the *Prologue*, as does the Friar when he characterizes the *Prologue* as a “long preamble of a tale,” then we may find ourselves caught again collusively in or as part of Alys’s state of mind, especially at the moment when she notices the legs and clean and fair feet of Jankyn preambing or walking before her at the funeral of her fourth husband.

This final jeopardy, another buffet upon our imagined cheek, predisposes us to accept the variety of legal fictions within the subsequent fictional tale, not the least remarkable of which is the accusation and prosecution of rape without so much as a shred of evidence offered in the prayer for relief. More important, however, it enables us (if we have not done so already) to sympathize with Alys’s sense of profound disappointment. Our suffering in the *Prologue* is comparable to the suffering of the unloved spouse when we discover we can neither accuse, cajole, nor sympathize, but must remain cut off, isolated, powerless to change our lot, and always be bereft of voice. Alys’s *Prologue* is therefore a kind of Siren song for us, a song that softly and alluringly enables us to kill ourselves as we allow it to be sung to us. To survive and appreciate

Formulation of Intent—or Siren Song

it, we have to respond to it as both an Odysseus and a Jason. We have to secure ourselves to the resolve that we will not be taken in by it, seductive though it may be, and at the same time we have to meet it with an Orphic consciousness, which keeps reminding us of the purpose of our reading adventure.

Notes

1. Vernon Hall, Jr., "Sherlock Holmes and the Wife of Bath," *Baker Street Journal* 3 (1948), 84–93.
2. Beryl Rowland, "Chaucer's Dame Alys: Critics in Blunderland," *Neuphilologische Mitteilungen* 73 (1972), 381–385, and "On the Timely Death of the Wife of Bath's Fourth Husband," *Archiv für das Studium der neueren Sprachen und Literaturen* 209/124 (1973), 273–282.
3. Dolores Palomo, "The Fate of the Wife of Bath's 'Bad Husbands,'" *Chaucer Review* 9 (1975), 303–319.
4. Mary Hamel, "The Wife of Bath and a Contemporary Murder," *Chaucer Review* 14 (1979), 132–139, and D. J. Wurtele, "Chaucer's Wife of Bath and the Problem of the Fifth Husband," *Chaucer Review* 23 (1988), 117–128.
5. Susan Crane, "Alison of Bath Accused of Murder: Case Dismissed," *English Language Notes* 25 (1988), 12.
6. Rowland, "On the Timely Death," p. 281.
7. Lee Patterson, "'For the Wyves Love of Bath': Feminine Rhetoric and Poetic Resolution in the *Roman*

Formulation of Intent—or Siren Song

de la Rose and the *Canterbury Tales*,” *Speculum* 58 (1983), 679–680.

8. *The Works of Geoffrey Chaucer*, 2nd ed., ed. F. N. Robinson (Boston: Houghton Mifflin, 1957), p. 81, lines 567–568. Hereafter all reference to this edition of the tale will appear in text.

9. Palomo, p. 309.

10. On the authority of such prophecy, see C. S. Lewis, *The Discarded Image* (Cambridge: CUP, 1964), pp. 63–65.

11. Roger Smith, *Trial By Medicine: Insanity and Responsibility in Victorian Trials* (Edinburgh: EUP, 1981), p. 72, points out that *mens rea* was a concept that was accepted from as early as the Middle Ages.

12. *Bracton on the Laws and Customs of England*, 4 vols., ed. George E. Woodbine and trans. Samuel E. Thorne (Cambridge, MA: Belknap Press of Harvard University Press, 1968).

13. *The Collected Papers of Frederic William Maitland*, 3 vols., ed. H. A. L. Fisher (Tokyo: Logos, 1975), I:314.

14. Anthony Michael Platt and Bernard L. Diamond, “The Origins and Development of the ‘Wild Beast’ Concept of Mental Illness and Its Relation to Theories of Criminal Responsibility,” *Journal of the History of the Behavioral Sciences* 1 (1965), 357; also see Fisher, I:308–309.

15. *Select Passages from Bracton and Azo*, ed. F. W. Maitland (London: B. Quaritch, 1895), p. 225; Fisher, I:314.

Formulation of Intent—or Siren Song

16. See, for example, Fisher, I:309. There, Fisher discusses the statute of 1389, Acts of Richard II.
17. Woodbine, II:340.
18. II: 340–341.
19. II:342.
20. II:342.
21. On this legal fiction, see Fisher I:317. Any act of violence against another was construed as the breaking of the “King’s Peace.”
22. Patterson, p. 664.
23. D. W. Robertson, Jr., *A Preface to Chaucer* (Princeton: PUP, 1962), p. 321.
24. Patterson, p. 683.
25. McFarlane, Gavin, *The Layman’s Dictionary of English Law* (London: Waterloo, 1984), p. 99. This is the rule of evidence “that a person cannot deny the existence of a particular state of affairs which he has himself brought about, and on the basis of which another person has acted.”
26. Patterson, p. 678.