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How useful is the political legacy of King Stephen's reign as a context for understanding the conflict between Henry II and Thomas Becket?

By Chris Dixon (UWTSD) – 2023

Introduction

Thomas Becket was consecrated archbishop of Canterbury on 3 June 1162 and served until his violent murder and martyrdom in December 1170. The period became infamous for the protracted, heated, bitter and ultimately unresolved dispute between Becket and King Henry II. Why this happened, especially between two men who had previously been very good friends – William Fitzstephen, one of his twelfth century biographers, wrote that 'In all Christian times, two men never lived in closer harmony and friendship'¹ – is a matter of some complexity. They were certainly men of very different personalities, each desired in his own way to establish the clarity of the boundaries between secular and canon law and the nature of the relationship between king and church. There had been problems between the king and his archbishops ever since the Norman conquest in 1066 but none more so that the period of the reign of King Stephen (1035-1054), sometimes called 'The Anarchy', in shaping the nature of the dispute and the intractability of both men.

This essay will look at the aspects of the reign of King Stephen which may have caused or contributed significantly to the dispute. Shortly after Becket's consecration as archbishop of Canterbury, disputes between him and the Henry II had started to emerge which led to the king convening a 'general council' at the

¹ LTB1, p.33.

Royal Palace at Clarendon in an attempt to document and resolve what he saw as the major areas of disagreement. The preamble to the Constitutions of Clarendon, the document produced at the meeting, showed clearly how Henry laid the blame for the problems on the reign of his predecessor Stephen. He did this by stating:

In the year 1164 from the Incarnation of our Lord, in the fourth year of the papacy of Alexander, in the tenth year of the most illustrious king of the English, Henry II, in the presence of that same king, there was made this record or recognition of some part of the customs, liberties and dignities of his ancestors, namely of king Henry his grandfather and of other things which ought to be observed and maintained in the realm.

This was followed by sixteen clauses which contained 'the customs and dignities of the kingdom'.² Some of these clauses were accepted by Thomas Becket and Pope Alexander but the majority were fiercely disputed.

Clash of Personalities

There is little doubt that Henry II and Thomas Becket were men with very different personalities. Henry II was impulsive, phlegmatic, and susceptible to extreme fits of uncontrollable anger. This example, from 1166, from an anonymous letter to Thomas Becket, referred to one of King Henry's outbursts:

Consequently, the king, inflamed with his customary fury, threw his hat from his head, unfastened his belt, hurled the cloak and clothes he was wearing far

² Greenaway, p.68.

away, removed the silken covering that was over his bed with his own hand, and began to eat straw from the bedding as if he were sitting in a dung heap.³

Becket's anger, on the other hand, was much more controlled. He was a master of the crushing repartee, often replying to Henry's outbursts with facts which would embarrass or humiliate the king. Becket got the best of this exchange which occurred in a field near Northampton in 1162. Henry remonstrated Becket for his intransigence, reminding him that he was a low born son of a villein. 'I agree', responded Becket, 'as was Saint Peter to whom the keys of the kingdom of heaven were given'. 'True', said Henry, 'but he died for his Lord'. 'And I will die for my Lord when the time comes', was the answer.⁴

It has been written that upon his consecration as archbishop of Canterbury, Thomas Becket underwent a complete change. At least two of his biographers (William of Canterbury and John of Salisbury), refer to the change from 'the old man' to 'the new man', putting on 'the hairshirt' and mortifying his flesh'.⁵ His opponents, such as Gilbert Foliot, bishop of London, described Becket as 'a hypocrite, insincere and swollen with pride'.⁶ I am persuaded by Zachary Brooke who assessed Becket's personality in this way:

... He was one of those men who, exalting to the full the role they have to play, picture themselves as the perfect representatives of their office, visualising a type and making themselves the living impersonation of it.... As chancellor, he was the perfect king's servant, a splendid companion as well

³ Wooley, p.22.

⁴ Hutton, p.83.

⁵ Staunton (The Lives), pp. 66-67.

⁶ Brooke, p.193.

as a splendid servant, subordinating everything to the king's will, indispensable to his master; and withal leading a perfectly moral life. When he was appointed archbishop; it needed no miraculous conversion; he pictured himself in the part at once, and he warned the king of the consequences. He threw off the layman and became the complete archbishop... He pictured himself as one of the Church's heroes, patiently resisting the tyrant on behalf of the freedom of the church.... Although the natural man in him kept breaking out in violent outbursts and fierce denunciations of his opponents..... He was not merely playing a part. He was living a part.⁷

Possibly Henry's biggest misjudgement was misinterpreting the loyalty of Becket. This was not a personal loyalty but loyalty to the responsibilities of his office. Henry's decision to appoint him as archbishop, even though he wasn't even an ordained priest at the time, was made upon the assumption that the perceived personal loyalty and friendship would continue to his benefit.

Historical Context

From the conquest in 1066 there are many examples of clashes between king and archbishops. The archbishop of Canterbury in 1066 was the Anglo Saxon, Stigand, who was summarily deposed in 1070 by William I (with the consent of the Pope) and 'cast into a black well and perpetually imprisoned'.⁸ Incidentally, this story was recounted by Henry II himself at the Council of Northampton in 1164 when he

⁷ Ibid.

⁸ LTB1, p. 86.

commented that 'King William knew how to tame his priests'.⁹ Stigand was replaced by the learned abbot of Saint Etienne, Lanfranc, who had a good relationship with the king despite the refusal to relinquish his right to elect (and depose) bishops. When the pope, Gregory, required William to grant him fealty for the kingdom of England, William simply refused and that was that.¹⁰ Thomas of Bayeux was elected as archbishop of York in 1069 but with him started a problem lasting nearly another century with the issue of the primacy of Canterbury over York.

William II, who cared little for the church, found a different way of ensuring no conflict with the archbishop of Canterbury. After the death of Lanfranc in 1089, William simply refused to elect a successor. This had the double benefit for him of avoiding conflicts and making him rich with the profits and income from the vacant see. Only in 1093 when the king suffered a near fatal illness did he rapidly appoint the abbot of Bec, Anselm to archbishop of Canterbury. William also made grants of land to many monasteries and promised to God to live his life 'righteously, to grant peace and protection to God's churches, and never more to sell them (simony) and to have just laws among his people'. Soon after, he became well, and retracted all his promises.¹¹ Anselm had issues – he was not permitted to go to the pope to receive his pallium because William told him that 'he recognised no pope'. Anselm demanded a general council to deal with crimes and malpractice at court. William refused asking 'what would you talk about at the council?'. Anselm replied, 'the wicked crimes of sodomy and incest'.¹² Anselm went into voluntary exile in 1097

⁹ Ibid.

¹⁰ Hagger, pp. 112-13.

¹¹ ASC-1, p. 196.

¹² Barlow (Rufus), pp. 328-9.

after which William immediately appropriated the revenues and profits of Canterbury keeping them until his death in 1100.

During the reign of Henry I (1100-1135), there was a period of relative calm in the relationships between king and archbishop although after Anselm's return the two prickly issues of lay investiture and homage by the archbishop to Henry still existed. These were largely resolved, in the archbishop's favour, by 1102 and at the Council of London in 1107. After Anselm's death in 1109, Ralph d'Escures was appointed archbishop of Canterbury but only after a vacancy of nearly five years. Then, with the accession of Stephen in 1135, everything changed.

The Legacy of the Reign of Stephen

Stephen of Blois, nephew of Henry I, snatched the throne of England and the Duchy of Normandy in 1135 and managed, sometimes with extreme difficulty, to hold on to it until his death in 1154. The reign is sometimes referred to as 'the anarchy'¹³, sometimes a 'civil war'¹⁴, but the total breakdown of law and order is described in passionate and emotional terms by the author of The Anglo Saxon Chronicle 'E' (The Peterborough Chronicle) who reported that 'they said openly that Christ and his saints slept. Such and more can we say, we endured nineteen winters for our sins'.¹⁵

¹³ Crouch, pp. 2-7, (footnotes), referring to William Stubbs (The Constitutional History of England).

¹⁴ Ibid, pp 107 ff.

¹⁵ ASC-1, pp. 230-1.

It is beyond the scope of this essay to tell the history of this period but it is clear that both Henry II and Thomas Becket were determined to do whatever was necessary to ensure that the abuses of this era (and earlier periods) could not be repeated. However, Henry and Thomas had very differing views on what had to be done. In succinct terms, Henry required to strengthen his authority over all his subjects including bishops and clerics. Thomas required to guarantee the rights and traditions of 'his order' under canon law. Stephen's reign went from crisis to crisis.

Succession

First was the issue of his own right to the crown of England. In 1127, a few years after the White Ship disaster when Henry I lost his son and heir, he chose for his heir his daughter Matilda, widow of the Holy Roman Emperor and shortly to be betrothed to Count Geoffrey of Anjou. At his Christmas court in Windsor, he 'caused the archbishops, and bishops, and abbots, and earls and all the theyns' to swear an oath accepting 'Aethelic' (Matilda) to be his lawful heir to the kingdom of England and the duchy of Normandy'.¹⁶ All swore the oath – including Stephen himself who later claimed that Henry had changed his mind on his deathbed.. Evidence of this was supplied by Hugh Bigod, a minor noble who was a notable turncoat, changing sides between Stephen and Matilda several times. Bigod is known not to have been present at Henry's deathbed.¹⁷ This matter was the principal cause of the civil war when Matilda and her half brother Robert, Earl of Gloucester battled to regain her rights over Stephen.

¹⁶ ASC-1, p. 223.

¹⁷ Davis, p. 14. And fn.

The relevance to Henry II of this war is twofold. Firstly he sought, as did most medieval kings, to secure his own position as monarch and that of his heirs and secondly Matilda was his mother and only through her could his claim to the throne be based. The civil war came to an uneasy settlement by the treaty of Westminster of 1153 when by a charter Stephen swore to acknowledge Henry II as his successor. This naturally angered Stephen's own son and heir, Eustace, but he conveniently died before the treaty was signed. Stephen's second son, William, was rumoured to be involved in a plot to assassinate Henry but this came to nothing and William conveniently died about four years after Henry's accession.¹⁸ Stephen's oaths were all suspect. His coronation charter, sworn at Oxford, 'recorded and confirmed his vows to the people and the Holy Church'. Henry of Huntingdon reports that 'These were the chief vows to God, but he did not keep any of them'.¹⁹

In 1170, Henry II sought to secure the succession for his eldest son, Henry, by means of a coronation. Stephen had attempted to do the same for his son Eustace on multiple occasions between about 1144 and 1151 and requested consent firstly from Theobald, archbishop of Canterbury and later directly from at least two popes (Celestine II and Eugene III). It is relevant to note that Henry Murdac, the archbishop of York, was in favour of the idea and tried to get papal agreement when he was in Rome in 1151. Ultimately, Stephen was frustrated in his wish to arrange the coronation of Eustace.²⁰ Henry, on the other hand, managed by devious means to effect the coronation of his son in 1170, but this led to his frustration at the anger

¹⁸ Warren, p. 53.

¹⁹ HA, p 705.

²⁰ Crouch, pp. 246-247.

shown towards him and the officiating bishops by archbishop Thomas Becket. The murder of Becket in December 1170 was directly caused by this frustration.

The Church

The relationships between King and the church were very complex because although there was only one king, the church consisted of the Pope, the papal legates, the archbishops, the bishops, abbots and minor clergy and the monastic houses. Each of these factions had a history of unrest and dispute in the reign of Stephen and also in earlier reigns.

After the death of archbishop of Canterbury William de Corbeil in 1136, Stephen chose as his successor Theobald, the abbot of Bec in Normandy. This appointment was not without its problems. In 1148, the archbishop desired to respond to the pope's request for the English bishops to attend the Council Of Rheims. King Stephen refused to allow them to go but Theobald, accompanied by Gilbert Foliot, escaped in a fishing boat and attended the council. Some of the other non-attending bishops were suspended and Stephen banished Theobald and confiscated his property. The Pope responded by placing England under an interdict. This incident may well have been in Henry II's mind when one of the demands he made in clause 4 of the Constitutions of Clarendon was to restrict bishops from leaving the kingdom without royal consent (See below p. 22).

Stephen enforced a second exile on Theobald after he and other bishops refused the king's demand to anoint his son Eustace as king. It was said that the king and his

son: 'consumed with deep chagrin and boiling with rage ordered them to be shut up in a particular building, and putting them under strong coercion, urged them to do what they demanded... they resisted, even though in fear of their lives'.²¹

This was not the first time that King Stephen had been involved in a violent confrontation with his bishops. Bishop Roger of Salisbury was very wealthy and although 'enjoying the king's affection', 'showed more friendship with the children of Henry I (The Empress Matilda and Robert, Earl of Gloucester – her half-brother)'. He therefore 'built elaborate castles and filled them on a lavish scale with weapons and food waiting to be able to 'help them with the utmost vigour and speed'.²² His nephews, Alexander, bishop of Lincoln and Nigel, bishop of Ely were also encouraged to equip their castles for the same purpose. This was noticed by one of Stephen's principal advisers, Waleran Beaumont, Count of Meulan who advised him to summon the bishops to a council in Oxford. This is Henry of Huntingdon's report of what happened there:

For when the king had peacefully received Roger, bishop of Salisbury, and Alexander of Lincoln, his nephew, (Nigel of Ely had fled to escape capture) he violently arrested them in his own court, though they – far away from refusing to stand trial – earnestly begged a fair hearing. Then, putting bishop Alexander into prison there, he took the bishop of Salisbury to a castle of his called Devizes, than which there was none more splendid in the whole of Europe. Oppressing him by torturing him with starvation and putting a rope round the neck of his son, who had been royal chancellor, as if to hang him,

²¹ HA, p. 759.

²² GS. P. 73.

he wrested the castle from him in this way, unmindful of the good service which he... had rendered him on his entry to the kingdom. In the same way he seized Sherborne, which was almost equal to Devizes in splendour. Taking possession of the bishop's treasure, he used it ... for the benefit of his son Eustace.²³

The outcry forced Stephen to release the prisoners (including Nigel of Ely who had been subsequently arrested) but, possibly as a result of the shock of the incident, Roger of Salisbury died in December the same year.

It is relevant to note that both of the sources I have used for the report of this incident are partisan. *Gesta Stephani* tends to be pro-Stephen and focusses on the worldly crimes of the bishops whereas Henry of Huntingdon is more concerned with the sin of the king of laying hands upon the Lord's anointed (the bishops). This incident probably influenced both king Henry II and Thomas Becket, each desirous of ensuring that such an incident could not occur again – but for very different reasons.

Until 1144, Henry, bishop of Winchester was the papal legate in England and for that reason sometimes outranked the archbishop of Canterbury. This was useful to King Stephen because Henry was his younger brother. Possibly Henry II could have had this in mind when appointing whom he considered to be his best friend and companion to be archbishop of Canterbury.

²³ HA, pp 719-721.

York became a metropolitan see in the eighth century at a time when Northumberland was a separate kingdom. After Athelstan became king of all England in 925, the existence of an archbishop of York became something of a historical anomaly and for the next 250 years or so the issue of the primacy of the archbishop of Canterbury caused a rift between the two archbishops and the kings. The matter seemed to have been resolved by the Accord of Winchester of 1072 when Lanfranc had the matter settled in his favour by William I. However, this did not completely solve the problem because it was only the pope who could pronounce on such a matter. In the reign of Henry I, Thurstan of Bayeux, archbishop of York demanded equality with the see of Canterbury. This was refused by the King but supported by four successive popes between 1119 and 1126; on the last occasion, pope Honorius II found that documents supporting Canterbury's position had been forged.²⁴ Thurstan supported King Stephen (it was he who arranged the mustering of forces for the Battle of the Standard against King David of Scotland in 1138). But he resigned his see in 1140 at the age of about 70 and died a few days later.

King Stephen and his brother (Henry, bishop of Winchester and papal legate), chose William FitzHerbert, but his consecration was refused by Pope Innocent II on the basis of simony (financial dealings between FitzHerbert and the king). An alternative was proposed, Henry de Sully, but Pope Innocent refused to permit the consecration on the grounds of plurality (Henry was abbot of Fecamp) although Henry of Winchester himself was also abbot of Glastonbury.²⁵

²⁴ Green, pp. 155-164.

²⁵ Crouch, p. 309.

In 1142 a second attempt was made to consecrate William FitzHerbert and this time, the Pope agreed subject to the swearing of an oath by Hugh, Dean of York, that 'there had been no undue influence by the king'. The accusations had come principally from a powerful lobby of Cistercian monks. The Cistercians (white monks) was an order of monks founded by St. Bernard of Clairvaux at the abbey of Citeaux in 1120. This order had spread remarkably quickly into six European countries but especially in the north of England, in particular Fountains Abbey. The oath was sworn, but by the bishop of Orkney whose knowledge of the issue must have been limited, and Pope Innocent II agreed to send the pallium. However, before he could do this he died in 1145.

The new pope was Eugenius, a Cistercian himself and the old charges were immediately renewed. FitzHerbert was suspended until the Dean of York took the required oath which never happened. Followers of William FitzHerbert attacked and plundered Fountains Abbey and the pope immediately deprived him of his see. The abbot of Fountains, Henry Murdac, was elected by the chapter of York and FitzHerbert sought asylum with Henry of Winchester. Five years later in 1153, after Murdac, Pope Eugenius and St. Bernard all died, William FitzHerbert persuaded the new Pope, Anastasius, to approve his election and he was given the pallium.²⁶

This long drawn out episode, involving four popes, the papal legate, several bishops and a major monastic order, was significant in the later efforts by Henry II and Becket to establish the limits of rights and abuses within the church. The issue of the rights of election of bishops and archbishops, there were accusations of simony

²⁶ Ford.

(the king accepting payments for the grant of ecclesiastical benefices), plurality – both by Henry de Sully and by Henry, bishop of Winchester and nepotism – the King proposing his own nephews to be archbishop of York.

Lay interference in the appointment of minor clergy was widespread through the practice of advowson whereby the rights of appointment of priests was given to the landowner patrons. Control of this was a major issue for Henry II and Thomas Becket and in fact was the subject of the first clause of the Constitutions of Clarendon.

Law and Order

There was an almost complete breakdown in law and order during the whole of Stephen's reign. There were two aspects to this. Firstly, the outbreaks of lawlessness by barons who occupied or built castles which were supplied with knights, weapons and food. They then wrought chaos in the neighbouring towns and villages. An example is Robert of Bampton who:

Gathered knights and archers in his castle, and grievously afflicted all his neighbours with fire and pillage.²⁷

Another example was Baldwin de Redvers who occupied the royal castle in Exeter by:

Entered the city [Exeter] in uncommonly arrogant style...accompanied by armed soldiers...he was hastily collecting all sorts of possessions in the

²⁷ GS, p. 29.

castle...loudly threatening fire and sword against all who did not yield to his presumption.²⁸

These are just two examples of the violence – completely unconnected with the civil war between Stephen and Matilda. Stephen's inability to deal effectively with these outbreaks (in both of the examples above, the miscreants managed to avoid the king's punishments despite successful sieges) emphasised for Henry II the need for an effective way of controlling a breakdown in law and order. This was an often repeated feature of the character of King Stephen both in dealing with violence and dealing with his rival for the throne, his cousin the Empress Matilda. Despite having the opportunity, Stephen dealt lightly with David of Scotland after the battle of the Standard, with Ranulf, Earl of Chester when conceding Lincoln to him (this mistake eventually led to Stephen's capture at Lincoln) and with others.

The second aspect of the breakdown in law and order was the effective civil war based on the dynastic struggle between King Stephen and his cousin, Matilda, who claimed to be the rightful queen. Stephen had two opportunities to deal effectively with his rival Matilda. The first was when she first crossed to England in 1139 and landed at Arundel Castle. Stephen was persuaded to grant free passage to her to join her half-brother, Robert of Gloucester, at his stronghold in Bristol. This missed opportunity astonished Orderic of Vitalis, who wrote:

'In granting this licence the king showed himself either very guileless or very foolish, and prudent men must deplore his lack of regard for his own safety and the security of the kingdom'.²⁹

²⁸ GS, p. 33.

Apparently, Stephen was advised by his brother Henry, bishop of Winchester, that the continuance of the siege of Arundel would trigger violence in Bristol by Robert of Gloucester which would have the effect of splitting the king's forces.³⁰

Three years later, Matilda was under siege in Oxford castle in the winter and almost certain to be captured due to the fact that 'food and every means of supporting life were almost exhausted in the castle' ³¹ Despite posting 'vigilant guards in different places round the castle'³², Stephen carelessly enabled Matilda to escape by dressing in white and crawling across the snow!³³

There was a further opportunity, to which Henry II was himself a party. In 1147, when Henry was just 14 years old he was in Angers with his father but, frustrated by the lack of progress by his mother, decided to 'invade' England. He arrived reputedly at the head of many thousand troops and with a countless quantity of treasure. It quickly became apparent that actually he had just a small party of mercenary knights and no money. Having no money is a major issue when you have hired mercenaries and so he appealed to his mother and uncle (Robert of Gloucester) for help. None was forthcoming so, in desperation, he appealed to King Stephen himself. The author of the *Gesta Stephani*, reporting this story wrote that:

²⁹ OV, p. 535.

³⁰ GS, p. 89.

³¹ GS, p. 143.

³² *Ibid*, p. 143.

³³ *Ibid*.

On receiving this message the king, who was ever full of pity and compassion, hearkened to the young man, and by sending money as had been asked he gladly helped one whom, as his rival for kingship and utterly opposed to him, he should have deprived of any kind of aid'.³⁴

It is true to say that these incidents have little relevance in the dispute between Henry II and Thomas Becket but they were relevant in the determination by Henry II to establish a firm foundation of law which would apply to all his subjects – clerics or not. What seemed to him to one of the root problems of the violence was the castles – especially those built or occupied by enemies of the crown – the so called adulterine castles. Henry II was determined to be rid of these but, naturally, many of these fortifications had been built by, or occupied by, bishops. Destroying what would be perceived as church property was unacceptable to Thomas Becket. The dynastic issues had been resolved by the Treaty of Westminster of 1153 by which King Stephen conceded the succession to the son of his rival – the future Henry II.

The most important and potentially devastating legacy from Stephen's reign was the lawlessness. Henry needed a way to ensure that any outbreaks of lawless violence were stamped on very quickly and the miscreants suitably punished. William of Newburgh reported that

Henry ordered all miscreants to be rooted out. Theft, pillage and murder were often committed by clerics. It was claimed that more than 100 murders had

³⁴ GS. P. 207.

been committed by clerics in England and more than 1000 other cases of lighter misdemeanours.³⁵

Thomas Becket was more concerned about the abuses of the clergy, rather than by the clergy. In 1143 the Henry, bishop of Winchester and the brother of the king, held a council in London to discuss 'the clergy's urgent needs'. Henry of Huntington reports this:

Plunderers were paying no respect either to clerks or God's church, and clerks were being taken captive and ransomed just like laymen. At this council it was decreed that anyone who laid violent hands on a clerk could be absolved only by the pope, and that in person.³⁶

The principles of canon law, claimed by Thomas Becket, were that 'clerics' were to be dealt with by the ecclesiastic courts and not the secular. Canon law, however, existed in mountains of documents, some of which are now known to be forgeries (for example, 'The False Decretials')³⁷. Lanfranc had brought to England a very large collection of documents, known as 'The Lanfranc Collection'³⁸. These collections did not comprise a codified legal system, for the most part they consisted of thousands of papal decrees many of which were contradictory or ambiguous.

The same problem existed with secular law. There was no written law code and there were considerable regional variations in the accepted practice of the judicial system. Henry II started the process of creating a universal, or 'common' law, by the Assize of Clarendon in 1166 but before that he wanted to formalise the relationship

³⁵ HRA, p. 71.

³⁶ HA, p. 743.

³⁷ Brooke, p. 85.

³⁸ Ibid, , p. 84.

between church and state. This he did at a Council he summoned at the palace of Clarendon in January 1164. Here he produced a document of 16 clauses which was described as:

...a record and declaration of a certain part of the customs, liberties, and privileges of his ancestors, that is, of King Henry, his grandfather [Henry I], and of other things which ought to be observed and maintained in the realm.³⁹

The Council was attended by virtually all the important figures of the realm including two archbishops, twelve bishops and countless magnates and nobles, clergy and lay.⁴⁰

The Council was a tempestuous affair. Initially, Becket refused to move on his often repeated principle that any agreements or concessions would only be made *salvo ordine meo* (saving my order), and required the Archbishop of York and all the other twelve bishops to follow his lead. Eventually, Becket was persuaded to agree the clauses *in bona fide* (in good faith) and required all his bishops to change with him. This *volte face* infuriated some of them, especially Gilbert Foliot, the bishop of London, who wrote him a scathing letter in which he accused Becket himself of being the traitor to his own cause:

It was the leader of our chivalry who turned his back, the captain of our camp who fled; our lord of Canterbury himself abandoned the society of his brethren and forsook our common counsel.⁴¹

³⁹ EHD, p. 766.

⁴⁰ Ibid, p. 767.

⁴¹ EHD, pp. 141-2.

Thomas Becket, who had refused to seal the document, later changed his mind about accepting the clauses after consultation with the Pope. In summary, the disputed clauses were:

- 1: Disputes regarding advowson to be determined in the king's court.
- 3: Accused clerics to be tried by the king's court for 'matters which ought to be tried there'.
4. Prohibition on bishops leaving the realm without licence from the king.
5. Excommunicates should be absolved on a pledge to adhere to the judgment of the church.
- 7: No tenant-in-chief of the king to be excommunicated without consultation with the king.
- 8: Appeals from church court judgments to be finally determined by the king.
- 9: Land disputes between a clerk and a layman to be determined by a jury in the king's court.
10. No excommunication for laymen summoned to a church court and refusing to give satisfaction without giving the chance to answer in the king's court.
- 12: Vacant ecclesiastical benefices in the royal demesne to remain the king's land. Appointments to such benefices to require oaths of fealty to the king.
- 15: Pleas regarding debts to be heard in the king's court.

This was the basis of the king's clumsy attempts to formalise relationships with the church. It contained too many subjective conditions and went too far in attempting to restrict the clergy. It was never agreed by the English church or the Pope.

Conclusion

The three most important legacies from the reign of King Stephen were the problems relating to the disputed succession both of Stephen himself and later of his own heirs, the state of general lawlessness and Stephen's inability to effect peace and thirdly the relationship between the King and his archbishops, bishops and the pope. Henry II was determined to restore to England the 'customs and privileges' enjoyed in the time of his grandfather, and to restrain the activities of his bishops by the application of his own laws. He was also anxious to guarantee the succession of his son and heir, Henry, by arranging a coronation of the young king.

Thomas Becket was determined that all his rights and the rights of bishops, abbots, archdeacons priests and other clerics under Canon law were unaffected. These rights included determination of disputes or crimes involving clerks in the church courts and without interference from the king and also the rights of bishops to appeal to the Pope and to attend Papal councils without restriction. It became clear that one party would have to give way despite the fact that a resolution of the differences was close, actually announced by a writ of Henry II's after the agreements between the two men at Freteval in July 1170. This is what was announced by the writ of October 1170:

... Know that Thomas, archbishop of Canterbury, has made peace with me according to my will. I therefore command that he and all his men shall have peace.⁴²

⁴² EHD, p. 807.

Less than three months later, archbishop Thomas Becket was murdered at an altar in his cathedral in Canterbury by four knights claiming to be acting on behalf of king Henry.

Chris Dixon – April 2023.

Abbreviations and Bibliography (Primary Sources)

ASC-1, *The Anglo-Saxon Chronicle, vol 2: translation*, Edited and Translated by Benjamin Thorpe (Cambridge: Cambridge University Press, 2012).

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