

SESSION 3

Henry II and Archbishop Thomas Becket: the origins of the quarrel, from Thomas's election (May 1162) to the Council of Westminster (October 1163)

It is worthwhile recalling that there was a gap of a year before Thomas was appointed archbishop, and that – even though they were writing with hindsight – the biographers of Thomas portray him as foreseeing trouble. They show him as a reluctant archbishop. In contrast Gilbert Foliot in a letter *Multipliciter* (1166) accused Thomas of conniving to be archbishop, and that the election was made under pressure – a charge Thomas denied.

There have been many interpretations of what happened after Thomas Becket became archbishop. Did Becket go out of his way to provoke a dispute with the king? If so, why? Why did the king's man become the champion of the church? For many historians this has been the crux of the problem of interpretation. Did Becket really change or had he always been a 'saint' in disguise? Was he, as Z. N. Brooke interpreted it, a consummate actor who merely played every part he was assigned to the full? Or, as David Knowles would have it, did his election as archbishop release his true self that had been submerged beneath the worldly courtier? What were the real issues at stake?

Points to consider

- 1 What actions did Becket perform immediately after his consecration that might have provoked the king? What prompted them?
- 2 What issues were raised at the council of Woodstock in July 1163 and why were they significant?
- 3 At the Council of Westminster in October 1163 Henry raised the issue of criminous clerks. What was his concern? (Look, for instance, at the case of Philip de Broi).
- 4 Why was the case of Osbert de Bayeux significant?

Reading Guide

The relevant sources are printed in Staunton, *Lives of Becket*, pp. 70–91. The following extract may be useful.

William Fitz Stephen describes Becket's 'conversion'

In his consecration he was anointed with the visible unction of God's mercy. Putting off the secular man, he now put on Jesus Christ. He vacated the secular duties of the chancellorship and was at pains to fulfil the functions of a good archbishop. To this end he kept a strict watch over his mind. His speech was grave and to the edification of his hearers. His works were those of mercy and piety, his decisions in conformity with justice and equity. Clad in a hair shirt of the roughest kind which reached to his knees and swarmed with vermin, he mortified his flesh with

the sparest diet, and his accustomed drink was water used for the cooking of hay. He was always, however, the first to taste the wine before giving it to those who sat at table with him. He would eat some of the meat placed before him, but fed chiefly on bread. Yet all things are pure to the pure, and it is the appetite not the food which is to blame. Frequently he exposed his naked back to the lash of discipline. Immediately over his hair shirt he wore the habit of a monk, as being abbot of the monks of Canterbury. Above this he wore the garb of a canon, in order to conform to the custom of clerks. But the stole, the emblem of the sweetest yoke of Christ, was ever day and night around his neck. . . . His predecessor, Theobald, had doubled the regular alms of the bishops who had gone before him. And now Thomas, in a spirit of pious rivalry, resolved that all Theobald's donations should be doubled. . . . In his private cell everyday he washed the feet of thirteen beggars, kneeling on his knees in memory of Christ. . . . Furthermore he entertained in his house the outcast and the needy, and clothed many against the severity of the Winter. At Canterbury he received many of them in person, sitting in the cloisters like one of the monks, studying from some large volume. Afterwards he would go and visit the monks who were sick in order to learn their wants and fulfil their desires. . . . The glorious archbishop Thomas, contrary to the expectation of the king and everyone else, so utterly abandoned the world and experienced that conversion which is God's handiwork, that all men marvelled.

Herbert of Bosham's account of the Council of Westminster

Having explained the cause of the summons, the king instantly demanded that clerks seized or convicted of great crimes should be deprived of the protection of the church, and handed over to his officers, adding that they would be more prone to do evil unless after spiritual penalty they were subjected to corporal punishment, and that those who were not restrained from such outrages by the thought of their sacred orders would trouble little at the loss of them. Moreover the more worthy they were than others of the privilege of clergy, so much the greater was their guilt; wherefore they should be coerced by sterner penalties whenever they were detected in crime. Accordingly the king, relying on the advice of certain individuals who made a show of learning and skill in both branches of the law [i.e. canon and civil law] incontinently demanded that such guilty clerks should speedily be deprived of their orders and handed over to the civil court; which procedure was sanctioned not only by human law but also by the canonical authority of the divine law; wherefore also, concerning such, it is frequently found in the canons: 'Let him be handed over to the court'. From this, those who were apparently prepared to put their learning at the king's service in order to curry favour with him, argued that such clerks should in no wise be exiled or sent into a monastery, but rather, as the canons ordain, they ought 'to be handed over to the court', and this they interpreted to mean to be delivered to the secular arm to be punished.

On points (1), (2) and (3) see the accounts by William fitz Stephen, Edward Grim, Herbert of Bosham. Consider how these might reflect the viewpoint of Becket's supporters. Try to analyze what Becket seems to be have been hoping to achieve in these confrontations with the king.

On (3) see Cheney, 'Punishment of Felonious Clerks'; Duggan, 'The Becket Dispute and the Criminous Clerks'; Gabel, *Benefit of Clergy*. When considering the issue of 'criminous clerks' (that is, the issue of how to deal with clerics alleged to have committed a crime), you might find the following useful.

William I's writ concerning the hearing of ecclesiastical pleas. This was issued sometime

between 1072 and 1076, probably in April 1072.

No bishop or archdeacon shall henceforth hold pleas relating to episcopal laws in the hundred court, nor shall they bring to the judgement of secular men any matter that pertains to the judgement of souls, but anyone cited according to episcopal laws shall answer at the place the bishop shall appoint and name and there shall plead his case or answer for his crime. He shall not be tried according to the law of the hundred court, but he shall submit to the justice of God and his bishop in accordance with the canons and the episcopal laws.

How far is this an important stage in the development of the idea of *privilegium fori*, that is, benefit of clergy? Note that it reserves for the judgement of the bishop certain types of pleas or cases (those relating to spiritual matters); it does not reserve for his judgement the crimes of a certain class of people, that is, clerics.

Leges Henrici Primi (early 12th century)

. . . The bishop should have jurisdiction of all accusations, whether major or minor, made against those in holy orders . . .

Thomas Becket writes to the Pope:

. . . The clergy were hitherto *by special privilege* entirely exempt from lay jurisdiction.

He may be referring to part of the Coronation Charter of King Stephen (1135)

. . . I allow and concede that jurisdiction and authority over all ecclesiastical persons and over all clerks, and their property, together with the disposal of ecclesiastical estates, shall lie in the hands of the bishops . . .

Thomas Becket's view of the clerical estate

The clergy by reason of their orders and distinctive office have Christ alone as king. And since they are not under secular kings but under their own king . . . they should be ruled by their own law which has its own means of coercion.

God does not judge twice for the same offence.

On (4) see Knowles, 'Case of St William of York', and Christopher Norton, *St William of York*.