

KING STEPHEN
AND BISHOP HENRY OF WINCHESTER:
A STUDY OF THE ANARCHY
1135-1141

Thesis for the Degree of M. A.
MICHIGAN STATE UNIVERSITY
John William Perrin
1957

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By
JOHN WILLIAM PERRIN

AN ABSTRACT

Submitted to the College of Science and Arts
Michigan State University of Agriculture and
Applied Science in partial fulfillment of
the requirements for the degree of

MASTER OF ARTS

Department of History

1957

Approved

Raymond C. Gasper
Major Professor

ABSTRACT

When Henry I of England died on 1 December 1135, after thirty-five years of consolidating the feudal monarchy of his father the Conqueror, he left no male heir. His lone surviving legal issue was a daughter, Matilda. Henry had hoped to secure her succession by an oath of allegiance from the magnates of the realm to support her upon his death. But his plan went awry. When Stephen of Blois heard of his uncle's death, he quickly crossed the channel and was accepted as king by London and the Archbishop of Canterbury. After securing the royal treasure at Winchester, he was coronated by Archbishop William of Canterbury at Christmas time, 1135.

One of the foremost supporters of Stephen in his drive to the crown and the first stages of his reign was his brother Henry, Bishop of Winchester. Bishop Henry had been in a position to assist Stephen in acquiring the treasure at Winchester, and his surety to the Archbishop of Canterbury of Stephen's oath to restore and maintain the freedom of the Church had helped secure the Archbishop's coronation of Stephen. It seems fairly evident that Henry's motive at this time was to secure a monarch who would be favorably inclined towards ecclesiastical goals, i.e. the freedom of the Church, and what better candidate than Henry's own brother Stephen.

This close association of the two brothers continued through mid-1136, but thereafter showed signs of steady deterioration. The capstone of this situation was the arrest and humiliation of the bishops in June of 1139 and the consequent legatine council called by Bishop Henry in August. By the end of this council the men were following separate paths - Stephen to dominate the Church by force if necessary, Henry to ponder a means of securing ecclesiastical freedom.

The arrival of Matilda Empress in England in 1139 to actively contend for her lost inheritance opened a new means of relief for Bishop Henry and any disaffected barons. When the king was captured at Lincoln in February 1141, Henry used his legatine position to exchange a pledge of personal control of English ecclesiastical matters for recognition of a legitimate claim to the throne. Stephen was declared deposed by God. But Matilda soon proved more treacherous than Stephen, and with a promise from Stephen's queen of reform, Bishop Henry returned to his brother's allegiance.

The personal relationship between Stephen and Henry is of significance throughout the flow of events, and could have had disastrous results had Matilda maintained the allegiance of Bishop Henry after the capture of the king. And though Henry might be accused of personal ambition in seeking personal control of ecclesiastical

affairs, he also might have genuinely felt he was furthering the best interests of the Church against a monarch who had become tyrannical and corrupt in his dealings.

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PREFACE

This is for my wife and Dr. Marjorie Gesner,
whose persistence and assistance have helped it
to what merit it holds.

JWP

INTRODUCTION

The reign of Stephen in English history is as important as it is little known. Generally regarded as the period of the Anarchy, it comes at a crucial period in the development of the English Monarchy. William the Conqueror and his sons, William Rufus and Henry I, had created a centralized feudal monarchy on the solid foundations of the old English local government. Introducing the formal aspects of feudalism to a country which had already in existence that personal dependence characteristic of the system, the Conqueror had blended them into a unique and well-controlled system. This tendency to centralization was continued by his sons, most especially Henry I.

When Stephen became king in 1135, he did so by means of a coup which left him susceptible to manipulation. A man who was by nature gentle, he soon proved himself inept at ruling, and the barons were not slow to follow up this advantage. Complicating the political situation was the existence of an alternate and legal claim in the person of King Henry's daughter Matilda.

Stephen's most important advocate at the beginning of his reign was his brother, Henry. He had been raised as a child at Cluny and was Bishop of Winchester when Stephen came to England and claimed the throne. Through the agency of Henry, Stephen had been able to

fulfill the requirements of William Archbishop of Canterbury after having been elected to the throne by the citizens of London. By 1141, when Stephen was captured by the forces of his rival Matilda, this position had changed immeasurably. It was Stephen's own brother, Bishop Henry, who as legate in England declared the king deposed and Matilda elected.

The purpose of this paper is to study the relationship of these two men as they move through the period 1135-1141, and to determine what extent this relationship influenced or determined the flow of events. The study has been limited to this period because it represents, in the author's opinion, the best example of inter-action between these two men.

The problems which were to descend upon England during that period of her history known as the Anarchy have their roots in the reign of King Henry I. Although he was the father of at least twenty-two children, only two were born in lawful wedlock. Of these, the legitimate male heir, William, was lost in the sinking of the White Ship, and only Matilda remained to represent the direct line of William the Conqueror.¹ However, she was married to the Holy Roman Emperor Henry V, and there seemed no hope for the dynastic dreams of the Dukes of Normandy.

Then, in 1125, Emperor Henry most suddenly and conveniently died, and King Henry had the Empress Matilda returned to England. At Westminster, during Christmas time 1126, Henry extracted from the barons, clergy and other great men of the realm an oath that if he should die without a male heir, they would accept his daughter Matilda as his successor.² The king went to great lengths

¹A.L. Poole, From Domesday Book to Magna Carta, 1087-1216 (Oxford, 1951), p. 131 and note. Hereafter cited as A.L. Poole, Domesday Book.

²The Chronicle of Winchester, ed. and trans., Rev. Joseph Stevenson, in The Church Historians of England (5 vols. in 8, London, 1853-58), Vol. IV, pt. 1, a. 1126. Hereafter cited as: The Chronicle of Winchester. Robert of Torigny, History of King Henry the First, ed. and trans., Rev. Joseph Stevenson, vol. V, pt. 1, c. XXV. Hereafter cited as: Robert of Torigny. William of Malmesbury, The Historia Novella, trans., K.R. Potter (London, 1955), c. 450. Hereafter cited as: Malmesbury.

to show that she alone had a legal claim, descending on her father's side from kings and on her mother's side from Egbert King of Wessex through King Edward and Malcolm King of Scots.³ He thus hoped to secure her acceptance and continue the rule of his house.

But there were a number of complicating factors which should perhaps be examined at this time. Maud was a woman, and neither English nor Norman custom called for such a precedent - the crown might descend through a woman, but not to one. The man to whom she was to be wed⁴ was Geoffrey of Anjou, son of Fulk, Count of Anjou, a dynasty which had a long standing feud with the Normans. In the event of this marriage, the English barons would be faced with the prospect of either Geoffrey ruling instead of his wife, or, if King Henry died leaving a young son or grandson, the prospect of a long regency. Neither seemed very acceptable, especially in view of the nature of Norman-Angevin relations. The attitude of the feudal barons also assumed importance and must be considered. They had been hard put by King Henry during his reign. He had

³Malmesbury, c. 450.

⁴Undertaken as a means of consolidating continental holdings, of settling the troubles between the Normans and Angevins, and perhaps of securing, eventually, an heir.

inherited that strongly centralized feudal monarchy established by his father the Conqueror after 1066. Henry's brother, William Rufus, had done little to improve the system, but at least had passed it on intact. Henry had spent the better part of his reign of thirty-five years increasing and elaborating the royal administration, particularly in the areas of finance and justice. This growth of royal, centralized control struck a blow at the very essence of feudalism, i.e. aristocratic, decentralized control. If this increased royal control did not hamper the baron's individual actions entirely, it at least pressed them rather hard. In view of this there can be little doubt that the barons did not want a future sovereign of the nature of the Conqueror or his son Henry. They were certainly as aware of King Henry's dynastic situation as he was himself, and therefore could not be counted upon to support a contender who promised to be of the same temper.

The uneasy situation of this plan and alliance by marriage came to the fore soon after. The Empress was repudiated within a short time by her husband Geoffrey, and she returned to the care of her father.⁵ Before she was allowed to return to Geoffrey in 1131, a great

⁵Simeon of Durham, History of the Kings, ed. and trans., Rev. Joseph Stevenson, vol. III, pt. ii, a. 1129. Hereafter cited as: Simeon of Durham.

council was called at Northampton to decide the question.⁶ The barons allowed the reunion, and before leaving renewed or took for the first time the oath to support Maud as her father's successor.⁷ The barons were not to be allowed to forget or to say that they had not taken the oath. Kate Norgate⁸ states that the situation changed again in 1133, with the birth of young Henry. King Henry saw that the objection to Maud's sex could be overcome by a regency for the young heir. Calling another council, he again made the great men of the realm swear fealty to the Empress and also her little son, whom he appointed to be king after him. The matter of succession now seemed settled.

Another event of note in this period was the accession of Henry of Blois to the bishopric of Winchester. Henry had been brought up from infancy as a monk at Cluny, and had first come to England at the request of his uncle, King Henry, who made him abbot of Glastonbury, in Hampshire. With his elevation to the see of Winchester,

⁶Kate Norgate, England Under the Angevin Kings (2 vols., London, 1887), I, 268 and note. Hereafter cited as: Norgate, Angevin Kings.

⁷Malmesbury, c. 455.

⁸Norgate, Angevin Kings, I, 269 and note. Malmesbury, usually very reliable, makes no note of this council, perhaps suggesting it was held on the continent.

he was also allowed to retain the abbacy of Glastonbury, in augmentation of his dignity.⁹ The significance of this lies in the fact that the city and bishopric of Winchester were the second place in the kingdom, after London. King Henry would have been unwise to approve anyone for such a position unless he could depend upon him during the due course of events. This in turn gives us a little look in advance at the qualifications of the new Bishop Henry - at least so far as King Henry was concerned. He must have been capable, and the accounts of his actions shows us that he was. He must have been ambitious, and the accounts again tell us he was - the only question being for whom. Was it ambition for the Church or for himself which motivated Bishop Henry during the early years of his brother's reign? We shall try to settle this question as we retrace the major events in the period 1135-1141 and the relationship between Bishop Henry and his brother Stephen.

The closing months of King Henry's reign were stormy ones. He spent that time on the continent, attending to his possessions there and enjoying the company of his grandsons. He was involved in a disagreement with his young son-in-law Geoffrey about the government of Nor-

⁹Simeon of Durham, a. 1129.

mandy and the possession of castles there.¹⁰ No doubt other Normans besides William Talvace¹¹ were harboring revolt in their hearts, and Roger de Hoveden attributes it to Henry's daughter the Empress, whom he says caused the young Count Geoffrey to quarrel with King Henry.¹² The impasse seems to have been so great that the Empress left King Henry in Normandy and returned to her husband in Anjou.¹³ In addition to this, the king heard of a rebellion of the Welsh, and though he three times tried to sail for England with a body of retainers, his efforts were unsuccessful. Finally, while hunting near Lyons in Normandy the king fell ill and, at the abbey of St. Denis on 1 December 1135, "paid his debt to nature in the dead of night".¹⁴

At the news of King Henry's sickness, barons began gathering at St. Denis. Among those present were: Robert, Earl of Gloucester, William de Warrenne, Rotrou

¹⁰Orderic Vitalis, Ecclesiastical History, trans. and notes, Thomas Forester (4 vols., London, 1853), B. XIII, c. xviii. Hereafter cited as: Orderic.

¹¹Robert of Torigny, c. xxiv.

¹²Roger de Hoveden, Annals, trans. and notes, Henry T. Riley (2 vols., London, 1853), I, 224. Hereafter cited as: Roger de Hoveden.

¹³Robert of Torigny, c. xxiv.

¹⁴Malmesbury, c. 457.

of Mortain, Waleran of Mellent, and Robert of Leicester, as well as other feudal lords and castellans.¹⁵ The number cannot have been too great, for there was not even time enough for the Empress to arrive from Anjou. When she did reach Normandy, in about the first week in December, she arrived without the aid of her husband Geoffrey. He was detained at home by the uprising of Robert de Sable' in conjunction with some other men. Maud received the command of a few castles from men who were probably, like Guigan Algason, men of mean origin and viscounts of the late king.¹⁶ Meanwhile, the Normans held a council at Neubourg for the purpose of choosing a new ruler. Their choice fell to Theobald of Blois, older brother of Stephen and Bishop Henry. But an envoy arrived from Stephen announcing that Stephen had been accepted by the English. With Theobald's consent, the council took no action, since many of the barons held fiefs in both lands.¹⁷

Stephen was on the continent when he heard the news of King Henry's death. He quickly crossed the Channel to England and made his way to London. There

¹⁵Orderic, B. XIII, c. xix.

¹⁶Robert of Torigny, c. xxxviii. Orderic, B. XIII, c. xxi.

¹⁷Orderic, B. XIII, c. xx.

he was elected king by the citizens, who held it was their right and privilege, especially in view of the dire circumstances under which the kingdom suffered.¹⁸ After his election at London, Stephen proceeded to Winchester to secure the crown and the royal treasure. He was met there by his brother Henry, Bishop of Winchester. After a short talk together, the bishop escorted him into the city, with the leading citizens.¹⁹ The keeper of the royal castle and the treasure was William de Pont de l'Arche. Bishop Henry had tried earlier to secure the treasure and the castle by words and gold, but had failed. William now turned them over to the newly-elected monarch.²⁰ With the royal treasure thus in his possession, Stephen returned to London to be crowned.

It is perhaps appropriate to pause at this time and consider the details and significance of this election and crowning, and the meaning it will have for Stephen as king of England. Stephen had been elected by the citizens of London, who held it their especial right. But he had also sworn to a mutual compact of

¹⁸Gesta Stephani, trans., K.R. Potter (London, 1955), c. 2. Hereafter cited as: Gesta.

¹⁹Gesta, c. 3.

²⁰Ibid., c. 4.

support and protection with the Londoners.²¹ Stephen may even have granted them a charter with rights of self-government, since we later find reference to the commune of London.²² William, the Archbishop of Canterbury, was first to raise the question of the oath to support Maud. He felt that this, as well as such a narrow base of election for such a broad functionary, negated any action the Londoners might take.²³ Stephen's supporters countered with a number of factors: that King Henry had compelled the barons to take the oath, but on his death bed plainly showed repentance;²⁴ that London, the leading city in the whole kingdom, had accepted without objecting; that Stephen was a suitable candidate owing to close relationship to the line of the Conqueror; that the present state of anarchy in the kingdom demanded a new fount of justice; and that Stephen would have as support his brothers Theobald and

²¹Gesta, c. 2.

²²Malmesbury, c. 495.

²³Gesta, c. 4.

²⁴Ibid., c. 4 and note. J.H. Round, Geoffrey de Mandeville (London, 1892), p. 6, claims the stories of Gervase and Ralph de Diceto in which Hugh Bigod swears by oath King Henry released the barons is proved by independent evidence of the Historia Pontificalis. Malmesbury, c. 457, says Henry assigned lands on both sides of the sea to the Empress Matilda.

Henry, to supplement anything which might be thought to be lacking in him.²⁵ Roger, Bishop of Salisbury and Justiciar of the late King Henry, asserted that he had been released from the oath to Maud because he swore only on condition that the king would not give Matilda in marriage to anyone outside the kingdom without first consulting the Great Council.²⁶

However, this whole situation goes much deeper than the hesitancy of the archbishop to accept Stephen for the throne because of an oath taken to support Maud or her heir. Henry had been a strong king, following up every advantage by which he could strengthen the crown against the corroding, decentralizing tendencies of feudalism. He had inherited a solid potential in the system left by his father, William the Conqueror, and had used it to its fullest advantage, not only as concerned the barons but also the Church.²⁷ Both laymen and ecclesiastics, then, were well aware what the continuance of a reign like that of Henry's could mean to their individual interests.

²⁵Gesta, c. 4.

²⁶Malmesbury, c. 452.

²⁷See the Gesta, c. 13, for a scorching indictment of King Henry's treatment of the Church.

Then Stephen appeared on the scene, a pretender to the throne. True, he was descended from the Conqueror, but there existed a more direct descent in Matilda and her son Henry. The problem here was that Maud was a woman, her heir yet a child of three,²⁸ and her husband an Angevin most thoroughly despised. In view of old English custom, a woman sovereign was unprecedented, and in time of need a regency equally distasteful. Hence the only thing which overtly bound the kingdom to the Empress was the oath which had been sworn to support her or her heir.

Stephen was personally well known in England, having for many years been a favorite of King Henry, and enriched by him with fiefs both there and on the continent. No doubt he was well known as a friendly man, and not of the same calibre as his late uncle. Two contemporary chroniclers have this to say of him:

He was a man of energy but little judgment, active in war, of extraordinary spirit in undertaking any difficult task, lenient to his enemies and easily appeased, courteous to all: though you admired his kindness in promising, still you felt his words lacked truth and his promises fulfilment;....²⁹

²⁸Born in March 1133. See Norgate, Angevin Kings, I, 268, and Sir James H. Ramsay, Foundations of England (2 vols., London, 1898), II, 338. Hereafter: Ramsay, Foundations of England.

²⁹Malmesbury, c. 461.

He made himself affable and free from stiffness to all of whatever age. He was even of such a kindly and gentle disposition that he commonly forgot a king's exalted rank and in many affairs saw himself not superior to his courtiers, but in every way their equal, sometimes actually their inferior.³⁰

Here indeed was a chance to escape the haughty nature of the Empress and the possibility of Geoffrey of Anjou ruling in the stead of his wife or his son. And in addition, a bargain could be driven with the pretender Stephen.

The final apprehensions of Archbishop William of Canterbury were removed by Stephen's oath to restore and maintain the freedom of the Church, and Henry, Bishop of Winchester gave the matter further weight by making himself guarantor and surety of Stephen's oath.³¹ What Bishop Henry hoped to gain by this we cannot be sure but as a man raised in the reform movement of Cluny he may well have thought to bring the

³⁰Gesta, c. 12.

³¹Malmesbury, c. 460. Both the Gesta and Malmesbury feel that Bishop Henry was the most important factor in Stephen's drive to the throne. Yet the Gesta says that the bishop failed to secure the treasure before Stephen's arrival in Winchester. A.L. Poole, Domesday Book, p. 133, says the bishop was "doubtless instrumental". Doubtless he was, but one can also appreciate William refusing to give up his trust until he saw Stephen and knew the truth of the matter. Nevertheless, Bishop Henry's warranty of Stephen's oath to free the Church is significant.

Church in England up to a level commensurate with that ideal. And he may well have decided that his brother Stephen was just the tool to help him do the job. At any rate, having won over London, two of the top ecclesiastics in England, and the head of the royal curia, Justiciar Bishop Roger of Salisbury, Stephen was crowned king on 22 December 1135. In attendance were three bishops (Canterbury, Winchester and Salisbury), no abbots and very few nobles.³² On such a lonely note began the reign of King Stephen, a reign which was to last through thick and thin for nineteen years. For the time being Stephen had the backing of the cities of London and Winchester, the blessing of a Church crowning, the support of the Archbishop of Canterbury, the Justiciar and Bishop of Salisbury, Roger, and his brother Bishop Henry, as well as the resources of King Henry's treasure. The baronage was

³²Malmesbury, c. 461. In view of a charter of Stephen probably given after the crowning or at Christmas and significant for its meagerness and lack of witnesses, the statements in the Gesta, c. 8, and in The Continuator of Florence of Worchester, trans. and notes, Thomas Forester (London, 1854), a. 1135, that a number of the nobility were present must be rejected. See English Historical Documents, 1042-1189, ed. David C. Douglas and George W. Greenaway (London, 1953), p. 402, for the charter. Extant charter evidence shows that the barons and clergy did not make any large appearance at the royal court until Easter of 1136 at London and the giving of the charter of liberties at Oxford in the same year.

the only question mark. The only mention we have of action on their part was the council held in Normandy which sought to elect Theobald. Perhaps they simply stayed away, waiting to see what the outcome of these events would be; or were in Normandy; or, more probably, did not know what was happening until the affair was concluded.

Stephen's first major act as king was to march to the north of England and settle the border raiding by the men of David King of Scotland. As an uncle of the Empress he had a good reason for such action, though private gain may have been the primary motive force. After meeting with Stephen at or near Durham,³³ David accepted lands in the north in return for peace. David's son Henry did homage to Stephen for the fiefs, and returned with Stephen at Lent to London in preparation for the king's Easter court.

The magnificence of this court is attested to by Roger de Hoveden,³⁴ and it is here that we can get a clearer picture of the baronage and their acceptance of Stephen as king. Two charters given at this time are extant, and from the lists of witnesses we can

³³Roger de Hoveden, I, 229.

³⁴Ibid., p. 229.

see the number and prominence of the magnates of the kingdom who had come to Stephen's court and made a settlement with him. Included are three earls, a large number of barons and clergy, as well as some members of King Henry's administration.³⁵ Since these men were at court, we must assume that they had made some sort of settlement with Stephen concerning their allegiance. The author of the Gesta tells us that after the word of Stephen's crowning had spread around the kingdom, the barons came to him and, receiving many gifts and enlargement of their lands, swore a voluntary oath to support Stephen.³⁶ The king was also anxious to secure the allegiance of the officials of the late king's government, and we find their names on the grant given to Winchester at the Easter Court.³⁷ They had refused earlier requests of Stephen's to appear at court because of their oath, their fear of the nobles,³⁸ and perhaps apprehension for injustices done under the heavy

³⁵Round, Geoffrey de Mandeville, pp. 262-263.

³⁶Gesta, c. 5.

³⁷Round, Geoffrey de Mandeville, pp. 262-263.

Note particularly Payne Fitz John and Miles of Gloucester, who held positions in the West of England.

³⁸King Henry had employed many men of mean birth whom he could trust in the administration of his kingdom. Not only were the nobles irate about losing crown jobs to mean-born men, but they also found these men very zealous in the pursuit of the king's ends.

hand of King Henry. Offered safe conduct, they appeared, and obtaining all their requests from the new king, swore a voluntary oath to support Stephen.³⁹

The last of the great barons to come to Stephen was Robert, Earl of Gloucester, though he had many times been summoned.⁴⁰ We find his name on the charter of liberties given by Stephen at Oxford in the first year of his reign.⁴¹ This charter, which contains for the most part concessions to the Church, and few items of secular interest, was quite possibly given soon after the council at London.⁴² The earl was the last of the great men to take an oath to Stephen, and with his adherence almost the whole of the kingdom had sided with Stephen, at least nominally. The oath which the earl took was highly conditional, and rested

³⁹Gesta, c. 12.

⁴⁰Gesta, c. 6.

⁴¹Douglas and Greenaway, Documents, pp. 403-404.

⁴²Round, Geoffrey de Mandeville, pp. 22-23. Round feels that the London council was adjourned to Oxford to meet the arrival of the powerful leader of the opposition, the Earl of Gloucester, that the charter of liberties was postponed until this time, and that it represents the final acceptance of Stephen by the magnates of England. The only evidence to support this position is the tendency of the two more important and contemporary chroniclers, Malmesbury (c. 463) and the author of the Gesta (c. 13) to run these events together.

on the king keeping his position unimpaired and upholding their agreement.⁴³ William of Malmesbury, Earl Robert's staunch supporter, says that the earl had been at pains to decide upon what he was to do in this trying moral situation - that is, his obligation to support his half-sister Maud's claim - and yet if he resisted it would do her no good and cause himself great harm. His final plan was to come and offer homage and oath, and once in England, work personally at persuading the barons to fulfill their oath to the Empress.⁴⁴

Earl Robert soon found that this was going to be a big job. Stephen had a vast amount of treasure at his disposal, much of it amassed during the reign of his uncle Henry. This gold and silver brought to Stephen's side many men, both foreign and native, of questionable ethics. They hoped to gain for themselves some of this treasure or land for their services. And Stephen was not stingy with his rewards to friends. Indeed, his very generosity and good naturedness had been two of the factors which endeared him to the baronage and led to his acceptance as king.⁴⁵ Stephen,

⁴³See Malmesbury, c. 463, and the Gesta, c. 6, for details of the earl's homage and oath.

⁴⁴Malmesbury, c. 463.

⁴⁵Ibid., c. 463.

for the present, was deeply entrenched, and only time would determine what the earl's best move would be.

The charter given at Oxford by Stephen marked his proclamation of the oath which he had given to the Archbishop of Canterbury before his crowning to restore and maintain the freedom of the Church.⁴⁶ That oath was by its very nature broad, but the Oxford Charter is specific. Stephen promised to prohibit such abuses as simony and confiscation of Church lands and revenues, and promised to honor free clerical elections, jurisdiction of ecclesiastical courts over clerics, and Church immunities. The only matters of lay significance were short references to the royal forests, injustices of the sheriffs, and money owed to the crown from pleas and other causes.⁴⁷

Another interesting facet of this Oxford Charter is the mention in the salutation of the confirmation of Stephen's kingship by Pope Innocent II. This may well have been only formal diplomatic recognition as Round argues,⁴⁸ but a look at the situation of the

⁴⁶Malmesbury, c. 460.

⁴⁷For full text of the charter see Douglas and Greenaway, Documents, pp. 403-404. Though the Forest section lessened royal prestige, the reference to the sheriffs reflected on royal local control of the barons, and the plea monies helped compose royal income, the charter as a whole is Church oriented.

⁴⁸Round, Geoffrey de Mandeville, p. 9.

papacy involved in a struggle over lay investiture in the Holy Roman Empire helps clear the picture a little. The schism which had existed in the papacy since the double election of 1130 continued at the time of Stephen's election and consecration. In fact, Innocent, though then recognized by Europe north of the Alps, was having trouble holding his own in Italy against Roger of Sicily, the North Italian towns, and the Roman nobility. He had been unable to visit Rome, and since 1133 had held his court and exercised papal functions from Pisa.⁴⁹ Innocent had appealed to the Emperor Lothaire for assistance, but Lothaire was himself involved in German problems of his own. It was not until Christmas 1135, that he managed to draw matters to a successful conclusion there and began to think of the Italian situation.⁵⁰ By the early part of 1136 the situation in southern Italy against Roger of Sicily had become so bad that Lothaire was driven into negotiation with the Greek Emperor, Innocent II and the Doge of Venice against a common foe.⁵¹ It was

⁴⁹Rev. Horace K. Mann, The Lives of the Popes in the Middle Ages, (12 vols., London, 1925), IX, 42. Hereafter cited as: Mann, Lives.

⁵⁰Ibid., pp. 43-44.

⁵¹Ibid., p. 46.

not until August 1136 that Lothaire was able to launch an offensive into Italy, and then he spent the next six months subduing the northern Italian cities.⁵²

With this clearly in mind, it is easy to see that Innocent could ill afford to lose the allegiance of England. When Stephen promised to restore and maintain the freedom of the Church, which was quite in line with the principles of the Cluniac reform movement in the papacy since the time of Gregory VII, recognition of his place on the throne was a reasonable concession. Further, Innocent had been told by the bishops, the king of France,⁵³ and by others that Stephen had been chosen by the united voice of the barons and people, had been duly consecrated by the clergy, and had ended the anarchy attendant on the death of King Henry.⁵⁴

Let us now review and evaluate the situation as it has developed for Stephen through the giving of the Oxford Charter. He was the elected and anointed king of England. But he was a limited monarch and not in the sense that all feudal monarchies are limited. He had

⁵²Mann, Lives, IX, p. 47.

⁵³Louis VI, deeply involved in feudal conflict to consolidate his control over his vassals, would have found the young Geoffrey of Anjou a formidable adversary with the acquisition of Normandy and England.

⁵⁴Mann, Lives, IX, 78.

more than the stipulations of a feudal contract to fulfill. He had been accepted conditionally by the Londoners, Earl Robert, and the Church⁵⁵ so long as he continued to fulfill his oath to them. He was probably accepted by the barons and Henry's old court officials on a conditional basis also.⁵⁶ Stephen was king on condition of good behavior. If some sort of malfeasance could be charged against him, this could be used as a legal cause of rebellion or deposition based on his breaking of the contract.

A rival claimant posed another problem for Stephen. Not completely disqualified, the Empress showed no signs of surrendering her claim to the throne. This could give any rebellious baron, brigand, or lord with a grievance an excuse to carry on activities against Stephen. Such persons would not be outlaws pure and simple. They could be justified.

Soon after the Easter settlement, Stephen fell very ill, causing a rumor about England that he was dead. On

⁵⁵Malmesbury, c. 464.

⁵⁶The Gesta, c. 5 and c. 12, represents these parties as devoting themselves wholly to his service, but one of the defenses for the rebels at Exeter was that Stephen was not their liege lord (Gesta, c. 20), and Miles of Gloucester, the constable, abjured his oath to Stephen in 1139 to join his liege lord, Robert Earl of Gloucester (Cont. Flor. Wor., a. 1139).

hearing this news, Baldwin de Redvers began oppressing the people in his area and seized the royal castle of Exeter.⁵⁷ As soon as he was able, Stephen led a force against Baldwin, captured his castle of Plympton, and revaged his lands as a lesson against rebellion. Baldwin was besieged in Exeter castle by the king's forces for nearly three months before water shortage forced them to ask for terms. Henry, Bishop of Winchester, was present at the time advising his brother Stephen, and noticing the condition of the supplicants, pressed for harder terms. On his advice, Stephen refused the first offers.⁵⁸

In the end Stephen was guided by the advice of the barons, some of whom, the author of the Gesta felt, were in collaboration or sympathy with the rebels. It was argued by them that Stephen had won a complete victory, that the besieged had not sworn fealty to the king's majesty, but had taken up arms in obedience to their lord, and that it was wise to take the castle, end the siege and prepare for other tasks. As a result, the besieged were allowed to go forth in all freedom, to take away all their possessions, and to follow any lord they willed.⁵⁹ Here indeed the sign of a weak king.

⁵⁷Gesta, c. 15.

⁵⁸Ibid., c. 19.

⁵⁹Ibid., c. 19-20.

He had not received liege homage from these barons in the first place, something a king like the Conqueror or Henry would have demanded in order that no man could claim their allegiance ahead of the monarch. This was partly due to the circumstances of Stephen's elevation to the throne. But then when he had these men at his mercy, he failed to follow up his advantage. He did not even punish them as examples for breaking the king's peace, let alone extract an oath of liege homage. They were allowed to go free and follow whatever lord they willed. If ever a feudal baron looked for a reason why he should not fear the justice of the new king, he had to look no further than this.

After the settlement at Exeter, Baldwin de Redvers preceeded to the Isle of Wight, where he hoped to set up operations in hindrance of the shipping between England and Normandy. But Stephen, leaving Exeter and the surrounding county in the charge of his brother Bishop Henry, hurried to Wight and ended this piracy. Failing in a second series of requests, Baldwin left England and sailed to Normandy, where he joined the forces of the Count of Anjou.⁶⁰ From here he carried on raids into Normandy in support of the Empress Matilda.⁶¹

⁶⁰Gesta, c. 21.

⁶¹Ibid., c. 22.

The Duchy of Normandy was all this time without leadership. In Stephen's absence during the early stages of his reign, his brother Count Theobald concluded a truce with the Count of Anjou which was to last until near the end of May 1136. When the time expired, Stephen had still not appeared on the scene, being held by matters in England. The Duchy was thus left without a leader to the mercy of freebooters and Count Geoffrey.⁶²

The next event of significance for us is the death on 21 November 1136 of William, the Archbishop of Canterbury. Orderic reports that Bishop Henry of Winchester was chosen to the archbishopric, but that since the canons required papal sanction of a bishop's transfer, he crossed to Normandy for the winter and sent envoys to the pope.⁶³ Spring did not find the archbishopric filled, and it remained vacant until early in 1139. Providing Orderic is correct in reporting Bishop Henry's elevation to the See of Canterbury,⁶⁴ the reason for the papal refusal to sanction his transference is evident in the circumstances in England and Italy. Stephen was engaged in consolidating

⁶²Orderic, B. XIII, c. xxii.

⁶³Ibid., B. XIII, c. xxviii.

⁶⁴Neither the contemporary and usually well-informed Gesta, and William of Malmesbury, nor Gervase of Canterbury, who wrote a generation later, make note of this.

his secular position, and would not be likely to favor a man of strong ecclesiastical bias or will in such a position, even though the man were his own brother. The barons, on the other hand, were alert to their own interests, and would not favor a man in the See of Canterbury who might use his strong religious position to back the crown against them. Henry was unacceptable to both baron and monarch. When this became known to the Pope, he had little choice but to refuse Bishop Henry's translation, for his own political position was little better than it had been early in 1136 when he recognized Stephen as king. The Emperor Lothaire had been in Italy at the time. But he was then involved in a struggle with the North Italian city-states, and it was not until March of 1137 that he had moved as far south as Campania.⁶⁵ By the summer of 1137 Innocent and Lothaire had fallen out over the questions of booty disposition, investiture, and the control of the abbey of Monte Cassino.⁶⁶ The Emperor finally withdrew from Italy altogether, leaving Innocent to capture Rome and handle Roger of Sicily as best he could. Lothaire died in an Alpine pass on 3 December 1137 during his passage

⁶⁵Mann, Lives, IX, 47.

⁶⁶Ibid., pp. 48-49.

back to Germany.⁶⁷ Until a new Emperor could be elected who would come to Innocent's aid in Italy, he stood alone against the anti-Pope Anacletus and Roger of Sicily.

Stephen was finally free to cross to Normandy early in 1137.⁶⁸ In May he was invested with the Duchy of Normandy by King Louis of France, and Stephen's son Eustace did homage for it.⁶⁹ Stephen next attempted to place his brother Theobald by offering him an annual pension of two thousand marks,⁷⁰ and then prepared his military forces to meet Geoffrey of Anjou. However, Stephen's over-attention to his mercenaries roused the jealousy of his barons, and they stalked out of camp. Stephen, thus weakened, negotiated a two year truce with Count Geoffrey,⁷¹ and hearing of new troubles in England, hastened in Advent 1137 to return there. Before leaving Normandy he appointed as justiciars William de Roumare,

⁶⁷Mann, Lives, IX, 51.

⁶⁸Orderic, B. XIII, c. xxx. Roger de Hoveden, I, 229. Cont. Flor. Wor., a. 1137.

⁶⁹Roger de Hoveden, I, 230.

⁷⁰Robert of Torigny, Chronicle, ed. Richard Howlett, (Rolls Series, London, 1889), p. 132. Hereafter: Robert of Torigny (RS).

⁷¹Orderic, B. XIII, c. xxx.

Roger the viscount and others, and left them to keep the peace.⁷²

It may be, as Roger de Hoveden reports, that Geoffrey Count of Anjou was not ready at the time of Stephen's embarrassment to press a full scale engagement. Even though Stephen was short of men due to the disaffection of some barons, he was a man of great military renown, and he retained an abundance of the late Henry's treasure.⁷³ This alone assured him an army of mercenaries if nothing else. It is difficult to believe that if Geoffrey felt he had an advantage, he would have agreed to a truce of two years.

A further event in Stephen's visit to Normandy in 1137 which must be considered is the attack by the king's men on Robert, Earl of Gloucester. The earl had remained behind in England when Stephen left for Normandy in the spring of 1137. After spending most of Lent testing the loyalties and affections of Stephen's supporters, Earl Robert sailed to Normandy at Easter. Shortly afterwards the king's men tried to ambush the earl, but having been forewarned, he escaped. William of Malmesbury attributes the cause of this attack to

⁷²Orderic, B. XIII, c. xxxii.

⁷³Roger de Hoveden, I, 230.

Stephen's mercenary captain, William of Ypres,⁷⁴ without stating any motive. It might have been simple distrust. Robert of Torigny says that Earl Robert reached an agreement with Geoffrey of Anjou in this same year,⁷⁵ but, the month given for the event, October, is much too late to coincide with Malmesbury's approximation of the date of the attack. The two men were eventually reconciled, but there was never any sort of real confidence between the two men after that.⁷⁶ Robert's course was clear before him. He had but to wait for an opportunity.

After spending his Christmas and holding court at Dunstable in Bedfordshire in 1137,⁷⁷ Stephen proceeded to press a siege against Bedford castle. The refusal of the castellans to turn the castle over to the king's messengers stemmed from a recent marriage negotiation of Stephens which they feared would cost them their inheritance. Stephen had undertaken the siege against the advice of his brother Bishop Henry of Winchester, and it was not until after the arrival of the bishop

⁷⁴Malmesbury, c. 466.

⁷⁵Robert of Torigny (RS), p. 136.

⁷⁶Malmesbury, c. 466.

⁷⁷Cont. Flor. Wor., a. 1137.

on the scene, and through his mediation, that the affair was brought to a successful conclusion.⁷⁸

Henry was no doubt by this time finding his brother Stephen more difficult to manage than he had suspected.

On 10 April 1138 Stephen was in Northampton, and there held a council attended by the Archbishop of York, as well as by most of the clergy and barons of the kingdom. Here we have an instance where the required free clerical election seems to have been overlooked, for the bishopric of Exeter was filled by "appointment", and the abbeys of York and Winchcombe were "Given" to monks of Cluny.⁷⁹ The appointment of the monks from Cluny seems to suggest that Bishop Henry's influence was not as yet altogether nil.

Proceeding next to Gloucester, Stephen arrived about 10 May 1138, and was escorted into the city by his constable, Miles. Stephen celebrated the feast of the Ascension there, receiving the citizens of Gloucester at the royal palace, where they swore allegiance to him.⁸⁰ It was at about this same time that Count Waleran and William d'Ypres crossed the channel to

⁷⁸Orderic, B. XIII, c. xxxvi.

⁷⁹Cont. Flor. Wor., a. 1138.

⁸⁰Ibid., a. 1138.

Normandy.⁸¹ One of Stephen's justiciars, Roger the Viscount, had been ambushed and slain, apparently late in 1137.⁸² Their arrival was undoubtedly an attempt to secure Stephen's position in the beleagued duchy against Geoffrey and the inroads of his partisans, while Stephen himself was busy surveying and securing his own position in the western shires of England. Failing to effect anything against the likes of the warlike Roger de Conches, Waleran and William ended by burning and plundering.⁸³

While still at Gloucester, Stephen heard that Hereford had been fortified against him. Arriving there shortly after 11 May, he found the report true and besieged the place. Stephen was in Herefordshire for nearly four or five weeks, and in addition to besieging Hereford, managed to take Geoffrey de Talbot's castle of Weobley.⁸⁴ Roger de Hoveden reports that contemporary with this there were a number of castles being held against Stephen by different men around the

⁸¹Orderic, B. XIII, c. xxxvii.

⁸²Ibid., B. XIII, c. xxxvi.

⁸³Ibid., B. XIII, c. xxxvii.

⁸⁴Cont. Flor. Wor., a. 1138.

kingdom, and that Queen Matilda, Stephen's wife, was actively engaged in besieging Dover.⁸⁵ In the midst of all this, and probably while he was still at Hereford, Stephen received word through representatives that Robert Earl of Gloucester had renounced his friendship and homage.⁸⁶ The earl justified his position on the grounds that Stephen was a usurper, that the king had broken the faith which he had sworn to the earl, and that he himself had broken the oath which he had sworn to support his sister Matilda. Thereupon, Stephen seized many of the earl's lands and leveled some of his castles.⁸⁷

This sudden awakening of Earl Robert to his moral obligations was by no means an accident. Orderic tells us that it was early June when Geoffrey of Anjou marched into Normandy with a body of troops and finally persuaded Earl Robert to join his sister's cause.⁸⁸

⁸⁵Roger de Hoveden, I. 231.

⁸⁶Malmesbury, c. 467, dates it circa 1 June 1138. Cont. Flor. Wor., a. 1138, places Stephen at Hereford during this time.

⁸⁷Malmesbury, c. 467. Norgate, Angevin Kings, I, 294, seems to imply that Stephen seized upon the earl's strongholds before the latter renounced his homage. Such an action on the part of the king would have drawn fire from the earl's strong partisan Malmesbury, but he simply records the seizures as following the renunciation.

⁸⁸Orderic, B. XIII, c. xxxvii.

The count may well have been persuasive, but there is another matter which enters into the picture and must be considered. The situation in England had changed a great deal for Stephen since he had become king. As we have seen, the circumstances under which he came to the throne left him open to manipulation by the barons, unless he could in some manner or another assert himself. But he could not assert himself, as was so plainly shown before the feudal lords by his settlement of the siege of Exeter with Baldwin de Redvers. He did no justice there to a man and his accomplices who had broken the king's peace. He had shown himself a weak king. But a feudal monarch cannot be a weak king, or else the system will swallow him. William of Malmesbury describes Stephen's plight in the following manner:

In the eleven hundred and thirty-eighth year of the Lord's Incarnation England was being shaken by internal strife, for many, urged on to unlawful courses by high birth or lofty spirit or rather the recklessness of youth, did not shrink from asking the king for estates or castles or in fact anything that had once taken their fancy, and when he deferred the gift with excuses that the domains of the Crown would be impaired or that others laid claim to the same things or were in actual possession of them, they were at once moved to wrath, fortified castles against him and carried off immense plunder from his lands. Yet he was not broken in spirit by any man's rebellion but appeared suddenly now here, now there and always settled the business with more loss to himself than to his opponents, for after expending many great efforts in vain he

would win a pretence of peace from them for a time by the gift of honours or castles. Finally, he also established many as earls who had not been earls before, with endowments of landed estates and revenues that had belonged directly to the king. They were the more greedy in asking and he the more lavish in giving because a rumour was flying over England that Robert, Earl of Gloucester, who was in Normandy, was just on the point of siding with his sister, as soon as he had defied the king.⁸⁹

Unable to command obedience, Stephen was attempting now to buy it. He was placating rebels he should have been disciplining or hanging from the nearest tree. And the price of obedience was steadily rising. In attempting to counter the force of earls of whom he was not quite sure, Stephen created new ones, using lands and revenues from the royal demesne to enfeoff them. Not only was Stephen losing face politically, but he was now cutting his own financial throat. It takes money to maintain a monarchy and a central government. In doling out estates and revenues to feudal lords, Stephen was destroying one of the foundation-stones of strong central government.⁹⁰ This then

⁸⁹Malmesbury, c. 467.

⁹⁰See H.W.C. Davis, "The Anarchy of Stephen's reign", English Historical Review, XVIII (1903), pp. 630-641, for a discussion of the extent of disorder in Stephen's reign and its resultant effects on finance and the royal administration.

is what Earl Robert had been waiting for while he sounded out men and their allegiance. As Stephen's position became more unfavorable and his resources dwindled, the position of the Empress became that much better.

When Earl Robert's defection became known in England, there followed a reaction which increased the threat to Stephen's position. Men who had heretofore held back from declaring openly against the king now did so, and began fortifying castles.⁹¹ Among these were the constable Miles of Gloucester and the Earl of Bristol. Having abjured their allegiance to Stephen, they sent envoys to the Empress inviting her to England.⁹² Earl Robert himself possessed no mean array of military strength, being keeper of the castles of Gloucester and Canterbury, as well as having in his own right Bristol, Leeds and Dover.⁹³ It was these strongholds which Stephen besieged when he received the news of Robert's defection. He was successful against all but Bristol.⁹⁴

⁹¹Orderic, B. XIII, c. xxxvii.

⁹²Cont. Flor. Wor., a. 1138.

⁹³Orderic, B. XIII, c. xxxvii.

⁹⁴Malmesbury, c. 467.

This last action now focuses our attention on the type of warfare which existed between Stephen and his adversaries. The primary offensive maneuver was the seige, and a castle represented the defense. Henry and his father the Conqueror had strictly limited the number of castles in the kingdom, but Stephen seems to have had little control over the growth of their numbers. Also, he on some occasions found that royal castles had been seized, and his own weapons turned against him. The peace of King Henry was slowly dissolving into feudal anarchy, and the castle was its symbol. Bishop Henry, too, felt the tenor of the times. He constructed a number of castles about England, including one within the walls of Winchester.⁹⁵

The next step in our narrative concerns the arrival of a papal legate in England in 1138. Alberic, Bishop of Ostia, came commissioned "to root out and destroy, build up and plant, all things that required it", and was received by Stephen after some delay.⁹⁶ The arrival of this legate is indicative of a change of

⁹⁵Annals of the Church of Winchester, edited and trans., Rev. Joseph Stevenson (London, 1856), a. 1138. Hereafter: Annals of Winchester.

⁹⁶Cont. Flor. Wor., a. 1138. The fact that this notice is incorporated in the Herefordshire episode might suggest that the legate arrived while Stephen was besieging Hereford castle and met him there.

affairs in the Holy Roman Empire. The anti-Pope, Anacletus, died suddenly on 25 January 1138.⁹⁷ His partisans were empowered by Roger of Sicily to elect a successor, and they did so in the middle of March. But their opposition was only half hearted, and their election of Victor IV was merely a stratagem for negotiating a better settlement with the papal forces. By the end of May 1138 they had taken oaths to support Innocent II,⁹⁸ and thus the pope was in a better position to consider the situation in England.

After touring northern England and Scotland making peace, Alberic called for a council at London to right the affairs of the kingdom of England.⁹⁹ Meeting at Westminster on 13 December 1138,¹⁰⁰ the council was attended by eighteen bishops and about thirty abbots. A number of canons were passed, but one is especially interesting at this time. It condemned lay investiture in definite terms,¹⁰¹ and was

⁹⁷Orderic, B. XIII, c. xxxv.

⁹⁸Mann, Lives, IX, 55-56.

⁹⁹John of Hexham, History of the Church of Hexham, trans., Rev. Joseph Stevenson (London, 1855), a. 1138. Hereafter: John of Hexham.

¹⁰⁰Richard of Hexham, Acts of King Stephen..., trans., Rev. Joseph Stevenson, a. 1138. Hereafter: Richard of Hexham. Cont. Flor. Wor., a. 1138.

¹⁰¹Richard of Hexham, a. 1138.

quite in line with the reform movement of the papacy tempered by Cluny. Legate Alberic was himself a Cluniac.¹⁰² In view of the meeting of the royal curia at Northampton which 'appointed' a bishop of Exeter and 'gave' two abbeys, this canon may indicate that the practice of simony had reappeared in England. If so, then it is a sure indication that Stephen was running short of funds and was turning to a source which had proved so helpful to his predecessors.

Perhaps the most important aspect of this council concerned the election of an Archbishop of Canterbury. The see had remained vacant since the death of William in November of 1136, and the Church in England was left for over two years without an official head or spokesman. This matter was called to attention,¹⁰³ and shortly afterwards the canons of the see were summoned. In the presence of the legate, the council and the king,¹⁰⁴ Theobald of Bec was elected Archbishop of Canterbury. Bishop Henry of Winchester was thoroughly disgusted, for he was courting the favor of the canons, but had been vetoed by the king and queen.¹⁰⁵ The new

¹⁰² John of Hexham, a. 1138.

¹⁰³ Richard of Hexham, a. 1138.

¹⁰⁴ Ibid., a. 1138.

¹⁰⁵ Gervase, Chronicle..., ed., William Stubbs (Rolls Series, London, 1879), p. 109.

archbishop was consecrated 6 January 1139 by legate Alberic, and returned to Rome with him after 14 January 1139 to seek the pallium and attend the Lateran Council. They were accompanied by a few bishops and abbots. Stephen would allow no more to leave due to the troubled state of the kingdom.¹⁰⁶

The election of Theobald as Archbishop of Canterbury must be seen at best as a compromise between Stephen and Innocent II. While it is true that a legatine council finally elected an archbishop, it was done in the presence of the king. This implies that the election met with the satisfaction of Stephen. He would not have attended the election of a prelate so important as this just as a spectator, but must have come to make his position known and see it accomplished.¹⁰⁷ This view is further justified when we consider the appointment of Henry, Bishop of Winchester as legate of the pope in England. Providing Malmesbury's date is correct, Bishop Henry was appointed on 1 March 1139.¹⁰⁸ Since there was hardly time between Theobald's election and consecration (6 January), and 1 March for Innocent

¹⁰⁶Richard of Hexham, a. 1139.

¹⁰⁷Roger de Hoveden, I, 234, says Theobald was elected with the consent of Stephen.

¹⁰⁸Malmesbury, c. 471.

to meet Theobald and find him unsatisfactory, we can assume that Innocent anticipated such a turn of affairs, and prepared in advance for it. If Bishop Henry was appointed after this date,¹⁰⁹ then we must assume that Innocent met Theobald before the start of the Lateran Council and acted on this basis.

The legatineship is of importance here because of the ecclesiastical precedence it gave the man who held it. In previous years, due to ancient practice, the Archbishop of Canterbury had been considered legatus natus of the pope. As such, he was not subject to the jurisdiction of a legatus a latere, who came with specific powers in a particular situation to carry out the will of the pope. Three attempts had been made during the reign of King Henry I to break this tradition, and the conduct of the last legate, John of Crema, was such that it sent Archbishop William to Rome in protest. He returned as legatus a latere from Honorius II, and the commission was renewed by Innocent II.¹¹⁰ After the death of William, the office remained unfilled along with the archbishopric.

¹⁰⁹The latest possible date is 29 April 1139, since a letter from Innocent II to Henry on this date addresses him as Bishop of Winchester and legate of the apostolic see. See Phillip Jaffe, Regesta Pontificum Romanorum, 2nd Ed. (2 Vols., Leipzig, 1885), I, 889.

¹¹⁰Norgate, Angevin Kings, I, 350.

Innocent's appointment of Bishop Henry does not necessarily represent a complete repudiation of Stephen, but rather a lack of papal confidence in the new archbishop. We may wonder if Innocent meant Stephen to know of this lack of confidence, for Bishop Henry did not announce his new authority immediately, but kept his peace for some time.¹¹¹

The legatine Council at London and the election of an Archbishop of Canterbury were not the only events on the ecclesiastical scene of interest to Stephen in 1139. The Empress Matilda had appealed her case against Stephen to the pope, and her arguments were heard by Innocent at his Lateran Council in Rome,¹¹² which began its work on Monday, 3 April 1139.¹¹³ Stephen's supporters defended the king against Maud's charges of usurpation on the grounds that she was born of an incestuous union as the daughter of a nun. The oath Stephen had taken to Henry was conditional - Henry might change his mind and name another heir. Further, on his death bed Henry had changed his mind, naming Stephen as his heir - the latter being publicly proved by the oath of Earl Hugh and two knights. When he heard these argu-

¹¹¹Malmesbury, c. 471.

¹¹²Mann, Lives, IX, 82 (footnote).

¹¹³Ibid., IX, 59.

ments, Maud's advocate, Ulger, Bishop of Angers, answered angrily that Maud was legitimate, that Henry's revocation of the oath to support Maud was proven false by those who had been present at the king's death, and that Hugh had not even been present then. At this point, Innocent suspended the hearings, without making a decision or setting a future date for the case. Stephen's gifts were accepted, and he was confirmed in his possession of England and the duchy of Normandy.¹¹⁴ And so the whole situation was left hanging. Stephen had been confirmed in his possessions, but the charges made against him by the Empress had not been disqualified. No side had been found to be in the right. The hearings had merely been suspended. This was a shallow victory for Stephen, and a galling set-back for Matilda. She very possibly had delayed her proposed invasion of England from Anjou until after her case had been heard at the papal court, hoping like her grandfather William in 1066 to come not only as conqueror but as crusader.

In the meantime, Stephen was busy in England pursuing a policy he hoped would strengthen his position. He eventually moved to secure by other means

¹¹⁴John of Salisbury, *Historia Pontificalis*, ed. and trans., Marjorie Chibnall (London, 1956), pp. 83-85. Hereafter: Salisbury.

than siege the castles around the kingdom which belonged to men of suspect character. Such men who came to court, Malmesbury says, were seized under suspicion, a practice unbefitting a king, and forced to surrender their castles on whatever terms he demanded.¹¹⁵ Stephen was now showing some of that boldness with which he had won the kingdom, but it may have been misdirected.

Taking castles of men known disloyal was quite admirable, but arresting men at court on pure suspicion, seemingly without warning and quite possibly without cause in some cases, would only serve to weaken his position in the long run. Men who might have nothing to hide, but a great deal to lose, would be dubious of Stephen hereafter. The capstone was put on this whole question of arrests when, in June of 1139, Stephen took a move which was to have tremendous repercussions both for himself and the kingdom.

Bishop Roger of Salisbury had been a man in the highest position of trust under the government of the late King Henry I. Beginning as a poor clerk who was favored by Henry, he soon rose from managing the young prince's household affairs and accounts to Justiciar and Exchequer of the kingdom when Henry became king. During King Henry's frequent and sometimes long absences

¹¹⁵Malmesbury, c. 468.

on the continent, Bishop Roger had charge of the government of England. He retained this position under Stephen, at least in fact if not in name,¹¹⁶ and this maintenance in the justiciarship may have been the reason for Bishop Roger's early allegiance to Stephen.¹¹⁷ The author of the Gesta charges that Bishop Roger had more affection and friendship for Maud and her party than for the king, that he had promised in secret to keep faith with them and turn over his castles and provisions to them when they landed in England, and that he had been in contact through messages with the Empress's party about this very matter.¹¹⁸ Even Malmesbury must have given some weight to this possibility, for he does not fail to mention it in his summary of the charges against Roger.¹¹⁹

There is however another side to this question, and a look at it reveals something of the nature of motivation among the feudal barons. During the course

¹¹⁶Gesta, c. 34.

¹¹⁷Roger was one of the three bishops present at Stephen's crowning. The other two were Stephen's brother Henry Bishop of Winchester and William, Archbishop of Canterbury, who crowned him. See Malmesbury, c. 461.

¹¹⁸Gesta, c. 34.

¹¹⁹Malmesbury, c. 468. Malmesbury does not seem particularly friendly towards the bishop, perhaps because of his deep secular involvement or because of his extension of power over the abbey of Malmesbury (See c. 481).

of his long association with the royal power, Bishop Roger had consolidated both himself and his house with whatever advantages that were to be gained. His two nephews had been made bishops, Nigel at Ely and Alexander at Lincoln. One of these nephews was made Treasurer,¹²⁰ and Bishop Roger's son, Roger le Poer, was the king's Chancellor.¹²¹ In addition, Bishop Roger had added to his ecclesiastical holdings by bringing a number of previously separate monasteries, including Malmesbury, under his jurisdiction.¹²² In conjunction with his nephews, Bishop Roger had built a number of castles around the kingdom. Roger himself held Malmesbury, Devizes, Sherborne, and Salisbury.¹²³ Alexander held Newark and Sleaford.¹²⁴ And wherever the Bishop of Salisbury and his nephews went, they were accompanied by large bodies of knights. True to the complaint of the Gesta, they were very worldly men.¹²⁵ This worldly concern and show of power and circumstance

¹²⁰Malmesbury, c. 481.

¹²¹Gesta, c. 35.

¹²²Malmesbury, c. 481.

¹²³Ibid., c. 468.

¹²⁴Ibid., c. 469.

¹²⁵Gesta, c. 34.

had aroused the suspicion and jealousy of the barons, particularly Waleran, Count of Meulan and Robert, Earl of Leicester,¹²⁶ members of the powerful Beaumont family.¹²⁷ Stephen was finally convinced that the bishop, and his nephews and son were threats to the kingdom's security, and allowed them to be arrested.¹²⁸

On 24 June 1139, Bishop Roger and his nephews answered a summons from the king and appeared with their retainers at Oxford.¹²⁹ Soon afterwards, a fight broke out between the retainers of Stephen and those of the bishops. The bishops were immediately placed under arrest as offenders of the king's majesty and the peace of his court. Roger the Chancellor was also arrested. The price of release was possession of their castles. The Bishop of Ely escaped the king's men and hurried to Devizes, where he prepared to stand a siege. But threats to the life of the Chancellor caused the surrender of Devizes. Roger and Alexander

¹²⁶Orderic, B. XIII, c. xl. The Gesta names only Waleran and "others" (See c. 34).

¹²⁷A.L. Poole, Domesday Book, p. 136 and note.

¹²⁸Gesta, c. 34. Malmesbury, c. 468.

¹²⁹Cont. Flor. Wor., a. 1138. The Continuator says they came to answer the king for Devizes being fortified against him. Malmesbury, c. 469, says a great council had been called at Oxford.

were relieved of their remaining castles through similar threats and ill treatment.¹³⁰

The arrest of the bishops and their ill treatment in this manner had offered an affront to members of that element in Stephen's kingdom which was his truest if not his strongest supporter. An oath of surety by his brother Henry, Bishop of Winchester had helped Stephen secure the support of the Archbishop of Canterbury. His crowning by Archbishop William made him the accepted and anointed ruler of the kingdom. And finally, though he had not disqualified Maud's claims, Pope Innocent II had so far refused to remove the sanction of the Church from Stephen and had confirmed him in his possession of England and Normandy. In allowing his barons to stage a brawl which ended in the arrest of the bishops and the chancellor, Stephen had surrendered his kingly prerogative to a family feudal interest. Whether Roger and his nephews were guilty of treason or not, they had pushed their private interests in the kingdom to the detriment of barons who were doubtless themselves eyeing such advantages. The Beaumonts might have been interested in Stephen and the welfare of the kingdom, but we can be sure they were primarily interested in the welfare of the

¹³⁰Gesta, c. 35. Malmesbury, c. 469. Orderic, B. XIII, c. xl. Cont. Flor. Wor., a. 1139.

Beaumonts. The attack was that much more costly in that it was made against clergymen. The castles in question were very strategic,¹³¹ but the means of acquiring them was most injudicious. This could prove a very costly error in judgment.

When Bishop Henry of Winchester heard of this outrage against the clergy, he attempted both privately and publicly to persuade his brother Stephen to restore the bishops in their property. Bishop Henry argued that whether right or wrong, the men were ecclesiastics, and it was for the canon law to judge them, not the king. Further, he charged Stephen with not acting through righteousness, but for personal advantage, for the castles had not been turned over to the churches which had financed them and on whose land they were built. Instead they were given over to lay castellans. But in the end his arguments achieved nothing. His brother Stephen had closed his ears against the advice of his brother Henry, and so the bishop revealed himself as legate of the Holy See. Calling a council for 29 August 1139 at Winchester, he ordered

¹³¹Sleaford and Newark were located in the North-east, south of the royal castle at Lincoln and in the vicinity of the doubtful Earl of Chester. Malmesbury, Devizes, Salisbury and Sherborne were located in a circle surrounding Earl Robert's strong bastion of Bristol, and also could be used as bases to operate against Herefordshire and Shropshire.

his brother to be present.¹³²

The Winchester council opened on the appointed day with all the bishops of England in attendance, including Theobald, Archbishop of Canterbury, apparently returned from Rome. A bull of Pope Innocent was read which commissioned Bishop Henry as legate of the Holy See, and then the new legate proceeded with the indictment of his brother's actions. The point in question was not the truth or falsity of the charges against the bishops, but rather the crime of laying hands on ecclesiastics and seizing Church property outside the canon law. The legate pledged himself to carry out the decision of the council, regardless of consequence to Stephen, property or his own life.¹³³ This was a very strong position on Henry's part, to say the very least.

Stephen did not appear in person before the council, but first sent his earls to inquire why he had been summoned. The legate Henry answered that Stephen had been summoned to give satisfaction for his arrest of the bishops, and that he should come and accept the advice of the council, not just because he was a Christian but because it was the Church which had raised him to the throne.¹³⁴ The earls carried this

¹³²Malmesbury, c. 470.

¹³³Ibid., c. 471.

¹³⁴Ibid., c. 472.

message to Stephen, and then returned with an advocate, Aubrey de Vere, who presented Stephen's defense. The king defended his actions by claiming that Bishop Roger was a presuming troublemaker, a man who harbored hatred for the king's men and planned to side with the Empress against him. This was proved by the fact that Bishop Roger would not let the king's men under Roger de Mortimer stay even one night at Malmesbury when they were traveling in the West and feared the people of Bristol. Further, Bishop Alexander was little better, and, due to an old hatred, had stirred up his men at court against Alan of Brittany. The last section of Stephen's defence was perhaps the best, for it went to the root of the legate's objection to the seizure of bishops. The king claimed that he had not arrested these men as bishops, but as servants of the king, who were in his service and his pay; that he had not seized the castles by force, but that both the men had surrendered them to avoid a charge for the disturbance at court; that the money he removed from the castles had belonged to the treasury of King Henry and had been willingly surrendered; and that he did not lack witnesses to this. He hoped therefore that the settlement between the bishops and himself would remain standing.¹³⁵

¹³⁵Malmesbury, c. 473.

Bishop Roger objected to being classed this way, claiming he had never been the king's servant or received his pay. If he could not find justice here, then he would take the case to a higher court, presumably Rome. At this point the legate declared the problem should have been handled in an ecclesiastical court, denying Stephen's claim that the men had seized as recalcitrant servants and not as bishops. He moved that the property of the bishops be restored to them.¹³⁶ Further discussion was suspended at this time by the king's request, until Hugh Archbishop of Rouen could arrive to plead Stephen's case.

Three days later, Archbishop Hugh arrived, and presented the case for the king. Apparently a clever man, or one well advised, he used the legate Henry's own tool, i.e., the canon law, to defeat the ends of the council. Hugh asked that it be shown by the canon law that the bishops had a right to have castles, and if it could not be so proved, then they must be evil men to so strive against the canons. Even if granted through some agency the right to have castles, they should be glad to turn them over to the king during times of strife, since it is his duty to seek peace for all.¹³⁷

¹³⁶Malmesbury, c. 474.

¹³⁷Ibid., c. 475.

From this report, it would seem that Stephen clearly had the better of the argument, but he must not have trusted the temper of the council or his brother Bishop Henry. He had instructed his advocate, Aubrey, to add that if anyone attempted, as rumor suggested, to appeal to Rome, he might have difficulty returning.¹³⁸ With this threat and the report that swords were being drawn, Stephen made it quite clear that he would not consent to a canonical censure. The council thus adjourned, without taking any action against the king. The author of the Gesta puts the best face he can on the affair,¹³⁹ but it cannot stand up to the detailed familiarity of William of Malmesbury.

Outwardly, Stephen had won a victory at the Winchester council. He had avoided ecclesiastical censure. But the victory was a shallow one. The final show of force and the threat against any who might leave England against the monarch's will had undoubtedly cost Stephen the support of the Church, in the form of the legate and the bishops. Yet it would have been politically and militarily inexpedient for Stephen to restore the bishops to their castles. Politically because he had already given them over to others, militarily because he would once more have

¹³⁸Malmesbury, c. 476.

¹³⁹Gesta, c. 36.

these men in areas so vital to his own position. Even if they had not planned treason from the first, they would not now be likely or strong supporters of the king. To Stephen, or those who advised him, the castles meant more than the pleasure of the Church.

This entire situation must have been particularly galling to Bishop Henry. He had supported his brother from the first, hoping through his agency to secure for the Church her proper place in society. Yet his bid for the archbishopric of Canterbury had been blocked by Stephen, and already by the end of 1137 Stephen had begun to ignore his advice, as evidenced in the Bedford castle siege. The gap between them had widened considerably by the middle months of 1139. Henry had been unable to persuade his brother to restore the bishops and their property. He undoubtedly called the Winchester council in hopes that Stephen would attend to his advice in an effort to avoid an open breach with the Church--and the legate reminded Stephen of the importance the clergy had played in securing the throne for him. But it was all to no purpose for Stephen would not be advised, and he would not be censured. If the precedent established in Winchester that day were continued, Stephen would end in regulating the affairs of the clergy as sternly as William the Conqueror and his sons

had done. Bishop Henry had a good deal to think about after the council had adjourned.

The affairs in England during the summer of 1139 had certainly not gone unnoticed in the Angevin camp. The memory of Stephen's victory at the Lateran council in April was no doubt softened by this latest news from the kingdom. Stephen had alienated the feelings of one of his most formidable allies. There could be little better time than now to begin the active struggle for England. The exiled Baldwin de Redvers went ahead of the main force, landed at Wareham and was presently admitted to Corfe castle,¹⁴⁰ plainly a decoy to lure Stephen. Baldwin was besieged there for a while, but the siege was lifted on the advice of the king's counsellors,¹⁴¹ who no doubt suspected the stratagem. But the king's efforts were to no avail. The Empress and her brother Earl Robert of Gloucester, accompanied by one hundred and forty knights, landed at Arundel on 30 September 1139. Leaving his sister in the care of her step-mother at Arundel, the earl rode for Bristol.¹⁴² Hearing of the landing, Stephen immediately went there, and failing to apprehend the earl, besieged the Empress

¹⁴⁰Gesta, c. 39.

¹⁴¹Ibid., c. 39.

¹⁴²Malmesbury, c. 478.

in Arundel.¹⁴³

In the interim, Bishop Henry had not been idle. He had established a series of roadblocks in hopes of apprehending Earl Robert. Popular report, which the author of the Gesta asserts untrue for ethical reasons, held that Bishop Henry met the earl, and after agreeing to a compact of friendship and peace, let him go unharmed.¹⁴⁴ Considering the recent events in England between Bishop Henry and his brother, this is not improbable. Another consideration in favor of this is the problem of geography. The shortest, straightest, and most level path between Arundel and Bristol lies west from Arundel along the Plain of Selsey to the Test River basin, then northwest through the Salisbury Plain and the Avon River basin to Bristol. Winchester lies almost in the direct line of this march. The Gesta tells us that the earl took his men with him, and that he did not travel by the main roads.¹⁴⁵ Yet to travel in any other general direction but this would have necessitated some hill climbing or a sizeable detour. With a troop of men such as he had, and his probable haste to reach Bristol, it seems safe to assume Earl Robert followed a general route to Bristol

¹⁴³Gesta, c. 41.

¹⁴⁴Ibid., c. 41.

¹⁴⁵Ibid., c. 41.

which would carry him near the patrolled areas of the Bishop of Winchester.

After a short siege at Arundel, King Stephen let the Empress leave for Bristol under truce to rejoin her brother. This may have been due to Stephen's kindly nature, "an indiscreet simplicity of mind",¹⁴⁶ "a sign of great simplicity or carelessness",¹⁴⁷ "perfidious counsels",¹⁴⁸ or the advice of Bishop Henry. The latter appeared on the scene and convinced the king that it would be better to deal with the two together than Maud in Arundel while Earl Robert was loose in the kingdom.¹⁴⁹ Matilda's escort from Arundel was Count Waleran of Meulan and Henry, Bishop of Winchester. Bishop Henry proceeded on with Maud alone after Waleran left them at Calne, until met at the limits established by Stephen.¹⁵⁰

The balance of the year 1139 was for the most part peaceful, with the Empress and Stephen each making efforts to strengthen their respective positions. From

¹⁴⁶John of Hexham, a. 1139.

¹⁴⁷Orderic, B. XIII, c. xli.

¹⁴⁸Roger de Hoveden, I, 236.

¹⁴⁹Gesta, c. 41.

¹⁵⁰Malmesbury, c. 478.

Earl Robert's stronghold of Bristol the Empress sent out appeals to the barons of the kingdom. Promising gifts to some and enlargement of lands to others, they used every advantage in their power to fulfill the wishes of their supplicants.¹⁵¹ Among the more powerful adherents of the Empress's party were Brien Fitz-Count¹⁵² and Miles of Gloucester, the king's constable, whose liege lord was Earl Robert.¹⁵³ The remainder of Maud's party seems to have been a somewhat dubious group, and even Earl Robert's friend Malmesbury can only say:

"...The adherents of his party, most of them disinherited men inflamed to war by grief for what they had lost and consciousness of valour, followed him eagerly..."¹⁵⁴

or

"...a number of her adherents are either followers of fortune and change as it changes or, having already made great gains, fight for justice in the hope of yet richer rewards. Robert alone, or almost alone, inclining neither way, has never been influenced by hope of gain or fear of loss..."¹⁵⁵

¹⁵¹Gesta, c. 41.

¹⁵²John of Hexham, a. 1139.

¹⁵³Cont. Flor. Wor., a. 1139.

¹⁵⁴Malmesbury, c. 488.

¹⁵⁵Ibid., c. 503.

There is also a reference in The Continuator to the enlistment of mercenary troops. This was of course not a new thing, since Stephen had employed them before, but the practice had now spread in every direction.¹⁵⁶

Stephen had been engaged at Trowbridge, besieging the garrison, sometime before the end of the year. But fearing a concentrated attack on the part of the Earl of Gloucester from nearby Bristol, Stephen returned to London to reinforce and evaluate his situation.¹⁵⁷ It was not long before an event occurred which showed promise to Stephen in his efforts to retain his possessions, for on 11 December 1139, Bishop Roger of Salisbury died.¹⁵⁸ Stephen seized his money, and through it obtained Constance, sister of Louis King of France, as a wife for his son Eustace.¹⁵⁹ The marriage was celebrated abroad in February of 1140, with Queen Matilda and a number of English barons present.¹⁶⁰ The motivation of this marriage was typically medieval, Stephen hoping in this manner to

¹⁵⁶Cont. Flor. Wor., a. 1139.

¹⁵⁷Gesta, c. 45.

¹⁵⁸Malmesbury, c. 481.

¹⁵⁹Roger de Hoveden, I. 235.

¹⁶⁰Cont. Flor. Wor., a. 1140.

strengthen his ties with the French monarch and assure possession of the duchy of Normandy.

The year 1140 in England was one of preparation and anxiety. The two contending factions at work were preparing themselves for a struggle, while the Church through the agency of the legate Henry of Winchester, tried to secure a settlement. Earl Robert was busy in the West, attempting to fix his position in and around Bristol. Avoiding large battles or open conflict, he sought to persuade the great men of England to recognize their oath to Maud. When expedient, Robert would attack a castle in his area which stood out against him. In this way he took Harptree, Sudeley, Cerney, and the castle which the king had fortified against Wallingford. The earl and his sister seem also to have assumed the power of royalty in their area, for Robert made his brother Reginald Earl of Cornwall.¹⁶¹ But his efforts, and presumably those of Stephen as well, were complicated by the increase of lawlessness and lack of justice. Says Malmesbury:

That whole year was troubled by the brutalities of war. There were many castles all over England, each defending its own district or, to be more truthful, plundering it. The knights from the castles carried off both herds and flocks, sparing neither

¹⁶¹Malmesbury, c. 483.

churches nor graveyards. Under-tenants, peasants, any who were thought wealthy, they kidnapped and compelled to promise anything by the severity of their tortures. After pillaging the dwellings of the wretched countrymen to the very straw they bound the owners and imprisoned them, and did not let them go until they had spent for their ransom all they possessed or could in any way obtain. Many breathed forth their dear lives actually during the tortures by which they were being forced to ransom themselves, lamenting their sufferings to God, which was all they could do.¹⁶²

Though Earl Robert called in legate Henry to excommunicate the rebels, little was accomplished by these efforts. Foreign freebooters were flocking to the kingdom, justice was deteriorating, and simony was practiced openly.¹⁶³

At the same time, Stephen was shoring his defenses in the East. His son Eustace had married the sister of the King of France in an effort to consolidate the position in Normandy. Financially Stephen was not above the practice of simony, as evidenced by the quashing of an election at Malmesbury by legate Henry on the grounds the monks had paid the king to secure a free election.¹⁶⁴ Stephen was also continuing his practice of creating new earls and earldoms. To secure the

¹⁶²Malmesbury, c. 483.

¹⁶³Ibid., c. 483.

¹⁶⁴Ibid., c. 482.

continued loyalty of Geoffrey de Mandeville, castellan of the Tower of London and a powerful figure in the East, the king made him hereditary earl of the county of Essex.¹⁶⁵ Geoffrey and his heirs after him were to hold the county by right of heredity, not by the grace of the king. Stephen in his eagerness to secure loyalty was alienating the monarchy's claim to perpetual and exclusive ownership.

The Church, in the person of the bishops and legate Henry, was definitely at odds with the king. Late in the spring of 1140 Stephen spent Whitsuntide at the Tower of London, and the only bishop at court was from Sééz. The rest of the clergy either disliked or feared the idea of attending court,¹⁶⁶ and a notable feature of Stephen's charter to Geoffrey de Mandeville is the absence of bishops among the witnesses. Stephen had approved the choice of the barons for the vacant Bishopric of Salisbury, by-passing his brother Henry's candidate. When the legate found that the majority of the court were against him, he left the proceedings in great anger.¹⁶⁷ The split between the brothers seems to have been mutual, for during the same year the legate had blocked an election sanctioned by Stephen

¹⁶⁵Douglas and Greenaway, Documents, pp. 928-929.

¹⁶⁶Malmesbury, c. 486.

¹⁶⁷Orderic, B. XIII, c. xlii.

at Malmesbury on a charge of simony;¹⁶⁸ afterwards he installed a monk of his own choice.¹⁶⁹

In conjunction with his other activities during 1140, Bishop Henry had also attempted to negotiate some sort of settlement between the contending forces. He first arranged a meeting at Bath in the early part of the summer, Earl Robert and other advisers appearing for the Empress, and the queen, the Archbishop of Canterbury and himself appearing for Stephen. Nothing was achieved as the Empress was in favor of a papal decision, while the king's representatives would not consent so long as they felt they had the upper hand.¹⁷⁰ In September the legate sailed to the continent where he met with the King of France, his brother Count Theobald of Blois, and other churchmen. After his return to England in November, the earl and the Empress agreed to the new plan at once, but Stephen would not.¹⁷¹ There is no indication of what this plan might have entailed, but since it included talks with the French King it might well have concerned Normandy. And since Robert and Maud were so agreeable to it,

¹⁶⁸Malmesbury, c. 482.

¹⁶⁹Cont. Flor, Wor., a. 1140

¹⁷⁰Malmesbury, c. 486.

¹⁷¹Ibid., c. 486.

England must have been included also. Granted these things, the settlement could well have proposed an exchange - the throne of England for undisputed possession of Normandy.

Shortly before Christmas 1140 the king became involved in a controversy with Ranulf, Earl of Chester and his half-brother William de Roumare over the possession of Lincoln castle.¹⁷² Marching there during the Christmas festival, Stephen laid siege to the castle.¹⁷³ But Earl Ranulf managed to escape as Stephen was entering the city, and rode to his father-in-law Robert of Gloucester for assistance.¹⁷⁴ Robert decided this was too good an opportunity to miss, and keeping the destination a secret from his men,¹⁷⁵ set out for Lincoln. A decisive battle was fought on 2 February 1141.¹⁷⁶ During the heat of the battle, Stephen's mercenary captains, William of Ypres and Alan of Brittany, fled.¹⁷⁷ They were soon followed by others,

¹⁷²Gesta, c. 54, notes the castle as captured treacherously. Malmesbury, c. 487, says citizens conspired with Stephen against the men.

¹⁷³Malmesbury, c. 487.

¹⁷⁴Gesta, c. 54. Malmesbury, c. 487.

¹⁷⁵Malmesbury, c. 488.

¹⁷⁶Gesta, c. 54. Malmesbury, c. 489.

¹⁷⁷Orderic, B. XIII, c. xliii.

and the king was left to defend himself. He performed gallantly until felled and forced to surrender.¹⁷⁸ After appearing before Maud as a captive at Gloucester, he was taken to Bristol and imprisoned.¹⁷⁹

The capture of the king was a great victory for the party of the Empress. Less than a year before they had been avoiding any pitched encounters, acting only when it seemed expedient. Though they had managed to consolidate their position in and around Bristol, they had not been able to put down the brigands or the constant ravages of mercenary soldiers. Now, in one decisive battle, they had captured the king of England. Following up their advantage, they received the surrender of Devizes and Bedford, and the Earl of Chester captured Alan of Brittany.¹⁸⁰ Men like Robert de Oilli, governor of the city of Oxford, and the Earl of Warwick voluntarily transferred their allegiance to the Empress.¹⁸¹

Matilda wasted no time taking steps to consolidate her position. Bishop Henry of Winchester was recog-

¹⁷⁸Gesta, c. 55. Malmesbury, c 489. Orderic, B. XIII, c. xliii.

¹⁷⁹Malmesbury, c. 490. Gesta, c. 56.

¹⁸⁰Gesta, c. 57.

¹⁸¹Ibid., c. 58.

nized as the man most indispensable to her further success.¹⁸² In view of this, messages were exchanged asking the legate to support Maud as the daughter of King Henry and the woman to whom England and Normandy took an oath. A conference was arranged and the two met at Winchester on 2 March 1141. Matilda, supported by her retainers, swore that she would submit to Bishop Henry's control all the chief matters in England - especially gifts of bishoprics and abbacies. In return, he as legate, was to receive her as 'Lady'¹⁸³ and keep his faith to her unbroken. Bishop Henry agreed, and he also swore, supported by his retainers, that he would keep faith with her so long as she did not break the agreement. The next day she was received in ceremonial procession in Winchester Cathedral.¹⁸⁴

This agreement of Bishop Henry can serve for a damning indictment of him. His brother Stephen was not dead, nor had he been deposed. He was simply a prisoner of war. But Henry nevertheless proceeded to

¹⁸²Gesta, c. 58.

¹⁸³A style customarily used in the interval between election and coronation, cf. A.L. Poole, Domesday Book, p. 3 and note.

¹⁸⁴Malmesbury, c. 491. Malmesbury's presentation gains credibility, aside from its detailed description, from the fact he lists among those clergy in attendance on the Empress his own abbot, Peter.

make an agreement with the Empress whereby he exchanged his legatine support for personal control of major affairs, particularly ecclesiastical, in England. Seen in the light of his loss of influence and control over Stephen, this can be interpreted as a move to benefit directly from the misfortunes of the king. The author of the Gesta protests that the bishop was high on the horns of a terrible dilemma in that he was caught without his castles provisioned or garrisoned. As resistance seemed impossible, he decided on a pact of friendship with his adversaries until he might find the best way to help his brother.¹⁸⁵ While it is altogether possible that Bishop Henry had been caught militarily deficient, he was not the last advocate that Stephen had left. The Queen still lived, and was supported by Earl Waleran of Meulan, William de Warrenne, Simon of Northampton and several other lords.¹⁸⁶ From all appearances the legate's concern was not for his brother, but rather for himself and what he considered the best interests of the Church.

A few days later, Archbishop Theobald of Canterbury came by the legate's invitation to Wilton and met the Empress.¹⁸⁷ He refused, however, to swear fealty to her

¹⁸⁵Gesta, c. 58.

¹⁸⁶Orderic, B. XIII, c. xliii.

¹⁸⁷Malmesbury, c. 491. Cont. Flor. Wor., a. 1140.

until he had received permission from Stephen. Therefore, the archbishop, most of the bishops, and a number of laymen visited the king, and after they had received his permission, accepted the change.¹⁸⁸

When the news of Maud's success reached her husband Geoffrey, he sent word to the Normans demanding their surrender. There seems to have been little effect. The Normans held a council at Mortain on about 10 March 1141, and as a result offered the kingdom of England and the duchy of Normandy to Theobald of Blois. But Theobald ceded the right to the throne to Geoffrey in exchange for Stephen's freedom, restoration of his territories, and restoration to Theobald of the city of Tours.¹⁸⁹ Theobald had not forsaken his brother, but he did have his own interests, too. What nice people, these men of the House of Blois.

On Monday, 7 April 1141, a legatine council met at Winchester under the guidance of the Bishop of Winchester. Among those in attendance were the Archbishop of Canterbury, the bishops of England and many abbots. During the proceedings of the first day, the legate conferred secretly with the bishops, then the abbots, and finally the archdeacons. Nothing was said

¹⁸⁸Malmesbury, c. 491.

¹⁸⁹Orderic, B. XIII, c. xliv.

concerning their discussions, but "the minds and lips of all were busy with what had to be done."¹⁹⁰ Indeed. And well might their thoughts be busy, as we shall see from the proceedings of the following days.

On Tuesday, the second day of the council, the legate spoke before the assembled clergy. Peace was the theme. King Henry I had preserved it. And because it was broken and the Empress delayed her appearance, it had been expedient to let Stephen reign. But Stephen had failed to fulfill his oaths to man and Church, peace came entirely to an end, and no justice was done. Churches and abbeys had been sold, bishops had been imprisoned, and neither persuasion nor the force of a council could right the matter. It was a judgment of God that Stephen had fallen on evil days, and since it is the special prerogative of the clergy of England to elect and consecrate, Matilda was named Lady of England and Normandy, with a promise of faith and support.¹⁹¹

On Wednesday the representatives of the commune of London appeared at council¹⁹² in answer to messages

¹⁹⁰Malmesbury, c. 492.

¹⁹¹Ibid., c. 493.

¹⁹²Ibid., c. 495.

and a safe conduct.¹⁹³ They requested that the king be freed, and the legate answered "at length and with eloquence" that it was unfitting.¹⁹⁴ A representative from the Queen was also present, and he requested that the council and the legate take action to restore Stephen, but Bishop Henry's answer was the same as it had been to the Londoners. The representatives of the Londoners then promised to support the idea before a council of their fellow-citizens, and the legatine council adjourned the next day after excommunicating a number of Stephen's supporters.¹⁹⁵

The significance of this council cannot be over-emphasized. In 1135 the citizens of London had claimed it their right to elect a new monarch, but had found it necessary to convince the Archbishop of Canterbury of the necessity of their action and its propriety. In the end, their action had not been accredited and Stephen consecrated until he had sworn an oath to restore and maintain the freedom of the Church and his brother Bishop Henry had gone surety for that oath. Now, the Church, under the leadership of the legate Bishop Henry of Winchester, had claimed the right of

¹⁹³Malmesbury, c. 494.

¹⁹⁴Ibid., c. 496.

¹⁹⁵Ibid., c. 496.

both consecration and election - Stephen having been deposed by the will of God. The ultimate control of the secular authority now lay with the clergy. One wonders if the council fully understood the precedent they were setting, or if this action was deemed merely as an expedient means to a desirable end: the acceptance of Matilda as the new monarch.

Matilda next appears on the English scene at Reading, about 4 May, where she accepted the surrender of Oxford castle. Continuing from there, she eventually reached St. Albans, where she met with the citizens of London to discuss that city's acceptance of her.¹⁹⁶ But before we reach this section of the development of events, we must first consider her trip through England after the Winchester council of April.

In company with the legate and her brother Earl Robert, the Empress moved through England, holding court and accepting the homage of barons,¹⁹⁷ until it was reported that she had the greater part of the kingdom under her sway.¹⁹⁸ It was at this time that Matilda's character and behavior became of paramount importance to her cause. Disregarding her brother's restraint

¹⁹⁶Cont. Flor. Wor., a. 1140.

¹⁹⁷Ma mesbury, c. 497. Gesta, c. 59.

¹⁹⁸Gesta, c. 60.

and wisdom,¹⁹⁹ she became haughty, arbitrary and headstrong. Not listening to the advice of her counsellors, she arranged matters to suit herself. Among her actions were rebuffs and insults to former adherents of the king; confiscation and re-distribution of fiefs distributed by Stephen; and annulment of grants made by the king to churches and comrades-in-arms.²⁰⁰

Perhaps the most important aspect of her behavior is that much of it weighed on Bishop Henry. He had hoped to secure for his nephew Eustace of Blois the lands which Stephen had received from King Henry - Mortain and Boulogne. But the Empress refused, there even being a possibility the lands were promised to another.²⁰¹ She also declared that she would deal harshly with King Stephen,²⁰² and this may also have had some effect. But the more significant development is Maud's refusal to be advised. This strongly suggests that she never fulfilled her pledge to the legate to submit to his control important matters, particularly ecclesiastical, of the kingdom. Indeed, Malmesbury lists as one of his charges against her that she had disregarded everything she had sworn to him.²⁰³

¹⁹⁹Malmesbury, c. 497.

²⁰⁰Gesta, c. 59.

²⁰¹Malmesbury, c. 498.

²⁰²John of Hexham, a. 1142.

²⁰³Malmesbury, c. 498.

In the meantime, Queen Matilda had not been idling. The Empress had refused the release of Stephen and the granting of Eustace's inheritance.²⁰⁴ Rebuked in this manner, she apparently decided to fight, for she turned up in London making allies by prayer and price.²⁰⁵ Among these new allies was Geoffrey de Mandeville, the Earl of Essex and castellan of the Tower of London. He extracted new provisions from her in exchange for his loyalty,²⁰⁶ thus changing sides again.

This whole matter came to a head when the Empress reached London, about 24 June 1141.²⁰⁷ She had a short time before met representatives of that city at St. Albans, where they asked that they be granted a reprieve from exactions until they could recover their prosperity from the ravages of the war. The Empress exploded. After years of helping Stephen and hindering her cause, they could and would pay what she demanded. With this answer, they returned to London to await her arrival.²⁰⁸

²⁰⁴Gesta, c. 61.

²⁰⁵Ibid., c. 63. John of Hexham, a. 1142.

²⁰⁶This charter aluded to in Stephen's charter to Geoffrey de Mandeville late in 1141. See Douglas and Greenaway, Documents, pp. 434-436.

²⁰⁷Malmesbury, c. 497.

²⁰⁸Gesta, c. 60.

London now seems to be the key to the kingdom. Elected by the clergy, the Empress had now come to settle with the Londoners and be crowned. Here too Queen Matilda had appeared for the assistance she hoped would free her husband and secure her son's inheritance. The climax came as the Empress was waiting outside the city walls. Queen Matilda suddenly appeared with a body of troops and began laying waste the country beyond the city's walls. The Londoners, caught between Stephen's queen and the unrelenting harshness of the Empress, cast their lot with Stephen. The ringing of the city's bells signalled the attack, and the Empress and her escort barely escaped.²⁰⁹ The author of the Gesta reports Bishop Henry was rumored behind this attack by the Londoners.²¹⁰ In view of the bishop's disappointments with the Empress in recent matters, this does not seem like an impossibility. At any rate, he did reach an agreement with Queen Matilda, having been moved by her offers of amends.²¹¹

When Earl Robert was able, he went to Winchester to try to settle the breach with the legate. But he

²⁰⁹Gesta, c 62. Malmesbury, c. 497, puts as good a face on this as possible, reporting they left the city in "good order".

²¹⁰Gesta, c. 62

²¹¹Malmesbury, c 498.

had no luck, and returned to Maud at Oxford with the news that Bishop Henry was no longer an ally. Drawing together as large a force as she could, the Empress and her brother marched on Winchester.²¹² After beseiging the legate's castle within the city walls, the Empress's party was itself blockaded inside the city by Queen Matilda's partisans.²¹³ After almost seven weeks of warfare, Earl Robert decided their position had become untenable, and called for a withdrawal. Serving as a rear-guard so that his sister might escape, the earl was himself overtaken and captured.²¹⁴

Failing in efforts to persuade Robert to forsake the Empress's cause,²¹⁵ the king's supporters arranged for an exchange, the earl for the king. At first Robert would not consent, but advised that his sister's cause was endangered without his presence, he agreed.²¹⁶ Final arrangements completed, Stephen was freed from Bristol on 1 November 1141.²¹⁷

²¹²Malmesbury, c. 499.

²¹³Gesta, c. 65.

²¹⁴Malmesbury, c. 500. Gesta, c. 65.

²¹⁵Malmesbury, c. 500.

²¹⁶Ibid., c. 510.

²¹⁷Ibid., c. 500.

On 7 December 1141, legate Henry of Winchester held another council at Westminster. A letter from Pope Innocent II was read which chastised the legate for not securing the freedom of his brother the king, and urged him to advance Stephen's release by any means - secular or ecclesiastical. Stephen himself appeared before the council, and entered a complaint against those who had done him an injustice, while the legate defended his action during Stephen's imprisonment as done under compulsion.²¹⁸ An envoy of the Empress appeared at the council and forbade the legate to make any decision which would aid the king, claiming he had made a compact with Maud concerning this. The envoy further stated that Maud's arrival in England had been caused by frequent letters from the legate, and that the king's capture and imprisonment were mainly due to his duplicity.²¹⁹ But the legate was not swayed by these charges, and ordered that Stephen be given the aid of the council, since he had been anointed through the good will of the people and the approval of the pope.²²⁰

²¹⁸Malmesbury, c. 501

²¹⁹Ibid., c. 502. These charges border on the fantastic, and must be considered as pure fabrication. To admit the truth of them would be to admit that Bishop Henry was willing to plunge the kingdom deeper into civil strife to gain his own selfish ends or the ends of the Church. Though he may have made an agreement not to aid his brother, Maud did not leave when his aid was withdrawn, and Stephen's betrayal at Lincoln came at the hands of his own cowardly retainers.

²²⁰Ibid., c. 501.

In conclusion let us summarize the changing relationship between King Stephen and Bishop Henry, and the resultant effects on the flow of events. The bishop's warranty of Stephen's oath to the Church was a move to secure the throne for a man who might be favorably inclined to her interests. This inclination was proclaimed in the Oxford charter. The bishop's influence was still strong with Stephen at the siege of Exeter in mid-1136, and the king left the captured fortress and county in Henry's charge. Providing Orderic is correct about Henry's election to Canterbury in December 1136, the continued vacancy of the See until 1139 bespoke Stephen's hesitancy to have a man of the bishop's will and ecclesiastical bias at the head of the English Church. An element of separation crept into the relationship.

With Stephen's return from Normandy in late 1137, the gap was more apparent. Bedford was besieged against the bishop's advice, and only his intervention secures peaceful settlement. The hint of simony and disregard for free ecclesiastical elections at the Northampton council in early 1138 was balanced by the fact two of the men were Cluniacs - representatives of an order and an ideal in which the bishop had been raised. The legatine council at London in 1138-39 which elected Theobald of Bec to Canterbury was definitely a blow to the bishop, who had been vetoed by the king and

queen. His aspirations had to take second place behind affairs of state - an archbishop favorable to the throne.

Henry's appointment as legate was recognition of this separation, for the bishop then held powers superior to Stephen's archbishop. The arrest of the bishops in June of 1139 dramatized the separation further, and ended in a separation of goals - Stephen to dominate by force if necessary, Henry to ponder over a means of securing ecclesiastical freedom. The two men were then in direct opposition to each other. This opposition must be kept in mind when considering the advice Henry gave Stephen at Arundel. The existence of a live threat to Stephen's position in England could well serve as a lever to secure valuable ends. To say that the bishop caused Maud's invasion is absurd - she intended to come before the two fell out, and continued to stay after they had been reconciled. However, the bishop was not one to pass up an advantage to secure what he thought the best interests of the Church, and would not hesitate to utilize the Empress's appearance. The revocation of the election at Malmesbury and the bishop's rebuke over a successor for the bishopric of Salisbury illustrated the continuation of a difference.

The climax was reached with Stephen's capture and the subsequent ecclesiastical election of the Empress. Maud's recognition and acceptance by the Church had been exchanged for the bishop's control of major matters,

primarily ecclesiastical, in the kingdom. Henry had used his legatine authority to secure virtual control of the Church in England. Yet we cannot say the bishop had placed his personal ambition ahead of the interests of the Church on the basis of his request for personal control. He could have justly felt he was serving her best interests against a king who had become tyrannical and corrupted in his dealings.

If there were ever any personal animosity between the two, it never played a prominent role. After two months of disillusionment with Maud, the bishop was ready to return to his former allegiance on the personal assurance of Stephen's queen that amends would be made.

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