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0521554594 - Restoration and Reform, 1153-1165: Recovery from Civil War in England - Graeme J. White

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RESTORATION AND REFORM

1153-1165

This book examines the processes by which effective royal government was restored in England following the civil war of Stephen's reign. It questions the traditional view that Stephen presided over 'anarchy', arguing instead that the king and his rivals sought to maintain the administrative traditions of Henry I, leaving foundations for a restoration of order once the war was over.

The period from 1153 to 1162, spanning the last months of Stephen's reign and the early years of Henry II's, is seen as one primarily of 'restoration' when concerted efforts were made to recover royal lands, rights and revenues lost since 1135. Thereafter 'restoration' gave way to 'reform': although the administrative advances of 1166 have been seen as a watershed in Henry II's reign, the financial and judicial measures of 1163-5 were sufficiently important for this, also, to be regarded as a transitional phase in his government of England.

GRAEME J. WHITE is Head of History, University College Chester.

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To F. M. J. and H. E. B.

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PREFACE

This is a study of government in England – of politics and especially of administration – in the years following the civil war between King Stephen and the Angevins. The period was one of both restoration and reform: on the one hand, the restoration of property, of orderly government and – it was claimed – of the customs of Henry I's reign, and on the other, administrative reform, particularly in the judicial system, prior to the more famous measures in and after 1166. The manner in which the kingdom was governed under Stephen is given close attention, as essential to an understanding of the subsequent period, but the focus is on recovery and reconstruction in the aftermath of war. The year of the peace settlement at Winchester, 1153, is an obvious starting-date, but cases could be made for continuing the work to 1163, 1170 or 1173–74. The date of 1165 has been chosen because by the following year – the year when the Assize of Clarendon and an assize concerning disseisins are known to have been operational, and when the barons had to submit lists of knights' fees – the king was clearly enlarging the scope of royal justice and seeking new sources of revenue, rather than merely regaining what had been lost under Stephen. It could be argued that 1163 would be a better terminal date. After spending nearly four and a half years on the continent, Henry returned to the kingdom and initiated various administrative reforms, some of which foreshadowed the developments of 1166. But by extending the study to 1165 it has been possible to include these initiatives and assess their significance.

The historian of this period is blessed with abundant charter material, since the *acta* of both kings have been collected together, although it has been essential to supplement these by reference to private charters in manuscript or print. From 1155 onwards, we also have the series of pipe rolls as a guide to governmental activity. But many of the narratives which illuminate the period of civil war fail us thereafter: John of Hexham's chronicle stops in 1153, the *Gesta Stephani* and Henry of

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Huntingdon's *Historia Anglorum* in 1154, the 'E' recension of the *Anglo-Saxon Chronicle* in 1155. Robert de Torigni, a useful source for Stephen's closing years, kept his chronicle up-to-date until his death in 1186, but his account was brief and, naturally, better-informed on events on the French side of the Channel: as Howlett put it in his introduction for the Rolls Series edition, 'ours is but the thankfulness felt for moonlight when the sun is absent'. Despite contributions from monastic histories, from Welsh and Scottish annals and from Becket's biographers, we do miss a general survey of English history compiled during the early or middle years of Henry II's reign. Richard fitz Nigel claimed in his *Dialogus de Scaccario* to have written a 'history of England under Henry II' called *Tricolumnis*, but since his warning not to lose it has sadly not been heeded, we are bound to rely heavily on writers at work towards the end of the century. William of Newburgh's *Historia Rerum Anglicarum* explains and assesses policy, adding facts which would otherwise have been lost, but – for our period – is the work of a sexagenarian looking back to his late 'teens and twenties. Gervase of Canterbury and Giraldus Cambrensis also supplied details of the early phase of Henry's reign for which we have no other source, but Ralf of Diceto and Roger of Howden added little to the work of previous writers in their coverage of these years. Given the bias of the sources, therefore, this book has much to say on the recovery of property and on financial and judicial administration under Henry II, but it does not go into detail as a narrative of events.

Stephen's reign has recently received a good deal of scholarly attention, but only occasionally have Henry II's early years as king been accorded special treatment. Older books tended to pass over administrative developments prior to 1166; even such detailed studies as Boussard's *Le Gouvernement d'Henri II Plantagenêt* and Warren's *Henry II*, despite including sections devoted to this period, said less than they might have done on early financial and judicial measures. Legal historians, notably John Hudson, are now stressing the significance of some of Henry's legislative measures at this time, while an important contribution to our knowledge of landholding and finance came with the publication of Emilie Amt's *The Accession of Henry II* in 1993. It is the purpose of this book to offer more rounded treatment of the period: to set Henry II's work as king of England in the context of Stephen's and to examine closely his relations with his officials, his recovery and redistribution of property, his financial administration and his dispensation of justice, in the years before the better-known reforms of the middle and later phases of the reign. Obviously, it would be possible to approach this period from a different perspective, but it is not the intention here to give detailed coverage to issues of legal or ecclesiastical history, important though these

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are. There is no treatment of the reception of Roman law in England, for example, and the relationship between *ius*, *rectum* and *saisina* is not discussed at length. Nor is there fresh consideration of the Becket controversy, which is touched upon only where it impinges on the king's financial or judicial affairs. And the focus is firmly upon England, although no historian of this subject can ignore the importance of Henry II's responsibilities to his Angevin empire as a whole: indeed, the impact of the king's itinerary upon the timing of reform is one of the recurring themes in the chapters which follow.

As I complete this work, my first words of gratitude must go to scholars of an earlier generation, D. J. V. Fisher, R. C. Smail and R. H. C. Davis, none of whom is now with us: as thesis supervisor and examiners respectively, they were generous with their help and advice. More recently, I have to say that without the kindness and encouragement of Edmund King, the book would never have been written; he has read every chapter in one form or another, and I am very grateful indeed for his faith in the project, for his willingness to share his immense knowledge of subject-matter and sources, and for his careful and constructive criticism. Among other scholars whose expert advice has been sought and readily given are David Crouch, Paul Dalton, Judith Green, John Hudson and Thomas Keefe: I thank them all, as I do David Luscombe and the other editors of this series, alongside William Davies and his colleagues at Cambridge University Press, who have shown remarkable forbearance in the face of delays in the production of my typescript. I need hardly add that I take sole responsibility for the interpretations offered in the following pages; errors which remain are my own.

It has not been easy to combine the writing of this book with the fulfilment of my duties of head of department, but I do thank the principal and senior management of University College Chester for allowing me two sabbaticals, of a term and a semester, and must give special mention to my good friend Glyn Turton, who as Dean of Arts and Humanities insisted that I complete the work and watched over the History Department while I did so. My departmental colleagues, academic and secretarial, have given unfailing support. A succession of students, whom it has been a privilege to teach both in the W. E. A. Eastern District and at University College Chester, have contributed more to this book than they will ever know. My greatest debt however is to my family, to my parents and sister and especially to my wife Heather, daughter Elizabeth and son Benedict, whose interest and understanding have been deeply appreciated.

ABBREVIATIONS

<i>Acta</i>	<i>Acta of Henry II and Richard I</i> , ed. J. C. Holt and R. Mortimer (List and Index Soc., special ser., 21, 1986).
Amt, <i>Accession</i>	E. M. Amt, <i>The Accession of Henry II in England: Royal Government Restored, 1149-1159</i> (Woodbridge, 1993).
ANS	<i>Anglo-Norman Studies</i> (Proceedings of the Battle Conference).
ASC	<i>Anglo-Saxon Chronicle: a Revised Translation</i> , ed. D. Whitelock, D. C. Douglas, S. I. Tucker (rev. edn., London, 1965).
<i>Baronies</i>	I. J. Sanders, <i>English Baronies: a Study of their Origin and Descent, 1086-1327</i> (Oxford, 1960).
<i>Becket Materials</i>	<i>Materials for the History of Thomas Becket, Archbishop of Canterbury</i> , ed. J. C. Robertson, 7 vols. (RS, 1875-85).
[BI]HR	[<i>Bulletin of the Institute of</i>] <i>Historical Research</i> .
B. L.	British Library.
BNJ	<i>British Numismatic Journal</i> .
Boussard, <i>Le Gouvernement</i>	J. Boussard, <i>Le Gouvernement d'Henri II Plantagenêt</i> (Paris, 1956).
CCR	<i>Calendar of Charter Rolls preserved in the Public Record Office</i> , 6 vols. (Record Commission, 1903-27).
Chibnall, <i>Matilda Chronicles</i>	M. Chibnall, <i>The Empress Matilda</i> (Oxford, 1991). <i>Chronicles of the Reigns of Stephen, Henry II and Richard I</i> , ed. R. Howlett, 4 vols. (RS, 1884-9).
CP	<i>Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom</i> , ed. G. E.

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	C(ockayne); new edn. by V. Gibbs, G. H. White et al. , 13 vols. in 14 (London, 1910–59).
<i>Curia R. R.</i>	<i>Curia Regis Rolls</i> (London, 1922– in progress).
Davis, <i>Stephen</i>	R. H. C. Davis, <i>King Stephen, 1135–1154</i> (3rd edn., London, 1990).
<i>De Gestis Regum</i>	William of Malmesbury, <i>De Gestis Regum Anglorum</i> , ed. W. Stubbs, 2 vols. (RS, 1887–9).
<i>Dialogus</i>	<i>Dialogus de Scaccario and Constitutio Domus Regis</i> , ed. C. Johnson, corrections F. E. L. Carter and D. E. Greenway (OMT, 1983).
Diceto	Ralf of Diceto, <i>Opera Historica</i> , ed. W. Stubbs, 2 vols. (RS, 1876).
<i>EHR</i>	<i>English Historical Review</i> .
<i>EYC</i>	<i>Early Yorkshire Charters</i> , I–III, ed. W. Farrer (Edinburgh, 1914–16), iv–xii, ed. C. T. Clay (Yorks. Arch. Society, 1935–65).
Gervase	Gervase of Canterbury, <i>Opera Historica</i> , ed. W. Stubbs, 2 vols. (RS, 1879–80).
<i>Gesta Regis</i>	[Roger of Howden] <i>Gesta Regis Henrici Secundi Benedicti Abbatis</i> , ed. W. Stubbs, 2 vols. (RS, 1867).
<i>Gesta Steph.</i>	<i>Gesta Stephani</i> , ed. K. R. Potter, intro. R. H. C. Davis (OMT, 1976).
GF, <i>Letters</i>	<i>Letters and Charters of Gilbert Foliot</i> , ed. Z. N. Brooke, A. Morey, C. N. L. Brooke (Cambridge, 1967).
Green, <i>Henry I</i>	J. A. Green, <i>The Government of England under Henry I</i> (Cambridge, 1986).
HH	Henry, Archdeacon of Huntingdon, <i>Historia Anglorum</i> , ed. and transl. D. E. Greenway (OMT, 1996).
<i>Hist. Nov.</i>	William of Malmesbury, <i>Historia Novella</i> , ed. K. R. Potter (NMT, 1955).
<i>HKF</i>	W. Farrer, <i>Honors and Knights' Fees</i> , 3 vols. (London and Manchester, 1923–5).
Howden	Roger of Howden, <i>Chronica</i> , ed. W. Stubbs, 4 vols. (RS, 1868–71).
<i>Itinerary</i>	R. W. Eyton, <i>Court, Household and Itinerary of King Henry II</i> (London, 1878).
JH	'John of Hexham, <i>Historia</i> ', in Symeon of Durham, <i>Opera Omnia</i> , ed. T. Arnold, II (RS, 1885).

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JW	<i>Chronicle of John of Worcester, 1118–1140</i> , ed. J. R. H. Weaver (Oxford, 1908).
JS, <i>Letters</i>	<i>Letters of John of Salisbury</i> , I, ed. W. J. Millor, H. E. Butler and C. N. L. Brooke (NMT, 1955); II, ed. W. J. Millor and C. N. L. Brooke (OMT, 1979).
King, <i>Anarchy</i>	E. J. King, ed., <i>The Anarchy of King Stephen's Reign</i> (Oxford, 1994).
<i>Lawsuits</i>	<i>English Lawsuits from William I to Richard I</i> , ed. R. C. van Caenegem, 2 vols. (Selden Society, 1990–91).
<i>Monasticon</i>	<i>Monasticon Anglicanum</i> , ed. W. Dugdale, new edn. by J. Caley, H. Ellis and B. Bandinel, 6 vols. in 8 (London, 1817–30).
Newburgh	'William of Newburgh, <i>Historia Rerum Anglicarum</i> ', in <i>Chronicles</i> , I, II.
NMT	Nelson's Medieval Texts, London.
OMT	Oxford Medieval Texts, Oxford.
OV	Orderic Vitalis, <i>The Ecclesiastical History</i> , ed. M. Chibnall, 6 vols. (OMT, 1969–80).
P. R.	pipe roll.
<i>PR</i> ₃₁ <i>Hen. I</i>	<i>P. R. 31 Henry I</i> , ed. J. Hunter (Record Commission, 1833).
<i>PR</i> _{2H} , <i>PR</i> _{3H} , <i>PR</i> _{4H}	<i>P. R. 2–4 Henry II</i> , ed. J. Hunter (Record Commission, 1844).
<i>PR</i> _{5H} , <i>PR</i> _{6H} , etc.	<i>P. R. 5 Henry II</i> , <i>P. R. 6 Henry II</i> , etc. (P. R. Society, from 1884).
P. R. O.	Public Record Office.
<i>RAH</i>	<i>Recueil des Actes de Henri II</i> , ed. L. Delisle and E. Berger, 4 vols. (Paris, 1906–27) [<i>RAH</i> , <i>Intro.</i> = introductory volume].
<i>RBE</i>	<i>Red Book of the Exchequer</i> , ed. H. Hall, 3 vols. (RS. 1896).
<i>Reg. Ant.</i>	<i>Registrum Antiquissimum of the Cathedral Church of Lincoln</i> , ed. C. W. Foster and K. Major, 8 vols. (Lincoln Rec. Society, 1931–58).
RH	'Richard of Hexham, <i>Historia</i> ', in <i>Chronicles</i> , III.
Richardson and Sayles, <i>Governance</i>	H. G. Richardson and G. O. Sayles, <i>The Governance of Mediaeval England from the Conquest to Magna Carta</i> (Edinburgh, 1963).

Abbreviations

<i>Royal Writs</i>	<i>Royal Writs in England from the Conquest to Glanvill</i> , ed. R. C. van Caenegem (Selden Society, 1959).
<i>RRAN</i>	<i>Regesta Regum Anglo-Normannorum</i> , II, ed. C. Johnson and H. A. Cronne (Oxford, 1956); III, IV, ed. H. A. Cronne and R. H. C. Davis (Oxford, 1968–9).
<i>RS</i>	Rolls Series.
<i>RT</i>	‘Robert de Torigni, <i>Chronica</i> ’, in <i>Chronicles</i> , IV.
<i>Saltman, Theobald</i>	A. Saltman, <i>Theobald, Archbishop of Canterbury</i> (London, 1956).
<i>Select Charters</i>	<i>Select Charters and Other Illustrations of English Constitutional History to the Reign of Edward I</i> , ed. W. Stubbs (9th edn rev. by H. W. C. Davis, Oxford, 1921).
<i>Staffs. Colls.</i>	<i>Collections for a History of Staffordshire</i> , 18 vols. in 20 (William Salt Archaeological Society, 1880–97) [further series thereafter].
<i>Tractatus</i>	<i>Tractatus de Legibus et Consuetudinibus Regni Anglie qui Glanvilla vocatur</i> , ed. G. D. G. Hall (2nd edn, OMT, 1993).
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i> .
<i>VCH</i>	<i>Victoria History of the Counties of England</i> (London, 1900–, in progress).
<i>Warren, Governance</i>	W. L. Warren, <i>The Governance of Norman and Angevin England, 1086–1272</i> (London, 1987).
<i>Warren, Henry II</i>	W. L. Warren, <i>Henry II</i> (London, 1973).
<i>WN</i>	William of Newburgh, <i>History of English Affairs</i> , I, ed. P. G. Walsh and M. J. Kennedy (Warminster, 1988).