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978-1-107-02214-0 - Bishops, Clerks, and Diocesan Governance in Thirteenth-Century
England: Reward and Punishment

Michael Burger

Excerpt

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PART I

THE PROBLEM

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I

Introduction

“You’ve always been such a sweet, innocent-looking creature, Jane, and all the time underneath nothing has ever surprised you, you always believe the worst.”

“The worst is so often true,” murmured Miss Marple.

– Agatha Christie, *They Do It with Mirrors*

On reading *Crime and Punishment*, my wife remarked that a better title would have been *Crime and Not Enough Punishment*. Some readers of this book about thirteenth-century English diocesan governance may have a similar response: that its subtitle should have been *Too Much Reward and Not Enough Punishment*. I prefer to avoid normative judgments in history, but such an observation would not be too off point. This book argues that the rewards bishops gave their administrators overshadowed the punishments they meted out to those men. That circumstance arguably made diocesan administration less effective than it could have been. It also pushed bishops to rely on the culture of their age when managing their relationships with subordinates.

There are several ways to understand this situation, but the benefice, I will argue, is key to most of them. A benefice, typically a church, was an ecclesiastical endowment that produced a regular revenue. Traditionally, most benefices came with cure of souls, that is, pastoral responsibilities to parishioners, although many benefices – often the ones of concern in this book – were quite literally sinecures.

Clerks obtained benefices in one of two ways. By the thirteenth century, the most usual was by “institution.” The holder of an advowson – that is, the right to nominate a clerk to hold the benefice – presented the

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lucky candidate to the bishop. The bishop investigated the clerk and the advowson-holder's right and, if all went well, instituted the clerk to the benefice. Less usual, but important to this book, was collation. Where the bishop himself held the advowson, or for some other reason had the right to exercise it, he did not present the candidate to himself, but simply "collated" the benefice to the clerk. In terms of the clerk's rights, however, institution and collation were the same. In either case, the clerk became the incumbent, with all the rights that brought.

The law and courts of appeal conspired to protect episcopal servants in their benefices for their lifetimes, giving them independence, even from their bishops. The expectation that a benefice, and so a secure income for life, was the appropriate reward for diocesan service pushed bishops to provide such benefices, even though doing so reduced bishops' ability to discipline their men. Thus, demand from below for benefices was significant in driving patrons to give their men benefices. *Pace* the implications of some modern discussions, this demand appears to have been not less powerful than a desire among patrons, including bishops, to cut their out-of-pocket expenses by giving ecclesiastical endowments rather than paying their clerks cash. Although pensions (also known as annuities) offered bishops (and other patrons) a revocable reward for their clerks, bishops exploited such pensions to that end in only a limited way; pensions were often instead used simply as placeholders for an eventual gift of a benefice. Moreover, a culture that stressed reward over discipline led bishops and their men to do the same; it is hard to tell, however, to what extent the security of tenure offered by benefices was created by that culture, and to what extent it fostered or at least supported that culture. But the attempts of a couple of ornery bishops, angry enough to violate the cultural norms of their age, to expel their own clerks from those clerks' benefices will show these legal protections at work. Other gifts bestowed by bishops were also often irrevocable, for example, augmentations of a benefice already given. Diocesan service did, it is true, afford a bishop's clerks some additional continuing revenue streams – fees, the reception of bribes, and the profits of extortion – but these were either limited or not enough to bind a bureaucrat to one particular bishop.

Indeed, the culture of diocesan administration tended to decouple rewards from the work for which it was in fact given. Both bishops and episcopal clerks could act as though benefices were not given for service. After all, to give a benefice in return for service was simony, a sin. In addition, bishops regulated the fees for clerical work so fees would cover expenses and no more, thus prohibiting doing such work for profit. And

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bishops and their men made use of a by-then venerable culture of affection and devotion to describe their relations. To judge from what they said, bishops loved their clerks and clerks were devoted to their bishops: that, rather than the profits of administration, is why episcopal bureaucrats labored. It is easy to be cynical about such expressions, and this cynicism is often justified. Yet not always. Episcopal clerks often showed their bishops true devotion, and bishops did sometimes demonstrate, not just assert, their affection for their clerks. Affection and devotion, no matter how conventional, helped hold diocesan administration together.

Insofar as it did hold together. The near absence of punishment meant that while bishops relied on their clerks, that reliance had its limits. Episcopal clerks could easily leave their bishop's service, enriched with gifts that did not have to be returned. In this sense, a beneficed episcopal clerk was more an independent operator than an episcopal dependent, always able to jump ship to labor for some other bishop, to devote himself to pastoral or intellectual concerns, or simply cease to labor at all. The material security enjoyed by episcopal clerks made the culture of affection and devotion all the more important for bishops, even if that culture was not fully effective.

Many of these conclusions rely on certain methodological approaches, some general, some more technical. Broadly speaking, I have taken special interest in situations in which commonplace arrangements were under pressure. These occasions put in relief the forces that supported those arrangements, the contours of normalcy. That concern lies behind my investigation of attempts by bishops and other patrons to deprive clerks of benefices in their gift. Beginnings and endings are also good times to see situations under stress, as when one bishop succeeded another, or when incapable rectors and vicars entered the thirteenth-century ecclesiastical version of retirement.

By the early thirteenth century, the English Church, itself only a part of the Church Universal, had built up a complex administrative structure. Including Wales, the English Church included twenty-two dioceses, each ruled by its bishop. Most of these bishops were in the ecclesiastical province of Canterbury, and so subject to the archbishop of Canterbury, although they often resisted that subordination; the bishops of Durham and Carlisle had the same relationship with the archbishop of York. The dioceses themselves were made up of one or more archdeaconries, with archdeacons appointed by the bishop but not, except under special circumstances, removable by him. Indeed, an archdeaconry was an unusual benefice in that it included by definition administrative responsibilities,

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such as visiting and correcting the archdeaconry's parishes. Archdeacons could in turn look to at least two administrative subordinates. The "archdeacon's official" – early in the century called the "vice-archdeacon" – appears to have enjoyed jurisdiction throughout the archdeaconry as the archdeacon's lieutenant. Archdeaconries were in turn divided into deaneries, each headed by a rural dean. Rural deans are shadowy figures whose activities, and even identities, leave little trace in the sources.

Bishops also relied on other administrative officers. Originally, a bishop looked to his cathedral chapter for administrative help. But by the thirteenth century, many such chapters in England were monastic, their inmates not suited to prolonged activity outside the cloister. Even secular chapters had become corporations largely – although not entirely – beyond the bishop's control; the relationship between bishop and cathedral chapter was often tense, although bishops typically appointed most cathedral canons. While bishops often rewarded their administrators with cathedral canonries, being a canon no longer meant that one was *ex officio* an administrative officer of the bishop.

By the end of the century, under both the press of business and with uncertain support from archdeacon and chapter, bishops were appointing other officers instead. The sequestrator, sometimes called a sequestrator-general, took custody of vacant benefices and carried out duties regarding probate. Bishops also relied on an officer called an *officialis*. For most of the first half of the century, the bishop's *officialis* appears to have been a general alter ego of the bishop, someone who managed the diocese in his master's absence, a figure whom the later Middle Ages would call a vicar-general. From ca. 1250 or so, however, the term *officialis episcopi* came to reflect its use in the larger church: to designate the judge who headed the bishop's court consistory, which so embodied the bishop's judicial authority that no appeal from it to the bishop was possible.¹ In either case, the bishop's *officialis* was a major episcopal servant. The sources occasionally reveal some lesser officers: the bishop's registrar, charged with maintaining his archives, in particular his register; his chancellor, who administered the use of his seal; his proctors, who carried on his legal and diplomatic business; and his notaries, whose imprimatur was increasingly demanded late in the century. The bishop's chaplains often

¹ On this change, see David M. Smith, "The 'Officialis' of the Bishop in Twelfth- and Thirteenth-Century England: Problems of Terminology," in *Medieval Ecclesiastical Studies in Honour of Dorothy M. Owen*, ed. M. J. Franklin and Christopher Harper-Bill (Woodbridge, 1995), 201–20.

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served as his secretariat as well as carrying out liturgical responsibilities in his chapel. Then there were clergy who carried out aspects of estate administration, and so less clearly diocesan business, such as his stewards and seneschal. The clearly domestic chamberlain was also often, perhaps usually, a clerk.

A very large amount of the work of diocesan administration – not quantifiable but nonetheless considerable – was carried out by clergy who held no definable office, but who were simply known as the “bishop’s clerks.” These men did what the bishop needed and looked to him for reward. They were the men on whom the bishop drew in appointing the officers discussed earlier, and remained *clerici episcopi* even as they served in the most exalted offices, such as that of *officialis*. Sometimes such men are designated by a term that suggests a closer attachment to the bishop, as the bishop’s *familiaris*, that is, a member of his household. In relying on his *clerici* and *familiares*, bishops behaved like the kings and nobles of their time. When I discuss diocesan administrators in this book, I am discussing such men.

Much of this book is prosopographical. Reconstructing the minutiae of the lives of episcopal clerks makes for some unavoidably unpleasant piling up of detail. It also raises the more technical matter of identifying diocesan administrators. How does one determine whether a man was a bishop’s clerk? Sometimes, thankfully, the sources simply say so, informing the historian that a man was a “bishop’s clerk” (*clericus episcopi*) or perhaps a “member of the bishop’s household” (*familiaris episcopi*). But often such clerks are not so described. At times those men can be found holding a particular administrative office (e.g., the bishop’s *officialis*) and identified that way. As will be seen more than once in this book, other indications are less certain, sometimes much less certain. Men who can be shown to have received one or more ad hoc commands from a bishop (e.g., to administer the probate of a will) are candidates for identification as *clerici episcopi*. The more such commands a clerk received, the longer the period of time over which they were received, and the weightier the commission, the stronger the case that the clerk should be considered the bishop’s clerk. I have also noted when such commissions were received jointly, as presumably that indicates less reliance by the bishop on any individual recipient – perhaps my one departure from the criteria implicit in most historians’ discussions. Because bishops commonly collated benefices to their clerks, evidence that a clerk received a benefice by collation – particularly an archdeaconry – also points to his standing as a bishop’s clerk. Sometimes the evidence for collation is conclusive: the record of

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the collation is in a bishop's register or less commonly in some other source. Sometimes the evidence is less direct: the clerk appears holding a benefice normally in the bishop's gift, but no record of collation survives. Decisions as to whether a man was a bishop's clerk often require weighing the evidence case by case. So I have laid out the evidence for identifying a man as a bishop's clerk, allowing readers to decide case by case whether that identification is credible.

Lists of witnesses are another source of evidence. Often a bishop's deeds were witnessed, and the names of the witnesses survive. Historians have long used those names to identify a bishop's clerks; if a clerk was often in the bishop's presence, the argument goes, he is likely to have been the bishop's clerk. Historians have also expressed reservations about this practice, in particular objecting that several deeds produced on the same day and in the same place could produce the appearance of a man very often in the bishop's company who in fact happened to be visiting the bishop for only a day.² Where I have relied on witness lists for this purpose, I have noted on how many different days and at how many different places a witness appears in the bishop's company; readers can thus more easily judge how strong or weak this evidence is.

I should also explain a terminological matter: the terms bishop's *act* and bishop's *actum* as used in this book. For most historians, a bishop's *acta* are his formally issued documents, such as charters or letters notifying the world of some administrative action (e.g., that so and so has been instituted to such and such a benefice). I have used *actum* in this sense here. The episcopal *acta* that have been most intensively studied have been those of the twelfth century, and so the witness lists to *acta* from that period have drawn the most attention when it comes to identifying a bishop's clerks. To that kind of episcopal witness the thirteenth century added a new one: witnesses recorded in *memoranda*, that is, records produced by bishops for in-house use, usually in a bishop's register.³ The lists of such witnesses may well have often reflected a formal *actum* drawn up at the same time, but given how historians use the term *actum*, such a witnessed *memorandum*

² Hence the warning of David M. Smith in EEA I: Lincoln, xl. For a vigorous reply to such caveats, focusing on royal charters, see Thomas K. Keefe, "Counting Those Who Count: A Computer-Assisted Analysis of Charter Witness-Lists and the Itinerant Court in the First Year of the Reign of King Richard I," *Haskins Society Journal* 1 (1989), 135–45. I have taken the side of caution, especially because I have far fewer witness lists than does a student of late-twelfth-century royal government.

³ E.g., Rot. Gravesend, 178 (regarding Adbury).

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should probably not be called an *actum*. So I have used the word *act* to refer indifferently to a bishop's *actum* or the record of witnesses in a *memorandum*.

Before ca. 1214, such *acta* are the chief documents preserving a bishop's governance of his diocese. All students of the subject are indebted to the British Academy's English Episcopal Acta project, which has been publishing the *acta* collected from scattered archives.⁴ From ca. 1214, however, English bishops began to keep registers, first at Lincoln, and then elsewhere.⁵ Such registers, highly miscellaneous in their content, preserve the vast bulk of surviving episcopal memoranda and many *acta* too.⁶

My use of "the thirteenth century" also needs some explanation. In this book, the century is somewhat flexible. I have sometimes drawn on evidence from a decade or two before 1200 (thus still staying within C. R. Cheney's period "from Becket to Langton"⁷ as a time characterized by close diocesan governance). I have also sometimes strayed a decade or two into the fourteenth century. Most of the latter instances regard bishops whose episcopates straddle the year 1300, like Richard Swinfield, consecrated bishop of Hereford in 1283, who lasted until 1317. When I have drawn on evidence concerning fourteenth-century bishops who cannot also be called thirteenth-century bishops in at least this extended sense, I have explicitly noted the date of the evidence.

I have also similarly cast the net widely when examining some of the rewards bishops gave their clerks. Other lords were also rewarding their clerks, with benefices and also with pensions. In these matters in particular, I have sometimes filled out thinner evidence regarding bishops and their clerks by looking at evidence regarding other lords, in particular monasteries, and their clerks. Both sorts of relationships were under similar pressures, and so the distinction seems, within limits, to have been without a difference. Readers will be able to judge for themselves the specific instances discussed. I have also noted where the distinction does

⁴ The first volume of the project was published as EEA I: Lincoln in 1980. The series is still running strong.

⁵ For the date 1214, that of the first surviving English bishop's register – strictly speaking, a set of rolls – see David Smith, "The Rolls of Hugh of Wells, Bishop of Lincoln, 1209–35," *Bulletin of the Institute of Historical Research* 45 (1972), 155–95. For a looser determination, see A. Daniel Frankforter, "The Origin of Episcopal Registration Procedures in Medieval England," *Manuscripta* 26 (1982), 67.

⁶ For more on this, see Chapter 5.

⁷ C. R. Cheney, *From Becket to Langton, English Church Government 1170–1213* (Manchester, 1956).

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seem to have made a difference.⁸ So, too, I have sometimes examined how bishops punished clergy at large in their dioceses in order to provide context for how they punished, or did not punish, their own clerks. This practice of embracing the clergy beyond episcopal clerks may sometimes give this book the feel of a broader study of the clergy as a whole. But my quarry is, in the end, one aspect of diocesan governance, rather than a general survey of the thirteenth-century English Church like that of J. R. H. Moorman.⁹

Books about diocesan administration are naturally bishop-centered, especially when they, as they so often do, take the form of a bishop's biography. This book, however, is about bishops and their clerks. In writing it, I have worked to understand the relationships between these parties from each side's point of view. Hence, readers will, I hope, find the discussion bishop-centered and clerk-centered by turns. The focus on reward and punishment, especially in their material aspects, in understanding clerks, and to some extent bishops, may seem cynical. It threatens to reduce these men from spiritually-minded clergy to rational calculators of advantage. At the same time, such a reduction also flattens the differences between past and present, between, say, the medieval church and the modern corporation. Such a reduction is not, however, always incorrect. Medieval people could be rational calculators. Even medieval clergy could be – that, at least, they have in common with modern administrators. Miss Marple's observation applies then as now. But I have tried to leave room for other, less modern, considerations, such as honor; the evidence, I think, justifies doing so. The question of religious concerns – such as spirituality or the pastoral care, which clearly did distinguish the church, then and now, from other modern institutions – is largely postponed until the concluding chapter. I have also tried to have an eye out for individual personality. Indeed, I am grateful to those long-dead bishops whose passions led them to violate the norms of their day and, by doing so, illuminate them. Contemporaries, of course, felt differently.

Despite the weaknesses identified here, bishops and their men – with a healthy amount of stimulation by pope, king, and people – built an administrative edifice in the High Middle Ages. Classically, the later twelfth to earlier thirteenth centuries was the period of the great expansion of

⁸ E.g., papal provisions of benefices probably added to bishops' hunger for patronage of benefices, a pressure not experienced much by lay patrons.

⁹ J. R. H. Moorman, *Church Life in England in the Thirteenth Century* (Cambridge, 1955).