The Anglo-Saxon and Norman "Eigenkirche" and the Ecclesiastical Policy of William I.

Albert Simeon Cote Jr

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THE ANGLO-SAXON AND NORMAN "EIGENKIRCHE" AND THE ECCLESIASTICAL POLICY OF WILLIAM I

The Louisiana State University and Agricultural and Mechanical Col.  Ph.D. 1981

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THE ANGLO-SAXON AND NORMAN EIGENKIRCHE
AND THE ECCLESIASTICAL POLICY OF WILLIAM I

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
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in

The Department of History

by

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgments</td>
<td>ii</td>
</tr>
<tr>
<td>Table of Contents</td>
<td>iii</td>
</tr>
<tr>
<td>Abbreviations</td>
<td>iv</td>
</tr>
<tr>
<td>Abstract</td>
<td>vi</td>
</tr>
<tr>
<td>Introduction,</td>
<td>viii</td>
</tr>
<tr>
<td>Chapter I: The Eigenkirche and the Historiography of William I's Ecclesiastical Policy</td>
<td>1</td>
</tr>
<tr>
<td>Chapter II: Theories of the Proprietary Church</td>
<td>25</td>
</tr>
<tr>
<td>Chapter III: The State of the Anglo-Saxon Church and the Proprietary Church</td>
<td>59</td>
</tr>
<tr>
<td>Chapter IV: Anglo-Saxon Reform of the Proprietary Church</td>
<td>96</td>
</tr>
<tr>
<td>Chapter V: Proprietary Interests in the Ecclesiastical Policy of the Norman Dukes</td>
<td>145</td>
</tr>
<tr>
<td>Chapter VI: William's Ecclesiastical Policy in England</td>
<td>187</td>
</tr>
<tr>
<td>Chapter VII: William's Eigenkirche and Reform</td>
<td>239</td>
</tr>
<tr>
<td>Chapter VIII: Gregory VII and William's Eigenkirche</td>
<td>289</td>
</tr>
<tr>
<td>Conclusion</td>
<td>330</td>
</tr>
<tr>
<td>Appendix A</td>
<td>334</td>
</tr>
<tr>
<td>Appendix B</td>
<td>338</td>
</tr>
<tr>
<td>Appendix C</td>
<td>340</td>
</tr>
<tr>
<td>Appendix D</td>
<td>341</td>
</tr>
<tr>
<td>Bibliography</td>
<td>344</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>ASC</td>
<td>The Anglo-Saxon Chronicle</td>
</tr>
<tr>
<td>B</td>
<td>Cartularium Saxonicum. Edited by Walter de Gray Birch.</td>
</tr>
<tr>
<td>Bessin</td>
<td>Concilia Rotomagensis Provinciae. Edited by G. Bessin</td>
</tr>
<tr>
<td>Bouquet</td>
<td>Recueil des historiens des Gaules et de France. Edited by Dom Bouquet.</td>
</tr>
<tr>
<td>Davis, Regesta</td>
<td>Regesta Regum Anglo-Normannorum, 1066-1154. Edited by H. W. C. Davis.</td>
</tr>
<tr>
<td>DB</td>
<td>Domesday Book seu Liber Censualis Willelm Primi Regis Angliae.</td>
</tr>
<tr>
<td>DM</td>
<td>The Domesday Monarchorum of Christ Church. Edited by D. C. Douglas.</td>
</tr>
<tr>
<td>EHD</td>
<td>English Historical Documents. Edited by Dorothy Whitelock.</td>
</tr>
<tr>
<td>EHR</td>
<td>English Historical Review.</td>
</tr>
<tr>
<td>Fauroux</td>
<td>Recueil des actes des ducs de Normandie de 911 à 1066. Edited by M. Fauroux.</td>
</tr>
<tr>
<td>GP</td>
<td>William of Malmesbury, De Gestis Pontificum Anglorum.</td>
</tr>
<tr>
<td>GR</td>
<td>William of Malmesbury, De Gestis Regum Anglorum.</td>
</tr>
<tr>
<td>HE</td>
<td>Bede, Historia Ecclesiastica Gentis Anglorum.</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Reference</td>
</tr>
<tr>
<td>--------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>HN</td>
<td>Eadmer, <em>Historia Novorum.</em></td>
</tr>
<tr>
<td>K</td>
<td><em>Codex Diplomaticus Aevi Saxonici.</em> Edited by J. Kemble.</td>
</tr>
<tr>
<td>Mansi</td>
<td><em>Mansi, G. D. Sacrorum Coniliorum Nova et Amplissima Collectio.</em></td>
</tr>
<tr>
<td>MGH</td>
<td><em>Monumenta Germaniae Historica.</em></td>
</tr>
<tr>
<td>Ordericus Vitalis</td>
<td><em>Ordericus Vitalis, Historia Ecclesiastica.</em></td>
</tr>
<tr>
<td>PL</td>
<td><em>Patrologiae Latinae Cursus Compleitus.</em> Edited by J. P. Migne.</td>
</tr>
<tr>
<td>Round</td>
<td><em>Calendar of Documents preserved in France.</em> Edited by J. H. Round.</td>
</tr>
<tr>
<td>RS</td>
<td><em>Rerum Britannicarum medii aevi scriptores.</em></td>
</tr>
<tr>
<td>Wilkins</td>
<td><em>Concilia Magnae Britanniæ et Hiberniæ.</em> Edited by David Wilkins.</td>
</tr>
</tbody>
</table>
ABSTRACT

The eigenkirche or proprietary church was an important factor in the ecclesiastical policy of William I. In previous studies, the proprietary church was considered purely a local phenomenon. William's religious concerns in Normandy and England demonstrate the eigenkirche's role at the local, royal, and international levels.

An examination of the legal sources is critical to understanding the proprietary church in Anglo-Saxon England, Normandy, and Norman England. The Anglo-Saxon charters provide important examples of the private church and monastery in the pre-Conquest period. In Normandy, the ducal charters, once inaccessible because of archival problems, are now available for analysis of the Norman Church. For England, the Domesday Book yields detailed information about churches and ecclesiastical property before 1066 and afterwards. This study, in contrast to former works which relied upon narrative sources, depends extensively on these legal documents.

The Anglo-Saxon Church, as revealed in the charters, was a loosely organized system dominated by private interests. Churches, monasteries, and ecclesiastical property were owned outright by individuals and corporations (secular and religious). Despite the efforts of reformers like Dunstan, the Anglo-Saxon Church remained fragmented until the Conquest. William's invasion of England radically changed the condition of the Church. The Conqueror introduced his Norman ecclesiastical policy. In Normandy, the duke had gained control over the Church through feudalism. In particular, alodial lands and
churches of the noble class were feudalized, but that group retained its independence.

When William conquered England, he created an accentuated form of feudalism which tied all men and lands to the king. The Church became enmeshed in the feudal system and was considered part of his allod, the English kingdom. Though William claimed absolute control, there were serious difficulties in his eigenkirche policy. Namely, he could not solve the problem of jurisdiction between dioceses and monasteries and between feudal and ecclesiastical persons. Moreover, William's policy directly opposed papal goals towards England which sought to make the kingdom a papal fief.
This work will explore the role of the proprietary church in the ecclesiastical policy of William I of England. The term *eigenkirche* (or proprietary church) literally means a church that someone owns, but such a brief definition is inadequate to express the complexity of the institution as it existed in Normandy and England. A proprietary church might be more than a single church and might not be owned by an individual. Ecclesiastical corporations, as well as kings, nobles, lay persons and clerics, possessed proprietary churches. Ownership could be limited to a church in the simplest sense of a building or extended to the 'Church' of a whole kingdom. Men in the Middle Ages recognized proprietary churches at different levels (local, national, even universal). In the case of William the Conqueror's England, they existed at nearly all of these levels.

It is not the purpose of this dissertation to re-define the conception of *eigenkirche*. But in my examination of the Norman Church, the Anglo-Saxon Church and William's ecclesiastical policy, modifications had to be made to explain how the private church worked. A strenuous effort has been made to focus this study on churches in the narrowest sense. Yet in my analysis of the phenomenon, the term proprietary church also has a broad application. It refers to the private ownership of ecclesiastical property -- whether that property be churches, lands, chapels, monasteries, offices, or services. All were subject to personal or corporate possession.

William's ecclesiastical policy applied to two different realms and to several different cultures. Normandy, Anglo-Saxon England, and
the Celtic lands were the sources from which the duke (later king) created his royal Church. As a result, a study of William's religious affairs provides an opportunity to examine the eigenkirche in various aspects. The mere fact that William became the king of England offers us a fuller chance to examine the proprietary church at the national level.
CHAPTER I
THE EIGENKIRCHE AND THE HISTORIOGRAPHY OF
WILLIAM I'S ECCLESIASTICAL POLICY

William the Conqueror's ecclesiastical policy has not traditionally received much consideration by historians. Only very recently has it been realized that William's takeover and subsequent reform of the English Church had many deep reaching ramifications for later English society. Indeed, some recent interpretations hold that William's ecclesiastical policy established the foundations for the Investiture Struggle in the reigns of William Rufus and Henry I.¹ Such assertions deserve serious consideration. The origins of the Investiture Controversy lay in the early years of Norman rule. In that period, the major issues in the Controversy assumed a definitive shape.

Modern interpretations of the Norman Conquest began in the seventeenth century. The men of the Glorious Revolution and the Whig ascendancy frowned on all monarchical forms of government. To them, the conquest of England in 1066 by William the Conqueror represented the introduction of a tyranny. Indeed, it was a national tragedy and a dark page for representative government and personal freedoms. The first response by historians was to explain away this apparently disastrous event by denying its importance and categorizing it as an intermediary period between Anglo-Saxon times and the Revolution. The Whig viewpoint ignored William's ecclesiastical policy and looked

¹ David C. Douglas, The Norman Conquest and British Historians (Glasgow, 1946), pp. 5-13.
to the old English Church as a prototype upon which to model the
seventeenth century Church of England.²

To nineteenth century scholars, the study of the Norman Conquest
was a kind of polemical exercise.³ The central issue was whether the
Norman Conquest represented a period of revolution or one of gradual
change. The main proponents of gradualism were Edward Freeman and
Bishop William Stubbs. Both argued that, indeed, the English Church
was affected by the Conquest; but William — although he dominated
ecclesiastical affairs — was careful not to destroy the magnificent
edifice of the Anglo-Saxon Church. Changes were introduced gradually
so that the fabric of the Church would not be damaged.⁴ The antago­
nist of Stubbs and especially Freeman was J. H. Round. The under­
lying assumption of his works was that the Norman Conquest represented
a revolution in English history. With penetrating analysis and fine
scholarship, Round argued that this break in historical continuity
could be proven by the fact that William the Conqueror had introduced
feudalism. Round gave the Church even less consideration than his
adversaries. The English Church was no more than a department of the

²David C. Douglas, The Norman Conquest and British Historians
(Glasgow, 1946), pp. 5-13.

³C. Warren Hollister, The Impact of the Norman Conquest (New York,

⁴E. A. Freeman, The History of the Norman Conquest: Its Causes and
its Results, vol. 4 (Oxford, 1873), pp. 215-234. See also: William
Stubbs, The Constitutional History of England in its Origin and
Modern twentieth century research has performed a considerable
task in clarifying the significance of the Norman invasion. The first
fruit of this labor has been the de-nationalization of the problem.
Sir Frank Stenton was the first to show that the Conquest was not
simply an issue between the English state and the Norman conquerors.
The acceptance of William as king by the Anglo-Saxon earls and
prelates demonstrated that England was not a unified state. Once
Harald was dead, resistance to the Normans was sporadic and the ob­
jectives of the rebels in 1067 were local and isolated. There was no
idea of the fatherland or country to rally the defeated English and
cast out the invaders. Stenton is credited with elucidating a real­
istic picture of the political significance of the Norman Conquest.
The year 1066 did not simply determine whether England would remain
Anglo-Saxon or become Norman; but also whether it might move into a
Scandinavian sphere of influence. Indeed, the Nordic alternative was
only averted by Harald's defeat of the Norwegian king Harald Hardrade
at the battle of Stamford Bridge. England in 1066 was a juncture for
three cultural forces, all asserting their claims to dominance.6

Twentieth century scholars, however, have persistently concen­
trated on the question of nationalism in the period of the Conquest.

and Twelfth Centuries (London, 1895, reprinted ed., 1964), pp. 221-
222.

6Frank Stenton, William the Conqueror and the Rule of the Normans
This approach must not be set aside without consideration. To be sure, William's reign was a formative period for the emergence of England as a country. In this context, historians have sought the innovative elements in the Norman Conquest and the contributions made by the Anglo-Saxon kingdom and the Norman duchy towards the development of England. It is generally recognized that the efforts of J. H. Round, Frank Stenton, and David Douglas show William to be responsible for introducing feudalism to England and organizing that kingdom into a feudal monarchy. Opponents of this view have not, I think, successfully disproven this notion; but they have pointed out the many contributions of the Anglo-Saxons to England's heritage.7

Anglo-Saxon civilization was a rich and vibrant organism. Its physical remains in monuments, unearthed artifacts, and manuscripts prove it was by no means the decadent society often depicted by mediæval chroniclers. Modern historians have generally described the accomplishments of the Anglo-Saxons in three areas: culture, administration, and ecclesiastical affairs. Donald Matthews drew attention to the fact that the Anglo-Saxons cultivated vernacular literature more than any other contemporary people.8 Governmental and military organization of the Anglo-Saxons were not destroyed entirely by the Norman Conquest. Warren Hollister has shown that the old Anglo-Saxon administration and in particular the fyrd were utilized by William

7Douglas, British Historians, pp. 32-34.
and the early Norman kings to maintain their power. The English Church was likewise a unique aspect of Anglo-Saxon civilization. Its constitution and organisation were as complicated and precise as those on the continent. The achievements of the Anglo-Saxons were many; yet they should not depreciate the legacies of the Normans. Although the evidence is scanty and limited, Charles H. Haskins and later D. C. Douglas have established the many institutional and political investments of the Normans in England's development.

Important as they are, these studies have not focused on the problem of the Church versus the monarchy. This is understandable because the question of the Church's relationship to the monarchy was less important to these early scholars. Yet, the ecclesiastical policy of William influenced the later development of the Investiture Controversy. This view is sustained not only by contemporary historians, but mediaeval writers as well. Eadmer, the monk-historian of England's Investiture Struggle between Anselm and the English monarchs William Rufus and Henry I, argued that the abuses of their reigns were attributable to William's policy. It is certainly

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11 Douglas, British Historians, pp. 35-36.

contestable whether William's ecclesiastical measures were abusive, but the significance of his policy cannot be overlooked and it raises questions concerning the nature and definition of that policy.

The best description of William's ecclesiastical policy is by Heinrich Boehmer, a German historian, who provided it in his monograph entitled, *Kirche und Staat in England und in der Normandie im XI. und XII. Jahrhundert* (1899). Boehmer devoted over seventy pages to William's actions in the sphere of ecclesiastical affairs. Boehmer's work certainly superseded all previous efforts on William's ecclesiastical policy, and has not been surpassed. In recent years his work has received criticism for digressing itself too much from the subject of the Investiture Controversy. Nevertheless, it remains the best modern commentary on William's ecclesiastical policy.13

The major premise of Boehmer's argument is that William was primarily concerned with dominating and controlling the Church. The conquest and subjection of England were in his mind at all times, and the Church in England was a vehicle through which subjugation could be accomplished. William, however, was diplomatic in his methods, and cloaked his aggression in the guise of righteousness and just cause. The invasion of England was undertaken to establish his rightful inheritance, to dispossess a usurper and perjurer, Harald, and finally to reform a corrupt and degraded English Church. To justify his ambitions further, William eagerly sought papal approval from Alexander II (1061-1073) and sanction from other powers in Europe. This need

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13 Cantor, *Church and Lay Investiture*, p. 7.
for justification is amply proven by the contemporary historians, chroniclers, and poets who repeatedly mentioned that Harald had broken his oath by assuming the kingship of England. This perjury — as it was portrayed and propagandised — was eventually condemned by pope and secular leaders.\footnote{Heinrich Boehmer, \textit{Kirche und Staat in England und in der Normandie im XX. und XII. Jahrhundert} (Leipzig, 1899), pp. 79-85.}

Church reform was, in Boehmer's view, a secondary objective of William's ecclesiastical policy. His reform efforts were not religiously motivated, but were a diplomatic favor for the approval Pope Alexander II and the Roman curia had given to the invasion of England. Indeed, in the actual mechanics of the reform movement, William was not the inspiration for the reformation of the English Church. Lanfranc of Bec, the archbishop of Canterbury, and several papal legates contributed the most to the shaping and changing of the Church of England. In all of the proceedings, however, William's approval was final. He would not accept any overt diminution of his power or authority. Nevertheless, the Norman Conquest dragged the English Church from a backward, provincial state to a condition comparable to that of the Church on the continent.\footnote{Ibid., pp. 87-94.}

The instruments of reform were twofold: royal decree and the council of the realm. The decree was the Anglo-Saxon writ. In ecclesiastical affairs it was used sparingly; but, when utilized, its effect was swift and final. The most important ecclesiastical legislation by decree was the separation of episcopal law courts...
from those of the laity in the shires.\textsuperscript{16} To be sure, the decree was exceptional. William used his decree in Church affairs only in extraordinary situations where it was more expedient than other means. The councils managed the bulk of reforms during William's time. Sometimes they were held with the king and his nobles presiding and participating; but, more often, they were simply assemblies of ecclesiastics with Lanfranc and papal legates leading the proceedings. In all, there were seven councils. The largest and most influential council was assembled in 1070 at Winchester, and later moved to Windsor. Others met at Winchester (1072, 1076), London (1075), Westminster (1077), and Gloucester (1080-1081, 1085-1086). The results of these councils altered the old English Church into a different institution.\textsuperscript{17}

The episcopacy was changed drastically. Either through death or deposition, most English bishops were replaced by Norman ones. By the end of William's reign only three Englishmen held episcopal sees. The remainder were Normans or clerics from the continent.\textsuperscript{18} Episcopal jurisdiction was re-established and clarified to a greater extent than it was in the old English Church. The see of Canterbury obtained primacy not only over England, but over the whole British Isles. Other sees were moved from villages to cities and their diocesan organizations defined more clearly. Bishops were given more control

\textsuperscript{16}\textit{Ibid.}, P. 96.

\textsuperscript{17}\textit{Ibid.}, P. 97.

\textsuperscript{18}\textit{Ibid.}, P. 87.
over parish priests and rural countryside, which in Anglo-Saxon times had often been completely outside episcopal supervision.\textsuperscript{19} A third and important innovation was the development of a bureaucracy in some bishoprics. Because of the Conqueror's demands for military service and the extra duties reform placed on the bishop, administrative assistants were created to lessen the work load. The Normans resuscitated and expanded two agents of the bishops: the cathedral chapter and the archdeacon. They assisted the bishop by dispensing justice, managing estates, and providing services for the cathedral's operation. Eventually, the chapter and archdeaconate became separate, semi-autonomous bodies in the dioceses which signified even further jurisdictional divisions.\textsuperscript{20}

The reform and re-establishment of the episcopacy gave further impetus to the introduction of changes in the monastic constitution of the English Church. Like the episcopal organisation, the monasteries were reformed along a continental pattern. English-born abbots were removed and replaced by foreigners. New monastic orders and revised monastic rules (e.g. Lanfranc's \textit{Monastic Constitutions}) were introduced. However, unlike the episcopacy, monasticism did not undergo extensive re-organization. The key word to characterize the impact of the Normans on monasticism is growth. The goodwill the king, the barons, and the archbishop of Canterbury felt toward the monasteries thrust them into the forefront of ecclesiastical affairs.

\begin{footnotesize}
\begin{enumerate}
\item Ibid., pp. 90-99.
\item Ibid., pp. 92-94.
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New monasteries were founded like Battle Abbey and old ones were revived. Lands and wealth were lavished upon them. Many were exempted from taxes and royal duties. A few even escaped military service. Cathedral chapters were filled by monks rather than secular clerics. Abbots and monks were placed in bishoprics and pressed into service for the king. In sum, monasticism like the episcopacy was revived.²¹

William's policy was beneficial to the English Church in other ways as well. The abuses of simony (the sale of ecclesiastical offices) and pluralism (the holding of two or more offices) were addressed in the first years of Norman rule. Celibacy for clergymen was made canon law. Culturally, the Norman arrival meant the introduction of the Roman liturgy, the spread of a new architectural style, and finally the revival of the Latin language — previously overshadowed by Anglo-Saxon vernacular. Yet, Anglo-Saxon culture did not perish; no policy of de-nationalisation or cultural extermination took place. The Normans provided a secure, orderly, and peaceful rule which allowed Norman and Anglo-Saxon cultures to flower and amalgamate.²²

The policy William followed was not brutal or forceful, but tactful and realistic. The improvement of the Church was a justification of his conquest of England. The king desired to appear as a reformer by cleansing the church of evil and corruption. William's behavior went so far in this charade that he reprimanded his subordinates for any maltreatment or overt abuses. Boehmer believed the

²¹Tbid., pp. 108-110.

²²Tbid., pp. 124-125.
fundamental objective of William's program was always to dominate the Church. In pursuance of this aim, William maintained certain powers over the Church. He summoned synods and confirmed their accomplishments. No baron could be banned or excommunicated from the Church without his authorization. Lastly, his nobles who had committed political crimes against the Church could only be subject to ecclesiastical penalties by William's command.23

It was the Norman king's policy of dominance that confronted Pope Gregory VII (1073-1085) not his pretentiousness as a reformer. Under Gregory, the papacy asserted its claims of supremacy in European politics. England, which had been conquered by the duke with papal sanction, provided an ideal situation for the papacy to test its theories of primacy. Gregory believed William owed obedience to the pope for supporting his expedition. After some preliminary letters dealing with the king's duties to God and the Holy See, the pope, either through spoken word or writing, asked William to perform fealty to him. The request implied that England was considered a fief by the pope. The king's response was indignation and outright refusal to Gregory's demands. William placed a number of restrictions upon papal interference and activities in England as a gesture of his anger.24

William's position was a bold one, and fortunately he was able to stave off Gregory's claims. This was not due to his threats, but other factors. None of England's clergy followed the pope's commands.

23Ibid., p. 94.

24Ibid., p. 95.
Lanfranc, the leader of the English Church, stood steadfastly by the king and rejected the papal summons. The whole episode ended when Gregory became embroiled with the German emperor, Henry VI, in 1077.\textsuperscript{25} The encounter with the pope did cast some foreboding portents for future relations between the monarchy and the papacy. In this instance, only the loyalty of Lanfranc saved the king from a protracted struggle.\textsuperscript{26}

Boehmer believed the historical result of William's policy was the separation between Church and monarchy. While the king strove to organize the Church into a department of government, he created at the same time an institution distinct from the rest of society. Theoretically, it was under the authority of the king, but in years to come it obtained its own independence. In succeeding reigns, the English Church under the archbishop of Canterbury often had the choice of supporting the pope or opposing the king.\textsuperscript{27}

Such is the ecclesiastical policy of William I, as Boehmer conceived of it. It was the first modern interpretation of the Church's development in the first years of Norman rule, and is still the best account of it. Yet, there is much to dispute in his theory. It is quite debatable whether William practiced such \textit{realpolitik}. He was a man of his times imbued with religious values. His motive cannot and should not be identified with those of modern man. Equally objectionable is Boehmer's assumption of existence of a 'state' in mediaeval

\textsuperscript{25}\textit{Ibid.}, p. 137.

\textsuperscript{26}\textit{Ibid.}, p. 139.

\textsuperscript{27}\textit{Ibid.}, p. 95.
times. The notion of the modern state nowhere approaches the political system envisioned by William. The Conqueror's political interests were intertwined with spiritual concerns. The blurring in the distinction between secular and spiritual resulted from the mediaeval significance of kingship. Mediaeval kings and emperors always thought the Church was under their jurisdiction. The practice dated from the times of Charlemagne, who wielded a control over the Church in imitation of the caesaropapism of the Byzantine emperors. Whether this custom evolved from pagan thaumaturgical notions of kingship or the Christian anointing ceremony is still open to debate. 28 Boehmer, it seems, either ignored or was unaware of the quasi-sacerdotal functions of Germanic kingship.

Most current works parallel Boehmer's theory, but they do not approach Boehmer's depth of analysis. Other treatments of William's religious policy appeared in biographical studies of William I. It is not difficult to understand the methodological import of these works. To J. H. Round and his student, F. M. Stenton, William was the source of all change in Anglo-Saxon England. Essentially, these studies are a one-dimensional view of the Conqueror's religious program. The historical biographer — in an effort to depict all the facets and achievements of his subject — has tended to ignore the significance of other personages or of economic, political and even historical

factors independent of the king. For example, Stenton in his William the Conqueror devoted a chapter to the Conqueror's religious policy which reduced the role of Lanfranc to that of a servant to the king. We know from the sources that Lanfranc exercised considerable independence in his position. Conversely, A. J. MacDonald argued in his biography that Lanfranc initiated most ecclesiastical reforms after the Conquest. Another example of this one-sided view in biographical works on William I is the depreciation of the Gregorian reform movement in English affairs. William's relations with the papacy were crucial to the Conquest and later reform of the Church. Boehmer's work demonstrated this point clearly. D. C. Douglas viewed European and papal politics as only tangential to the formation of William's policy. A few sentences on the Gregorian reform movement sufficed for Douglas to explain its impact on English affairs. Boehmer's description disproves this viewpoint. In summary, the biographies on William and Lanfranc have not added much knowledge of the aims of William's ecclesiastical program.

As was stated above, the question of the Investiture Struggle in

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29 Stenton, William the Conqueror, p. 403. Stenton states: "Hildebrand came to recognize that Lanfranc was only acting in obedience to his master's orders."


32 Other biographies on William are: Frank Barlow, William I and the Norman Conquest (London, 1965); Michel de Bouard, Guillaume le Conquerant (Paris, 1958).
early Norman times has been overlooked. Still less notice has been
given to the part William's ecclesiastical policy played in this con-
troversey between the Church and the English monarchy. Besides
Boehmer's work there are two other studies on the subject. Z. N.
Brooke's *The English Church and Papacy* and Norman Cantor's *Church,
Kingship and Lay Investiture in England*. Brooke's study attempted to
determine the validity and relative strength of canon law and papal
supremacy in England. He examined how canon law and the ideas of
papal hegemony were introduced by Lanfranc, Anselm of Bec, and Thomas
Becket, and he concluded that the movement proceeded at the same pace
as on the continent. William's policy was examined only in a cursory
manner by Brooke. Following Boehmer, he concluded William was both
master and instigator of reform in the English Church.\(^33\)

Norman Cantor's work is basically a history of the English In-
vestiture Struggle and its relationship to the continental reform
movement. He lays special emphasis upon the notion of sacred king-
ship. The argument of Pope Gregory VII that the clergy should be
free of all lay control was a new viewpoint in mediaeval Europe.
This revolutionary idea negated and contradicted the régime of sacer-
dotal kingship which subordinated the Church to a higher religious
authority: the king. In England sacerdotal kingship began with
William I. The mastery over the Church by William I was a policy
followed by William II and Henry I. It confused the ecclesiastical
and secular jurisdiction and, finally, initiated conflict with the

\(^{33}\) Z. N. Brooke, *The English Church and the Papacy* (Cambridge, 1931),
pp. 132-146.
pope and the archbishop of Canterbury. Cantor saw William's ecclesiastical policy as a desire to reform and dominate the Church. These two goals, however, sprang from William's sacerdotal kingship.\textsuperscript{34}

Cantor's work provides little analysis of details of William's policy on Church matters. Cantor was concerned with Investiture Contest in the reigns of William Rufus, Henry I, and Henry II, but much of his theory hinged on an interpretation of the Church in William I's reign. He utilized Boehmer's work sparingly, and in some cases neglected it all together. Nevertheless, Cantor's interpretation is a unique one and departs significantly from the older views of Boehmer and Freeman. It provides two interesting observations: first, the Gregorian reform movement was a European phenomena which threatened the supremacy of sacerdotal kingship, and second, the origins of the Investiture Struggle in England are found in William's ecclesiastical policy.

The Church reform movement of the eleventh century affected every country of Europe. The Church policy of nearly all the European monarchs was transformed in some way by the reform ideas. The importance of Church reform in eleventh century mediaeval politics requires some consideration. What exactly the goal of this reform was and what Gregory VII's role in it was are questions which have been debated by scholars for the last hundred years. Some have argued the purely spiritual nature of the eleventh century reform era. This approach has not been readily accepted. In this century English scholars believed the reforms were an attempt by the papacy at world domination.\textsuperscript{34}

\textsuperscript{34}Cantor, \textit{Church and Lay Investiture}, pp. 27-31.
This theory has been attacked and criticized by Catholic historians, especially the French. A recent method examined the ideas which guided the reform movement. The ideas of lay investiture, freedom of the Church (*libertas ecclesiae*), moral reform, and Cluniac monastic reform inspired and motivated Gregory VII in his aims. These notions likewise were a source for the reformers and the movement itself.\(^{35}\)

All of these approaches to this question have made some contribution to our knowledge of the eleventh century reform era although stronger arguments have been made for some than others. It must be recognized that each view of the problem has its own value, perceptions, flaws, and limitations. Yet, none should be totally disregarded.

The theory of the proprietary church has shed a new light on the Gregorian epoch. The theory formulated by Ulrich Stutz at the end of the nineteenth century defined the proprietary church or *eigenkirche* as the ownership by someone of a church or churches — the building, the altar, etc.

The owner could be a layman, a regular clergyman, a secular clergyman, a religious corporation, a bishop, a king or nobleman. Anyone could possess a church. His ownership granted him many wide-ranging rights and powers over the church. The proprietor could buy, sell, loan, or bequeath the church as he did with his mill, manor, or wine press. The inclusiveness of the conception of a proprietary church created havoc in the mediaeval Church's organization. The

\(^{35}\) For a summary of these views see Gerd Tellenbach, *Church, State, and Christian Society at the time of the Investiture Contest*, trans. R. F. Bennett (Oxford, 1940), pp. 183-192.
bishop found his authority and power severely limited by church owners who completely dominated the rural areas in his diocese. In many cases, the bishop's own cathedral might be owned by someone else. By an extension of his proprietary right, the owner gradually established his right to nominate and install ecclesiastical office holders at any level in the organization of the Church.  

The implications for the mediaeval Church are readily apparent. As early as the Carolingian period, legislation poured forth on the subject, seeking to establish stability in a chaotic situation. The territorial lord's right to divide churches among his heirs, to appoint slaves as priests, to appoint clergymen to office without the bishop's approval were curbed. The bishop's position was upgraded by obliging a priest to submit to his authority and supervision in his diocesan synod. Some ecclesiastics, like Agobard of Lyons denounced the eigendarf system in toto. More formidable and persuasive churchmen like Hincmar of Rheims attacked the encroachment of laymen upon ecclesiastical lands, but defended with remarkable determination the legal system of the proprietary church. This seemingly paradoxical position echoed again and again in the councils of Trosly (909), Farfa (915), Ingelheim (948), Augsburg (952), Seligenstadt (1023), and


37 Ibid., pp. 48-49.
In all councils, Hincmar's opinions prevailed, and the régime of the proprietary church continued. By Gregory VII's time the crisis of the proprietary church had reached continental proportions. Not only were bishoprics endangered; but the papacy as well was threatened by proprietary control from the Holy Roman Emperor.

Stutz and some of his followers pursued this argument perhaps too far. One must not presume Gregory was concerned only with harnessing the eigenkirche system. Augustin Fliche, G. Tellenbach, and H. X. Arquillère have broadened our vision of Gregory's motives. Moral reform and libertas ecclesiae were certainly of equal concern to the reforming pope. Gregory VII's view of the eigenkirche was unique. Like Hincmar of Rhiems, he condemned lay encroachment, but stoutly defended the proprietary church system. In an innovative twist of reasoning, Gregory argued that the papacy had its proprietary rights. The extent of these rights was somewhat ill-defined; but he unquestionably asserted them: in the case of England, he argued that the whole kingdom was a papal fief.

The eigenkirche and the reform movement in Europe must be reckoned in any examination of a monarch's ecclesiastical policy. It is perhaps coincidental that William's conquest of England occurred

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when the reforming aspirations of the papacy had reached its highest level, but one must not forget the impact the reforming papacy had on ecclesiastical events in England. Boehmer, Brooke, and Cantor drew attention to this cardinal point. William's invasion had a holy, righteous mission: the dethronement of a perjurer and the reform of a decadent Anglo-Saxon Church. William's plan for mastery and reform was followed by his successors, and this had the consequence of laying the foundation and origins of the Investiture Struggle. This is the second observation made by Cantor, Brooke, and Boehmer.

The Investiture Contest in the reigns of William II and Henry resulted in part from the harsh measures of the Conqueror. Boehmer, Cantor, Brooke, and the mediaeval authority, Eadmer, perceived William's policy as a double-edged sword. It implemented English Church reform, the entrance of worthy churchmen like Lanfranc, and a new culture; but the other side of the sword enforced military tenures on Church lands, new tax demands, and, in some instances, extortionate measures by greedy foreigners. Gregory VII and his successors Urban II (1088-1099) and Paschal II (1099-1118) applauded the beneficial reform efforts. However, they demanded further changes on crucial issues such as lay investiture. Finally, they wanted to extend their jurisdictional rights over the English Church and possibly also over England. This blunting of the other side of the

41 Eadmer, Historia Novorum, col., 348.

William's ecclesiastical policy was a contributing factor in the early stages of the English Investiture problem. The reform ideals of the papacy undoubtedly affected William's actions. As we stated earlier, the nature of the reform movement and the motives of the papacy have varying aspects. The question of the *eigenkirche* is one perception of this era that needs consideration.

Neither the historians of the Norman Conquest nor the historians of the Investiture Contest -- Boehmer, Cantor, and Brooke -- have considered the role of the proprietary church in William's ecclesiastical measures. Brooke's study of the intrusion of canon law into England precluded such an examination. Cantor's work gave a brief analysis of William's sacerdotal kingship, but the *eigenkirche* was not mentioned.

Boehmer's monograph published in 1899 produced a definitive statement on the English Investiture Controversy. Yet, there is not the slightest reference to the proprietary church, because the fundamental works on the proprietary church by Stutz and Imbart de la Tour had appeared only recently.\textsuperscript{43} A sufficient interval was needed to digest the conception of the proprietary church. Stutz, in an article written twenty years after Boehmer's work, stated that Boehmer, after some study, proposed a work on the *eigenkirche* in England.\textsuperscript{44}


"Das Eigenkirchentum in England," the study appeared in Festgabe für Felix Liebermann (1921).

This article is the only full treatment of the proprietary church in England yet published. Its scope is mainly an investigation of the eigenkirche in the Domesday Book. Boehmer, however, did pursue his theme into the Anglo-Saxon period and also into Anglo-Norman times and the Reformation period. Boehmer argues that the English Church had a proprietary character at the local and national level which existed throughout. Still, this coverage of the proprietary church did not extend to incorporate William's ecclesiastical policy.

This dissertation proposes to explore the role of the eigenkirche in William's ecclesiastical policy. Naturally, the question of the proprietary church in William the Conqueror's time covers a multitude of topics. This is logical because such an event as the Norman Conquest invites many comparisons and questions. The period was a formative one in English history. Developments from the Anglo-Saxon system, Normandy and the papacy formed the setting for William's reforms.

The Anglo-Saxon Church was subject to reform for alleged abuses, but were these corrective measures necessary? Historians of our era believe these corruptions were distortions by Norman chroniclers. Revisionist studies of the pre-Conquest English Church have demonstrated the error of these works. Nevertheless, it has been accepted that improprieties existed in the Anglo-Saxon Church before the Conquest, and the papal reformers were greatly concerned. One must seek

to discover the position and importance of the proprietary church in Anglo-Saxon England. As heir to the kingdom and the ecclesiastical policy of the Anglo-Saxons, William the Conqueror was burdened with some of their traditional problems and relationships with the papacy.

Likewise, another important component of William’s ecclesiastical policy was his Norman heritage. The Norman Church had been reformed by its dukes since the beginning of the eleventh century. According to Eadmer, the policy of the dukes of Normandy was followed by the Norman kings towards the Church in England. The duke may have been familiar with the proprietary church in Normandy. The proprietary church was a widespread institution in eleventh century Europe, and it appears unlikely that Normandy and England were excluded from this trend in continental Church history.

Boehmer in his *Kirche und Staat* reconstructed the vast program of reform the Normans implemented in England after the Conquest. Lanfranc of Pavia was a learned scholar of eleventh century Europe. No doubt he was acquainted with the ideas of papal supremacy, the abuses plaguing the Church, and its jurisdictional problems. Do the reform canons of his councils reflect an absence of the knowledge of the proprietary church question?

The problem of the eigenkirche was a serious one in the eleventh century. It was a rival ecclesiastical organization to the hierarchy envisioned by the papacy, to the bishop’s diocese, and, finally, to the embryonic parish system. It would be astonishing if this examination of the proprietary church in William the Conqueror’s domain were

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to reveal that its impact was limited.
CHAPTER II
THEORIES OF THE PROPRIETARY CHURCH

An eighth century document from Freising, Bavaria relates the story of a certain man, Helmker, who built a church in honor of St. Peter and who later donated it to the church of the Blessed Mary, the residence of the bishop. This story is of particular interest because it describes the proprietary church and its problems. The charter presents the story:

I, Helmker, built a house of God in honor of St. Peter outside a village named Munninpah, on my own inheritance and [that] of my fathers. There I gave myself to the service of God, and with me everything, which was mine by law: the first is in the same village named above, and in another place, which is called Reodin, and in a third place near the bank of a river, which is called Clana, and lastly a fourth place, which is called Plidmotescwanc. I also gave houses, cottages, servants, female servants and everything pertaining to me — cultivated land and uncultivated, meadows, pastures, forests, and running water. I have neglected nothing except these: Multunc, Sindpecht, Wolfpric and another three which belong to us. All of this, I did with the permission of our most illustrious lord the Duke Tassilo.¹

A later charter of Helmker states that the church he built and the lands of his inheritance were to go to the bishop of Freising after his death.²

The interesting features of this charter are its references to

¹Theodor Bitterauf, Die Traditionen des Hochstifts Freising (744-926), Band 1 (Munich, 1905), p. 118.
²Ibid.
the proprietary church. Helmker built his own church where he later served as a priest. As the owner of the church, Helmker could do almost anything he wished to do with it. He endowed it with the lands of his family. Later he willed his church to the bishop of Freising. Throughout these transfers, Helmker considered the church he built and its attached lands as properties "quae iuris mei erant." 3

The remarks in this charter describe a proprietary church. By definition, a proprietary church was a church built and owned by a layman or clergyman. Helmker's church was no doubt a proprietary church; and, as a result, he could sell, loan, or mortage it. This example of a privately owned church was by no means unusual or peculiar in mediaeval times. References to the proprietary church abound in monastic cartularies, acts of Church councils, and land surveys, such as the Domesday Book. The proprietary church was a significant factor in ecclesiastical affairs. Noted scholars such as J. W. Thompson and Gerd Tellenbach recognized its role as vital in the Investiture Controversy between Henry IV of Germany and Pope Gregory VII. 4

Though it was important in Church matters, a clear definition of the proprietary church is elusive. The major reason for the vagueness about the nature of the proprietary church lies with the controversial theories of Ulrich Stutz and Imbart de la Tour. These scholars, both of whom wrote at the turn of this century, were of

3 Ibid., p. 119.

4 Gerd Tellenbach, The Investiture Contest, pp. 89-97.
different academic disciplines. Stutz was a jurist and a professor of canon law at the University of Berlin. Imbart de la Tour was an historian interested in ecclesiastical organization of the Middle Ages. These career differences help explain the nature of their theories and the definitional problems respecting the proprietary church.

Let us first consider Stutz's theory about the proprietary church. Stutz was an heir to the Savigny historical school of jurisprudence. This legal philosophy rejected theoretical approaches to the study of law. Savigny (1779-1861) asserted that law was a subjective creation of the national spirit (Volkgeist) through practical experience. His approach stressed the pure Teutonic spirit of law by examining the ancient and mediaeval sources of Germanic law. Much to Savigny's dismay, Germany's laws in the Middle Ages were influenced by and subordinated to Roman law. Indeed, the works of Savigny and his followers were mainly concerned with the reception of this Roman law rather than German law itself. A conflict developed in the historical school over the impact of Roman law upon the Germanic world. Savigny and others argued that Roman legal doctrines were received not in a slavish and mechanical fashion, but were consciously adopted to serve as examples for the application of Germanic law. In contrast to this Romanist position, the Germanists of the historical school ignored Roman law. They stated that German law operated effectively without the precedent and the study of Roman law. According to the Germanists,
the German jurists of the Middle Ages used only common sense in legal work.\textsuperscript{5}

It is important to note that Stutz was a participant in this controversy and an adherent to the Germanist position. His main interests were the Church and its property -- the buildings, monasteries and churches. The object of Stutz's works was to show the dependence of the Church upon Germanic law. Hence, Stutz held an extreme Germanist position: Roman and canon law were influenced by German law and not vice versa.

According to Stutz, the eigenkirche was a complicated product of Germanic paganism and Christianity. His theory stated that the proprietary church originated from pagan Germanic institutions. It developed from the Germanic household cult which the father headed as priest. As the material civilization of the Germans improved, some families grew larger and became wealthier than other families. In time, the more prosperous families built special temples for their household deities. In Germanic pagan law, the temple eventually became the property of the family and specifically the father. In Stutz's words, the Germanic temple had progressed from "the Germanic privattempel, which had originally been the haustempel, [to] the eigentempel."\textsuperscript{6}

Conversion to Christianity did not alter the Germanic concept of

\textsuperscript{5}Rudolf Huebner, A History of Germanic Private Law (Boston, 1918), pp. xxviii-xxix.

\textsuperscript{6}Urich Stutz, Geschichte des kirchlichen Benefizialwesens (Berlin, 1895), pp. 89-95.
property, which Stutz called the Gewere. Property rights of the Gewere were more comprehensive than those of Roman property because Germanic ownership extended itself into the public domain by granting to the property owner governmental functions. Moreover, the Gewere also implied that the owner had certain religious duties. With the acceptance of Christianity, the German land owner obtained spiritual, clerical, and legal authority. Stutz's theory states that when the German lord adopted the Christian faith, he converted his eigentempel into an eigenkirche. Long after Christianization, the concept of Gewere was maintained. Thus, the eigenkirchen proliferated.

Admittedly, Stutz expressed his own doubts about his theory of the origin of the proprietary church, but he thought it substantially correct. The proprietary church was common to all Germanic peoples. In his book, *Geschichte des kirchlichen Benefizialwesens*, Stutz argued the Germanic invasions spread the proprietary church throughout Europe. By examining the conciliar canons, laws, and land charters of various Germanic successor kingdoms to the Roman Empire, Stutz found what he considered evidence of the German character of the proprietary church. The Suevi of Spain, the Burgundians of France, the Visigoths, the Franks, and Lombards all had this institution. The Lombards, especially, were tenacious in preserving the proprietary church well into the later Middle Ages.


8 Ulrich Stutz, *Die Eigenkirche als Element*, pp. 43-45.

Stutz also believed, and rightly so, that the *eigenkirche* and its other forms (e.g. *eigenkloster*) had a tremendous impact upon the evolution of ecclesiastical institutions. The entrance of the *eigenkirche* into Europe had a disrupting effect upon the Roman organization of the Church. During the period of the Roman Empire, a centralized ecclesiastical arrangement existed. The papacy had not yet made its claims to supremacy, but a federation of bishops with well-defined powers ruled the Church. The *civitas* formed the boundaries of the bishopric. Within the city, the bishop was undisputed religious leader. He supervised the spiritual life of the *ecclesia*, and, more important, he controlled the property and finances of his diocese. Outside the *civitas*, the bishop had little authority. Early councils such as Carthage (421), Agathos (506), and Chalcedon (451) extended the bishop's authority to churches in the country. However, this legislation proved to be too late, because in the fifth century the Empire was overwhelmed by the Germans.¹⁰

The bishop's power and authority waned as the cities declined. Stutz assumed that the Germanic invaders settled in the countryside. To rival the Church's traditional organization built upon the *civitas*, the German invaders created one based upon the *eigenkirche*. The main consequence of the invasion was the decentralization of ecclesiastical power. Instead of one supreme possessor of Church property in the diocese, there were a number of possessors — laymen, nobles, clerical and monastic owners. Each church and, for that matter, other

¹⁰Ibid., pp. 9-10.
ecclesiastical foundations had an owner, a situation which divided the diocese into many different parts. Ecclesiastical revenues no longer remained in the hands of the bishop, but were distributed among laymen. Episcopal authority was limited. The right of nominating priests was transferred to the lord or owner of the church. All of these developments were in accordance with the Germanic concept of property, the Gewere, which extended the owner's rights into public and religious affairs.¹¹

In the Carolingian age, attention was directed to the question of the eigenkirche and to the rights and restrictions of church and monastic owners. The main considerations of the Carolingian reform movement were religious improvement of proprietary churches and provision of security for the owners of proprietary churches. In the Carolingian capitularies and laws, the legality of the eigenkirche is tacitly admitted. It was approved in part because many magnates, bishops, and especially the monarch himself had proprietary churches.¹²

For the most part, Carolingian legislation did not seek to destroy the proprietary church, but sought to end abuses. For example, heirs of church owners were forbidden from partitioning churches. Unfree clerks could not be installed in churches. Lastly, clerics were entitled to receive some kind of endowment from the proprietor. In many cases, the general aim of these laws was to check the manorial lord's power of dismissing and appointing clerics to office. Finally,

¹¹Stutz, Die Eigenkirche als Element, pp. 49-50.

¹²Stutz, Benefizialwesen, pp. 223-235.
Carolingian legislation sought to force participation of the priests in episcopal synods, administration and courts.\footnote{13}

It must be emphasized that the Carolingian legislation in no way prohibited the proprietary church. It curtailed and defined the concept of the lord's Gewere, but the eigenkirche remained. Charlemagne, his magnates, and some bishops expressed their desire for the proprietary church to continue. Hincmar of Rheims, for example, recognized the lord's rights over his church, but argued that laxity of clerical morals and other such abuses in these proprietary churches were not to be tolerated. In a letter to a clerk of Laon, Hincmar stated that "churches in the property of free men and heirs . . . ought not to be incorporated by bishops; but recognized according to the synods and imperial capitularies."\footnote{14}

The suppression of the proprietary church did not occur until the Gregorian reform movement and the rise of canon law in the eleventh century. At that time many lords were forced to relinquish such powers over churches as the investing of a clerk to a church office, the possessory right over a church, the use of its properties and the acceptance of its revenues. Investing clerics with the symbols of office was considered the worst lay abuse of churches. The investiture ceremony by laymen became the object of reform for such men as Humbert of Silva Candida, Peter Damian, and Pope Gregory VII.

\footnote{13}{Ibid.}

\footnote{14}{Hincmar, Ad clerum et plebnum Laudunensem, Epistola III, in PL, vol. 126, col. 274.}
This particular issue was an indirect assault on the proprietary church. The freedom these reformers attained for the Church and the papacy by prohibiting lay investiture ultimately ended the proprietary church.\(^\text{15}\)

From 1080 to 1300, the papal reformers and canon lawyers gradually undermined the proprietary church. The property rights the laymen held over a church were transformed into privileges recognized by the Church. Henceforth, in the cartularies and laws we hear of such phrases as *jus fundationis*, *jus regaliae* and *jus patronatus*. The word *proprietas* in connection with the rights of lay persons over churches becomes infrequent in the later Middle Ages. Instead of church proprietors, the Church in the fourteenth century recognized the patron. Pope Alexander III is usually credited with the establishment of the right of lay patronage.\(^\text{16}\)

Patronage was merely a gratuity granted to a layman over a church by the Church hierarchy. With the development of patronage, the *eigenkirche* owner lost his right to sell, mortgage, or transfer his church. He lost the ability to derive revenues from it. The only authority allowed to the patron was the right to present candidates, and this right was circumscribed by the Church. Prospective candidates required approval by the diocesan bishop.\(^\text{17}\) Patronage was

\(^{15}\)Stutz, *Die Eigenkirche als Element*, p. 50.


\(^{17}\)Ibid.
defined by the canonists as *jus temporale spirituali annexum*. According to this definition, the welfare of the church was the first concern and the rights of the patron were tolerated only if they did not endanger the church's independence. This term, *jus temporale*, also meant that patronage was subject to ecclesiastical control. In legal disputes, the patron's church was in the jurisdiction of the Church's court. In summary, patronage was utterly dependent upon the recognition of the Church. Indeed, in later years, the Church became less accommodating to church patrons.\(^{18}\)

Stutz's theory presents a very narrow picture of the proprietary church. Stutz conceptualized the character of the proprietary church as a legal philosopher and a Germanist in the history of law. Rather than examine the eigenkirche in all of its historical manifestations, he viewed it from the perspective of the philosophy of law. His work concentrated on the question of the reception of Roman law. In his extreme position as a Germanist, Stutz tried to demonstrate that German law owed nothing to Roman law. Rather, German legal concepts affected and altered much of Roman and canon law in the Middle Ages. To him, the eigenkirche was an element of Germanic property law. It was derived from the concept of the Gewere, an all-embracing notion of property.

This perception of the proprietary church has its difficulties. For example, Stutz had his own doubts about the eigentempel and believed the evidence for its origins was inconclusive. There is little

\(^{18}\)Stutz, *Die Eigenkirche als Element*, pp. 69-70.
documentation to support his thesis of a pagan private temple, as he admitted. However, there are other, more serious questions of Stutz's theory. Basically, his assertion of the Germanic origin and character of the proprietary church is inflexible and not applicable to all cases. Stutz ignored the existence of the proprietary church in a non-Germanic setting — as in the case of the Roman Empire. His rigid adherence to a legalist school of thought prevented Stutz from expanding his theory to accommodate contemporary works on the same subject.

At about the same time as Stutz, a French historian, Imbart de la Tour, formulated a different theory about the proprietary church. According to Imbart de la Tour's view, the proprietary church was the result of lay encroachment. It was the violent usurpation of churches and ecclesiastical property which created the proprietary church. At first, the church did not consider it legal, but later in the feudal era the Church conceded the victory to lay ownership of churches and ecclesiastical land by participating in Carolingian legislation which legalized the proprietary church.19

The main point of Imbart de la Tour's theory is that the proprietary church resulted from an illegal act which was contrary to canon law and to the legal organization of the Christian Church. Imbart de la Tour's concern for the proprietary church was only tangential to his efforts to discover the origins of the parochial organization of the Church. According to his theory, the parish was

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established in the middle years of the Roman Empire. Later, the Church's organisation collapsed with the barbarian invasions and civil wars of the fifth century.

The diocese existed in the Empire in the early years of the third century. In Gaul, the region that Imbert de la Tour researched extensively, there were already several in the third century: Narbonnensis I and II, Vienensis, Lugdunensis I, II, III, and Belgica I and II. However, these dioceses were concerned largely with the cities, and the countryside did not receive its proper spiritual comfort from this arrangement. Therefore, at some date efforts were made to extend Christian worship into the countryside; according to Imbert de la Tour, this was the beginning of the rural parish. 20

The parishes first appear in the documents of the later Roman Empire. They were essentially rural churches. The Church councils, hagiography, and letters of the period indicate that the rural churches were founded by four types of Christians: the bishops, saints, monks, and the senatorial aristocrats. The bishop controlled churches in the country by sending his representatives, the priests. The saints founded churches as part of their efforts to convert the rural areas to Christianity. The monks built churches near their monasteries. Finally, members of the senatorial class erected churches on their villas for the colonate class of workers. No matter who established the rural churches, they were a subordinate unit in the diocesan organization. The bishops, on their own initiative, asserted their authority over rural churches by demanding that they

20 Ibid., vol. 60, pp. 244-254.
alone consecrate these churches and approve the selection of priests who performed services in them. 21

In the late Roman Empire the diocesan and parochial organizations declined. The reasons for this weakening of the ecclesiastical structure were the barbarian invasions and the imperial civil wars which created a general atmosphere of insecurity in society. The weaker elements of society — those exposed to the disruptive perils — sought the protection of the more powerful. In most cases, it was the great territorial magnate or the senatorial aristocrat who provided protection and safety. Imbert de la Tour believed that the territorial lord founded his tutelary role upon the Roman custom of patrocinium. The patron granted land, protection, and security to a client. In return, the client, usually a peasant farmer, gave obedience, service, and part of his harvest. The Church likewise fell under the influence of powerful lords. The organization of the Church in the fifth and sixth centuries suffered dismemberment. The episcopal authority, diocese, and parish fell into ruins. Instead, the private church arose to a prominent place in the early Middle Ages. 22

The private church was the product of personal initiative. At first, it was considered by the Church hierarchy and the early councils as an extraordinary or even abnormal phenomenon. The private church first appeared on the villas (manors) of the Roman senatorial aristocracy. Usually, it was a small church, sometimes a simple

21 Ibid.

22 Ibid., vol. 61, pp. 31-33.
oratoria. Its purpose was to fulfill the spiritual needs of the rural workers or coloni. Sulpicius Severus, Sidonius Apollonaris and other fifth-century writers noted the construction of churches upon the lands of the Roman magnates.23

According to Imbart de la Tour, this individual effort of founding churches must not be construed as the creation of proprietary churches. They were not owned. The Church councils of the fifth century admitted that laymen had the right to present candidates to a church or to any office of an ecclesiastical structure that he had built. Imbart de la Tour agreed that the patron possessed a certain eminent domain (domain eminent). He had a special interest in his donation of land and his construction of a church upon it. Sometimes the patron also extracted a certain revenue — although this practice was questionable to Church authorities. The patron possessed the right of a protector, and this gave him a superior role in the contract he had made with the Church by establishing a church on his domain.24

The Church did not admit that such rural churches were the property of their lay founders. It considered that the private church under the protection of a great person was still under the jurisdiction of the diocesan bishop. The Council of Orange (441) decreed that a diocesan bishop must consecrate churches built in his diocese. Furthermore, the laymen's right to present a candidate had to be

23 Ibid., vol. 63, p. 4.
24 Ibid.
approved by the community of faithful and the bishop of the diocese. Other councils of the fifth century reaffirmed that lay founders not only had to follow the canons of Orange, but to provide an adequate donation and means of subsistence for the resident cleric. Moreover, the bishop had a right to administer the revenues, lands, and clerics of the rural church. At the Council of Orleans in 511, it was categorically stated that all churches built by diverse persons were under the power of the bishop in whose diocese they were located. Thus the position of the Church in the fifth and sixth centuries towards the private church allowed the patron special rights by virtue of his donation and his role as protector, but the church was still a part of the diocese and under the authority of the bishop.

In the seventh, eighth and ninth centuries this patronage of churches was transformed into the ownership of churches. Again, Imbatt de la Tour states, the reason for this conversion was the disorder present in society. The social disintegration of Merovingian Gaul and the emergence of the Carolingians ushered into being an insecure society. The Church and weaker groups in society were drawn even closer to warlords and territorial magnates. The possession of churches and ecclesiastical lands was not a proprietorship in the modern sense, but an extreme form of patronage. According to Imbatt de la Tour, the lord held his church in a dominium status. The exact meaning of this word is unclear, but it conveys the sense that the lord dominated his ecclesiastical foundation by the protection he rendered. This domination was a sort of proprietary right. In the

25 Ibid., p. 5.
commendatio or contract which initiated the dominium, the clerics were given limited property rights, but his status as protector guaranteed the donor a superior claim over the property. He not only presented candidates to church offices; but, because he held dominium over the land and church, he could also tax (cens) the property or interfere as he deemed proper. Legally, the property donated by a patron belonged to the recipient, however the land and church were still considered a part of the donor’s domain.

In Carolingian times, dominium and patronage were legalized and brought into the realm of public law. There was precedent in the Frankish kingdom for legalizing the secularization of ecclesiastical property because the monarchy itself was engaged in confiscation and re-distribution of Church lands. In the tumultuous period of Charles Martel (717-742), the Carolingian representative (mayor of the palace) of the Merovingian king seized many churches and ecclesiastical properties for distribution to his army. The lands and property were payment to his soldiers for their military service.

The acceptance of lay-owned churches and ecclesiastical property is evident in the correspondence, royal decrees, capitularies, and Church councils of the Carolingian period. Imbert de la Tour relates that lay-owned churches were recognized and approved from the outset of Carolingian rule. The only stipulation was that they had to be consecrated by the diocesan bishop and placed under his spiritual jurisdiction. Aside from these restrictions, which were quite lenient,

26 Ibid.
the laymen had complete control over a church that he had built.\(^{27}\)

However, these general principles were confusing to the Carolingian kings, who were confronted with the task of regulating the proprietary churches. Pepin III in a letter to Pope Zacharias asked how — aside from placing them under episcopal jurisdiction and having them consecrated — the churches built by laymen (laicos) should be ruled and governed.\(^{28}\)

Charlemagne himself decided the question of the laymen's private church in the Francfort capitulary of 794:

Concerning the churches which have been constructed by various men, it is permitted to buy or sell them only insofar as the churches are not destroyed; but let honorable men serve them.\(^{29}\)

This decree has been considered by Imbart de la Tour and others to mark the Carolingian conversion of the private church into the proprietary church. The patron of a church was granted the right by law to trade, sell or otherwise alienate the church he had constructed. Clearly, this capitulary considered the builder of churches more than a guardian. The right to convey a church or its property indicated a sort of ownership. Indeed, Imbart de la Tour believed that the Carolingian policies concerning private churches transformed dominium into property. The only restriction which the Emperor Charlemagne's

\(^{27}\)Ibid., pp. 25-26.

\(^{28}\)Zacharias, Ad Pipinum majorem domus, Epistola 8, in PL, vol. 89, col. 935.

capitularies placed upon the proprietary church was that it could only exist by consent and consecration of the diocesan bishop.\textsuperscript{30}

In the chaos that accompanied the end of the Carolingian Empire, the Church fell increasingly under secular control. The unity of the parish and diocese remained only for the maintenance of worship. The economic organization of the Church was absorbed by the feudal régime. As feudalism blossomed, it became accepted that ecclesiastical land was divided into two parts: one half for the Church and the other for the lord or seigneur. Ecclesiastical property succumbed to all the various tenures of the feudal régime. Usufruct and \textit{precaria} were two common ways feudal lords disposed of Church property. Often a noble donated lands to a church with the stipulation that his heirs could have use (usufruct) of the property for an extended period of time. In the case of \textit{precaria} the same type of donation occurred, but the user of the land had to pay a tax (\textit{cens}) to the church for utilizing its property.\textsuperscript{31} The most interesting form of land tenure in the feudal age was the benefice. In this feudal transaction, the Church and its lands were always involved; in this respect, it was unlike \textit{precaria} and usufruct, which could apply to secular as well as ecclesiastical lands. The benefice is defined as an ecclesiastical endowment to a cleric; it might be granted by a bishop, abbot, or sometimes a king to a vassal. The benefice was concerned only with ecclesiastical foundations and property. As with usufruct and \textit{precaria}, the recipient of a benefice received the whole church with its lands, revenues

\textsuperscript{30}Ibid., p. 27.
\textsuperscript{31}Ibid., vol. 68, pp. 24-28.
and other dependencies. The benefice holder divided the revenues of
the church and determined the proportions he and the clerics would
receive. Naturally, he also nominated the clergymen to their offices
with episcopal consent.\textsuperscript{32}

The rights of the beneficiary were extensive, but there were some
restrictions. He held the benefice under certain obligations. The
king, bishop, abbot or seigneur granted the benefice on the condition
that the recipient would perform military service. Secondly, the
beneficiary had to pay his benefactors a tax for using and holding
the benefice. The sum was paid yearly usually in silver or gold.
The benefice holder also had to protect and respect the property.
The agreement was broken if the ecclesiastical patrimony was damaged
in any manner. It was the duty of the tenant to maintain the church
and its lands. Failure to follow these rules resulted in the loss of
the benefice. Thus these restrictions reflected an awareness by other
parties that the agreement was temporary. The benefice was a transitory
creation. The seigneur in the feudal hierarchy could retrieve his
holding, under certain circumstances.\textsuperscript{33}

As the feudal age flowered from the later Carolingian period to
the eleventh century, society and the Church were wedded together in
the feudal régime. The earlier forms of protection, patronage and
dominium, were absorbed into feudalism and with them the proprietary
church. In the late Roman Empire and the early Middle Ages, the

\textsuperscript{32}\textit{Ibid.}, pp. 29-30.

\textsuperscript{33}\textit{Ibid.}, pp. 31-33.
private church was under the patronage or protection of an individual. Eventually, this private church became a proprietary church in the Carolingian legislation. The patron had real property rights; he could convey the church and its lands as he wished. Feudalism and the benefice ended these prerogatives. Once the government assumed a feudal form, the rights of the proprietor were curbed. All property was subjected to feudal obligations and ownership became tenure. Property was held under certain conditions which were regulated by the king and his ruling elite -- the great feudal lords.\(^3^4\)

Imbart de la Tour's theory ironically shows that while the Church lost much economic power, it gained new jurisdictional rights. The bishop's position was considerably enhanced in the tenth and eleventh centuries. Indeed, episcopal rights had always been strongly affirmed in the Church councils since the days of the Roman Empire and even in the Merovingian period, which was a low point in the history of episcopal authority. In the Carolingian age, the bishop's authority was revived by converting the episcopacy into a seigneurial position. Charlemagne and his descendants transformed their bishops into great feudal lords. Their dioceses and parishes were considered fiefs by the king -- benefices by the Church. Beginning in the Carolingian period, the bishop not only possessed his traditional spiritual authority, but also new seigneurial functions.\(^3^5\)

In the tenth and eleventh centuries the bishop in France and other

\(^3^4\)Ibid., pp. 34-39.

\(^3^5\)Ibid., pp. 40-44.
countries held considerable powers. Many of these were traditional in nature and always maintained by the bishop. His economic powers were already extensive; Imbert de la Tour states that he not only supervised the finances of the parish, but he had certain taxation powers over it. Administratively, the bishop always possessed jurisdiction over his diocese, and particularly over the priests in the parishes. Priests were required to attend annual episcopal synods; they had to purchase their chrism (oils used for the sacraments) from their diocesan bishops, as well as to give them presents. Bishops on their yearly visitations to the parish were entitled to hospitality from the priest. As seigneur, the bishop extended his sovereignty over his diocese. The priests in his diocese were not just subordinates in the Church organization, but vassals to their lord-bishop. Feudal investiture was added to the installment of candidates to diocesan offices by the bishop. As a seigneur, the bishop could exchange or give part of his benefice (diocese) to whom he desired. Thus feudalism enhanced the episcopal authority. So powerful had the bishop become in the feudal age that the lay seigneurs complained of bishops who usurped baronial power and prestige.36

The strong position of the bishop made possible the eventual end of lay domination over churches and other ecclesiastical foundations. When the reform movement began in Christendom, the office of bishop provided a rallying point for reform efforts. The Cluniacs, who advocated a radical separation of the Church from feudal society, looked to the episcopal hierarchy and, in particular, the bishop of Rome to

36 Ibid., pp. 44-50.
lead the clerical community to freedom. Gregory VII and the reform popes relied upon the bishops to establish Church and papal independence. Together, the episcopal hierarchy and reformers under the leadership of the pope eliminated lay encroachment in the Church. Patronage was accepted, but re-defined as a favor granted by the Church to a lay person. All of the feudal rights of the laity over churches and ecclesiastical property were gradually reduced and eventually terminated. By the thirteenth century, the proprietary church was no longer an important institution.\footnote{Tellenbach, The Investiture Contest, pp. 85-90.}

Imbart de la Tour's thesis is quite complicated and supported by much documentation, but his lay-encroachment theory about the proprietary church is out-of-date. A serious weakness of his thesis is reliance upon the patronage theory. He derived the private church from the Roman patronage system, which provided protection and security to both patron and client in times of social disintegration. Following Fustel de Coulanges, who first attributed feudalism to a "Roman" origin, Imbart argued that patronage was extended to include the Church, its establishments, and its property.\footnote{N. D. Fustel de Coulanges, Les transformations de la royauté pendant l'époque carolingienne, vol. 6: Histoire des institutions politiques de l'ancienne France (Paris, 1914).} The theory of patronage itself is supported by evidence; but, in recent years, such authorities on the subject of feudalism as Francois Ganshof have inclined more toward the view of a Germanic-Carolingian origin.

A further problem with the Roman patronage theory is that it does
not explain the clerical proprietary church. Patronage in essence was military protection by a lay person. According to Imbart de la Tour, the Church was in the position of client in the feudal age because of its pacific nature. This statement does not accord with the fact that bishops, monasteries, and even priests were patrons. The nature of the benefice, which was an aspect of feudalism, is not consistent with an origin in patronage. To be sure, ecclesiastical lands and offices were subordinated to a layman, but they were granted at the pleasure of the Church. Moreover, lay persons had to compensate the Church for the use of its lands by paying a tax. Indeed the theory that feudalism and the private church originated in patronage has many weak points.

A greater problem with the approach of Imbart de la Tour is that -- unlike Stutz, who applied his theory to all lands conquered and inhabited by the Germans -- he studied the proprietary church only in mediaeval France. He ignored possible examples in the eastern Mediterranean and in other parts of Europe even Germany. The geographic limitations of the studies of Stutz and Imbart de la Tour reveal the weaknesses in their theories.

Ireland in the Middle Ages is an important exception to the theories of Pierre Imbart de la Tour and Ulrich Stutz. Never conquered by Rome or by the Germans, Ireland preserved a Celtic heritage through the Middle Ages and even into the modern period. Ireland became a significant center of mediaeval Christianity and civilization. The Church in Ireland maintained the basic doctrines of Christianity, but its organization and character were markedly different. More important,
the proprietary church existed there, but in a different form.

The Church in Irish society was deeply intertwined with secular institutions. Traditional Mediterranean Christianity based upon the civitas made only a superficial impact upon Ireland. This land had no tradition of any kind of centralized organization which could accommodate an urban episcopate. Christianity had to be received in a way more adaptable to Irish society. The most dominant institution was the kindred or clan. Outside the kindred groups, there were tribes ruled by kings. For the most part, law and public functions were centered upon the clan or kindred. For example, property in Irish law was usually held by the family. As a rule, property was an ancestral holding which could not be diminished except with the consent of the kindred. To be sure, individuals could own property, but alienation, sale, or inheritance was the concern of the family.\footnote{Kathleen Hughes, The Church in Early Irish Society (New York, 1966), p. 75.}

The Church, faced with the conversion of such a society, had to alter its traditional shape somewhat to bring Ireland to Christianity. The bishop had been the focal point in the organization of Mediterranean Christianity because the office had developed in an urban civilization. In Ireland attempts were made to imitate the diocesan structure of the Roman and the Eastern Church. For example, in converting Ireland, St. Patrick made the bishopric into an important office by his missionary activity. The very early Irish canon laws, written two centuries after Patrick, allude to the bishops as leaders of the Church. These canons further state rights of the bishop. Ecclesiastical property

\footnote{Kathleen Hughes, The Church in Early Irish Society (New York, 1966), p. 75.}
could only be administered by him; the bishop and his synod were the only lawful courts of the Church; monasteries and churches could not stand separately, but were under the supervision of the diocesan bishop. The Synodus Hibernensis as the early Irish canons are designated, reiterated that the bishop was the sole authority of the diocese. The canons — often to the point of being repetitious — state that no other bishop, abbot, or secular person may invade a bishop's diocese. Priests, clerics, and monks must remain in their respective dioceses and obey their bishops. Yet, as impressive as they are, the canons appear to have been inspired by foreign sources. Many legal scholars believe that they represent the ideas of continental missionaries who were converting Ireland to Christianity. Most historians agree that the early missionaries and canonists were not successful in introducing an episcopal Church. By the sixth century, such attempts were superseded by the monastic Church.  

The Irish found monasticism attractive for a number of reasons. The pagan Celtic religion had a strong ascetic tradition; Irish mythology contains many stories of self-mortification, flagellation, fasting and other similar practices. The asceticism of the monastic movement was warmly received by the Irish. Perhaps, a more important reason for the success of monasticism was that monasteries could become a family inheritance. The Irish, with property ownership based on the kindred, found the collective nature of monasticism compatible with their society. According to one of the best modern authorities upon

the subject, whole families donned the cowl to become monks. A well-known example is St. Samson (c. 490-565), a native of Wales and later Abbot-Bishop of Dol in Brittany. 41

Samson was a British saint, but he was Celtic in heritage and practice. 42 His biography was written by an anonymous author in the seventh century. In this work we possess a full reference to the so-called family monastery, which is the best example of a proprietary ecclesiastical institution in Ireland. One could call it an eigenkloster, but such a term does not define a monastery owned by a family. The family monastery was not the norm in Anglo-Saxon Britain, but it prevailed throughout Ireland. The anonymous writer relates that, when Samson entered the monastic cell, his father and mother also joined. Later his five brothers and two sisters associated themselves with the saint's monastery of Dol in Brittany, France. The formation of the family monastery was completed when the ancestral property was brought into the Dol foundation. From the Vita Samsoni, the father of St. Samson summarizes the beginnings of the new monastic community:

Let not only me and you (St. Samson), as is fitting and proper, serve God, but let us link together all our children in service of God, and let all that is ours become wholly God's. 43

41Hughes, Irish Society, pp. 74-75.


43Vita Sancti Samsonis, ed. Robert Fawtier (Paris, 1912), c. 29.
Upon this family property were founded churches which Samson consecrated. Moreover, these foundations do not appear to have been considered the property of the Church. In the biography of Samson, the saint's mother in a number of dialogue passages refers to them as "our churches." These local churches were also aware of their owners because the biographer mentions that daily the names of Samson and his family were read at the mass. As in Irish society, the property of the monastic establishment was a family matter.

Irish monasteries, as the property of a particular kindred, were subjected to the strict regulation of Irish law and custom. The first rule which governed the monastery in early Irish society related to the transference of its property. The abbot controlled all property of the monastery and its dependent churches. If the abbot died, his successor had to be his kin. In keeping with the Irish tradition, it was preferred that the abbot's son succeed him. Many times, of course, such a succession was not possible. In these cases, the claim to the abbacy and the monastic properties rested with the family of the founding saint or abbot.

By such laws, the monastery, the main institution of the Irish

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44 Ibid., c. 31.
46 Hughes, Irish Society, p. 126.
Church, became the hereditary possession of a particular family. There are many examples of family-owned monasteries in the Irish annals, the lives of the saints, and other sources. The houses of Slane and Lusk located on the east side of Ireland near the Irish sea provide clear examples of family inheritance. In the eighth century, Lusk was ruled by a series of abbots who all traced their descent from one Crundmael, who died in the year 736. The first abbot to succeed Crundmael was Conall, who died in the year 779. The other abbots who claimed kinship were Colga (d. 787), Muiredach (d. 791), and Maenach (d. 805).49

At the house of Slane, two families controlled the abbey. One group of abbots claimed descent from Colmán of the Britons, and the other abbots claimed Cormac of Slane as their ancestor. In this dual claim to the Slane abbacy, Colmán was the first abbot and died in the year 751. He was succeeded by Maenach, a kinsman and also the abbot of Cell-Foilbrich (d. 773). After Maenach's death, the abbacy passed to a son of Cormac of Slane, Ailill (d. 802). Upon Ailill's death, the line of Colmán was resumed with the abbot Congal (d. 806). In turn, Congal was succeeded by Colmán (d. 825), a descendant of Ailill. When Colmán died in 825, the abbacy reverted to the clan of Colmán. His name was again Colmán, and he was the last abbot of this line. With his death in 839, the last of Cormac's line Labraid (845) became abbot of Slane.50 After this period the monasteries of Slane and Lusk


50 Ibid.
were subjected to the Scandinavian invasions and to eventual extinc-
tion. Many other Irish monasteries could produce a list of abbots
who were members of the same kindred. Treve, Domnach, and Kildare
all had a hereditary line of abbots.

Monasticism prevailed in Ireland. Other institutions of the
Christian Church were either insignificant to the Irish or subordi-
nated to the monastic régime. When a holy person founded a monastic
community, the fame of the establishment had a dominating effect on
the local region. Daughter monasteries were created. Local churches
were built and remained attached to the main monastery. In Ireland,
such an organization was designated as a paruchia. Similar to a
diocese, the paruchia usually covered a considerable amount of terri-
tory. However, there was no regular pattern to the paruchiae. Some
daughter monasteries and churches could be hundreds of miles away and
even across the English Channel. The bishops, traditionally the
heads of the Church, were diminished in stature before the paruchia
and the abbot. To confront this challenge, some bishops adopted the
paruchia organization and also the title, abbot.

Despite the alterations the bishops made to their office, the
episcopacy was still unable to assert itself. Adamnan in his Life of
Columcille tells the story of the power and prestige enjoyed by abbots
over bishops in Ireland. Aed Dad, a young prince, entered the monastic
community after a life of violence. He performed penance for his sins

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51 Hughes, Irish Society, pp. 63-64.
by a pilgrimage, after which he desired ordination. An abbot, Find-
chain, consented and summoned a bishop to ordain him. The bishop
refused to admit him into clerical orders because of the prince's
unsavory past. Nevertheless, the abbot insisted upon the ordination
and commanded it by laying his own hand upon Aed Dad's head.52 This
story indicates that the abbot was regarded as a higher dignitary
among the Irish than the bishop. This is stated and implied not only
in biographical material, but in the Irish canon laws. The bishop
had a respectable status; however, as the laws indicate, the abbot
really ruled.53

When we consider the numerous organizational differences of the
Irish Church, one may ask if we can really assume that a proprietary
church flourished. The answer is affirmative, but in a limited sense.
Individual churches are rarely mentioned. Proprietary churches are al-
luded to in the Book of Armagh, which stated that laymen could build
churches on hereditary land, but only with the consent of the kindred
and king. Parish churches, like dioceses, never appear in Irish
sources. Generally, we have little, almost no, information concerning
individually owned churches -- the above example of a lay church is
associated with the kindred. In most sources, the churches are con-
nected in some manner to the monastic parochiae, which were also held
by the kindred. In the Life of St. Samson, the saint's monasteries in
Wales and Brittany possessed churches which had been built upon his

52Ibid.

53Hughes, Irish Society, p. 126.
family's lands. The parochiae constituted by Columcille and Columbanus also had churches attached to the monasteries.\textsuperscript{54}

The proprietary churches existed in the parochiae and outside of it, but the ownership was not individual. Like the monasteries, which were so dominant in the Irish Church, the churches were owned by the kindred. Sale or transfer of its lands were the right and duty of the family.

In the late ninth and tenth centuries, the Irish Church fell into bad ways. The monastic parochiae with its clan organization, at first, proved to be successful. However, as time progressed, the traditional problems of the clan system in Irish society now afflicted the Irish Church. Heirs to the office of abbot were sometimes dissolute in character. In some instances, the family members, although they became abbots, refused monastic or clerical vows. Such practices naturally led to condemnation by continental reformers. Besides these irregularities in the monastic parochiae, the kindred introduced feuding into the monasteries. The blood feud between various families in Irish society had been a problem since ancient times. Now this split of personal vendetta plagued the monasteries and the churches. The later annals of Ireland described many wars between monasteries. In 807, the familia of Cork fought the familia of Clonfert. In 817, the house of Ferns attacked the house of Taghmon and four hundred were slain.\textsuperscript{55} In 824, the Kildare community plundered the community of

\textsuperscript{54} The Book of Armagh, ed. J. Gwynn (Dublin, 1913), 17.a2, 17.bl.

\textsuperscript{55} Hughes, Irish Society, pp. 190-191.
The annals continued throughout the ninth century to narrate stories of carnage which visited the Irish monasteries — sometimes perpetrated by the Vikings, it is true, but often accomplished by the monks themselves. The causes of these conflicts were usually property disputes, rivalries for the abbacy, and frequently clan feuding. Such disturbances, coupled with the Viking invasions, helped bring about the end of the Irish monastic Church. In the eleventh century, under the guidance and assistance of Lanfranc and Anselm, the archbishops of Canterbury, the Irish Church was reformed and fashioned into an organization conforming more closely to the continental type.

This long discourse about the Irish Church and its proprietary features sufficiently demonstrates that the theories of Imbart de la Tour and Ulrich Stutz view the proprietary church too narrowly. Stutz's theory that the eigenkirche sprang from Germanic institutions most certainly does not explain the Irish proprietary church or monastery. The Irish had no connection with the Germans and their institutions. Stutz probably never had any knowledge of proprietary ecclesiastical foundations in Ireland; he did not realize that the proprietary church had such a variant form. Moreover, the Irish institution accords little with Stutz's conception of an eigenkirche. Proprietary churches in Ireland were not owned by an individual or a single proprietor (ein eigene); the Irish proprietary church and

56 Ibid.

57 Ibid., pp. 253-274.
monastery were collectively (kindred) owned. As we saw, this family proprietorship involved complicated rights and prerogatives over ecclesiastical property. These proprietary practices were naturally quite different from the German ones.

Imbart de la Tour's theory has similar problems when viewed in the light of the Irish proprietary system. Ireland was never conquered by Rome. Consequently, the Roman patronage institutions, which Imbart believed initiated the private church, were not present in Ireland. The same can be said for feudalism, which was ushered into existence by the Germanic invasion and later by the dissolution of the Carolingian Empire. These specific events did not occur in Ireland. Imbart de la Tour's theory may be accurate for France, but it cannot be necessarily applied elsewhere.

Admittedly, there is some flexibility in Imbart de la Tour's theory. He categorically denied that the private or proprietary church was the product of a specific set of ethnic institutions like those of the Germans; rather, he believed that it had a more general origin in lay encroachment. However, there are difficulties with this hypothesis. It assumed that churches or monasteries in the hands of laymen were in some way illegal. In Ireland, this was not the case. The Irish canons recognized the proprietary rights of the kindred, and they went further to protect these clan claims to monasteries and churches by lessening the authority of the bishop.

Certainly, after reviewing the theories of Stutz and Imbart de la Tour, a new definition of the proprietary church and monastery is in order. We can surmise from this examination of privately owned
ecclesiastical property in Germany, France and Ireland that the phenomenon was widespread. Its existence depended upon no particular race. Proprietary rights over churches and related ecclesiastical structures varied throughout Europe. Its operation and nature depended greatly upon the customs of ownership and property of different peoples of Europe such as the Romans, Germans, and Celts. In the early Middle Ages, the Church, as a universal organization, put forward vague claims to counteract the property rights which various peoples possessed over ecclesiastical property. But as both Stutz and Imbart de la Tour agree, the Church only solidified its control over churches, monasteries and ecclesiastical property in the Gregorian reform era.
The ecclesiastical policy of William the Conqueror was, in part, an endeavor to reform the Anglo-Saxon Church. However, it is puzzling to many why he embarked on such a course. William's policy of reform presupposed that the pre-Conquest English was in a bad condition which necessitated corrections. We cannot be certain of the duke's motives because it is not at all clear what the state of the old English Church was on the eve of the Conquest. The reason for this is twofold. The first is the paucity of sources on the subject. The second is the unclear nature of the works we do possess. Together, these problems make it difficult to ascertain the constitution of the Anglo-Saxon Church.

Modern historical opinion has been divided over the description presented by the sources. Most agree that we are not sure what were the problems facing the Church of the Anglo-Saxons. Nevertheless, some assertions have been made on this subject of the condition of the Church. One school admits that there were defects, but insist that no Norman invasion and reforms were needed because the English kings and prelates had taken the initiative to restore the Church.1 A second school has been unduly critical in arguing the backwardness of

the English Church.\(^2\)

These above-mentioned problems -- lack of sources, interpretation, and division of historical opinion -- have contributed to the limiting effort by historians in the examination of the eigenkirche in Anglo-Saxon affairs. Another reason for the absence of work on the proprietary church is its obscurity in the sources. We do have documents such as the Anglo-Saxon charters which present to us a picture of the eigenkirche. However, most historians of ecclesiastical affairs in this period have used the narrative works which only give a fragmentary knowledge of the eigenkirche and the state of the Anglo-Saxon Church before the Conquest.

The writers who report the weaknesses of the Anglo-Saxon Church fall into three groups: the Normans, the Anglo-Saxons and the papal chroniclers.

The Norman historians and chroniclers present many descriptions and views of the Anglo-Saxon Church. All of these raise problems of consistency and questions of their veracity. As a result, they have created much confusion among modern historians about the true condition of the pre-Conquest English Church. In addition, the eigenkirche is not attainable from an examination of them.

William of Poitiers wrote a history of Normandy and the Conquest in time of William the Conqueror. He gave a detailed account of the corruption of Anglo-Saxon society, and he emphasized the justice in William's invasion of Britain. The mission of William was to punish

a perjurer and establish a rightful claimant to the English throne. In addition, William's accession represented a crusade that brought about reform. William of Poitiers also stated that the pope had sent a vexillum or penant as a symbol of Christendom's support. Indeed, William's statements about the Anglo-Saxon Church are few, and, in some cases, cannot be verified by other sources. There are two points which emerge from the account of William of Poitiers: the Conqueror's invasion was a justified one and approved by the highest authority in Christendom.

William of Malmesbury (1090-1143), an English monk and historian writing some fifty years after the Conquest, delivered the most devastating blow to the image of the Anglo-Saxon Church. William related the story of Christianity's rise in England, and its decline in the last years of the Anglo-Saxon kingdom. In the time of the Conquest, the English had lost all desire for religion. The clergy were unlearned. Priests stammered out the Mass, and monks mocked the rule of St. Benedict. This laxity in religion led to a morally decadent laity. The nobility indulged themselves in luxury and wantonness. The common people of England suffered the worst indignation by becoming prey to the power of these nobles.

Truthfully, we cannot say that William of Malmesbury's accusations are false. We do not possess the sources which are necessary for

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validating his remarks. Conversely, it would be inadmissible to accept this account as a completely accurate statement for the same reason — a lack of sources to check his description. Also, one should have reservations about his report because of William's monastic outlook which may have motivated him to distort or even to suppress facts about the Anglo-Saxon Church. The familiar themes of monastic histories such as anti-secularism, pessimism, impending doom, world weariness, the corruption of morality abound in William's work.5

Another monk and historian, Ordericus Vitalis (1075-1142) of St. Evroul in Normandy, voiced similar monastic sentiments. The Conquest itself was the will of God. The coronation of William was performed with divine approval. With less fantasy than William of Malmesbury, Ordericus accused the English of simoniac practices. This charge was substantial since Archbishop Stigand held the bishoprics of Elmham, Winchester, and Canterbury in plurality.6 Ordericus, like his counterpart William of Malmesbury, was motivated in his History by the outlook of his clerical order.

Monastic hostility towards the English Church can also be found in the Anglo-Saxon sources. Two important English sources, the Vita Aedwardi and the Anglo-Saxon Chronicle criticized the English Church from viewpoints similar to these of Ordericus and Malmesbury. The Vita Aedwardi is a biography and embellishment of King Edward's life,


emphasizing the religious and miraculous. Written by a foreigner at Edward's court for Queen Edith, the anonymous author of the *Vita Aedwardi* admonished the Anglo-Saxons for not heeding the popes and their legates.\(^7\)

In an imaginative and clever way, the anonymous author publicized the weaknesses of the Anglo-Saxon Church through prophecies made by Edward on his death bed. Edward stated that the devil had gained control of the English Church, and had introduced bad clergymen and the sins of nepotism and pluralism. Archbishop Stigand was singled out as the source of England's troubles. According to the anonymous writer, Stigand rebuffed the charges by replying that the old king was infirm and did not know what he was saying. However, members of Edward's entourage were shaken into the realization that disaster hugged near. In fear of approaching damnation many of Edward's court followers stated that Stigand "will repent either too late or never."\(^8\)

The *Anglo-Saxon Chronicle* reflects the same pessimism of the *Vita Aedwardi Regis*.\(^9\) According to the *Chronicle*, bad times came to England because of sins committed before the Norman Conquest. There are hostile references to the Normans and William the Conqueror, but the main point of the *Chronicle* is the suffering and misfortune of the

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\(^8\)Ibid., p. 78.

Anglo-Saxons. In sum, it was the sins of men which brought the English into subservience.

The Norman and English sources do not accurately depict the Anglo-Saxon Church. In some instances, the Norman writers strove to legitimize the Conquest. Other sources were the product of a monastic viewpoint which perceived the world through a dark glass.

The papal sources for the Anglo-Saxon Church would seem to be closer to reality because they are contemporary with events. In an examination of the papal position we come to grips with the problem of the eigenkirche. There is some direct evidence of papal concern for the proprietary church, but specific statements about papal objections to the English eigenkirche system are admittedly weak. More pronounced are criticisms by popes on reform issues involving the Anglo-Saxon Church. The papacy had voiced its disapproval of the Anglo-Saxon Church as early as 1049, and, from an examination of all the sources, one can see that the papacy was the fountain of criticism from which the Norman writers and later sources drank.

The problem with the papal sources is their general reference to the Anglo-Saxon Church. The papal view of the English Church was, for the most part, submerged in its basic goals for Christendom. Beginning with the pontificate of Leo IX (1049-1054) the papacy was swept into a reform movement which had diverse origins: Cluniac reform, the religious policies of the German emperors, papal hierocratic objectives, and lastly a general desire for libertas ecclesiae. The year 1049 saw the coalescence of these strands of reform under papal tutelage. The

10 Ibid., E 1087 (1086).
years 1049 to 1084 witnessed the growth of the papacy into the leading institution of the Church. Condemnation of ecclesiastical and religious abuses by the popes had the added effect of developing the papacy into an autonomous institution.

Under Leo IX the papacy freed itself from the emperor and the noble families of Rome. Once independent, the popes sought the same status for the remainder of the Church. Indeed *libertas ecclesiae* became the slogan of reformers. The reformed papacy envisioned a free Church. With the bishops elected by the clergy and people, but with papal approval, an independent Church would eventually result. A pyramid-shaped organization with the pope at the top would bring about a better structured Church. Leo IX attacked the problems which subordinated the Church to secular interests. Such issues as the sale of Church offices (simony), the appointment of bishops by the laity, and the holding of more than one ecclesiastical office were condemned by the popes.

Leo IX (1049-1054), Victor II (1055-1057), Nicholas II (1059-1061), and Alexander II (1061-1073) all strove in their councils, decrees, and bulls to order the Church in a hierarchical fashion. The most crucial part of the Church structure lay at its lowest echelon which was the ecclesiastical fiefs, benefices and other forms of landed wealth. Securing financial independence meant establishing a papal source of income and its own property rights. At the council of Rheims

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in 1049 the aim of Pope Leo was not just the extirpation of simony and pluralism, but also elimination of the abuse through which the laity possessed the altars and revenues of churches.\(^{13}\) At Rheims, the pope decreed that no layman could control an ecclesiastical office or possess an altar.\(^{14}\) Later in his reign, Leo again expressed his concern about the abuse by forbidding the practice under the penalty of anathema.\(^{15}\)

Leo's successor Victor II pursued the same policy, and at the council of Narbonne (August 25, 1054) prohibited laity from taking church revenues and dues. Victor II also established the authority of the bishop over church property by forbidding laymen from demolishing churches or building secular dwellings near a church except with the bishop's permission.\(^{16}\) The canons of Victor II did not directly attack the proprietary church; but they began the slow process of dissecting the system in a piecemeal fashion. At the council of Toulouse (September 13, 1056) the published canons forbade the buying of abbeys and the offices of priests, sacristans, and archdeacons. Furthermore, canon nine of this council restricted the legal heirs of laymen from reclaiming church property which had been donated by the deceased.\(^{17}\)


\(^{14}\) Ibid., p. 1023.

\(^{15}\) Bernoldi *Chronicon*, in *MGH, SS*, vol. 4, p. 426.

\(^{16}\) Hefele-Leclercq, p. 1113.

\(^{17}\) Ibid., pp. 1122-1123.
Pope Nicholas II (1059-1061) continued the steady flow of canonical legislation which eroded the proprietary rights of laymen. The council of Toulouse (February 17, 1060) anathematized any laymen who sold or gave away church dues or revenues. Papal objections went further in an effort to curb the proprietary church by prohibiting bishops from creating benefices on church and monastic lands. From this canon, we can estimate that the papacy was not only arguing against lay proprietorship of church land, but any kind of transfer of Church property. Certainly, Nicholas II realized that this canon would detrimentally lessen the authority of the bishop. In Canon Four of this same council it was stated that churches could be bought from laymen by clergy, but only with the bishop's consent. Thus the eigenkirche continued without formal condemnation.

Yet, at some point in the reign of Nicholas II a decision was made concerning the proprietary church. A decree was issued by the pope sometime after the Lateran synod in 1059. It stated in no uncertain terms in Canon Five "that churches and altars may neither be sold nor bought. Those, however, who will sell or buy by measure, they will be subject to anathema." England was by no means exempted from the effects of papal legislation. Most of the conciliar canons, papal decrees and bulls were issued throughout Christendom. We also know that the English were

18 Ibid., p. 1203.
19 Ibid.
20 Decreta Nicolai II papae, in PL, vol. 143, col. 1360.
aware of the reforms because of the attendance of Anglo-Saxon prelates at the councils of Leo IX is well-attested. In 1049 the English were at Liége. According to the author of the Anglo-Saxon Chronicle, Edward had sent a delegation of one bishop and two abbots "so that they might inform the king of whatever was there decided in the interests of Christendom." Although no official action was taken against the English, the Leofric Missal contains a letter by Pope Leo IX to King Edward in which the pope expressed concern over bishops holding sees without cities. From this letter, we know that the pope intended to send legates to England for an investigation into all the sees.

This reference to sees without cities does not provide immediate evidence of the Anglo-Saxon eigenkirche. Direct references to the proprietary church are few, the bits of evidence we do possess are questionable. For example, a dubious letter from Leo IX to Edward dated 1051 absolves the king from "the sin of that vow for which you fear the wrath of God." The vow, mentioned above, was supposedly a promise made by Edward to the pope that the king would make a pilgrimage to Jerusalem. The letter also states that Edward refused to go. As penance, the king was required to renovate the monastery of St. Peter "so that it might be always in habitation of monks, and subjected

21 ASC, E. 1046.


23 Ibid.
to no lay person." The letter further states that the king should exempt it from all royal service and dues.

The extensive grants of exemption and the decree by the pope to increase the holdings of the monastery naturally raise suspicions about the letter's authenticity. We have no other contemporary reference to this event in Edward's reign. The story could be one of the many legends written about Edward the Confessor in later years. To be sure, there is little evidence to criticize and to verify this letter. Most historians have chosen to ignore it. Some scholars like E. A. Freeman doubt its genuineness because the Latin in the letter is closer to thirteenth century usage and not the eleventh century which is the document's purported date. Possibly, the letter preserves a tradition of privileges granted to the monastery of St. Peter for protection against lay proprietary claims, but we cannot be sure.

In the papal councils of the period, there are indirect indications of the papal view of the Anglo-Saxon *eiganKirche*. The main concern of the papacy in respect to the Anglo-Saxon Church was pluralism—a product of the *eiganKirche* system. The historical record reports many examples of pluralism in the pre-Conquest Church and of papal

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24 Ibid.

25 Ibid.


efforts to eradicate it. Spearhavoc was refused consecration and the palla — a symbol of the bishop's office granted by the pope — because he attempted to assume the bishopric of London while he was still abbot of Abingdon. Similarly, Eadred was not granted his palla for the bishopric of York until he relinquished his hold on the Worcester see. Lastly, Stigand was criticized and reprimanded for possessing the sees of Winchester and Canterbury; indeed, this charge eventually brought his disposition in 1070.

Pluralism was common in the Church during Anglo-Saxon times. Perhaps the reluctance of clergymen in dispossessing themselves of old offices in order to accept new ones may be attributed to the proprietary element in the Anglo-Saxon Church. Frank Barlow has already suggested this. Evidence of the proprietary nature of ecclesiastical office-holding is found in writs. A bishop or abbot did not simply receive an appointment or approval to an office, he was granted possession of it by a writ. The writ in the last years of the Anglo-Saxon kingdom had replaced the charter for confirmation of legal possession over land.


29 Vita Aedwardi, p. 35.


31 Anglo-Saxon Writs, ed. trans. F. E. Harmer (Manchester, 1952), nos. 64, 66, 67, and 68.

The papal view of the Anglo-Saxon eigenkirche is not a clear one. Pluralism was condemned. Immunities were granted to church property by the papacy. There was even attendance by English bishops to the early reforming councils where the popes showed their displeasure with English ecclesiastical affairs. Nevertheless, no direct measures towards the Anglo-Saxon eigenkirche are recorded. Like the Norman sources, the papal sources leave many gaps in our estimation of the evidence of the pre-Conquest Anglo-Saxon Church.

There were problems in the English Church, and most disconcerting to some scholars is that the English displayed little awareness of or concern for rectification. On the eve of the Conquest, the most important ecclesiastical office in England, the see of Canterbury, was held by Stigand, a pluralist. Except for a few insinuations by the anonymous author of the Vita Aedwardi, no other Anglo-Saxon source criticizes the archbishop's position. This problem and many others resulted in part from the proprietary system from which the novel organization of the Anglo-Saxon Church evolved.

Recent scholarship has not enlightened us as to the true form and structure of the English Church before the Conquest. Laboring under the conception that the Anglo-Saxon Church consisted of the traditional Roman diocesan form, many studies have not produced satisfactory results. It is axiomatic in some works that the constitution of the pre-Conquest Church remained constant from the period of Theodore of Tarsus (670-690) to 1066. Lay encroachment, boundary shifts and

33Barlow, The English Church, pp. 307-308.
jurisdictional fluctuations occurred because of war or other events, but the Roman concept of Church organization remained and reasserted itself from time to time. Geoffrey Hill in his *English Dioceses: A History of Their Limits* voiced this view with the utmost assurance:

> There have been from time to time a few minute alternations in diocesan boundaries caused by the transference of a parish or manor from one diocese to another. It is not contended by the writer that notice has been taken of all these latter changes; but it may be safely asserted that they are few in number.  

There is no evidence for a strong Roman Church organization based upon territorial divisions. Theodore of Tarsus (602–690) was the reputed organizer of the English Church. No one has yet ascertained his policy for organization, but he is considered responsible for dividing the kingdom into dioceses with territorial boundaries. It was once believed he instituted the parochial system, but this view has been discredited. A close inspection of Bede's account of the canons enacted at the council of Hereford on September 24, 673 will clarify Theodore's objective, which was not the introduction of a new diocesan structure, but the reform of abuses. Articles Two, Five, Six, and Nine are of particular interest. All stress that the bishop's diocese is his flock or — as indicated in Latin — his *plebis*. Although no formal decision about the composition of the bishop's diocese was pronounced, Article Nine stated this formula:

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It was generally discussed: "That more bishops might be increased with the rising number of faithful;" but about this thing we are silent at present.36

The bishop's diocese or parochia was synonymous with people who were his spiritual responsibility. Article Two prohibited the invasion of a bishop's parochia by another bishop or priest because "he should be contented with the governing of people entrusted to him."37 Five and Six also provided for wandering clergy and priests. They must receive letters of commendation from their own bishop to journey through other dioceses; moreover, vagrant priests needed the permission of a bishop to exercise the priestly functions in his diocese.38 In Anglo-Saxon times the bishop's diocese or parochia was conterminous with a certain group of people. E. A. Freeman noted that titles of bishops frequently incorporated the gentes they ministered.39 Thus, Bede relates that Wilfred was Nordanhymbrorum gentis episcopus, Bisi, Orientalium Anglorum episcopus, and Leutherius, episcopus Occidentalium Saxorum.40 In Anglo-Saxon England, the bishop's spiritual authority did not necessarily imply a territorial jurisdiction.

37 Ibid.
38 Ibid.
40 Bede, HE, IV, c. 5.
The bishop's position in the society of Anglo-Saxon England illus-
trates the weakness of Roman Church organization and the secular
dependency of the Church. Certainly, the spiritual authority and
prestige of the bishop were great. Aelfric in his Pastoral Letters
enumerates the spiritual powers which were the exclusive right of
bishops: the ordination of priests, distribution of chrism (holy
oil) at Easter, the consecration of churches and the holding of
synods. These functions demonstrate the impressive spiritual status
of the bishop, but the laymen intruded even here. The ordination of
priests was often a mere formality after the appointment and presenta-
tion of candidates by the laity. The right of bishops to consecrate
churches implied little jurisdiction over establishments which might
be owned and endowed by a layman or religious corporation. Convoca-
tion of synods and the distribution of chrism were functions of par-
ticular value in the Norman period when Lanfranc utilized them to bring
the rural churches under the supervision of the bishop. In Anglo-
Saxon times, however, repeated efforts to revive these traditional
rights show that they were not often maintained. In short, many
bishops possessed little territorial jurisdiction and economic power,
despite their spiritual prestige.

The bishop's jurisdiction over defined territories was more depen-
dent on his position as a secular official in the kingdom. This point
is well-illustrated when one examines the fluctuations of the bishop's

41 Aelfric, Pastoral Letters, in Ancient Laws and Institutes of England,

42 Boehmer, 'Das Eigenkirchentum,' p. 35.
parochia in the period of the Heptarchs. During the Mercian domination, the see of Hereford was raised to the rank of an archbishopric by King Offa. Its existence was brief, but the incident shows the subordination of the bishop's parochia to political circumstances.

The office of bishop underwent many changes in the later years of the Anglo-Saxon period. After the consolidation of England into one kingdom by Alfred the Great and the Scandinavian kings, the bishopric became an important secular office which increased its territorial jurisdiction as a private land proprietor. For example, Cnut the Great in his laws addressed both ealdorman and bishop in "the district which is entrusted to him (bishop or ealdorman) that they support each other in furthering the rights of the church and my royal authority." The bishop's secular duties were many. He sometimes led the militia of the shire. In local administration he was judge in the hundred, shire, and borough courts where his jurisdiction covered most offenses by the clergy and some by the laity. Certain crimes, such as incest, perjury, and robbery of churches, were also handled by the bishop. The bishop was the legal guardian of clergy, widows, and orphans in his shire. By virtue of his spiritual prestige the bishop conducted the legal procedures of compurgation and ordeal in the courts. Thus in later Anglo-Saxon times (900-1066) the bishop's diocese did emerge as a territorial unit, but it was his secular position which delineated the size and boundaries of his diocese by

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Landholding was another criterion for the limits of the diocese, and it extended the bishop's authority beyond the shire. Many landholdings were far from the bishop's see, perhaps in another diocese. For example, the bishop of Worcester had lands and churches in the city of London, while the bishop of London owned lands in the see of Hereford. Similarly, the archbishop of York owned churches in the dioceses of Worcester and Hereford. Such estates and properties gave the bishops not only economic support but also rights in the nomination and investiture of candidates to clerical offices. Such distribution of the bishop's lands and diocesan offices had its peculiar effects on the structure of the English Church. A bishop could not introduce a candidate into a church of his own diocese if that church belonged to another bishop.

The organization of the Anglo-Saxon Church was subordinated to private interests. The ill-definition of diocesan boundaries, the absence of a parochial system, and the pluralism of the episcopacy were all in some manner results of proprietary concerns. Roman ecclesiastic

45 Codex Diplomaticus Aevi Saxonici, ed. J. Kemble (London, 1840), nos. 95 and 280.
organization was retarded in its development because it had a serious rival in the eigenkirche régime.

The proprietary character of the English Church is obvious when one examines the ownership of churches and monasteries in Anglo-Saxon England. The Anglo-Saxon charters of land donations and transactions demonstrate that just about anyone could possess a church or ecclesiastical establishment. This is true of the bishop, and other members of Anglo-Saxon society who were ecclesiastical proprietors as well. This condition can be perceived in the earliest sources for Anglo-Saxon history.

Bede narrates the story of the thegn, Puch, whose sick wife was healed by St. John of Beverley (c. 686). The miracle story is of no real concern, but the reason for the saint's visit is stated by Bede:

However, it happened in that same time to that man of God that he was called by the same thegn to dedicate a church. When the church had been dedicated, the thegn asked him to enter his home to dine.48

The dedication or consecration of a church presumably built by a comes (thegn) was the saint's purpose. There is no apparent connection of Puch's church with a parish or diocese with the exception of the bishop's consecration. It stood by itself constructed by one man and consecrated by a bishop. Bede gives numerous examples of churches owned by individuals. Again in reference to St. John of Beverley, Bede explains how the man of God "again in another time he was called

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48 Bede, HE, V, c. 4. "Contigit autem eo tempore uirum Dei illo ad dedicandam ecclesiam ab eodem comite uocari. Cunque dedicata esset ecclesia, rogauit comes eum ad prandendum in domum suam ingredi."
to dedicate a church of a thegn by the name of Addi.\footnote{Ibid., c. 5. "Alio item tempore vocatus ad dedicandam ecclesiam comitis vocabulo Addi. . ."}

Notices of churches in the possession of laymen are found throughout the Historia Ecclesiastica Gentis Anglorum, but Bede was not merely a detached compiler of events. He was acutely aware of the proprietas ecclesiae, and was concerned with them. Like Hincmar of Rheims, Bede defended the proprietary church, but criticized its effects upon ecclesiastical life. In his letter to Egbert, the archbishop of York, Bede complains that there

\ldots are laymen — with neither training in the life of the Rule nor its uses nor are they possessed with the love of it. They (laymen) give money to the kings, and under the pretence of constructing monasteries they buy for themselves something to lust freely, and they caused this above practice to be ascribed by royal edicts into hereditary right.\footnote{Stenton, Latin Charters, pp. 1-19.}

Bede is not criticizing the proprietary concept, but the greediness of laymen who use the royal charter (edict) to acquire privileged land. It has been asserted by reputed authorities that the charter (book) was originally an ecclesiastical device.\footnote{Bede, Ad Eogbertum episcopum, in Venerablis Bedae Opera Historica, c. 12.} It was introduced into Anglo-Saxon society to promote and to protect ecclesiastical establishments by exempting them from the services of traditional Anglo-Saxon tenure practices (folkland). Bede’s remarks confirm that many laity used the ecclesiastical land charter for the pretence of building

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monasteries or churches in order to own privileged land. Despite the fact that many laymen owned monasteries and churches and did not use ecclesiastical land properly, Bede believed that lay-owned monasteries were necessary. In the same letter to Egbert, Bede stated that it was better to have monasteries owned by thegns or laymen than to have none at all.  

The reason for this seemingly peculiar position is that Bede viewed the proprietary régime as a necessity which furthered the interests of the Church against paganism. The utility of the practice he boldly stated: "they (nobles and thegns) defend our people from the barbarians." England in Bede's time was still half-pagan; as late as the period of Cnut the Great, it was necessary to promulgate laws against heathenism. The central concern of clergy was the promotion of Christianity. The Christian Church found itself dependent upon secular authorities for its advancement and sometimes its very survival.

This dependence some historians believe, led to the secularization of the Church into a department of the realm. Very early in Anglo-Saxon history, establishments called minsters were constructed supposedly by kings. Prof. Deaneley described them as a public institution. In some sources, the minster was equated with monasteries, but in a majority of cases the minster was an enclosed area with a church

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52 Bede, Ad Ecgbertum, c. 12.
53 Ibid.
54 Stenton, Anglo-Saxon England, p. 128. See also the Anglo-Saxon laws; II Cnut 4, 4.1, 4.2, 5 and 5.1.
and dwelling places for priests and their assistants. The *minster*
too underwent the vicissitudes of the *eigenkirche* system. The letter
from Bede to Egbert mentions the possession of *minsters* by thegns and
servants of the king. Likewise, the Anglo-Saxon charters report the
purchase, donation, and sale of *minsters*. Usually such transactions
involved the king and religious corporations, but other persons as
well. The public nature of the *minster* is not discernible; as in
other property cases, the transfer has a personal quality.\textsuperscript{55}

Admittedly, the proprietary church was pervasive in the Anglo-
Saxon Church. Boehmer in his essay, 'Das Eigenkirchentum,' stated all
churches in England before 1066 were proprietary. Many scholars have
not accepted this conclusion, but concede that it is not readily ap-
parent why so many Anglo-Saxon churches were proprietary.

Undoubtedly, the explanation of this phenomenon lies somewhere in
the murky beginnings of the Anglo-Saxon proprietary church. Neither
Stutz nor Imbart de la Tour, studied the Church in England. Never-
theless their theories of the origins of the *eigenkirche* elsewhere
have influenced debate on the Anglo-Saxon institution. Stutz theo-
rized that the proprietary church sprang directly from the notion of
the pagan *eigentempel*. With the reception of Christianity among the
Germans, the lord of the *eigentempel* converted this structure into a
church. Since the lord's ownership of the temple was a right conferred
by Germanic customary law, it was easy for him to convert his church
into an *eigenkirche*. Of course, this process of conversion did not

\textsuperscript{55} Cartularium Saxonicum, ed. Walter de Gray Birch (London, 1885-1893),
nos. 241, 350. See Also M. Deanesly, The pre-Conquest Church in
follow a legal procedure, but it evolved from the natural inclinations of the Germanic mind. Thus the distinctive aspect of the *eigenkirche* was its occurrence only in Germanic lands. Imbart de la Tour refused to restrict the proprietary church to Germanic lands and argued for its existence in the Roman Empire. Many of the churches and chapels of the great magnates in the late Roman Empire were proprietary. The non-Germanic proprietary church was even noted in the Roman law codes of Theodosius II and Justinian I. The private church, as Imbart de la Tour termed it, resulted from patronage: a process accelerated in Carolingian times. The advent of feudalism brought patronage into the public realm. Therefore, lay dominance over churches was symptomatic of a society where private and personal interests outweighed those of the community.

Stutz's ideas correspond better with Anglo-Saxon conditions, but the change from *eigentempel* to *eigenkirche* cannot be proved. The strongest testimony supporting Stutz's theory is a letter by Pope Gregory the Great to Abbot Mellitus:

> ... the temples of idols in that nation ought not to be destroyed, but let the same idols, which are in them, be destroyed; let blessed water be made, and be sprinkled on the same temples, altars constructed, and relics placed. For if the same temples are well constructed, it is necessary that they should be changed from the cult of demons to the obedience of the true God; that while the nation itself does not see its own temple destroyed, may it renounce error from its heart, and recognizing and adoring the true God may the more familiar

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(ones) run to places, which has been accustomed.\textsuperscript{58}

Although the letter clearly speaks of converting temples into churches, this certainly was not a normal occurrence, nor was it an Anglo-Saxon practice. The impetus for this practice was Gregory, a Roman pontiff who urged this transformation of temples into churches. Gregory's reasoning was that the adoption of the temples as churches would ease the traumatic conversion process. Moreover, he considered it practical to use temple structures for churches since they 

\textit{bene constructa sunt}. This letter perhaps implies that the Anglo-Saxons upon their acceptance of Christianity destroyed their temples. In this instance, the connections between the \textit{sigentempel} and the proprietary church was not pagan survivals, but the Church itself and particularly a pope who advocated changing temples into churches.

A few more bits of evidence can be construed to bolster Stutz's theory, but they too are inconclusive. Redwald, the king of the East Angles, is said to have frequented a temple possessing an altar for Christ and another altar for the pagan idols.\textsuperscript{59} This statement gives no indication who was the proprietor. Indeed, there may have been no owner. Again, we see more examples of how heathenism and Christianity

\textsuperscript{58} \textit{Mellito abbati Gregorius servus servorum Dei}, in Bede, \textit{HE}, I, c. 36. "\textit{videlicet, quia fana idolorum destrui in eadem gente minime debeat; sed ipsa, quae in eis sunt, idola destruantur; aqua benedicta fiat, in eisdem fanis aspergatur; altaria construantur, reliquiae ponantur. Quia, si fane eadem bene constructa sunt, necesse est, ut a cultu daemonum in obsequio servi Dei debeat commutari, ut dve gens ipsa eadem fana sua non uidet destrui, de corde errorem deponat, et Deum eorum cognoscens ac adorens, ad loca, quae consueuit, familiarius concurrat."

\textsuperscript{59} Bede, \textit{HE}, II, c. 15.
became fused, but this does not support Stutz's thesis.

Continuity between Anglo-Saxon paganism and the proprietary church did exist, but in an indirect way. Anglo-Saxon law was in its spirit pagan; and it was through the law — particularly land law — that the proprietary régime evolved. The two institutions of Anglo-Saxon land law which facilitated the growth of the *eigenkirche* were folkland and bookland. Through them, there developed a Germanic form of proprietorship which allowed secular and ecclesiastical persons ownership of churches and monasteries.

The definitions of bookland and folkland have never been entirely clear; but after years of research, scholars have identified most of their distinctive elements. Folkland was essentially unprivileged land, bound by customary law and by the legal procedures of the folk moot. It belonged to the family or kindred and remained there in an almost unmovable state. To be sure, there are some examples of folkland transfers, but they occurred only with the consent of the king and the witan. Moreover, folkland was burdened with military and public duties, taxations, and other unspecified exactions. These obligations were performed according to the rigid code of custom and tradition. Bookland was privileged land ownership. It was obtained and held by means of a book, that is a written instrument which gave proof of ownership. It likewise provided the conditions and the manner in which the land was to be held. The distinctive aspect of

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bookland was its grant of immunity from the duties of folkland. Only three duties were specified by the charters as incumbent upon bookland. They were: the building of bridges, construction of fortresses, and service in the army. Because the book or charter — as it is commonly called — appeared with the Christianization of the Anglo-Saxons and because the charters were invariably concerned with ecclesiastical lands, it is assumed that the book originated from the Church. The charter proved valuable to the Church because it effectively negated the claims of the kindred.

The advantages of bookland and its place in the beginnings of the proprietary system should be apparent. Bookland gave its holder full discretion over his land. Assuming the charter did not state restrictions, the title holder was free to sell, mortgage, or lease his property. Thus, the charter, originally an ecclesiastical device, was from the beginning also used by laymen. In the eighth century Bede had remarked how frequently laymen established ecclesiastical foundations by royal charter, not for God's use but for their own. The book allowed private ownership not only to the clergy but to laymen as well; thus, a true proprietary church was possible in Anglo-Saxon England. Ownership may not have been as the Roman or modern legal systems conceived it, but a kind of proprietorship nevertheless existed.

Folkland should not be excluded as another possible facilitator


62 Bede, Ad Ecgbertum, c. 11.
of the eigenkirche régime. It should not be suggested that the eigen-
kirche necessarily appeared only on bookland; some folkland land may
also have come to possess proprietary churches. To be sure, it did
not have the exclusive rights of bookland, nor did it have the attrac-
tiveness of the charter grant. As the perpetual inheritance of a
family or kindred, it bound its occupants from transferring and alien-
ating the ancestral lands in the free fashion of bookland holders.
Nevertheless, no matter how awkward the folkland title of ownership was
it made no stipulation concerning the erection of churches or other
ecclesiastical foundations. The owner of folkland theoretically could
build and possess a church on his land. Yet the lack of references
to folkland limits this possibility. There are well over two thousand
proprietary churches in the Domesday Book, many of them evidently
located on manors or in village communities, but nearly all of these
were once on bookland. It may be that some churches recorded in the
Domesday Book were originally built on folkland in the Anglo-Saxon
period.

Another aspect of these land laws which aided the proliferation
of the eigenkirche régime was that the individual character of the
laws of Anglo-Saxon society was notorious for its lax organization and
absence of hierarchy. The charter or book developed by way of the
Church, but the Anglo-Saxon law did not recognize the Church's universal
claims. It was quite alien to the Anglo-Saxon mind to visualize
fine and delicate distinctions between Church and society. Invariably,

The charters are concerned with individuals or small corporations. The bishop, clerk, saint, or college of priests is the usual recipient of land or privileges. Feeble attempts were made by some clergymen to introduce an independent status for the Church. The penitentials of Theodore of Tarsus may have embraced this objective when they attempted to implement canons for a stronger episcopate. Some of Theodore's penitents directly attacked the proprietary interest. For example, the approval of bishops was required for any kind of transfer or alienation of ecclesiastical property. Pagan practices of any sort were forbidden in a church, and all use of a church by laymen for non-religious purposes was strictly prohibited. These efforts to give the Church an independent legal status were drowned in the tide of Anglo-Saxon custom and tradition.

The Anglo-Saxon laws and charters acknowledged only individual clergy and groups of ecclesiastics. Each charter carefully recorded the name of the recipient and the stipulations of the land tenure. Through this formula, we can trace the variations in ownership of church property. The bishop was the most frequent recipient of grants. Once in possession of land or a right he was quite free to do with the privilege as he wished. Usually, such a donation was used for the bishop's life and then passed to his spiritual heir. On occasion, however, the bishop disposed his inheritance to a religious corporation.

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65 Ibid., Bk. II, c. 3 and c. 4.
or another clergymen, according to his predilection. 66

Besides the bishop, the abbots were favored recipients of land grants. Rarely is a monastery given land; the charters always distinguished the physical monastery from its inhabitants and its owners. For example, in the year 701 Ine, king of Wessex, gave a specified amount of land "uenerabili Aldhelmo abbati, ad augmentum monasterii sui quod Meldunensburg uocatur." 67 The meaning of this grant is clear. The king gives land to Abbot Aldhelm with the stipulation that he augments and improves the monastery of Meldunensburg. The charter recognizes the abbot as owner and executor of the land grant.

Clerical corporations likewise received donations. These bodies might be the familiae of a church or the college of a minster. Many early books contain gifts to familiae. The earliest grant of this type was to the familiae of Christ Church. It received land from Bishop Wulfred in 811 and 813. 68 Religious corporations were not commonly the objects of grants. Their principal role in transfers of land was to endorse them. Their consent was needed by an abbot or bishop for the alienation of any ecclesiastical property. This practice was frequent and perhaps, obligatory by law. In his reign Bishop Oswald of Worcester issued some seventy-eight charters which were mostly leases to tenants; nearly all of them carry an endorsement by the community of Worcester and the king. With no explanation, Bishop


67K 48.

68K 195 and K 200.
Oswald stated that most of the leased land upon its expiration date would revert to the *familias*.  

Saints, as well as religious corporations, were admitted by Anglo-Saxon law as veritable recipients of land and gifts. The idea of a deceased person's acquiring churches, monasteries, and landed property is illogical and metaphysical to our modern thinking. Yet in Anglo-Saxon society, we must remember, the true proprietor of all ecclesiastical land is God. Bishop Oswald of Worcester stated this in one of his charters:

> . . . through the mercy of God who is the owner and true lord of all lands which pertains to the church of God.

If God was viewed as a lord of all lands, his lieutenants in the celestial kingdom, the saints, were considered his prospective tenants or recipients of land. The two saints who received the most land grants were St. Andrew, the patron of England, and St. Peter, whose earthly successors converted England to Christianity.

Thus the Anglo-Saxon law recognized a number of ecclesiastical owners, each of whom exercised almost unlimited authority over his land and the buildings on it. Moreover, the bookland holding was perpetual. It might be leased or mortgaged, but it remained outside

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70 Anglo-Saxon Charters, ed. Robertson, p. 132, "per misericordiam dei qui est proprius et uerus dominus omnium terrarum que ad ecclesiam dei pertinent."

71 K 1, 27, 85, and 121.
Secular owners of ecclesiastical land and churches are noted in the charters, but not with as much frequency as clergymen and saints. This is not because laymen owned no churches or monasteries; the Church was simply a better record keeper. Its institutional growth fostered the scriptoria — scribes and archival collections. Because of the efforts of the scribe, Hemingus, we possess many charters from the Worcester see. Likewise the Textus Roffensis is a cartulary collection of documents relating to Rochester and Canterbury. Nobles, thegns, and other secular owners left their records to descendants who had no scriptoria. The deeds of secular property holdings are few; those diplomas concerned with lay ownership of ecclesiastical lands are even more scarce. Nevertheless, upon this fragmentary basis, we must determine variations of secular ownership and its debilitating effects upon the organization of the English Church. In this objective, we are aided not only by the charters but also by the narrative sources.

One of the earliest, and the most common way for a laymen to gain possession of ecclesiastical land was by founding a church or monastery. Bede, as we saw, recorded many examples of such activity. The thegn, Puch, built his church and later had it consecrated by St. John of Beverley. Another thegn, Addi, likewise owned a church. The non-

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73 Bede, HE, V c. 4, c. 5.
ecclesiastical members of the Anglo-Saxon community possessed church property in the same way as clerical owners. Ownership was based on Anglo-Saxon law through the means and proof of the bock. Like the cleric, the laymen founded his monastery or church for a spiritual purpose, and consecration was necessary to validate the building's otherworldly character. However, this did not diminish the proprietor's authority over his church and land; the owner's holding was in most cases "in aeternam haereditatem."\(^{74}\)

Gradually, conversion of land to ecclesiastical purposes became a way to establish a form of private ownership. In very early books, land was normally granted to secular persons for the purpose of constructing ecclesiastical foundations. In 736 King Aethelbald of Mercia issued a charter to his ealdorman, Cyneberht "ad construendum coenubium."\(^{75}\) Likewise, Aethelbald granted this land to Cyneberht in possessionem ecclesiasticam. This grant of ecclesiastical right was the legal way for an Anglo-Saxon to possess alienable privileged land. In later charters such statements about ecclesiastical possession become mere legal fictions. Apparently, these charters to lay persons for ecclesiastical purposes were a device to create private property. In Bede's time we saw clerical complaints about laymen, who used royal grants for building monasteries to create privilege holdings. Later charters show the evolution of ecclesiastical right into private right. In the ninth century the formulas about constructing

\(^{74}\) K 394.

\(^{75}\) K 80.
monasteries or churches were reduced to the bare phrase, "in possessio­
nes ecclesiasticam." In the late period of Anglo-Saxon history, the notion of owning bookland by ecclesiastical right was no longer
mentioned. The books by 900 or 1000 grant land "in perpetuam
haereditatem."77

Ecclesiastical land also entered into the possession of lay per­
sons through alienation. Modern canon law considers ecclesiastical
property inalienable with only a few exceptions.78 Yet, Anglo-Saxon
law held a very different view. The charters of the Anglo-Saxon
period reveal numerous alienations by some clergy to other clergy
members and to laymen. The conveyance of bookland by clergyman was
not a perpetual grant but only a leas (lease) for a certain amount of
time. It is not specified in most cases whether the layman was re­
ceiving a church or monastery with land. Most probably the loan con­
ferred only land or some movable property. The extent of these leas
is great. Bishop Oswald of Worcester dispensed some fifty-eight
leases to non-clerical personages such as thegns, reeves, and ealdor­
men.79 Oswald's charters gave the land to these individuals for

76B 202.
77K 1059.

78"En principe les biens d'Eglise sont inalienables des qu'ils at­
teignent une certaine valeur, ce que les anciens auteurs exprimaient
par l'adage: La main est vive pour recevoir, mais elle est morte
pour donner." R. Nas, "Propriete ecclesiastique," in Dictionnaire
de droit canonique, gen. ed. R. Nas, vol. 7 (Paris, 1965), pp. 377-
378.

79Anglo-Saxon Charters: An Annotated List and Bibliography, ed. P.
their life and the life of two successive heirs. Thereupon the leased land reverted to the bishopric or community of Worcester.

Alienations and lay ecclesiastical foundations were examples of secular control over the Church. The charters also disclose the irregular manner churches and their land were appropriated. Bookland developed to protect ecclesiastical land from the attack of a donor's heirs, the charter did not provide a full measure of security. Bishoprics, monastic foundations, and other clerical corporations which held bookland were continually confronted with land claims from laymen. It appears that traditional Anglo-Saxon attitudes towards property opposed the notion of an alienable privileged landhold which remained perpetually outside the kindred. Perhaps this practice was attributable to folkland rights where distant kin had valid hereditary claims under the law. Heirs continually made claims to ecclesiastical land long after their ancestor's donation. King Offa of Mercia at the synod of Brentford in 781 demanded that the *familia* of Worcester return certain estates they were holding "sine iure haereditario propinqui eius, Aethelbald scilicet regis, haereditatem sub dominio inusto habere . . ."80 The community restored the lands, which included the monastery of Bath, to Offa and his heirs. The king granted to the community as compensation for the lost places at Stratford, Bredon, Hampton and Stour in Issere.81

80 K 143. "without the hereditary right of his kin, King Aethelbald, they have the inheritance under unjust domination."

81 Ibid.
As in this instance of royal proprietorship, some ecclesiastical places became the property of private interests. An interesting example of this is preserved in two charters which relate the history of the ownership of Withington monastery in Gloucestershire. In the reign of Ethelred of Mercia (675-704), land was given to two nuns, Dunne and her daughter Bucge, to build Withington monastery. Nearing death, Dunne granted the monastery to her daughter's daughter, Hrothwaru. Her grand-daughter, however, was too young to inherit immediately; thus the property was given to the care of Hrothwaru's mother, Dunne's daughter-in-law (or possibly her daughter). Upon reaching maturity, Hrothwaru demanded the charter from her mother, who refused. This issue was finally resolved at a synod presided over by Archbishop Nothhelm of Worcester. It was decided that Hrothwaru should receive the book and reign over Withington as abbess. This brief history of an owned monastery only ended in 774 when Hrothwaru granted the monastery to Bishop Mildred of Worcester, who, in turn, lent it to Abbess Ethelburg. Examples of monasteries exchanged many times by private persons are rare. Those few illustrate the proprietary character of the Anglo-Saxon Church and the interests of heirs in ecclesiastical property.

A far more common method of secular appropriation of Church lands was usurpation: the outright encroachment on and theft of ecclesiastical lands. In the above history of an owned monastery, we saw the
theft of charters by relatives. The charters collected by Kemble and Birch relate many other cases of litigation in which clergymen were attempting to reclaim stolen lands. The synod of Clofesho (798) heard the case of two priests (Daegheah and Osbert) who had stolen the deeds of Cookham monastery for King Cynwulf of Wessex. The monastery was finally awarded to King Offa and his heirs — who had seized it from Cynwulf — and granted to Archbishop Aethelheard. In his turn, the archbishop gave Cookham to Abbess Cynethryth. One can see from this web of exchanges that a common usurper and despoiler of churches and monasteries was the king. The scribes of the Domesday Book repeatedly charge Harold and his kin with spoliation of ecclesiastical lands. For instance, in the Herefordshire entries of the DB it was said “Hoc manerium tenuit Haroldus Comes injuste. Rex Wilhelmus reddidit Walterio Episcopo.” Perhaps, this statement and many others in the DB are nothing more than the result of Norman prejudices, but the Anglo-Saxon charters provide some support for the allegations against Harold.

Through the charter and its revolutionary effects on land tenure, lay and ecclesiastical proprietorship of church property flowered. The book tore down distinctions between Church and laity. As we saw, the strong proprietary concern emerging from the charter blurred the distinction between the church and the land it rested upon. In many

84 K 1019.
85 Ibid.
cases it was extremely difficult, if not impossible, to detect whether a church or only ecclesiastical lands were being granted or alienated. Proprietary concerns overrode the sanctity and claims of independence of a church or a monastery. Anglo-Saxon law was an ever-present factor in charter transactions. Anglo-Saxon law recognised the charter as valid proof of ownership and not the claims of canon law or papal decree.

The condition of the Anglo-Saxon Church was fashioned by the proprietary church régime. Traditional Norman and papal sources do not reveal this. Norman writers eagerly condemned the English Church of any improprieties which did not conform to the ideals of the reform movement of the eleventh century. Their remarks completely obscure the presence of the eigenkirche. The eigenkirche was most certainly an integral part of the Anglo-Saxon Church. Despite the efforts of Theodore of Tarsus, Dunstan and others, a Church organised upon the Roman system could not be. The pre-Conquest Church was molded to a great extent by proprietary interests. Anglo-Saxon law and society did not admit a continental diocesan—parish organization in its complete form. Chartered land allowed owners of ecclesiastical property to fragment an administrative scheme.
In the previous chapter, we saw that the condition of the Anglo-Saxon Church was molded by proprietary notions of Church lands, buildings, and persons. Some modern historians of the Norman Conquest and the English Church have been critical of the Anglo-Saxons because of their supposed lack of interest in eliminating proprietary institutions from the Church. Indeed, some scholars believe reform of the Anglo-Saxon Church could only have been accomplished by an outsider.

Before the Conquest, the English were not so negligent about ecclesiastical matters as often suggested. R. R. Darlington and others have demonstrated that the English made many attempts to reform the Church. Indeed, the documentation of reform councils and other expressions for improvement of the English Church before 1066 are quite numerous in Anglo-Saxon records. The problem of Anglo-Saxon reform efforts was that they did not correct abuses well enough, above all the root problem of the proprietary church.

The Anglo-Saxon reform of the proprietary church extends over the whole period from 670 to 1066. There is a steady flow of council decrees, laws by Anglo-Saxon kings, penitentials, and canon commentaries about proprietary institutions. In these pages, all of the documents cannot be examined in their totality, but some general observations can be made.

It should be observed that the reforms of the eigenkirche were not a concerted effort. There was a two-pronged movement which was
motivated by different interests and it often progressed in conflicting directions. In the sources of the Anglo-Saxon period, we see the king and his *witangemot* (royal council) on the one hand and the bishops and the abbots on the other both attempting to reform the proprietary church. It is true that these two groups often co-operated in reform, but their laws and canons reveal different aims and attitudes about the *eigenkirche*.

A second notable feature of the royal and ecclesiastical reforms is the repetitive nature of the legislation. The council canons and laws are very often redundant. Theodore's decrees at the council of Hatfield (670) are repeated almost word for word in the works of Aelfric and Wulfstan in the tenth and eleventh centuries. The same can be said of the laws of Alfred, Edgar, and the Scandinavian, Cnut. Evidently, the defects of the Anglo-Saxon Church were not corrected in the first attempts. At any rate, in examining the Anglo-Saxon reform legislation, it is difficult to perceive any clear evolution of reforming thought concerning the proprietary church and other institutions.

Since the ecclesiastical and secular reforms of the proprietary church are numerous and different in aim and scope, it is best to look at each separately. Let us examine first the ecclesiastical reforms. They are the earliest attempts we have at reforming the proprietary church, and they had some influence on secular thinking about the problem.

Theodore of Tarsus (602-690) can be considered the first ecclesiastical reformer to address the question of the proprietary church.
It may seem surprising to view the foremost missionary of the Anglo-Saxons and the British peoples as a reformer, but it must be remembered that the Roman mission to Britain sought to restore Christianity to a province which had partially lapsed into paganism. Generally, Theodore's canons at the councils of Hatfield (670) and Hertford (673) and his Penitentials re-assert the position of the Roman and Greek Church on issues that had vexed Christendom for the previous three hundred years. Orthodoxy, the christological heresies, the authority of the first five general councils, the computation of the date of Easter, and lastly the organization of the Church were all re-stated by Theodore and made the canon law for an English people which had reverted to paganism, or in some areas had embraced Celtic Christianity.¹

The proprietary church also occupied Theodore the reformer to some extent. In a manner rather inconsistent with the actual conditions of the proprietary church in the Anglo-Saxon times, Theodore approached the problem from the position of an ecclesiastical statesman living in Rome, Constantinople or Antioch. His vision of ecclesiastical organization was that of the episcopal Church. Each bishop had his own sphere of influence. One bishop could not intrude in the diocese of another bishop. Monasteries were under the immediate jurisdiction of their abbots and bishops were forbidden to interfere, but had some authority over them. The parochial system is not

¹Hunt, English Church, p. 137.
mentioned in Theodore's councils or his *Penitentials.* Yet, Theodore stated that priests and monks could not "wander about at will." Movement was only possible with letters of commendation from the monk or priest's respective abbot or bishop.

Such an arrangement was not always practical in seventh century England, where many areas were still pagan and in the process of conversion. Theodore took cognizance of this at the council of Hertford (673), where he stated that, as Christianity spread throughout England, bishops would have to be increased to accommodate the growing number of faithful. However, Theodore was not so perceptive with regard to the proprietary church and monastery.

Admittedly, Theodore's attitude towards the proprietary church is difficult to discern. References to it are few and vague in their form, and much is left to conjecture. The *Penitentials* of Theodore contains most of his remarks about the proprietary church. From this work it can be surmised that he had little understanding of Anglo-Saxon customs and their effects upon the Church. There is not one word about the family monastery or its dependent churches. Even less is said about the minsters, which were sometimes under the control of lay owners.

Theodore admitted the existence and legality of both the propriety-
tary church and monastery, but made no mention of its Anglo-Saxon or Celtic attributes. His attitude toward private ecclesiastical foundations was similar to the position found in the law codes of the East Roman Emperor Justinian. The church or monastery was recognized as a private establishment with an owner. Theodore's *Penitentials* do not attempt to destroy it, but to curb its abusive effects and to bring it into the normal ecclesiastical organization.6

Theodore clearly believed proprietary churches were lawful. In his *Penitentials*, he states his position on the issue with regard to the payment of tithes:

> It is not lawful to give tithes except to the poor and to pilgrims, or for laymen to give to their own churches.7

The last phrase referring to laymen and their churches is no mistake, but an admission that for a non-clerical person to have his own church is lawful in the eyes of the Church. The only concern of Theodore was that layman should not give tithes to their own churches. Obviously, Theodore believed that tithes-giving in such a manner was not charitable or Christian.

Theodore's toleration for the proprietary church and other features of lay ownership are interesting and also reveal to us some Anglo-Saxon customs. In his *Penitentials*, Theodore openly admits that pagans were sometimes buried in churches. Indeed, it seems from this

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passage that such an occurrence was a normal phenomenon in Anglo-Saxon England. Theodore felt that a consecrated altar should not be placed in such a church. Only if the pagan bodies were removed and the church and graves thoroughly cleaned was it permissible to consecrate church and altar. Likewise, the mass could only be celebrated if religious men were present. The unholy man or pagan must not be allowed in the church.  

Theodore was also concerned about the use of church buildings. It is known from later sources that churches were not always utilized for holy purposes. Some became storage buildings for grain or produce. In other cases, they became barns for livestock. Theodore's position was that churches — even proprietary churches — ought not to pass into lay hands. When churches were to be demolished, the lumber could only be used for another church or monastery. If the wood and other material could not be applied to religious purposes, Theodore then recommended that it be burned in the fireplace.

Perhaps the most severe admonition of Theodore respecting the proprietary church was his regulation against transferring ecclesiastical property such as churches or monasteries. The main point which Theodore stressed was that the bishop had authority over churches and monasteries and that he must be advised on the transfer of their buildings and property. According to Theodore, anyone wishing to set

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8 Ibid., c. 1, 4 and 5.
10 Theodore, Poenitentiale, II, c 1, 3.
a monastery or church into another place must do so on the advice of the bishop in order that a priest or monk might be released to provide ministry. Yet, in two other passages of his *Penitentials*, Theodore clearly shows that the bishop's authority over transfers of monastic and church property is limited. For example, when abbots have sinned and are punished, Theodore warned, the bishop could not take away the monastery or its properties. The same was true of churches. Neither bishop nor abbot could transfer a church or its lands to another church even though it might be under his authority. If the bishop or abbot wish to "change the land of a church, he (the bishop or abbot) shall do it with the consent of both parties." The meaning of "both parties" is unclear. My understanding of the phrase is that the bishop or abbot in authority over one church must seek the consent of the bishop, abbot, or other person who is receiving the land or church from the former owner.

Thus Theodore's view of the proprietary church or monastery resembles the position presented in Justinian's law code. Private churches are allowable, but only if they pay deference to the Church establishment. Theodore reveals only a few peculiar aspects of the Anglo-Saxon proprietary church or monastery. The Celtic monastic Church, the family monastery, and the lay-owned minster, all of which Theodore probably encountered, are not mentioned. The important thing

about Theodore's reforms is that they represent the high point of attacks on the proprietary church. Some reformers after Theodore came near to denouncing the private churches and monasteries, but for the most part, legislation and clergymen's commentaries on the proprietary church and monastery ignored the problem. It is a trend in Anglo-Saxon Church history that measures aimed at reforming the proprietary church and monastery become less frequent in Church councils. Indeed, some references in the sources indicate many clergymen had resigned themselves to the régime.

From the death of Theodore to the Viking invasions of England, there were few attempts at reform of the Church. The so-called council of Clovesho in 746 only re-affirmed many of Theodore's canons and ideas. Most of the canons dealt with clerical discipline, morality and Theodore's ecclesiastical organizational schemes. But, this council also discussed the spread of pseudo-monastic foundations (minsters). The passage in question demonstrates the resigned attitude most clerics had adopted towards proprietary ecclesiastical establishments and the ambiguity of the terms describing churches and monasteries in Anglo-Saxon England. The passage begins by stating that the foundations are the monasteries of bishops. Perhaps the statement means they are under the jurisdiction of the diocesan bishop. At any rate, the author scornfully reminds the reader that such an institution is an abnormal feature of the Church. Divine law, he states, has no name for them. They are the creation of tyrants and

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are motivated by avarice and legalized by secular law. Nevertheless, the council acknowledges their existence "in whatever manner they might be held."\textsuperscript{15} The council canon only asks the owner to treat his monastery (or church) like true institutions of the Church for the health of souls. The canon admonishes that a priest be installed for the ministry of souls. Lastly, with some regret the canon urges that these measures be obeyed unless the possessor desires to see his possession fall into decay.\textsuperscript{16} It is somewhat difficult to ascertain whether the monasteriae referred to are true monasteries staffed by monks or the Anglo-Saxon minster, which was a small church consisting of priests and other clerics. It seems quite possible that the authors meant the minster because sacerdotes (priests) are described as the inhabitants.

Nevertheless, the ecclesiastics who produced such reform had completely acknowledged the existence of proprietary church or minster. They still followed Theodore’s precept not to question the legality of such an institution, but they had taken the further step of accepting it with fewer protests. Theodore set forth many restrictions to ensure that the private ecclesiastical dwelling remained tied to the Church and performed its religious functions. The only new point in the council made was that the minster or monastery should be concerned for the health of souls by having priests on the premises.

The eighth and ninth centuries progressively witnessed a steady

\textsuperscript{15} Ibid.
\textsuperscript{16} Ibid.
softening in the Church's position toward the proprietary church and monastery. The Legatine synod of 787 conducted by Theophylact, the papal legate, with English clergy from the southern and northern parts of the island ignored the issue completely.\textsuperscript{17} The last council to address the problem of private ecclesiastical foundations before the Viking invasion was the Chelsea council of 816. For the most part, it re-affirmed the Theodorean position; the exception was the recognition of hereditary claims to ecclesiastical property. No bishop, abbot, abbess or ruler might seize the agricultural lands of monasteries or of churches. The council stipulated that any attempt to diminish churches or monasteries held by inheritance could only be accomplished "with consent and licence of the family."\textsuperscript{18}

Following this council, the record of Church reform before the Viking invasions becomes very sparse. Councils were held at Acleah (805), at Clovesho (824, 826), and at Wessex (824), but only a vague record of the proceedings exists. We only know about these synods from recorded land disputes between clergymen and secular persons which occurred at them.\textsuperscript{19} No significant reform was produced, but the concern over Church property in the councils was an ominous forecast for the future of the English Church.

The Church commentators from the period of Theodore to the Viking era were as non-committal about the proprietary system as the conciliar

\textsuperscript{17}Ibid., p. 461.
\textsuperscript{18}Ibid., p. 582.
\textsuperscript{19}Ibid., pp. 558, 593 and 597.
decrees. Bede knew of lay-owned churches and monasteries, and he complained of their abuses but recognized them as necessary for promoting Christianity. After Bede, St. Egbert, bishop of York (732-766) was the foremost ecclesiastical writer of the pre-Viking era. Among his extant works is a collection of general canons sifted from the early councils of the Church, a group of canons specifically relating to the Anglo-Saxon Church, and an essay written in dialogue form concerning the Catholic faith.

In Egbert's *Excerptiones* of past Church councils, he included canons which proclaimed the integrity of the church and priest. A church was a consecrated place for the celebration of the mass; the priestly office was not to be sold; and each church had its endowment. The *Excerptiones* likewise repeated Theodore's definition of the status of the priest and his church within the episcopal organization of the Church. In this work, there are no comments of significance about proprietary institutions. Likewise, in his work entitled *Poenitentialis*, Egbert made no new pronouncements on the proprietary church but did re-state some canons from the fifth and sixth century African Church councils which prohibited infringement on the Church through theft.

In his *De Institutione Catholica* Dialogue, Egbert expressed his own thoughts on private churches and other such foundations. The

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Dialogue is a treatise on Christian discipline and morality. It realistically portrays some aspects of the Anglo-Saxon proprietary church and monastery in three sections of questions and answers. In one dialogue, Egbert puts forth the question of renegade monks and clerics who have stolen from their lay-owned ecclesiastical establishments. Egbert believed such persons should be returned with the stolen goods to the proper church or monastery. Moreover, persons who harbored such fugitives with the mis-appropriated property should pay fines and perform penance. No criticism or explanation was provided for "laymen who are known to preside over monasteries."\(^{22}\) Their existence was simply acknowledged as a matter of fact. In a second dialogue Egbert mentioned the family monastery and the question of inheritance. As in early legislation, Egbert believed that, if the abbot elected by the congregation with episcopal consent died, it was the duty of the deceased abbot's heirs to provide an acceptable successor.\(^ {23}\)

Egbert's attitude towards the proprietary church was basically complacent, but in dialogue XIV, he did express some concern for the condition of monks and clerics serving secular persons. Any clergyman desiring to submit himself to such a status could do so only if the service was not hostile to his sacred order. Moreover, clergyman could not participate in homicidal activities or crimes against the law or the canons. Egbert re-affirmed the inveterate phrase that the

\(^{22}\) Egbert, De Institutione Catholicae Dialogue, in PL, vol. 89, col. 437.

\(^{23}\) Ibid., cols. 438-439.
"church is a house of the Fortunate, not a den of mercenaries." As in other cases, the fundamental sources of abuses in the Church, her ministry, and property were not criticised. Egbert addressed only the secondary consequences of the problem.

After Egbert's death we have no writers of his stature for several generations. In the ninth century England and its Church were overwhelmed by the Viking invasions. The Church was disrupted and even destroyed in some regions. Monasticism especially suffered almost complete annihilation. Many bishoprics recorded no office holders, and presumably they were vacated because of the Viking devastations. Bishop Wulfstan of London in 1014 wrote a letter addressed to the English people which summarised the problems caused by the Scandinavian attacks. Generally, Wulfstan admonished the English people for their sins which he felt had brought about the catastrophe. In these times, he complained, God's dues had dwindled in the churches. Many were despoiled by greedy laymen and violated in every manner. It is a gloomy description, and it hides the fact that serious reform efforts were being made.

In the tenth century a concerted effort was made by secular and ecclesiastical leaders to restore the Church and monasticism, which

24 Ibid., cols. 439-440. "... ecclesia domus propitiationis est, non speluna latronum. . . ."


had been devastated by the Viking invasions. A noteworthy feature of
this reform was the closeness with which the Church and monarchy co­
operated. This unity of purpose owed a great deal to the reforming
archbishop of Canterbury, Dunstan, who from 955 to 978 was the central
figure in English religious life and who realized that abuses in the
Church could only be alleviated with help from the king. The monarchy
also deserved credit for the common effort. King Edgar (959-979) was
an especially enthusiastic supporter of reform because he was pious,
and more significantly, it coincided with and aided his efforts to
unify his kingdom. The English had only recently achieved political
unity in the late ninth and tenth centuries, and that unity was still
precarious. Cultural differences lingered in the areas of the old
Anglo-Saxon, Celtic, and Scandinavian kingdoms. The great ealdor­
men and thegns possessed freedoms which made them almost equals to the
king. Moreover, there remained the threat of renewed Scandinavian
invasions which could have ended the English monarchy and indepen­
dence. All of these factors made it urgent for Edgar to centralize
his kingdom through religious reform.27

The tenth century "Reformation" ostensibly sought to restore the
Church to its original condition. With the kings as the focal point
of them, most reform efforts came from four outstanding individuals.
St. Oda or Odo, archbishop of Canterbury (942-959), was one of the
earliest; he was noted for rebuilding cathedrals, disciplining clerics,

and defending Church privileges. Dunstan, archbishop of Canterbury (960-988), was the spiritual leader of the tenth century reform. His achievements were many, but he was most influential in the revival of monasteries. He founded and restored a number of houses according to the Rule of St. Benedict with the help of the kings (Edred 946-955, later Edgar 959-979, and St. Edward 975-978). Dunstan was assisted by St. Oswald, a nephew of Odo and the archbishop of York (972-992). As a reformer, Oswald's concern was almost exclusively the revival of monasticism. St. Ethelwold, bishop of Winchester (963-984), contributed to this effort as well; the records state that he re-organized more than ten monasteries according to the Benedictine rule. Although the tenth century reform was primarily monastic in spirit and focus, it also intruded into other segments of Church life and organization, and altered them considerably.

For example, the episcopacy in the tenth century and the early eleventh century was filled mainly by monks. The four successors to Dunstan at Canterbury were all monks from Glastonbury. Similarly, the other sees of Worcester, York, Crediton, Wells, Winchester and Elmham in this period were all staffed by monks or abbots from the reformed monasteries. Many secular cathedral chapters were replaced by the monastic ones which remained a feature of the English Church well past the year 1066.

28 Hunt, English Church, pp. 273-282.

29 Ibid., pp. 338-368.

30 Ibid., pp. 352-356.

The organization of the episcopate and rural churches received only casual attention from the monastic reformers. Some new sees were created in Wessex where Sherborne and Winchester were subdivided into five sees. Outside of this change, there was little effort in that field. Indeed, some sees, such as Hexham, Whitem, Dunwich, and Hoxne, became extinct. As for the dioceses, Odo's Constitutiones urges bishops and priests to make frequent visits and to preach sedulously to their flocks, but no other comments appear in any of the works of the reformers. We know even less about the rural churches. We have only a few references concerning them in the lives of the reformers. Respecting these churches, St. Ethelwold's biographer merely says he was "defensor ecclesiarum." St. Oswald was referred to as "rector populorum." The anonymous author of Dunstan's Vita only says that the archbishop was the builder of many churches. In sum, we have little evidence for reform in Church organization and, more particularly, in the proprietary church.

Although we have no statements by reformers about proprietary establishments, one event in the tenth century suggests that their reforms caused considerable concern among some lay proprietors of

32 Ibid.
churches and monasteries. When King Edgar died in 975, his death was followed by the so-called 'anti-monastic reaction' led by Aelfhere, ealdorman of Mercia. Together with his brother and co-conspirator Aelfheah, he organized a series of violent attacks on monasteries in Mercia and East Anglia.

The motivation for the rebels' actions is difficult to understand. Clearly, the fundamental issues were not religious. The leaders of the revolt felt no hostility toward monasteries, nor, for that matter, toward the principle of reform. Indeed, many of them were benefactors of monasteries. Aelfhere himself had made two grants to the reformed house of Abingdon. Aelfheah had donated lands to similar establishments, such as Old Minster, Malmesbury and Glastonbury. It was political and proprietary interests that inspired the anti-monastic reaction. The political question of the year 975 was who should succeed King Edgar. Dunstan and the reformers supported Edward the Elder, son of Edgar and Aethelflaed, and the rebels favored the rival candidate Aethelred, the son of Edgar and Queen Aelfthryth. Edward's party was at first successful, but after a brief reign, he was murdered in 978. Then, with the help of Aelfthryth, Aelfhere and his followers were able to install Aethelred upon the throne, and consequently, Dunstan's influence at the royal court decreased.


38 Chronicon Monasterii de Abingdon, vol. 2, pp. 200, 244, 335.

According to contemporary accounts, the real source of the problem was the intrigue of Queen Aelfthryth, who was obsessed with ousting her stepson, Edward, and winning the crown for her natural son Aethelred.\textsuperscript{40} Certainly, the political issue helped create the anti-monastic reaction, which was directed at Dunstan and his reformed monasteries and which raged during the years (975-978) when Edward the Elder was king.

Important as the political question was, however, the proprietary concerns of Aelfhere and his followers were probably a more influential factor in the anti-monastic reaction. From 975 to 978, a number of assemblies met to resolve the grievances of Aelfhere and his cohorts. At these negotiations, the monastic reforming party was represented by Aethelwine, an ealdorman, who had defeated the anti-monastic forces in a brief military engagement in East Anglia which temporarily halted their raids. At the first meeting, held in Kirtlington, Oxfordshire, many charged royal usurpation of private property. Because of the number of settlements, it seems the plaintiffs had a case against the king. One Alfwold repudiated a sale of land at Streatham because it had been allegedly taken from him by force.\textsuperscript{41} A nobleman, Sumerled, claimed he had been forced to sell his lands at Wickford and was compensated by Aethelwine, who paid him thirty shillings for the property.\textsuperscript{42} Complaints of confiscations and notices

\textsuperscript{40} Liber Eliensis, ed. E. O. Blake, in Camden Third Series, vol. 93 (London, 1962), pp. 82-84.

\textsuperscript{41} Ibid.

\textsuperscript{42} Ibid., p. 91.
of compensation abound in the records of assemblies held during the period. Even Aethelwine, the protector of the reformers and their monasteries, asserted at one of the councils that King Edgar had violently seized lands from his father to give to Ely monastery.\(^{43}\)

Such complaints stemmed from King Edgar's policy of re-distributing ecclesiastical property to reformed monasteries and churches. Much of the land distributed seems to have been illegally in private hands. One of Edgar's writs specifically refers to this policy and to secular persons who had possession of ecclesiastical lands. In restoring lands at Taunton to Winchester monastery, the king "commanded everyone of his thegns who had any land on the estate that they should hold it in conformity with the bishop's wish, or else give it up."\(^{44}\) This is certainly an instance of a confiscation by Edgar.

The king apparently was following some plan in this writ. We do not know if churches, minsters, or other types of ecclesiastical establishments were on the lands at Taunton; this lack of clarity about the identity of Church establishments is common in Anglo-Saxon sources. Yet surely Edgar felt that he had a legal right to interfere with or legislate concerning the lands. Moreover, Edgar obviously believed that the Church had a right to administer ecclesiastical property which was considered to be held, not owned, by laymen.

The Taunton writ confirms that Edgar, perhaps under the influence

\(^{43}\)Ibid., pp. 79-80.

\(^{44}\)Anglo-Saxon Writs, no. 42.
of Dunstan, had a policy which called for re-distribution of ecclesiastical property possessed by lay persons. The sources offer several examples of lands taken from the laity to be parcelled out to reformed monasteries. William of Malmesbury in his *Gestis Pontificum* reported Edgar's questions of the lands of Chertsey abbey in the hands of nobles. Two charters in Birch's *Cartularium Saxonicum* describe Edgar's restoration of property held by one Adelnoth to Malmesbury abbey. Althelwine, the ealdorman responsible for suppressing the anti-monastic revolt in East Anglia, lost lands at Hatfield to Ramsey and at Brandon to Ely by Edgar's actions.

To be sure, the anti-monastic reaction cannot be attributed solely to Edgar's policy of distributing to the monasteries ecclesiastical property in lay hands. Other factors, such as the problem of succession, must be considered. Nevertheless, the ealdorman and thegns must have felt threatened by such an ambitious plan of the monarchy. The loss of valuable lands, churches, monasteries, and minsters jeopardized their economic position and, with it, their social and political status. Reformed ecclesiastical institutions under royal aegis probably appeared to the thegn and ealdorman as enclaves of monarchical authority threatening their privileges in many ways.

With the death of Edgar in 975, the reformers enjoyed only a brief

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46 Liber Eliensis, pp. 80, 110.
period of continued influence in the reign of Edward the Elder. Under the control of his mother Ælfthryth and possibly of some anti-monastic conspirators, Aethelred ended many aspects of the tenth century reformation. One by one, Dunstan and the other reformers died; only men with lesser zeal and desire to serve the royal circle replaced them. Reform continued, but it was less ambitious and very different in form and purpose. Yet King Edgar’s reign had established the precedent for stern royal initiative in ecclesiastical affairs — particularly with respect to the proprietary church. Succeeding kings, like Aethelred and Cnut, freely legislated in Church matters and in this way the tradition of reform was continued. The tenth century reformation had set in motion the first serious legislative efforts by the Anglo-Saxon monarchy to reform the Church. Early kings, like Withred, Ine, and Alfred, had written laws pertaining to the Church, but they were not as sweeping and thorough in directing Church affairs as the laws of Edgar and his successors. 48

Later royal legislation on Church reform gave considerable attention to proprietary institutions. Edgar’s laws confronted the issue more fully than those of any of his predecessors. The main problem of privately owned churches addressed by Edgar’s laws is that dues and especially tithes were not allocated to the correct ecclesiastical institution. This was true of the minsters, which had been established in the period of the Conversion. In the late Anglo-Saxon era, the

48 The Laws of Withred, Ine and Alfred, in English Historical Documents, pp. 396-416.
minster lost its importance to the rural church staffed by a priest and usually owned by a thegn. 49

As with other older ecclesiastical foundations, the monarchy took the initiative in restoring the minster to its previous position. In his laws, Edgar decreed that every free household shall go to the old minster and pay the customary dues to it. 50 The king further demanded that thegns who own churches must pay tithes from their lands to the old minsters. 51 From the thegn's viewpoint, the requirement must have seemed onerous, and perhaps it was such measures that helped provoke the anti-monastic reaction. Besides laws concerning the minsters, Edgar also felt justified in regulating the amount of tithe thegns paid to their own churches. He decreed:

If, however, there is a thegn, who, on the land which he holds by title-deed, has a church to which is attached a graveyard, he shall pay the third part of his own tithes to his church. 52

From this law and the one cited above, it would appear that Edgar expected the thegn to divide his tithe into two parts — a third to his own church and two thirds to his minster. The king instituted an exceptional law for thegns who owned churches with no graveyards. Since they were lesser establishments, he required the proprietors to pay

49 Barlow, The English Church, pp. 195-200.

50 II Edgar c. 2.2.

51 II Edgar c. 1.1.

52 II Edgar c. 2.
only one tenth of a tithe to them.\textsuperscript{53} Evidently, the thegns were to give the remainder their respective minsters. These laws certainly seem to have imposed an unfair distribution of the thegn's tithe, for he paid more to the minster than to his own church.

Despite Edgar's enactments, it is apparent that many thegns and nobles refused to pay tithes and other church dues. Subsequently, the king issued more laws, written in highly emotional language, stating that lay resistance to tithe payments had created a calamity in God's realm.\textsuperscript{54} Nevertheless, the penalties imposed for failure to render church dues were somewhat lenient. The extant laws prescribe various punishments for offenders. For the minster type church, Edgar ordered that the king's reeve, the bishop's reeve, and the priest of the church were to visit the person refusing to pay and that each was to take from him one tenth of the amount owed. Of the remaining seven tenths, one was left to the defaulter, and, though it is not stated, the rest presumably went to the church where the tithe was originally due. Edgar made different provisions for church owners accused of tithe evasion (II Edgar c. 3.1). One tenth of the tithe went to the owner and another tenth to his church. The remaining eight parts were to be divided between the bishop of the lay owner's diocese and his "landhlaford" whoever this may have been (this word has not been rendered into modern English).\textsuperscript{55} Though Edgar's laws

\textsuperscript{53} II Edgar c. 2.1.

\textsuperscript{54} IV Edgar c. 1, 1.3.

\textsuperscript{55} II Edgar c. 3.
strongly condemned and sometimes threatened with eternal damnation proprietors of churches and tithe evaders, he took little action to stop the practices. Indeed, some of his legislation shows leniency toward church proprietors.

Edgar's successor, Aethelred, continued the tradition of royal Church reform. Aethelred produced more laws by far than any other Anglo-Saxon king, and some are concerned with the proprietary church. He reaffirmed much of Edgar's legislation. For example, he re-stated the official position of the Anglo-Saxon kings that churches were holy and protected by God. Edgar's penalties for not paying church tithes and dues were repeated word for word. Perhaps the repetition of some measures was in part an attempt to placate the interests of reformers who still lingered in England. However, Aethelred also produced considerable new legislation regarding the Anglo-Saxon proprietary church. In one of his early laws, the king proclaimed "that no one shall oppress the church or make it an object of improper traffic, or turn out a minister of the church." One must not think that Aethelred condemned the proprietary church as such; a succeeding law carries the qualifying statement that no one shall commit the forbidden actions "without the consent of the bishop." Hence we can conclude from this statute that churches could be bought,

56 VI Aethelred c. 13, 15.

57 VIII Aethelred c. 8.

58 VI Aethelred c. 10.

59 Ibid.
sold, or loaned, but only with episcopal consent. The measure reveals the true character of Aethelred's legislation on the proprietary church; it was an effort to place proprietary institutions within the realm of Anglo-Saxon law.

We possess other laws of Aethelred which attempt to regulate many proprietary practices of the Anglo-Saxons. In one statute, for example, the king sought to raise the social standing of priests serving the private churches of thegns. The rank of such priests is not usually mentioned in the sources, but one must suspect that they were men of low degree. From the Domesday Book, we know that many priests were conveyed with church property in grants and transfers, which suggests a servile condition. Aethelred provided that those who practiced celibacy and abided by the Church canons should have the rank and wergild of a thegn. We can only offer conjectures on the intent of this law, but certainly, if enforced, it would have lessened the right of thegns over priests in their churches. Still, it is not clear whether this was the objective. The law does not directly attack or condemn thegn's churches. It merely provides incentives for priests to follow a more canonical lifestyle and some protection for their persons. This seems to be a compromise measure whereby proprietary rights were left intact, but the morality and dignity of priests in such churches were enhanced.

By the time of Aethelred, Churches had dramatically proliferated throughout the land. Since the days of Ine and Alfred, the Anglo-

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60 VIII Aethelred c. 28 and V Aethelred c. 9.1.
Saxon kings had maintained and observed the peace and protection of the churches of God, but this task was difficult for Aethelred because there were so many types of churches. Not only the old minsters remained, but the countryside was dotted with many private churches with a multitude of configurations. Some churches served whole villages and communities. Others stood near main highways and acted as prayer stations for travelers; they were staffed by itinerant priests and provided limited religious services. Aethelred, recognizing perhaps a need to distinguish these churches by their size and amount of services, classified them into four types and graded the fines assessed for violating the peace type. The main criterion for categorizing churches was the number of spiritual services they rendered to the community. The principal churches were under the protection of the king's mund and violation of their peace brought a fine of five pounds. Below them were churches of medium rank protected by a fine of one pound. A third group consisted of churches just large enough to provide the main services of principal or medium institutions; they possessed graveyards and were secured by a fine of sixty shillings. In the last category were the country chapels which had no graveyards and probably no full-time priests. They were in the king's peace and carried a fine of thirty shillings.\footnote{VIII Aethelred c. 5.1.} Regardless of its size or its functions, Aethelred and his councillors maintained the position of his predecessors that a church was holy and must be protected. Aethelred had departed from tradition only in ranking this sanctity by the degree of services rendered.
The period following Aethelred's death was one of the most tumultuous in Anglo-Saxon history. Very little secular reform was accomplished. The Viking king, Cnut, reproduced many of the laws of the previous Anglo-Saxon rulers, but introduced nothing himself. Edward the Confessor (1042-1066) has left no authentic laws for consideration. However, certain sources indicate that the Anglo-Saxons integrated the proprietary church into society not so much by law but by practice.

An anonymous work called the Compilation on Status probably written between 1002-1023 offers some evidence. This document lists the ranks in Anglo-Saxon society and the wergild associated with them. More importantly, the Compilation on Status describes how persons rose or declined from one status to another. Social advancement depended on two factors: service to the king and wealth. The service provided was usually military, although it could be the holding of some clerical or administrative position at the court (witangemot). The wealth of a person was almost always measured by the amount of land he owned, but the determination also rested on the prosperity of the land — its buildings, churches, laborers, and productivity.

Before analyzing the Compilation any further, a word must be said about its reliability. It is not an official legal enactment with the name of a king or ealdorman attached to it, but a private work. Besides its private nature, there are problems with the manuscript tradition. The work exists in four different manuscripts: two are in Latin (Quadripartitus and the Instituta Cnuti); two are in Anglo-

62 A Compilation on Status in English Historical Documents (500-1042), p. 488.
Saxon (the Textus Roffensis and the so called St. Paul’s manuscript MS 201). The St. Paul manuscript, written in the twelfth century, does not mention a certain passage stating that possession of a church was a requirement for the rank of thegn. However, the Quadrivium, Institutum Cnuti and the Textus Roffensis, which is an eleventh century manuscript, do mention it. Most of the manuscripts, especially the contemporary Textus Roffensis, confirm the authenticity of the passage which states the way a ceorl becomes a thegn is to own a church.

In the Compilation, the proprietary church has become an important key to social mobility for the class of thegn. The frequency with which thegns were mentioned in respect to private churches in the laws of Edgar and Aethelred already suggests that there was a connection between the proliferation of churches and that class. According to the anonymous author of the Compilation, to be a thegn, one had to possess a church:

And if a ceorl prospered, that he possessed fully five hides of land of his own, and his own church, a bell, a kitchen, a caste gate, a seat, and a special office in the king's hall, then was he henceforth entitled to the rights of a thegn.65

The significance of this statement should be readily apparent. The remark about the proprietary church is the only one of its kind throughout the Anglo-Saxon sources and legal works. The Compilation not only

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63 Liebermann, Die Gesetze, pp. 456-457.
64 Ibid.
65 Ibid.
acknowledges and tolerates the private church, but attests its official acceptance as an instrument of social mobility from the status of ceorl to that of thegn. Although it has no parallel in other sources, this passage confirms a general trend noted in secular and, to some extent, ecclesiastical sources. The proprietary church and other such foundations were steadily integrated into the general fabric of society and of Anglo-Saxon law. By the eleventh century, as the Compilation on Status suggests, the proprietary church and monastery had reached maturity as institutions.

Besides improved social status, we have no explicit evidence of other advantages which the proprietary church afforded a thegn or an owner, but certain benefits can probably be assumed. As an owner, the thegn probably had the right to choose the priest of the church as well as some discretionary power over the fate of the church and its lands. The thegn's church provided a focal point of worship for the local community, such as a village or manor; as lords of these establishments the thegns' social and economic positions were enhanced greatly. Lastly, the proprietor probably received some income from the church through either the tithe or other dues. Despite the owner's prerogatives, the Anglo-Saxon ecclesiastical and lay leaders did place some restrictions on him. In general, the owner's power was curtailed by ensuring that the priest followed the Church's canons, that the church functioned according to its traditional purposes, that it was well-endowed, and that the bishop had spiritual jurisdiction over it. Outside of this, the proprietor could almost do with it as he pleased.
Though the proprietary church was generally accepted, some criticisms and even near rejections of the system existed in the eleventh century. Aelfric (955-1020), one of the most prolific religious writers of the late Anglo-Saxon period, delivered the most stinging attack against the proprietary church. In one of his homilies, Aelfric stated that the private church was an offence to God. No layman was to presume to have authority over the servants of God in their churches. The buying and selling of churches he described as a crime comparable to betrayal of Jesus by Judas. If a lay person wished to found or endow a church Aelfric had no objections, but such an establishment should not be under his authority. In Aelfric's view, it was the teachers of Christ who should rule churches and monasteries. Aelfric was not alone in his condemnations, Wulfstan, bishop of Worcester (1009-1095) complained of married priests and their heirs who divided churches and ecclesiastical properties among themselves. At one point in his tenure as bishop, Wulfstan ordered that priests must give up either their wives or their churches. Such dramatic complaints by Wulfstan and stern categorical condemnations by Aelfric in no way changed the situation. The general acceptance of proprietary ecclesiastical institutions continued and private churches multiplied.

Reform by ecclesiastical authorities was not successful in eliminating or even in curtailing the proprietary church. It is debatable,

66 Aelfric, Catholic Homilies, in English Historical Documents (500-1042), p. 926.

of course, whether they ever aimed at complete abolition of it, but
their effort over all achieved only a few advances toward controlling
proprietary institutions and subordinating them to the organisation
of the Church. The civil legislation followed the ecclesiastical re-
formers in many respects, but after the anti-monastic reaction both
royal legislators and private commentators generally limited them-
selves to incorporating the proprietary system into the mainstream of
Anglo-Saxon society. One must ask why the Anglo-Saxons did not seri-
cously address the problem of the proprietary character of the Anglo-
Saxon Church. The answer lies with the ruling class, the king, the
nobles, the thegns, the bishops, and the abbots, who were all great
proprietors of churches and Church lands. It was perhaps too much to
ask them to reform their own practices.

The evidence speaks very clearly on this point. Many ecclesi-
astics and lay persons in the late Anglo-Saxon period possessed either
curches or something comparable like Church lands. We possess
eamples from a document by an anonymous writer from the period fol-
owing the Norman Conquest entitled the De Obsessione Dunelm. It is
fragmentary and somewhat confusing, but it has been accepted as
authentic. The work describes the history of six estates which be-
longed to the church of St. Cuthbert, the cathedral of the bishop of
Durham from 995 to around the year 1081. The De Obsessione does not
state whether churches or monasteries were on the estates, but they
certainly could have been. The work does indicate clearly the
proprietary attitude of the ruling class towards the Church.

Bishop Ealdhun of Durham (990-1018) gave the six estates (Berme- tun, Skirningham, Eltun, Carltn, Heaclif and Heseldene) to his daughter, Ecgfrid, as a dowry in marriage. Some years later, she was repudiated and the estates returned to her father, the bishop. Upon her second marriage, three estates were granted as a second dowry. Again she was divorced, the lands reverted to her father, and finally she became a nun in her father's diocese. Even then, the lands continued to be exchanged through Ecgfrid's children. A son by her first marriage became earl of Northumbria and used the same six estates as a dowry for his daughter in marriage to Count Siward. After the death of Count Siward and his wife, the estates were seized during the Norman Conquest by one Arkil, who claimed them because he was an heir of Bishop Ealdhun. The anonymous author states that Arkil, out of his good will, returned three estates (Heaclif, Carltn, and Heseldene) to the church of St. Cuthbert, but even in the time of the composition of De Obsessione Dunelm, the other three estates were still allegedly in the possession of Ecgfrid's descendants. 69

The De Obsessione Dunelm depicts the Anglo-Saxon Church at a weak point. Ealdhun, by his conduct and his distribution of Church property, broke all canonical rules. He produced heirs either through marriage or some other relationship. He endowed his daughter with property that belonged to the church of St. Cuthbert. The estates


69 Ibid., pp. 218-220.
were inherited through a female line of descent. It is difficult to imagine that such a bishop would have acted aggressively to curb the proprietary system. Yet Ealdhun was not an isolated case, and does not deserve undue criticism. The sources even preserve records of exchanges of Church property by such a prominent clergymen as St. Oswald, the reformer.

A leader in the tenth century reformation, St. Oswald has left a detailed account of his transfer and distribution of the ecclesiastical estates of Worcester and York, which he held in plurality — Worcester from 959 and then York from 972 to his death in 992. We possess some seventy-nine charters granted by Oswald as bishop of these sees as well as a long memorandum addressed to King Edgar which describes these grants as one administrative unit with peculiar services expected from the holders. In the DB, this bloc of estates was termed Oswaldslow by the Norman scribes, who knew of its special land tenures and Oswald's role in creating it.\(^70\)

Scholarly opinion varies somewhat about the origin and purpose of the Oswaldslow. Some scholars argue that it was a royal creation which allowed the bishop to grant lands to soldiers in return for military service.\(^71\) This view is based on Heming's Cartulary written in the eleventh century at the request of the bishop of Worcester. It states that the bishop was responsible for maintaining sixty warriors.\(^72\)

\(^70\) DB, I, 172 b.

\(^71\) Barlow, The English Church, pp. 168-169.

\(^72\) Hemingus, Chartularium ecclesii Wigorniensis, ed. Thomas Hearne,
Chiefly upon the basis of Heming's evidence, another historian has argued that the Oswaldslow was evidence of a form of Anglo-Saxon feudalism.73

Nevertheless, a closer examination of Oswald's memorandum concerning the Oswaldslow reveals little evidence to support this interpretation. The Oswaldslow was established by Edgar's initiative because of the many references to "beneficentia ejus."74 Moreover, internal evidence hints that Dunstan and Ethelwold were the wise counsel which helped to create it.75 The Oswaldslow seems to have been a large liberty of land, administrative and legal rights granted by the king to Oswald and his successors. The hundred organization and its courts were probably placed in the hands of the bishop. The purpose of this privileged group of estates was to endow the sees of Worcester and York. The letter of Oswald to Edgar describes what the bishop did with the liberty and the types of services rendered by the tenants to the bishop. These dues are the real subject of controversy about the Oswaldslow. Despite the efforts to prove them to be feudal, the services rendered by Oswald's tenants are in fact very menial. To be sure, the bishop regarded his tenants as mounted retainers, by a clause in the letter which says "they must fulfill the law of riding which pertains to horsemen."76 This statement does allude to military


74Ibid.

75Ibid.

76Ibid.
service, but the rest of the letter does not depict tenants' duties as feudal. They were to ride on the bishop's errands, provide horses when the bishop needed them, build hedges for the bishop's hunting grounds, and also provide weapons for hunting. The bishop also expected them to perform other minor services, notably to find lime for church construction and the building of bridges. Lastly, tenants might be called upon to serve the king if the monarch requested it from the bishop. This is the strongest inference that some of the dues were military in nature. Nevertheless, the memorandum plainly states that the services of the charter holders could be anything the bishop commanded. ?? Thus, the men of the Oswaldslow were tenants of general character, and provided all types of services, many of which tended to be manual labor of a servile character.

The charters afford a glimpse of Oswald's use of ecclesiastical property and his attitude toward it. The transfer of churches is not mentioned in the charters, and the DB has few references to churches in Warwickshire, Worcestershire, and Gloucestershire where most of the estates were located. Oswald's memorandum does reveal that churches were granted. The possessors of these churches were to observe the laws pertaining to ecclesiastical institutions. They had to pay church scot, toll, and customary dues. We can assume that on the estates given in the charters there were churches. The lands which Oswald granted were all leased, usually for three lifetimes, that is to a person for his life and the lives of two linear descendants. At expiration, the land reverted back to the owner, who could

??Ibid.
give the estate to whomever he wished. In Oswald's charters there were three owners: the bishopric of Worcester, the archbishopric of York, and the church of Worcester. Oswald himself is never cited as an owner. It seems that he acted only as an administrator of the properties of Worcester and York.

Oswald's leases show his administrative concerns rather than a reforming policy or a feudal one. Nineteen charters record leases to men described as soldiers. Oswald refers to them by various terms, such as thegn, miles, fidelis, cnihtr, or sometimes as his man. Oswald may well have had military service in mind, but it is never specified in the charters. One may surmise that he was seeking protection for his York see from the king of the Scots. On the other hand, many of his charters are not to military men. Ten were to his relatives. Athelstan, his brother, received two leases in Gloucestershire and Worcestershire; Osulf, another brother, had two in Worcestershire; and a nephew of Oswald received another charter. The other relatives are simply called kinsmen. Fifteen charters were to individuals of differing social rank. These leases sometimes designate the holders by their occupations such as artifex, compater, matron, but in most cases, no skill or trade is cited, only a name.

The largest number of grants, thirty-five in all, were made to ecclesiastical personnel. Twenty-eight charters were granted to individuals called ministers. Another seven were given to clerici and

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78 Ibid.

79 See Appendix A.
monachi. Unlike the other charters, most of the clerical leases reverted to the Church of Worcester and only a few to the sees of Worcester and York. The reason is not clear. Though the grants to religious persons are most numerous, we must not assume the Oswaldslow was created for reform purposes. The liberty of Oswald had a secular aspect. The leases to religious personnel have much in common with those to the laity. They are not endowments or permanent alienations, but temporary grants. Like the leases to soldiers or individuals, they were for two or three generations. Indeed, many heirs following the original grant were offspring of the clerics and ministers. Thus even the religious charters of Oswald followed the lines of the secular grants and had a proprietary aspect.

Oswald's distribution of Church property, like that of Ealdhun, was common practice in Anglo-Saxon England. Saint, bishop, priest, king, earl, thegn, villager and even peasant all could be owners of churches and Church property. The DB re-affirms this assertion. It contains some 2,061 references to churches, but not all are Anglo-Saxon. Many were built between the Norman Conquest and the compilation of the DB in 1086. Moreover, for some unknown reason, the DB inquest did not record all of the Anglo-Saxon churches. Contemporary inquests such as the Domesday Monachorum and the so called Exon Domesday, which were used in compiling the DB, contain many churches not entered in the final copy of the DB itself. Nevertheless, the DB,

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80 Ibid.
excluding the half-dozen satellite surveys which are contemporary, has a good sample of some 1700 Anglo-Saxon churches. Each was privately owned, and there is no indication in the DB that they were all under the suzerainty of the king or restricted by him in any fashion. They were, in the true sense of the word, proprietary.

Most churches in the DB dating from the Anglo-Saxon period were owned by persons of medium rank in society, especially of the status of freeman and thegn. The thegn churches should cause no surprise since late Anglo-Saxon legislation and some private works (e.g. the Compilation on Status) placed so much emphasis upon them. Not all the thegn churches can be cited, but a sample from the DB illustrates their great number and variety. The DB scribes evaluated the churches of thegns according to their extreme diversity. A sizeable number were recorded simply as belonging to taini, teini, or teigni with no personal name attached. Under this heading some taini were the sole owners of churches, but a majority of institutions are listed as having more than one owner. Joint ownership of churches by as many as fifteen thegns is attested.

The majority of thegn churches in the DB are listed under individual names. It would be an almost impossible task to tabulate them all, partly because of the great number and partly because the DB

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83 See Appendix B.
does not distinguish clearly between individual thegns, many of whom, it seems, had the same names. Nevertheless, some thegns appear to have possessed numerous churches. One Edric, for example, owned some forty-six churches and four fractions, which were concentrated in Suffolk; if one can believe it is the same Edric, he also held churches in Nottinghamshire and Berkshire. 84 Chetel owned ten in the counties of Yorkshire, Lincolnshire, and Lancashire. 85 Gamel held fourteen in Derbyshire, Lincolnshire and Yorkshire. 86 Azor’s churches were eighteen in number, and were located in Hampshire, Kent, Lincolnshire, Northamptonshire, Surrey, and Sussex. 87

In the DB, the scribes add to the thegn entries information concerning land tenure. In all of the counties thegns are described as holding churches in the time of King Edward. Yet one should not place too much emphasis on the use of the word, tenere. Because the scribes qualify their remarks about Anglo-Saxon owners we know that some held lands of the king or a noble, but most held properties with no lord. From what we already know of Anglo-Saxon proprietary churches, it is clear that the individual holders were true owners. (Their property was allodial.) In addition, in many thegn entries, named

84 See Appendix C.


86 Ibid., Derbyshire: 275b, 276a, Lincolnshire: 350a, 351a, 352b, Yorkshire: 306b, 310b, 314a, 315b, 316a, 316b, 321a, 325a, 325b.

87 Ibid., Hampshire: 45b, Kent: 9a, Lincolnshire: 366a, Northamptonshire: 224a, Surrey: 34a-35b, Sussex: 24b-28b.
or unnamed and singly or jointly owned, the Norman inquestors state that they were commended (commendatio) to the king or to an earl. None of these tenancies should be confused with feudal tenures since no military services were indicated.  

Among other churches, those in the Danelaw were unique because of the social structure of the region. The Danelaw included four main districts: Northumbria, the Five Boroughs (Lincoln, Nottingham, Derby, Leicester, and Stamford), East Anglia, and the southern Midlands (Northamptonshire, Huntingdonshire, and Bedfordshire). The distinctive feature of the area was its Scandinavian character. Administratively, the hundred was replaced by the wapentake, which functioned similarly but appears to have been Scandinavian in origin. Arable units of lands were divided into bovates or oxgangs rather than hides. Lastly, the Danelaw was treated in the Anglo-Saxon laws as a separate region possessing its own legal customs. The social structure was distinctive. Predominating was what Stenton termed the peasant aristocracy. In the lands outside the Danelaw, the peasants were classified as villani, who were villagers living in a free state or economically bound to a thegn's manor, and bordars or cottars, who were simple cottagers. The Danelaw's peasantry were divided into two large groups called sochemanni and liberi homines.  

The sochemanni are a mysterious group; scholars have not determined if their status was servile, free (but economically inferior), or free

with some kind of legal privilege. Stenton believed that sokemen were set apart because of a personal and economic independence and by the fact that they had, as a literal translation of their name implies, an ability to seek suit in the hundred (wapentake) court. The *liberi homines* were simple free men without qualification and no special privilege in the wapentake. Beyond these peasant groups, the Danelaw was relatively free, socially and economically, of the manorial lordship. To be sure, some lords existed because the *DB* does mention the *commendatio*, but even this institution was affected by the spirit of independence strong among classes of peasants. In some entries, it is stated that free men in East Anglia commended themselves to the lord of their own choosing. In fact, commendation is often termed as liberty of a freeman or sokeman.\(^{90}\) Despite the vagueness surrounding the meaning of *commendatio*, the *DB* entries indicate a contractual relationship between equal parties.

The churches of the Danelaw were noticeably affected by these social arrangements. Observing these churches for the first time, one can only be amazed at the large numbers of them. Darby, in his *Domesday England*, calculated from the *DB* and its satellite surveys that at the end of William's reign East Anglia (Suffolk and Norfolk) had 676 churches, Lincolnshire (242) and Yorkshire (177). Thus, these four Danelaw counties alone accounted for 1025, nearly half the total of 2,061 churches in the *DB*.\(^{91}\) Many of the churches were owned by

\(^{90}\) *Ibid.*

\(^{91}\) Darby, *Domesday England*, p. 346.
liberi homines. Like the thegns, the liberi homines often shared joint ownership of churches, sometimes in large groups. This is logical if we can believe that a co-operative system of farming was practiced. Joint ownership is accompanied by another distinctive feature of the Danelaw church — numerous fractions and parts of churches. From later sources we know that in villages where co-operative farming took place, the village church was divided like the land into many different parts for financial and personal use. A common procedure in the DB is to enter the title of liber homo or liberi homines with no name attached, but most churches in the Danelaw were held by liberi homines cited by name. They were men of moderate income and may or may not have been commended.

From the perspective of the proprietary church, the free men of the Danelaw appear to have been the dominant class. In contrast to the liberi homines, who owned many churches, the sochemanni, who are more numerous in the DB, held no churches at all, according to my observations. They are very often described in an objective sense precisely like the bordars, slaves, mills, manors, and churches. Their lack of proprietorship certainly does not prove a servile state, but it does raise serious questions about their alleged privileged status.

The proprietary churches were numerous in the Danelaw because of the dense population there, not because of some Scandinavian-Germanic


93 Addy, Church and Manor, pp. 433-441.

94 See Appendix B.
notion of property. These counties had not only different customs and institutions but a large population. Stanton's figures for sokemen and free men in the DB are impressive. There were 11,000 sokemen in Lincolnshire, 8,144 free men and 1,003 sokemen in Suffolk, and 5,544 free men and 5,651 sokemen in Norfolk. The western and central counties do not even approach this census. It is tempting to assure that the figures refer only to Scandinavian settlements, but the same class distinctions were sometimes extended to English regions by later Anglo-Saxon kings.

Besides the thegns and free men, a number of important persons in the Anglo-Saxon kingdom were proprietors of churches. The greatest single owner in the DB was the king. Characteristic of Anglo-Saxon church ownership, the king's proprietorship was a relatively personal matter, and stood apart from other proprietary churches in the kingdom. In Edward's case, his many churches were a result of his royal position in society, not a prerogative or constitutional right. It has been suggested that the king had some right over the minsters, the old churches of the conversion period. However, not much is known of the relationship between minster and monarchy except for the activities of King Edgar which led to the anti-monastic reaction. The DB rarely refers to the minster, and this may be due to the ignorance of the Normans about Anglo-Saxon ecclesiastical institutions. The question of royal minsters is a complex one and needs separate intense analysis. Nevertheless, Edward is cited as the owner of some 230 churches with

fractions. Many were held through commendation, but that does not
detract from the fact that the king owned a number of churches and
possessed patronage in others. His churches were concentrated in the
counties of Hampshire, Kent, Suffolk, and Sussex.96

Stigand, the notorious man who held Winchester and Canterbury in
plurality, rivaled the king in individual ownership of churches.
Stigand's wealth of churches (eight-four with five fractions) probably
stemmed from his plurality of sees and his nationality. A Dane by
birth, Stigand rose through the ecclesiastical ranks with the help
of his Scandinavian origin. He was made a priest in Cnut's reign, and
in 1043 he became the bishop of Elmham in East Anglia. In 1047 he
was transferred to Winchester; and, then in 1052, he obtained the
ripest plum of the English Church, the see of Canterbury, which he
held with Winchester in plurality. His reign at Canterbury was
marked by two discreditable incidents. He entered the see when Robert
of Jumieges was mysteriously expelled from it and exiled from the
country. Secondly, he had received the pallium and papal approval
from the infamous anti-Pope Benedict X. Indeed, it has been argued
that few bishops in England accepted him as archbishop.97

The churches attributed to Stigand in the DB were located in
places which more or less followed the path of his career. A large
concentration was in East Anglia where he was born and later became
bishop of Elmham. As the bishop of Winchester, he accumulated a

96 See Appendix D.

97 Barlow, The English Church, pp. 304-308.
smaller number in the counties of Surrey and Hampshire. Either through inheritance or appropriation, Stigand also owned twenty-seven churches in Kent. The DB inquestors classified Stigand’s churches under three names: Stigandus the man, the archbishop, and Archbishop Stigand. But this does not seem to indicate that his churches were distinguished by his various ecclesiastical offices. Many of his Kentish churches were cited under his name, Stigand, while his holdings as archbishop can be found in Norfolk and Suffolk. The DB most likely viewed all of these establishments as belonging to Stigand, archbishop of Canterbury.  

Many of the important Anglo-Saxon nobles were also cited in the DB as great church proprietors. Pre-eminent among them was Harold, the fateful "King of the English" in 1066. His holdings were many and are analyzed in appendix D, which shows that they were as widespread as King Edward’s churches. The earls, who appear so often in English history from 1050 to 1070, were all possessors of churches; some even rivaled Harold. Earl Tostig of Northumbria, a supporter of Harold Hardrada and a rebel in 1066, owned some 16 churches. Earl Morcar of Northumbria, who rebelled against William in 1071, had 22

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98 See Appendix D.

churches and 3 fractions. The brother of Morcar, Earl Edwin of Mercia, who was killed in the rebellion of 1071 held 22 churches and 1 fraction. References in the DB to the lands of Harold, Tostig, Morcar, and other prominent persons in Anglo-Saxon times are often hostile to the pre-Conquest owners. This is not surprising since Harold was considered a perjurer and usurper. Morcar and Edwin had participated in a Northumbrian uprising in 1071 against Norman rule, and Tostig had supported Harold Hardrada's regal claims. Nevertheless, it is difficult to dismiss completely the numerous charges of violent seizures and spoliations against the Church and her properties. In the lists for Sussex, we find land belonging to Harold which he took from St. John's church. For Herefordshire, a number of entries refers to Harold's unjustly holding properties which belonged to Walter, bishop of Hereford. Giso, bishop of Wells, and Leofric, bishop of Exeter, also had claims against Harold's spoilings. Many other ecclesiastical sources leveled charges against Tostig, Morcar, and Edwin. Tostig was depicted as a robber of churches. Morcar and Edwin are reputed to have defrauded both their grandmother and the Church of lands.

100 DB, I, Herefordshire: 179b, Lincolnshire: 337a, 337b, 338a, 338b, 341b, 341a, 358a, 360b, 364b, 366b, Nottinghamshire: 253b, 281b, Yorkshire: 299a, 308a, 313a, 316b, 323a. DB, II Suffolk, 286b.


The charges in the DB and the ecclesiastical sources are suspicious and may reflect an effort of later clerics to obtain lands from their Norman lords. Only a closer inspection of them will determine their veracity.

The notices may be justified by what we know of episcopal and monastic proprietorship in the DB. In contrast to secular leaders, clergymen owned few churches. There were some great episcopal proprietors like Canterbury (84 churches and 5 fractions) and Winchester (48 churches). Even some bishops were respectable church owners: Rochester (16), Elmham (23), and York (14). Nevertheless, quite a few sees can only be described as poor: Lichfield (4), Exeter (2), Wells (2), Hereford (2), and Durham with two fractions. Monasteries fared somewhat better. Bury St. Edmunds owned a large...

\[103\text{For Canterbury's holdings see Appendix D. Winchester, DB, I, Hampshire: 40a, 40b, 41a, 41b, Wiltshire: 65b.}\]

\[104\text{DB, I, Kent: 5b.}\]

\[105\text{DB, II, Norfolk: 159a, 175b, 192a, 192b, 193a, 196a, 197a, 198b, 199a, Suffolk: 331a, 379a, 379b, 447a.}\]

\[106\text{DB, I, Lincolnshire: 375b, Nottinghamshire: 280b, Yorkshire: 298a, 302a, 302b.}\]

\[107\text{DB, I, Somerset: 91b.}\]

\[108\text{DB, I, Devonshire: 101b.}\]

\[109\text{DB, I, Somerset: 89a, 89b.}\]

\[110\text{DB, I, Hampshire: 43a, Shropshire: 252a.}\]

\[111\text{DB, I, Lincolnshire: 34lb.}\]
bloc of 85 churches and 12 fractions in Norfolk and Suffolk. But again, according to the DB, some monasteries could legitimately complain that they were deprived of lands and churches. Abingdon only held 10, and Glastonbury possessed only 1.

The DB re-confirms the proprietary nature of the Anglo-Saxon Church. Most churches in Anglo-Saxon England were owned by persons of medium rank in society, such as the thegn and the free man. Yet the great earls were proprietors of numerous churches. The monasteries, reformed in Edgar's time, more or less maintained a sizeable number of churches because of their royal protector and benefactor. The episcopate was not a notable possessor of churches except where a worldly cleric such as Stigand had managed to acquire them through his ambitions and personal connections. As Stutz and Imbert de la Tour both noted, the proprietary church and the episcopate did not co-exist well.

Reform of the proprietary church was quite impossible in such a land. Too many churches, if not all of them, were privately owned. Boehmer, in his pioneer study of the English private church, argued that all churches were proprietary. One hesitates to go this far, but the DB evidence confirms that the ruling class, lay as well as clerical, engaged in widespread ownership and transfer of churches. The proprietary church was an integral part of the Anglo-Saxon Church and society. Lay reformer and monastic reformer alike recoiled from a

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112 DB, Norfolk: 209b-212b, Suffolk: 349a-370b.

113 DB, I, Berkshire: 58a-59b.

114 DB, I, Berkshire: 59b.
frontal attack upon this institution.
CHAPTER V

PROPRIETARY INTERESTS IN THE ECCLESIASTICAL
POLICY OF THE NORMAN DUKES

The Anglo-Saxon proprietary church was examined in the foregoing two chapters. Pluralism, secular domination, and, to some extent, clerical immortality were problems which resulted from it. The general disorganization of the Anglo-Saxon Church was certainly a product of proprietary interests. The ownership of churches and monasteries was deeply rooted in society itself. The proprietary church's complete acceptance by the Anglo-Saxons made reform virtually impossible. As we have seen, appeals for reform and the measures themselves were largely ineffectual because they contravened the interests of the lay and clerical ruling class.

The Norman invasion placed the difficulties of the Anglo-Saxon Church upon the shoulders of William I, the duke of Normandy and, after 1066, the king of England. It was his ecclesiastical policy which would guide the future of the English Church. This policy was certainly a response to conditions in England, but many of his actions toward the Anglo-Saxon Church were influenced by past experience. For nearly twenty years, William had been duke of the duchy called Normandy. There, he was heir to a traditional system of ecclesiastical-secular relations created by the first Norman dukes.

Many modern historians have followed the comments of the monastic historian, Eadmer (c. 1063–c. 1128), who stated that the expressed policy of the Conqueror was "to serve in England the customs and laws
which his fathers and himself were accustomed to practice in Normandy." These usages or customs are aptly summarized by Eadmer as they were applied in England. All things divine and human, he says, waited for the king's command. No pope could be accepted in his domain except with William's permission. Papal letters could be received only with his approval. No type of pact or alliance was to be undertaken between his clerics and the pope. At important ecclesiastical councils, the archbishop of Canterbury could not legislate or prohibit except by the royal will. Lastly, no baron or minister of the king was to be excommunicated for incest, adultery, or any capital crime by a pope or bishop unless the king approved it. 

Eadmer's clear and frank statement of William's policy toward the Church is primarily a description of the king's difficulties with Gregory VII near the end of his reign. The dukes in Normandy had friendly relations with the papacy from 911 to 1066. Problems began when William became king of England. Moreover, Eadmer's remarks somewhat reflect conditions of his own times. He was a close friend of Anselm, archbishop of Canterbury, the leading opponent of William Rufus and Henry I in the first great English investiture crisis. Eadmer's work, Historia Novorum, was designed to explain Anselm's position and the origins of lay investiture in England. Although Eadmer asserts that investiture of clergymen with the symbols of their

1Eadmer, Historia Novorum, col. 352.

2Ibid.
office and lands was not unheard of before the Norman arrival, he
plainly blames lay investiture upon the customs of the Normans and
the policy pursued by the Anglo-Norman kings beginning with William I.
In his preface to the history of Anselm's struggles, Eadmer states
that from William's time onward no bishop or abbot was created who
was not a man of the king. Except for Anselm, only Bishops Gundulf
and Ernest had not received their pastoral staffs from the king.3

Although Eadmer's picture of William's policy contains some seri­
ous distortions, it partially concurs with statements made by certain
historians of the Conqueror's time. William of Poitiers, the author
of the Gesta Guillelmi Ducis Normannorum et Regis Anglorum, wrote
immediately after the Conquest and described William's dominance in
Norman ecclesiastical affairs before the Invasion. According to him,
William constantly exhorted bishops, abbots, and clerics with regard
to their morals and discipline. Moreover, as in Eadmer's description,
William of Poitiers says that the duke regularly ordered bishops of
the duchy to assemble in order to discuss the state of religion,
clerics, and lay persons. Not only did William convene these coun­
cils, but he arbitrated them with much seal and authority.4 Like
Eadmer's account, William of Poitiers' offers problems of interpreta­
tion. He perhaps exceeds himself in his work by attempting to glorify
the exploits of his lord, Duke William; and his facts are often
blurred by too much rhetorical language. An estimate of those customs
and practices which formed William's ecclesiastical policy can only

3Ibid., col. 348.
4William of Poitiers, Gesta Guillelmi Ducis Normannorum et Regis Anglo­
be made by examining the history of the Norman dukes in Church affairs through available narrative sources and the Norman charters which have survived. More importantly, it must be determined to what extent proprietary interests figured in the ducal ecclesiastical policy.

William, like those Norman dukes before him, was not so much a reformer as a revivalist. Since the reign of William Longsword (931-942), the dukes had actively dedicated themselves to the restoration of the Church in Normandy, which had nearly collapsed as a result of the Scandinavian invasions in the late ninth and early tenth centuries. Monasticism was most certainly all but wiped out. There is no reference to nor record of an abbey surviving by the third decade of the tenth century. The authors of *Abbayes et prieurés de l'ancienne France* have determined from the sources and the Norman charters that most monasteries were destroyed by the Viking invaders. Hence, Saint-Ouen (841), Fécamp (841), Jumièges (850), Fontanellie (862), Montivilliers (800's), Cerisy (800's), Saint-Sever (800's), Saint-Taurin-d'Évreux (800's), La Croix-Saint-Leufroi (800's), Saint-Évroul (800's), and others disappeared in the Viking devastation, only to be rebuilt later by the descendants of the invaders, the dukes and nobles of Normandy.5

The episcopate was also in eclipse. The Norman episcopate was patterned upon the old Roman province of *Lugdunensis Secunda* described in the *Notitia Provinciarum et Civitatum*. The capital and later residence of the archbishop was Rouen (Rotomagensis). Subordinate to

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Rouen were six episcopal sees: Bayeux (Bajorensis), Avranches (Abrincensis), Évreux (Ebroicensis), Sées (Sagienis), Lisieux (Lexoviensis), and Coutances (Constantiensis). Rouen maintained a line of archbishops throughout the invasion period, but the other sees were apparently vacant. Bayeux had no bishops from 876 to 933. Évreux, Lisieux, and Avranches were in a similar condition in that we do not know what was going on in these sees in the tenth century. Sées was in such a state of poverty that the bishop had to use stones from the city wall to rebuild his cathedral. It is certain that Coutances was in disarray because five of its bishops in the tenth century resided outside their district in Rouen.

Many modern scholars have agreed that in some periods of the tenth century the dukes themselves had rejected Christianity and reverted to paganism. It is known that the first duke of Normandy, Rollo (911-931), renounced Christianity before his death. It is equally certain that after the death of his son, William Longsword (928-942), a pagan reaction swept through the duchy. It was subdued only with some difficulty by Duke Richard I (942-996). Between 961 and 965, a terrible civil war raged in Normandy. The issues and

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8 Ademar of Chabannes, Chronicon, ed. J. Chavanon (Paris, 1897), pp. 139-140.

participants are not clearly discernable, but we do know that Richard relied heavily upon a pagan Scandinavian force. In 965 the war came to an end through the intervention of King Lothair of West Francia. A pact between Lothair and Richard I was signed in 965 at Gisors, establishing peace and ensuring stability in Normandy. It was followed by a charter from Lothair confirming Richard I's restoration of Mont Saint-Michel. In the period after the treaty ducal charters re-founding monasteries and endowing other institutions become more numerous. It is apparent that the pact at Gisors ushered the Norman ecclesiastical revival.10

Afterwards, relations between Normandy and other continental kingdoms became more cordial with greater cultural and religious exchange. The re-establishment of monasticism was the most important result of the new contacts. Although monasteries did not flourish in Normandy before 960, some congregations originally attached to that region before the Scandinavian invasions survived in exile in outlying counties such as Flanders, Maine, and Picardy. In 961, the congregation of Fontanelle under one Mainard, a disciple of Saint-Gérard of Ghent, left Flanders and returned to Normandy to fulfill the dream of Gérard: the re-establishment of Fontanelle as St. Wandrille. Initially, they were unsuccessful, but after 965 Richard I granted them the site of Fontanelle, which led to a re-foundation.11


With the assistance of some notable monastic reformers the duke after 965 became more involved in the resuscitation of monasticism. Aided by Mainard, Richard I restored the monasteries of Mont-Saint-Michel, Fontanelle (St. Wandrille), Jumièges, and Saint-Ouen, which had been struggling to re-establish themselves. To create stronger monastic communities, Richard I appealed to Maisul, abbot of Cluny, to send more monks (996). After some delay, a disciple of Maisul, an Italian by the name of William of Volpiano responded. He was a reformer known throughout Europe. His most notable achievement before entering Normandy was the introduction of Cluniac ideals into the monastery of Saint-Benigne of Dijon. In Normandy, he placed Cluniac monks in Fécamp and, possible, Saint-Ouen, Jumièges, and Mont-Saint-Michel. His reform ideas penetrated deeply. Cluniac monks and ideals were introduced into later foundations such as Bernay, St. Taurin, Conches, Troarn, and St. Martin-de-Sées.

By the year 1030, most monasteries were ducal creations. Richard I had restored Fécamp, St. Ouen, St. Wandrille, Mont-Saint-Michel, and St. Taurin. Richard II (996-1026) had founded Bernay, which originally had been part of a dowry to his wife. Ordericus Vitalis (1075-1142) states that the nobles of Normandy, seeing this religious

14 Ibid., pp. 530-539.
fervor, wished to imitate it for their own souls and for charity. Thus from 1030 to 1066, approximately thirty-three monasteries were founded or restored. A majority (27) were established by the noble families of Normandy, and six were created by Duke Robert and William the Conqueror. However, they provided only the impetus and material support; it was Cluniac monks and religious men from Flanders who introduced personnel and implemented a rule for the communities.

Not only monasticism, but the episcopacy was dependent upon the secular leaders of Christian society. The Normans, unlike the Anglo-Saxons and other Europeans, did not rely upon monks to staff episcopal sees. The bishopric was usually occupied by a member of the secular clergy, who was most often a member of the duke's family or some important noble household. Hence, the archbishops of Rouen in the eleventh century were frequently relatives of the ducal family. Robert, the son of Richard I, was archbishop from 987 to 1037. Mauger, the son of Richard II, held the see from 1037 to 1055. Maurilius, archbishop from 1055 to 1067, had the distinction of not being related to the Norman dukes. Of the bishops of Lisieux, Herbert (1022-1049) was described as *Normanniae ducum propinquus* and his successor Hugues was called *Richardi I nepos* \(^{15}\) The see of Coutances was occupied by a member of one of the noble families of Normandy and later of England, Geoffrey of Montbray.\(^ {17}\) The bishop of Évreux from 1046-1066 was


\(^{16}\) *Gall. Christ.*, XI, col. 766.

\(^{17}\) Ibid., cols. 870-872.
William I, the son of Gerard Flaitel, a name which appears in a number of Norman charters. Count Rodulf, the half-brother of Duke Richard I, had two sons who became bishops: Jean II of Avranches (1060-1067), later archbishop of Rouen, and Hugues III of Bayeux (1010-1049). The see of Sées was held from 1032-1070 by Ivo, who was also the leader of the great house of Belleme. Lastly, the half-brother of William the Conqueror, Odo, was bishop of Bayeux (1049-1097) and later earl of Kent. The examples continue and the list could be doubled.

Despite the fact that the episcopate was dominated by members of the ducal and noble families, these men were sensitive to their religious duties. Geoffrey of Coutances constructed a great cathedral in his see. John of Avranches was the author of a little tract, De Officiis Ecclesiasticis, widely recognized for its importance in the development of liturgy in Western Europe. Even Odo of Bayeux, later earl of Kent, who was imprisoned by William for an alleged attempt to march on Rome in 1082, made grants to monasteries and patronized cathedral schools.

18 Ibid., col. 571.
19 Ibid., cols. 352-356, 475-476.
20 Ibid., col. 680.
23 Douglas, William, p. 129.
Since lay domination played a prominent role in the revival of monasticism and the episcopate, it follows that the laity exerted a similar influence on the churches. We have no records to indicate that Carolingian rural or city churches survived the Scandinavian invasions, and we can only assume that most, if not all, were destroyed. In the history of the Norman duchy, the church owned by an individual appears very early in the ecclesiastical resurgence. Before many of the monasteries were re-founded, a number of land charters by Duke Richard II (996-1026) and Robert the Magnificent (1027-1035) report that William Longsword gave churches to the monastery of Jumièges.\(^{24}\) Scholars agree that the attempt by Duke William to re-establish Jumièges in the early tenth century failed, but the charters are authentic, and we can accept the validity of the donations of churches.\(^{25}\) Thus in a period when the Church itself had almost disappeared, we have evidence for the proprietary church.

The proprietary church flourished in Normandy as it did in England and other European countries from 800 to 1066. In that period, the only Norman sources which refer to it extensively are the charters. Among approximately 400 authentic ones, about half contain examples of churches which were transferred by individuals or religious corporations to another party, usually an ecclesiastical community. By my calculations, about 700 churches are mentioned in these documents. For such a small territory as the Norman duchy, this number is

\(^{24}\) Fauroux, Nos. 36, 49, 67.

\(^{25}\) Douglas, William, p. 23.
comparatively large. The question raised by the Norman proprietary church is not its size and extent, but what distinguished it from its Anglo-Saxon counterpart. The answer is in the Norman charters, which show that the churches were noticeably affected by the feudal tenure and the Norman pattern of ownership and by the monastic revival of the late tenth and early eleventh centuries.

It should be noted that there are some difficulties in analyzing the church in the Norman charters. The foremost problem is textual. Only a few charters (49) have survived in their original form. The remainder exist only in transcriptions by monastic scribes. Many are, for the most part, faithful to the originals, but some scribes are known to have interpolated material. We know of some charters only through pancartes, which are summaries of monastic land holdings on one leaf of parchment. Some (e.g. Montivilliers) are known to include flagrant inaccuracies. The cartularies are the most important source of charters. Besides the land grants, they are full of notices, obituaries, and historical information about certain monasteries or ecclesiastical foundations. They have reproduced charters accurately, but most were written at a late date, the majority in the fourteenth century and some as late as the seventeenth century. In addition to these numerous types of survivals, we must also rely upon modern erudite works, such as the Gallia Christiana which are our only copies of some charters, as the originals may no longer exist. 26

A second problem of the Norman charter is its restrictive reference to ecclesiastical foundations. In direct contrast to the Anglo-

26 Fauroux, pp. 37-40.
Saxon charters, which in many instances were grants to secular persons, the Norman charters are nearly always donations to Church establish­ments. Some of these are cathedral chapters or priories, but the monasteries were the most common recipients of proprietary churches. Our knowledge of the lay-owned Norman church and related structures must be reconstructed from internal evidence of the charters. At the beginning of each charter is the name of the donor, which tells us a great deal about who owned churches and their position in government and society. The most informative section is the so-called disposi­tive statement, which describes what is given to the ecclesiastical community. The disposition performs the equally important functions of citing the location of churches and granted lands and of noting if the property was owned or held by the donor.

Since most charters are grants to monasteries, a somewhat false impression of the history of the Norman proprietary church is created. Generally, scholars have taken the position that these grants were made when the papal reform movement began to attack the institution. On this view, secular owners transferred their ecclesiastical propri­eities to monasteries to rid themselves of uncanonical ownership. However, it is not accurate to say that churches were given to monas­teries for this reason or that most proprietary churches were placed in the hands of religious communities. F. Soudet's analysis of the Norman polyptychs (lists of parish churches) shows that in the thir­teenth century, nearly half of the churches in Normandy were still attached to lay persons through patronage. A smaller percentage were

under bishops who installed parish priests by pleno jure. The re-
mainder, a sizeable number, had religious corporations as their
patrons. G. Mollat, who studied Norman patronage from the thir-
teenth to the fifteenth century, states that patronage was not only
maintained, but defended and even extended with the help of the French
monarchy. The tenacity with which lay lords protected their patronage
is clearly seen in the later Norman laws. Not even the strenuous
efforts of Pope Alexander III (1159-1181) and Pope John XXIII (1316-
1334) diminished the right of patronage in Normandy. The vitality
of the Norman proprietary church certainly rested upon political and
legal customs, but there is also a pervasiveness about the proprietary
church in Norman history which the bishops and papacy were unable to
deal with effectively.

If the obvious feature of the Norman charter before 1066 is a
preoccupation with monasteries, the internal evidence indicates lay
dominance of Church properties. This control and, in some cases,
spoilation extended not only to churches, but to monasteries, ecclesi-
astical offices, and other Church lands. The reason for and extent of
this lay supremacy can only be understood by examining the tenurial
and ownership practices of the Normans. The greatest difference be-
tween the Anglo-Saxon and the Norman proprietary churches was that

28 M. F. Soudet, "Les seigneurs patrons des églises Normandes au
moyen age," in Trauvaux de la semaine d'histoire de droit Normand
(Caen, 1925), p. 316.

29 G. Mollat, "Le droit de patronage en Normandie du XI au XV siecle,"
the latter was considerably affected by feudal tenure whereas the former was not. Elusive and puzzling as is the word "feudalism," scholars have described it as a social or as a political institution; both are acceptable definitions. In Normandy, because of the dearth of sources, it is best to consider feudalism as a legal aspect of a political system. In this context, it may be defined as originating mainly from the grant of land in return for (primarily military) service. It is designed to regulate the obligations of this service and obedience between one free man (lord) and another free man (vassal).^0

Contrary to earlier opinions, Normandy was not a well-formed feudal duchy before 1066, but feudalism was emerging there. D. C. Douglas has pointed out that references to payments of feudal incidents, feudal aids, and the servitium debitum of a certain number of knights by tenants-in-chief are absent in the documents. The most notable incomplete feature of Norman feudalism is the presence of allodial lands. An allod was property owned outright, free from ducal and royal intervention. Thus the allod was subject to no obligations or tenurial duties. Only gradually were allodial lands reduced by the extension of feudal tenures in the reigns of Robert (1027-1035) and William II (1035-1887).

The existence of allods strongly suggests that feudalism in Normandy was in a primitive stage of development. The terminology describing vassals, fiefs, and the ceremonies of homage and fealty like-

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31 Douglas, William, pp. 84-104.
wise all suggest an early stage in the feudal system. Instead of using the popular term *feodum* or *fief*, the Normans called such an estate a *beneficium*, a word generally used in the ninth century. The holder of a *beneficium* was a *fidelis* or *miles* rather than *vassal*. Similarly, homage and fealty were known to the Normans, but were performed in a simple fashion. For example, William of Jumièges mentions that in Duke William's conquest of the city of Le Mans in 1063 the men surrendered and "gave their right hands to the duke, making to him the most artful oaths." 32 Clearly, Norman feudalism had not yet developed into a formal, fixed system. When his resources allowed it, the Norman duke used feudalism and its tenurial practices to centralize his power. Dudo of St. Quentin wrote a history of the Norman dukes from Rollo to Richard II. It has been proven to be fundamentally untrustworthy in historical details, but he has provided some reliable facts about early ducal feudalism. In an alleged dialogue between Duke William Longsword (931-942) and the leading men of his duchy, the nobles demanded lands from the duke. William's reply was that "the land which you ask for I am not able to give." 33 William offered them weapons, a chance to achieve distinction with him in battle, and the opportunity to be military retainers in his household. This is a bit of poetic fancy, but it re-confirms the formative state of Norman feudalism.

The Norman ecclesiastical establishments and churches were either

32William of Jumièges, p. 130.

33Dudo of Saint Quentin, *De Moribus et Actis primorum Normanniae Ducum*, in *FL*, vol. 141, cols. 664-665.
a part of the emerging ducal feudal system or owned in allodial form. As an allod, the proprietary church or monastery can be said to be truly private. It was owned outright, and free of all obligations. The origins of the allod are very obscure. It could have been introduced in the Scandinavian invasions or pre-existed from Merovingian and Carolingian times. At any rate, allodial churches existed in Normandy.

The possessors of allodial churches were not only from the military elite; many came from different segments of Norman society. A certain woman, Adele, with her mother, Lola, gave to St. Ouen "ommem partem alodii mei." In this allod was a place, Mortermer, with two churches. As in this case, some allods were owned by persons who had no connection with the feudal system and were not mentioned in the other historical documents of the period. A woman named Enna was given by Duke Richard II and his wife, Gonnor, allods which included two churches and a fifth part of an altar to St. Ouen. In a similar charter, two brothers, Osbern and Ansfred, upon entering St. Wandrille as monks granted to that monastery the church of Notre Dame with a chapel "which is an allod that I and my brother have in Monterolier." They were distinguishable because their sister, Papia, had married Duke Richard.

\[\text{34 Fauroux, No. 39.}\]

\[\text{35 Ibid., No. 43.}\]

\[\text{36 Ibid., No. 46.}\]

\[\text{37 Ibid.}\]
It should be noted that many allodial churches were granted with the favor and help of the duke. In many cases charters were witnessed by him. However, they were clearly allods and owned by individuals who possessed them as a family inheritance. In some deeds, the Latin equivalent to allod, hereditas, is used and thus provides additional information. The allod was family land. It was part of the inheritance of a particular family until donated or converted into some kind of tenure. The statements about allods and their churches in charters are clear on this point. For example, in 1055 an individual by the name of Tomor gave to St. Ouen "his own church of St. Victor-en-Caux which was by hereditary law." Similar references abound in allodial charters. One Albert gave to St. Wandrille a certain piece of land with mills, pertinences, churches, and woods "which were mine from my ancestors by hereditary law."

Since the allodial or proprietary church was freely owned, almost anything could be done with it. Many churches were divided into parts or halves in order to keep a portion of the church in the family inheritance. In Albert's donation to St. Wandrille he added to his gift a fourth of the vill, Juvigny, with only a fourth of its church. The remainder was kept since it was "ab antecessoribus meis jure hereditario." Particular parts of churches were subject to the same division. Enna in her grant to St. Ouen gave a fifth part of the altar from the church at Epinay. Presumably, the other parts, Enna

38 Ibid., No. 136.
39 Ibid., No. 7.
40 Ibid.
and her family retained. More powers of proprietorship existed in the allods, but their very private nature and the resulting silence of the sources preclude further examples.

Many fideles also possessed allods with churches. In some large ducal donations of lands and churches, the duke often requested his faithful followers to give their benefices, allods and lands to the Church. In a re-confirmation of lands and churches to Fécamp in 1025, Richard II (996-1026) and his fideles gave their own churches, lands and two monasteries to Fécamp. According to Richard II himself, it was pleasing to him that his faithful "conceded [gifts] with our consent either from precaria or from our benefices by law or from inheritance which they possessed by paternal law." In all, some nine churches were included in this donation by the duke's fideles. The duke granted thirty churches and two monasteries.

Some fideles granted allodial lands and churches along with their benefices on their own initiative. Roger of Montgomery, whose deeds and name became famous in England, gave at the dedication of St. Martin of Troarn five churches which were "res proprias de mea hereditate." The charter does not mention donations from his fiefs, but we know from other sources that Roger and his family had achieved a prominent position as vassals under Duke William. Other fideles had allods with churches upon them. In 1059, Raoul of Warenne handed over

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41 Ibid., No. 43.
42 Ibid., No. 34.
43 Ibid., No. 144.
by sale four churches in alodio for thirty denarii to the monks of
Trinité-du-Mont of Rouen.\(^{44}\) The examples of allodial grants by ducal
vassals and group donations in charters of the duke are noticeable in
the early years of the duchy. In the later years, especially in the
reign of Duke William II, allods and churches attached to them became
rare in the charters.

The disappearance of allods with their churches occurred for two
reasons: the extension of the feudal system with its tenurial system
absorbed the allod; and many allods were granted to monasteries and
related establishments. Although not much is known about the allod's
nature and origin, it was certainly a fragile institution. It was
ownership carried to an extreme degree. If its absolute character
was altered in some way, the allod's status was not retrievable.
Though it was legally possible, allodial grants to monasteries were
seldom recovered. Many donations of allods were forgotten by descen­
dants of the donor. It was also unpopular with the duke and with re-
ligious establishments to take back such a gift. The feudal system
posed the greater threat to allods. The histories of William of
Jumièges and William of Poitiers abound in stories of war and civil
strife. Confiscation was almost always a tool of ducal punishment.
Many allods met their end in this manner. Others were converted into
fiefs either by ducal request or by the owner himself, who used his
allods for fiefs to his vassals. Employed in such a way, the allods
were more profitable.

The rise of the duke's authority really ended allodial churches

\(^{44}\) Ibid., No. 143.
and lands by the establishment of feudal tenures. It is important to
note that the duke had no allods of his own. His churches and lands
are usually described as de dominio suo. In some charters alternate
phrases to dominium such as ex hereditario jure, de meis rebus, or cum
auctoritate ducis were used. "Allod" was rarely cited in ducal
charters. The above language apparently referred to the hereditary
fief of Normandy which the duke held from the Capetian kings. This
is debatable since the precise terms of the original grant, later
known as Normandy, from Charles the Simple to Rollo are unknown. The
immediate successors of Rollo described themselves as count, a Caro-
ingian office. The title duke (dux) came into usage in the early
eleventh century with the history of Dudo of St. Quentin and some
references in charters. Nevertheless, we do know that the later
Norman dukes or counts were vassals first to the Carolingians and then
to the Capetians. William Longsword underwent the ceremony of homage
and fealty to Charles the Simple in 927 and again to Louis d'Outre Mer
in 942. Similarly, Richard I recognized Hugh the Great as his over-
lord in 968 and renewed his allegiance in 987 when Hugh became king.
As late as the reign of William II, the king of France intervened in
Norman affairs on behalf of his vassal, the duke. For instance, in
1047 King Henry assisted the Norman duke against a noble rebellion at
Val-es-Dunes. From these examples, one can assume that the term
dominium referred to the duke's fief, which included his office and

45 Flodard, Annales, pp. 28-29.
46 Ibid., pp. 228-230.
Though ducal lands and churches were theoretically tenured, the duke disposed of them as he saw fit. In some cases, churches were granted in great quantity to persons and institutions in whom the duke had a special interest. In one of the early charters of Richard II, he constituted a large dowry of lands and churches for his wife, Judith, the daughter of Geoffrey, count of Rennes and later duke of Brittany. The charter contains some 80 places with 55 churches which Richard stated “in dota tua dono tibi” so that “in perpetuum possideas.” Like her husband, Judith dedicated herself to the building of Norman monasteries, and she used part of her dowry to establish a monastery at Bernay in honor of the Virgin Mary. However, as the charter relates, Judith died before finishing the task of erecting Bernay. Thereupon, Richard gave the monastery with six churches to Fécamp and charged William of Volpiano to complete Bernay’s foundations. The remainder of the dowry is not discussed in the charter, but we know from later sources that some lands and churches were given to Norman vassals as parts of fiefs. Thus, even though the duke was a vassal and his dominions were a fief, he wielded the authority of his office and managed his estates without frequent recourse to his lord.


48 Fauroux, No. 11.

49 Ibid., No. 35.

The exchange of lands and churches from one party to another as witnessed in the dowry charter of Judith were not uncommon in the feudal régime of the Norman duke. Many churches, especially in the time of William II, were no more than part of a beneficium or fief. As the duke's power rose, he increasingly utilized his dominium of lands and churches as gifts to his fideles. We saw earlier that in some ducal grants, the duke asked his faithful to give not only their allods, but their benefices and precaria which were composed of lands, rents, and churches and which were held from him. Naturally, military tenants of the duke issued many separate charters which had churches in them described as part of a fief. A certain Landricus Aculeus, a knight, received the authorization and consent of William II to make a grant to Pécamp. In the donation, Landricus gave a place called Anneville with two churches described as "de meo beneficio quod de Willermo Normannorum comite teneo." Such churches were truly not as proprietary as the allodial ones because they were encumbered by tenurial obligations to a lord, in this case Duke William.

As the dukes extended their power through the feudal system, the Norman churches became increasingly encumbered with tenures. The most obvious sign of the complex tenured status of churches was the emergence of sub-tenants. The duke held Normandy as a fief and, in turn, his vassals held lands from him. In the middle of the eleventh century, the feudal régime underwent further fragmentation. Many ducal vassals

51 Fauroux, Nos. 34, 35, 36.

52 Ibid., No. 139.
parceled out their fief-churches to sub-tenants. Hence, we have
cases like that of Osbern d'Ectot, who gave some churches to St. Ouen
with the permission of his lord, Robert of Ivry, a vassal of William
II. By the year 1066, most of the churches in Normandy were held
by the duke, a ducal vassal, a sub-tenant or an ecclesiastical foun-
dation. Allodial churches were still to be found as late as 1055
when a certain Tomort gave his church of St. Victor-en-Caux to St.
Ouen. Nevertheless, the movement was toward holding a church as
part of a fief of a lord, or giving it to a monastery.

To the Norman, the church building, whether it be a part of an
allod or of a fief, was always a source of revenue. It is never
clearly specified in the Anglo-Saxon sources what the owner of a
church received materially, but Norman charters usually state the
worth of a church to a possessor. In the Norman land deeds, a church
was classified in two ways. It could be an independent holding which
had certain rents, dues, episcopal customs or movable properties at-
tached to it. Alternatively, a church might be grouped with the dues,
rents, or properties of a particular place, usually a vill or manor.
Between 1024 to 1026, Richard II gave a number of churches and lands
to St. Ouen and St. Wandrille. In the St. Wandrille charter, some
churches were cited by themselves with tithes, rents, lands, and
movable properties such as "Sancti Laurentii ecclesiam cum hospitibus

54Ibid., Nos. 71, 122, 137, 158, 223.
55Ibid., No. 136.
et terra ad eandem ecclesiam pertinentes, cum omnibus consuetudinibus quas ipsa persolvit."\textsuperscript{56} In the St. Ouen grant the churches were listed as one type of property attached to a village or a place such as "Capra villam cum ecclesia, et silva, terra cultis et incultis, et prato" and "Nonerivillam cum ecclesia et molendino."\textsuperscript{57}

When a church was granted by itself, its actual worth derived from three factors. First and foremost was the church itself. Rarely in the charters were church structures divided into parts for different holders. The exception was the altar, which in a few documents was noted separately and which an owner or tenant might keep for himself, but such examples are few before 1066.\textsuperscript{58} Most churches were exchanged as total entities. With the church were included other properties which were part of its endowment and thus a second form of wealth. They were lands, rents, and services which were important to a manorial economy. In the lists attached to the church were lands described as arable cultivated or uncultivated, ponds, fisheries, woods and meadows. Mills, perhaps windmills, for grinding grain were frequently mentioned.\textsuperscript{59} Some churches had three or four of them. Many churches had religious festivals, such as those of St. Martin and St. Leodegar, which served as market fairs.\textsuperscript{60} These were also

\textsuperscript{56}Ibid., No. 52.

\textsuperscript{57}Ibid., No. 53.

\textsuperscript{58}Ibid., No. 44.

\textsuperscript{59}Ibid., No. 11.

\textsuperscript{60}Ibid., Nos. 48, 107.
negotiable. Among the services, the only one of importance before the Conquest was *hospes* or hospitality which was owed to the lord or owner. The rents were extremely advantageous since most yielded gold or silver. In this period, the main one was the *decima* or tithe which lands and churches yielded. In earlier times the *decima* was sometimes a rent paid by a layman to a church or religious establishment for the use of its properties. In eleventh-century Normandy, it had become another lucrative revenue which a lord extracted for his use.

Lastly, the owner or feudal tenant had what sources call episcopal customs. As Lemarignier has shown, these were really ecclesiastical customs since they applied not only to the bishop's rights but also to those of the churches. A number of charters mention them as part of the possessor's patrimony in the church, but only one gives a description of what they were. In an act of 1053, William de la Ferté-Mace gave to the monks of Saint-Julien-de-Tours the church of Notre Dame-de-Bellou with its customs, which were tithes, first fruits, cemetery dues, synod duties, and visitations. The document also cites a number of forfeitures pertaining to the church, including sacrilege (*sacrilegium*), theft (*latrocinium*), infraction of cemetery dues (*infra fracturam cimiteriit*) and infringements on the jurisdiction of the

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bishop's court. Lemarignier determined that these customs were really rights which a possessor held or owned and had bestowed upon a monastery. The destination of the tithes, first fruits, and cemetery dues were always at his discretion. He decided to which bishop the priest of the church owed synod and visitation duties. Justice was likewise within the purview of the proprietor. Theft, sacrilege and other crimes committed against an owner's church were judged by him in his court. While, it is true, these were jurisdictional rights exercised by a lay or later a monastic lord, it is clear that profits from them were easily within reach, though the charters never state this. Ordericus Vitalis informs us that some lay lords claimed an absolute control over their churches and priests. One, a certain Giroie, dared the archdeacon of his diocesan bishop to disturb his priests and churches.

As we have seen, many churches with lands, rents and customs became the possessions of monasteries. This phenomenon, noted so often in the charters, creates a somewhat false picture of the Norman Church in the era of reform. It did not mean that proprietorship and patronage rights were extinguished; later sources show that these elements remained very strong in Normandy. Even before 1066 abundant evidence shows that monastic possessions were not completely immune from lay seizures and depredations. Usually, monasteries received churches and

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64 Fauroux, No. 131.

65 Lemarignier, Les Privileges, pp. 72-80.

lands in perpetuum. Yet, this phrase does not seem to imply that the grant was forever; rather, it was a leasehold which was retained without frequent renewals through investiture as in the case of lay fiefs. It often happened that monasteries and other religious corporations were stripped of donations for the creation of new fiefs for fideles such as Roger of Montgomery. Such practices indicate a tenurial character of the property of monasteries, but it also strongly suggests that they were not outside the Norman proprietary system. To be sure, Norman monasticism was the pivotal force in the ecclesiastical revival in Normandy; yet, it follows that, like the bishops and churches, the monasteries were dominated by the duke and his nobles.

Proprietary monasteries are not as apparent as churches because, in the charters they are usually the recipients of property. However, well-recorded examples show that they were also subordinated to private secular interests. Some monasteries were properties of other monastic communities. The duke often founded monasteries and gave them to established communities, who built and staffed them. For example, Bernay, after the death of Judith (1025), was given by Richard II to Fécamp for William of Volpiano to complete its building. The duke's nobles followed similar practices. Hugh de la Ferté founded the abbey Sigy with its churches and lands. Yet, in his charter he stipulated that it should be placed under the jurisdiction of St. Ouen, which

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68 Fauroux, No. 35.
would choose its abbot and build its abbey. 69 

Many of the proprietary monasteries owned by other monasteries can only be described as ghost establishments because their appearance in the sources is so ephemeral. In 1025, Fécamp received from Duke Richard the abbatiam Sancti Gervasii near the city of Rouen. It was probably intended to be a re-foundation, but we know from the sources that the intention was never realized. Instead, the property was converted into a church dependent upon Fécamp. 70 Sicy, founded by Hugh de la Ferté, never became a monastery, but a priory of St. Ouen. Some of the phantom houses were old Merovingian and Carolingian establishments destroyed in the Viking invasions. The dukes and nobles granted the ruined abbeys, with lands and churches, to recent successful foundations for possible revival. Saint-Pair, founded in the sixth century and destroyed by the Northmen, was donated by Richard II with lands and churches to Mont-Saint-Michel between 1022 and 1026. 71 However, there was no effort to revive it. Like many other such monasteries, it disappeared from the sources. The abandoned abbeys of the ninth century invasions were at the mercy of lay and monastic proprietors. Some, like Jumièges and St. Wandrille, were revived and achieved an illustrious history. Port-Bail, a Carolingian monastery was given by Richard III to his wife Adele, as a dowry. 72 It too

69 Ibid., No. 103.
70 Ibid., No. 49.
71 Ibid., No. 58.
72 Ibid., No. 64.
vanished from the folios of cartularies and sources.

The proprietary character of Norman monasticism is not apparent only from the treatment of these aborted revivals. More prominent houses also felt the hand of lay owners or holders. Records of most ducal or noble foundations do not state directly that lay persons possessed them, but we do have evidence that jurisdictional rights were exercised over some of them. As with the churches, the owner or tenant had rights over certain episcopal and ecclesiastical customs, which he could even suspend if he wished. In the foundation charter for Cerisy in 1032, Duke Robert endowed it with churches and exempted both the grant and the monastery from episcopal and ecclesiastical jurisdiction. He stated "liberavi etiam hae omnia ab omni consuetudine ecclesiastica." It was also within the right of proprietors to give monasteries ecclesiastical customs. When a fidelis performed such an act, it usually included a stipulation of feudal tenure. Between 1049 and 1060 Raoul Taisson constructed Fontenay and granted it twelve churches "quas de Hugone Baiocensi pontifice tenebat in feudo." Through the authority of the duke and the bishop, he donated to the monastery and churches the episcopal customs which he held "liberas, quietas, et solutas." Thus the owner had a number of options with regard to customs. He could retain them and exploit the profits they rendered or he could exempt the monasteries and churches from them.

74 Ibid.
75 Ibid.
He could also give ecclesiastical customs to his own monasteries or others of his choosing to increase their endowment.

The jurisdictional rights exercised by laymen over some establishments suggest that they were possessed in a proprietary way. This conclusion is confirmed by the evidence of some notable Norman monasteries. For example, Fécamp was in reality a ducal eigenschloster. Its early history and constitution are well known because of abundant testimony in the charters and narrative sources. This material provides a complete picture of ducal proprietorship.

Fécamp was the leading Norman monastery. Originally founded in 658, it was destroyed by the Vikings in 841. Attempts to re-found were first made in 990, but they were not successful until Richard II installed William of Volpiano (later of Dijon) as abbot with some monks from Cluny. Under the Cluniacs, it became the leading monastery of reform and revival. Situated near a ducal palace, Fécamp also became a favorite residence of the duke and was the first monastery in Normandy to receive an exemption. The occasion of this grant was a meeting at Fécamp between the duke and Robert the Pious of France in 1006. Almost identical exemption charters were issued to Fécamp by the duke and to Cluny by the king.76

In the diploma for Fécamp, the monastery was given complete freedom of ordination. Inside the abbey and outside (presumably in its dependent churches) appointments and ordinations could be challenged by "persona nulla parva vel magna."77 Likewise, the election of

76 Lemarignier, Les Privileges, pp. 34-37.

77 Fauroux, No. 9.
abbot was to be conducted according to the customs "which until then were used in the most illustrious abbey of Cluny." Though the prescribed procedure is not completely outlined in Richard's charter, the accompanying charter to Cluny stated that the election was in the hands of the congregation. Lastly, the duke decreed that no order, dignity, or hereditary power would have ius dominationis over the monastery. The terminology is vague, but the thrust of the exemption is clear: Fécamp had no superior and was free to run its own affairs. However, no where in the charter is there reference to immunity from ducal control.

Ten years later, Richard II or possibly William of Volpiano appealed to the pope for confirmation of the ducal exemption of 1006. In 1016 a bull of exemption was issued by Pope Benedict VIII. It confirmed the ducal charter of 1006 and, in the process, implicitly recognized that Fécamp was an eigenkloster of Duke Richard II. The bull begins with a long address not to the abbot, but to Richard himself, who is referred to as most loved and is thanked for the beneficia which he was accustomed to render to the apostolic see. It states that the pope is fulfilling the duke's petition because Fécamp is so dear to him, and to the "fidelis nuntius quem direxisti."

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78 Ibid.

79 Lemarignier, Les Privileges, p. 35.

80 Ibid. We have no extant letter or document from the duke requesting this immunity; Lemarignier thinks it may have come about through a mission to Rome by Abbot William.

The duke, his household, and the church, which was founded by his father in honor of the Trinity, were placed sub patrocinio of the pope and his successors. The exemption was completed when the pope decreed, constituted and ordered that no bishop might even dare attack the duke or his church (ecclesiam tuam) except before a papal court. This bull needs little explanation. Fécamp belonged to the duke, and the pope called it his church. The monastery was exempted from episcopal, but not ducal interference.

The ducal proprietorship of Fécamp and other monasteries is further confirmed in the Norman charters. The dukes of the first half of the eleventh century relied heavily upon the services and reformers of Fécamp. Other proprietary monasteries of the duke were granted to Fécamp for various reasons. In 1025, Richard gave the house of Montivilliers and the vacated Saint-Gervais of Rouen. Both, it seems, were to be revitalized by the reformer, William of Volpiano; but only one, Montivilliers, was established. The other disappeared from history. Bernay, the monastery of Judith, wife of Richard II, was also donated to Fécamp to be re-built by Abbot William.

What the dukes gave to Fécamp, they could take away -- or qualify by altering its original grant. For instance, as we have seen, Montivilliers was given to Fécamp by Richard II. According to a later charter, it was held in alodum proprium, an expression indicating absolute ownership. Nevertheless, it was not outside the duke's
power. Later Duke Robert the Magnificent had the new abbot, John, construct a nunnery at Montivilliers. In the charter, Robert stated that the place seemed to be more suitable to him for that purpose than as a monastery. The duke was not unconcerned about Fécamp's loss of Montivilliers. He gave them the monastery of St. Taurin in order that they might not be impoverished. They were allowed to have it in the same manner, in alodum. In summary, Fécamp's exemption and privileged position did not preclude the proprietary rights of the duke. With few, if any limitations, the Norman duke could instruct Fécamp in almost any area.

Nearly every aspect of the Norman Church was dominated by the duke and his nobles, mainly through feudal proprietary practices. The dukes founded or re-established twelve monasteries, most of which can be said to be proprietary institutions. These communities were endowed with churches which the duke had possessed at one time. As lord of the monasteries, the duke had the power to take back donated churches, monasteries, and lands, or even to re-arrange their constitutions. Not all of the churches possessed by the duke have been tabulated, but a general survey of citations in the charters shows that he was the greatest proprietor of churches in Normandy. From 996 to 1066, the dukes gave seventy-seven churches to Fécamp alone. Similarly, the dukes had more monasteries than their nobles.

Not only did the dukes control the physical structures of

84 Ibid., No. 87.

85 Ibid., Nos. 4, 9, 31, 35, 54, 70, 71, 85, 87, 93, 94, 139.
monasteries and churches, but their offices as well. In the feudal
system these were considered to be a proprietary right of a lord or
a vassal. Sometimes they were fiefs themselves as were secular
offices such as those of the viscount or count. Since preferment was
such a familiar aspect of Norman feudalism, the sources of the period
assume that the duke or lord selected his own men for an office unless
this right had been delegated to another party. Appointments of
priests to churches are almost never mentioned in the documents.
Probably, it did not seem important enough to record because priests
were men of lesser social rank. As we saw earlier in the documents of
the Gallia Christiana, monastic offices were generally filled by men
of ducal or noble selection depending on who held the monastery. This
is true of the abbots Mainard of St. Wandrille and William of Volpiano
at Fécamp, both of whom were elected by the duke. Some other abbots
probably chosen by the duke were his relatives. Nicholas I, abbot of
St. Ouen (1042-1092) was a son of Richard III and entered office as a
boy. 86 Beatrice, abbess of Montivilliers from 1035 to 1065, was a
daughter of Richard II. 87 Aside from these probable ducal appointments
some monasteries, such as Fécamp, chose their own abbot. However,
this was a privilege granted to them only by ducal charter and papal
consent. Like the monastic offices, the episcopal see was filled in
a variety of ways, but always dependent upon the decision of a feudal


87 Ibid., cols. 141, 252.
lord. Maurilius, archbishop of Rouen, was elected by the duke. Many other bishops were relatives of the duke. Hugh of Lisieux was a nephew of Richard I and Odo of Bayeux was the brother of William I. Some episcopal sees were held by feudal vassals such as the Belleme family which dominated Sées, or the Counts of Eu, whose sons and relatives were the bishops of Lisieux. Hence, Church offices like property were part of the Norman feudal régime.

Feudal control of the Church was not limited to the duke alone. His vassals were given not only lands and secular positions, but churches, ecclesiastical offices and the right to establish their own monasteries as fiefs. The same proprietary control which the duke exercised throughout Normandy over all segments of the Church applied again on a lesser scale in the domains of his tenants and sub-tenants. The name of Humphrey of Vieilles, who founded the Beaumont house, and lived in the reigns of Richard II and Robert, appears very often in the witness list of various charters — indicating his closeness to the ducal house. He had many fiefs which lay between the Risle and Touques rivers. There with the help of his son Robert, he built two establishments at Preaux in the modern department of Calvados. One was a nunnery in honor of St. Leger and another was a monastery called St. Pierre. In the period from 1030 to 1066, Humphrey and

88 Ibid., col. 30.

89 Ibid., cols. 353, 766.

90 Ibid., col. 680.

91 Ibid., cols. 200-202.
his son Robert gave these foundations eleven churches which were from their own fiefs.\textsuperscript{92}

The counts of Eu were another important Norman family which possessed much ecclesiastical wealth. The founder of this feudal house was an illegitimate son of Richard I, who was created the first count of Eu in 1015. His fiefs were, for the most part, concentrated in the modern department of Seine-Maritime where the head or caput of his domains was Eu. The family he established built four monasteries. William founded two: Eu (1040-1050) in his caput and Saint-Pierre-sur-Dive (1040) in the diocese of Séz. His son Robert built Le Tréport near Eu in 1059. Hugh, the bishop of Lisieux and son of William, with his mother Lesceline established a nunnery, Notre-Dame-du-Pré.\textsuperscript{93} From these foundations only the charter for Le Tréport has survived. It shows that the count used his fiefs to endow the monastery. Most of the churches donated were parts of the count's fiefs located near the abbey.\textsuperscript{94}

Another great feudal family which possessed extensive ecclesiastical property was the house of Bellême. Its lands stretched between the county of Maine and the duchy of Normandy. Nominally, this family had three lords. The estate of Bellême was held from the king of France, Domfront with a fortress from the count of Maine, and Alençon

\textsuperscript{92}Fauroux, Nos. 87, 88.


from the duke. In such a position they balanced one lord with another and were able to maintain an independent position. This situation and their policy of antagonism made their history especially turbulent. In a rebellion against Duke Robert, two sons of William Talvas, the head of the Belleme house in the first half of the eleventh century, died in the battle of Blavou forest. William himself perished from grief after hearing of their deaths. Leadership of the Belleme family devolved upon Ivo, the bishop of Sées and youngest son of William Talvas. Though this family's power and prestige were in decline after William's death, Ivo was able to preserve Belleme's prominence through vassalage and marriage connections. It is by way of them that we can see how a noble family utilized its churches, ecclesiastical property, offices, and monasteries in establishing feudal ties.

Mabelle, a sister of Ivo, was married to Roger II of Montgomery, the head of a new family which had risen under the auspices of Richard II. From her inheritance and his lands two monasteries and one nunnery were built. Between 1022 and 1035, they founded Saint-Martin-de-Troarn and endowed it with estates and eight churches from Roger's fiefs, some of which had belonged to Judith's Bernay. Around 1050 they used some Belleme lands to build Saint-Martin in the town of Sées

95 Douglas, William, p. 58.
96 William of Jumièges, pp. 102, 154, 158.
97 R. N. Sauvage, L'abbaye de Saint-Martin de Troarn (Caen, 1911), p. 301. See also Calendar of Documents preserved in France, ed. J. H. Round (London, 1899), No. 463.
under Ivo’s jurisdiction. Near the time of the Conquest, they again used Belleme land (previously belonging to Fécamp) to establish the nunnery of Almeneches with their daughter Emma as the first abbess.  

The house of Belleme had many vassals who imitated both them and the duke by using ecclesiastical rights to build their own monasteries and endow them with churches from their fiefs. For example, William de la Ferté with the assent of his lord, Ivo, from whom he held a number of churches in fee, granted five of them to Saint-Julien of Tours with all their ecclesiastical customs. Ordericus Vitalis informs us that two other vassals of the Belleme, Robert of Grentemesnil and William Giroie, founded St. Evroult, which they certainly considered to be their own. Not only did they give it some twenty-six churches located in Calvados and Orne, but they claimed the right to elect the abbot. In fact, Robert of Grentemesnil installed himself as abbot — much to the annoyance of the monks. Around 1061, Robert was expelled by the duke supposedly for derogatory remarks he had made about William II. Even Robert’s attempt to claim St. Evroult as his own by papal exemption did not lead to his re-instatement. Duke William named one Osbern as abbot and Robert was exiled.  

This long essay has maintained that the essential characteristic of the ecclesiastical policy of the Norman dukes was domination of the Church through feudal proprietary practices. Many scholars have argued

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98 Besse, Abbayes et prieurés, p. 209.

99 Lemarignier, Les Privileges, p. 73.

100 Ordericus Vitalis, II, 69-88.
that William was a religious man interested in reform. Basically, this assessment is correct, but we cannot conclude from it that he was a priestly duke who exercised sacerdotal functions or legislated on religious matters. Such assumptions are not supported by any firm evidence. To be sure, William seems to have been much more active in promoting Church councils than his predecessors. We have no record of any councils in the tenth century; only two were held before William I's time, and the sources give no indication about where they met or by whom they were conducted. During the Conqueror's reign, several took place, and many of the canons issued have survived. William of Poitiers states that the duke regularly ordered the ecclesiastical assemblies into session. William is said to have been very attentive to the proceedings; he did not want to hear the results second hand. William is described as the supreme arbiter of these deliberations. Yet there is not a shred of evidence that he formulated doctrine, disciplined clergymen, or dictated canons. He certainly did not decide heretical disputes. One of the great doctrinal issues of the Middle Ages, the eucharistic controversy of Berengar of Tours, raged in and around ducal lands. It is said that William summoned scholars including Lanfranc and Berengar, to his court at Brionne near Bec to present their arguments. He listened to the presentations, but he had not one thing to say about them.

101 Cantor, Lay Investiture, pp. 12-14.
102 William of Poitiers, p. 124.
The dukes were neither theologians nor priests. They viewed the Church in their duchy as dependent because its lands, buildings, and offices were considered a part of the ducal patrimony. When clashes between the duke and his clergymen arose, the central issue was nearly always the feudal relationship. In Robert's reign, the duke fought with the archbishop of Rouen, who was the rebellious count of Évreux and the duke's disapproving uncle. Similarly, Hugh, bishop of Évreux, was exiled from Normandy because he conspired against the duke with his kinsmen, the Ivry family. The nearest thing to a real struggle with the Church occurred when the marriage of William II and Mathilda, a daughter of the count of Flanders, was forbidden by Pope Leo IX in 1049. Though not attested, it is generally believed that the pope objected to the union because the two were allegedly related by blood. Nevertheless, the marriage took place at Eu sometime between 1050 and 1052; naturally, it was not recognized by the pope. A ban was placed on the relationship, and it is alleged that Normandy was put under interdict. The ban is certainly true, but the interdict is probably an invention of Milo Crespin, the author of the Vita Lanfranci, who is the only source for it. The ban caused no serious disruption in the Norman Church. Two clerics in Normandy denounced the union for various reasons. Lanfranc, then a monk at Bec, obeyed the papal announcement; his motive was probably religious in nature.

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104 William of Jumièges, pp. 100-102.

105 Douglas, William, pp. 78-79. Pope Leo's motives may have been political. It was probably an attempt to prevent the count of Flanders from gaining allies against the German emperor, whose cause the pope supported.
Mauger, the archbishop of Rouen and the great uncle of the duke, criticized the duke's marriage for obvious political reasons. Mauger was a conspirator in the revolt of his brother William, count of Arques. Both individuals are said to have infuriated the duke by their remarks about the marriage, which were really an attempt to discredit him. The revolt was crushed by the duke in 1054, and Mauger, according to the Acta Archiepiscoporum Rothomagensium, was deposed by the duke in a synod for his comments and his alleged greediness in selling Church property.

Though the duke's policy of dominance through feudal tenure demanded loyalty from his ecclesiastical tenants and involved absolute control over their properties, it successfully promoted the growth of the Church in Normandy. In the ninth and tenth centuries, the Church had nearly collapsed. By the year 1066, the dukes had brought it back to life through their vigorous actions. As testimony to these achievements, several councils were held in Normandy in William's reign. The details and proceedings of the assemblies are not known, but a few canons have survived. Generally, the content of the canons conformed to the aspirations of the reform movement which was beginning to take hold of Europe from 1049 to 1080. Simony was denounced; the sale of sacraments and chrism was forbidden; bishops, abbots, and priests were ordered to maintain their respective jurisdictions and not to intrude upon another's diocese, monastery or church. The orthodox position on the eucharist was pronounced against Berengar's teaching. Many other canons concern churches and parish clergy. For

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example, parishioners (a reference to the peasants) were required to pay their tithes to the churches. The integrity of churches was to be respected, and priests could only be expelled by order of the diocesan bishop. Moreover, in an effort to improve the quality of rural clergy, it was decreed that country priests must be educated and legitimately ordained. ¹⁰⁷

Many of these measures, such as the canon against simony antedated the great reforming decrees of Leo IX and later popes. Thus it was indirectly an achievement of the duke that the ecclesiastical and spiritual life of the duchy had advanced further than in most places in Europe. Despite this, there was never a word of criticism about the feudal proprietary character of the Norman Church or the duke’s policy. The popes were probably not aware of the situation or too busy with other affairs to deal with it. The Norman clergy certainly knew about it, but their interests as the ruling class prevented any action against lay ownership and dominance of the Church properties.

CHAPTER VI
WILLIAM'S ECCLESIASTICAL POLICY IN ENGLAND

The year 1066 has often been discussed and analyzed for its political and social impact upon England. For the Church it meant an overhaul of its life, structure, and institutions. The Conquest introduced a vigorous new ecclesiastical culture. New architectural forms for cathedrals and churches were brought to England supplanting, in most cases, the older Anglo-Saxon and Celtic ones. New learning, clerical discipline, liturgical models, and a dominant Latin culture followed the continental clerical personnel, who were brought to England. The driving force behind these changes was the policy of William I.

The policy has been described in many ways by modern scholars, none to the complete satisfaction of the historical profession. Stenton depicted it as a sovereignty over all ecclesiastical matters.¹ Boehmer stated that William's policy was one of reform and control. His control was based on claims to legal rights over the Church which extended into every aspect of its life.² D. C. Douglas used the word "dominance" to characterize William's policy.³ All of these scholars attempted with some success to portray William's relationship to the Church, but none really described the absolute nature of his control over it. It is true that "dominance" comes the closest because it

²Boehmer, Kirche und Staat, p. 94.
conveys the meaning that William thought the Church to be a part of his dominions. Therefore, it is within the context of his jurisdictional claims to England that I wish to explore the inspiration for William’s ecclesiastical policy.

Ostensibly, William maintained his ecclesiastical policy as a continuation of Edward’s. In one of his earliest writs to the bishop and mayor of London, William stated that they were entitled to all the rights which they had enjoyed in Edward’s reign. Throughout his reign, William always asserted a fictitious continuity between his kingship and that of Edward’s. No doubt the claim was an effort to legitimatize William’s conquests and to buttress his hold on the English throne. In many of his charters, William went further by stating that Edward was his kinsman and had left England to him by hereditary right. Moreover, there is a general effort in the Domesday Book to give credence to this assertion. We know that at the council of Gloucester in 1085, where the Domesday Inquest was planned, William instructed the legates to calculate not only land holders in his day, but those in the time of Edward, his kin.

It is certain, however, that William’s policy did not follow the pattern of Edward’s. The last Anglo-Saxon king had no comprehensive plans regarding the English Church. To be sure, his reign produced isolated examples of reform. The dioceses of Cornwall and Devon were consolidated into one diocese with Exeter as its see. There, the

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5 ASC, E, 1085.
Edwardian bishop, Leofric, revived it and enriched it with his own lands.  Generally, however, there was no reform movement in the last years of the Anglo-Saxon kingdom. The sources yield not one authentic record of a law or an ecclesiastical council that Edward used to correct conditions in the English Church. Since the period of the antimonastic reaction, reform and ecclesiastical policy had ceased to be real concerns of the Anglo-Saxon kings. Aethelred II (979-1016) paid lip service to reform in his laws, but initiated nothing new of substance. Under Cnut (1016-1035) the same laws were re-issued and some grants made to ecclesiastical establishments, but reform and revival are not mentioned in the sources. In Edward's time the only activity of the Church over which the king exercised some authority was the appointment of bishops and abbots. In addition, the Anglo-Saxon Chronicle states that the selections were not always his choice alone. Some bishops were chosen with the help of Godwin and later Harold. It is known that in the case of some bishops the king played no part at all. Stigand ousted Robert from the see of Canterbury and installed himself as archbishop. In sum, Edward's position in the Church was not a dominating one nor did he even exert much influence. According to the Vita Aedwardi Regis, many English clergymen viewed Edward as a weak monarch, easily swayed by corrupt men and vacillating

6Barlow, The English Church, pp. 212-216.
7Ibid., pp. 99-115.
8ASC, C, 1044.
9Ibid., E, 1052.
in his positions. He was depicted as humble at mass and eager to listen to the words of any monk. Though, on the whole, the author of the *Vita Aedwardi* glorified Edward's saintly character and his alleged miracles, the Anonymous blamed him and his lack of policy for the ills of the Anglo-Saxon Church.10

It can also be said that William's ecclesiastical policy was not aimed solely at reform. The dukes of Normandy did use their property and patronage to revive a defunct Church, but reform was not planned by them for the English Church before the Conquest. Certainly, the papacy under Leo IX and Alexander II was interested in some abuses in the Anglo-Saxon Church. Leo had made inquiries at the council of Rheims in 1049, and Alexander II had questioned some episcopal candidates. He especially objected to Stigand as archbishop of Canterbury. Boehmer asserted that Pope Alexander II, at the instigation of then archdeacon Hildebrand, approved William's expedition on the condition that, if successful, the duke would undertake a reform of the English Church.11 However, this is a speculative argument based largely on statements contained in the history of William of Poitiers. He reports that the duke asked for and received papal approval for his war against Harold. Indeed, Pope Alexander II sent the duke the papal standard as a sign of his consent, and after the battle of Hastings William reciprocated by giving the pope Harold's banner.12

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10 *Vita Aedwardi Regis*, pp. 40-42, 60-61, 74.


12 William of Poitiers, pp. 155, 225.
later, Pope Gregory VII referred to the ducal request, and argued that William should do fealty to the pope -- thus suggesting that England was a papal fief. Yet, in all of this, there is no indication that the duke promised reform.

It was only gradually that William's concern for the English Church developed. Not until 1070 was the first council assembled. The issues of Stigand's alleged pluralism and illegal position as archbishop were not addressed until that time. The same can be said for the other problems plaguing the Anglo-Saxon Church. When William finally did concern himself with the Church in England, his approach was similar to the one used in Normandy. Reform was a matter which he delegated to competent clergymen, who accomplished it in the seven councils of his reign from 1070 to 1085. Even though he was present at most of them and presided over the proceedings, the actual work of reform in these councils was carried out by ecclesiastics, who had the added distinction of being papal legates.

The presence of papal officials or clergymen with apostolic authority was perhaps an effort to give William's conquest and subsequent reform as much legitimacy as possible. The very first council at Winchester in 1070 was conducted by the papal legate, Ermenfrid, also the bishop of Sion, and the cardinal priests, John and Peter. We still possess the letter which they, not William, sent to all the English bishops summoning them to Winchester for a council by

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The tone and language of this letter strongly suggest that they handled affairs in the English Church with a great deal of freedom. The other six councils were held under the aegis of Lanfranc, who as archbishop had the power of a papal legate and who was the true architect of reform in Norman England. A very unusual letter from Pope Alexander II to William I has survived to describe aptly Lanfranc's papal authority. In this document the pope not only exhorted William to follow the archbishop's advice but stated that he had been delegated the personal and apostolic authority of the pope. Indeed, Alexander II considered that any legal dispute or ecclesiastical question which Lanfranc decided was "no less firm and indissolvable than if the case had been concluded in our own presence."15

Lanfranc exercised more than merely apostolic authority; William granted him broad powers in ecclesiastical affairs. Indeed, if one wants to examine reform, it is best represented in the letters of Lanfranc and the councils which he held. In many instances, Lanfranc assembled these Church councils on his own authority. For example, the anonymous author of the Acta Lanfranci states that it was the archbishop who summoned and presided over the council of London in 1075.16 The Anglo-Saxon Chronicle confirms that the king was present at many of the sessions and held his own court meetings, but, at the same time, Lanfranc conducted separate assemblies for Church matters. For the

14 William of Malmesbury, Vita Wulfstani, p. 190.

15 Clover, No. 7.

year 1085, the E version of the Anglo-Saxon Chronicle states that William and his great men held court at Gloucester where the king made a weighty speech about England and ordered the Domesday survey. William's meeting lasted for five days. After its completion, the chronicler reported the "archbishop and clerics held a synod for three days."¹⁷ The independence which Lanfranc exercised in ecclesiastical matters is attested many times in the Acta Lanfranci, a contemporary but unofficial account of the archbishop's activities. For every Church council held from 1072 to 1085, it maintains that Lanfranc "concilium celebrauit."¹⁸

Papal approval and Lanfranc's prominent position in the English Church were two features of reform in William's reign. They exemplify his attitudes toward ecclesiastical reform in England. As shown by his policy in Normandy, William did not view the duchy or kingship as sacerdotal offices. It was not within his competence to legislate on canon law, to discipline clergymen, or to decide theological matters. Rather than assume these powers himself, William relied upon Lanfranc's ability — with papal sanction — to deal with strictly religious problems within the Anglo-Saxon Church. This practice should not be construed to indicate that his sovereignty over the Church was curtailed or limited in any way. Lanfranc in his letters described himself as a servant of the king.¹⁹ Moreover, in the great trials of

¹⁷ASC, E, 1085.
¹⁹Clover, No. 34.
William's reign, Lanfranc more than once enunciated the principle that bishops were William's feudal tenants. Likewise upon Eadmer's testimony, papal jurisdiction in England was dependent upon William's command. In his letter to Pope Gregory VII, it is clear that by refusing the papal demand for fealty William did not recognize the pope's authority to intervene in English affairs at will.

William's policy was neither a continuation of Edward's nor oriented towards reform. He essentially dominated the Church. Even though he delegated power to clergymen to reform the Church, William reserved for himself the last word on ecclesiastical matters. William of Poitiers states that no council or canon could be assembled except with the consent of William, the duke and later king. Similarly, Eadmer asserts that William had the final authority in Church matters. All bishops and abbots were his appointments except for two. Excommunications, movement of clerics in and out of England, the admission of papal legates into his kingdom, and even the recognition of popes were allowed only by his command. Certain decisions of Lanfranc's councils could only be implemented with the king's approval. For example, the movement of some episcopal sees from villages to cities planned at the London council of 1075 had to be deferred until the

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21 Clover, No. 39.

22 William of Poitiers, p. 125.

23 HN, col. 352.
king returned from overseas to review the matter. The powers of William could be multiplied, but they stemmed from a single source. William was able to dominate the Church because he held England as an allod.

In Normandy, the duke held his position and lands as a vassal of the king of France. In practice, the duke's position in ecclesiastical policy was as dominating as it was to be in England; but, in theory, he merely discharged his duties as a fief holder. In England, the Norman king's position achieved such independence that William and later kings did not tolerate the slightest interference from a foreign power, especially the pope. William's allodial hold on England and the Church rested on two factors. First, the scope of his claims as the legitimate successor to Edward admitted no division of England or of jurisdictional rights over it. Then, William's rights to the throne and England were established by conquest and the extension of feudalism.

The Norman historians argued and the Bayeux Tapestry showed in the most convincing fashion that William possessed the most legitimate claims to Edward's throne and the whole English kingdom. William was Edward's kinsman through Emma, the daughter of Duke Richard II who had married Aethelred II. She had two sons, one was Edward, who became king in 1043. According to these same stories, around 1051 Edward nominated William as his heir because he had no offspring himself.

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24 Clover, No. 11.

25 William of Poitiers, p. 223.

26 Ibid., pp. 30, 101, 173, 175.
The election of Harold to the throne was treated as an act of perjury. Supposedly, he had broken an oath sworn upon relics at the ducal court some years before the Conquest to accept William's royal claims and the agreement with Edward. The pretentions of Harald Hardrada and the Danish kings were cast aside and ignored completely. These works all assert that William had a legitimate right to the Anglia monarchia, and throughout them runs the assumption that England was one kingdom with one king. In addition, the Norman sources purposefully suppress the claims of the earls who were near co-rulers with the late Anglo-Saxon kings. Earls Morcar of Northumbria, Edwin of Mercia, and Harold held hereditary positions, which made them powerful men. During the reign of Edward, they more than once challenged the king, as in the case of Godwin's rebellion in 1051. Later annalists and sources often simply state that William seized the whole of England, but do not describe the divisions and various magnates who had to be defeated before the kingdom was firmly in the hands of the duke. It was necessary to overcome not only Harold and the Scandinavian kings, but the Earls Tostig, Morcar and Edwin, who sought to keep their portions of England.

William successfully transformed his claims to Edward's throne and to the whole kingdom into reality at the battle of Hastings and in

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27 Ibid., pp. 104-106.
29HN, col. 351.
subsequent campaigns. However, the conquest of the kingdom involved more than a subjection of the countryside by force of arms. William's success rested on the creation of a feudal régime, which made every Englishman and Norman a vassal and reduced every piece of land and property to a tenure. One of his first acts after Harold's defeat was to extract oaths of allegiance from the Anglo-Saxon nobles and clerics who had taken refuge in London. This was only the beginning of a systematic policy of converting all traditional ranks of men in Anglo-Saxon society into tenants. Logically, the great earls, since they were potentially troublesome, were the first to be feudalized. In the rebellions of William's reign (1068, 1070 and 1075) the English earls were eventually replaced by Norman ones loyal to the king and serving as tenants-in-chief. In a more subtle fashion, the lesser classes of men were also swallowed by the feudal system.

The transformation of the Anglo-Saxon free men is recorded in the sources known as the laws of William I. They exist in manuscripts of the late eleventh and early twelfth centuries, but they are generally believed to be authentic promulgations of William I although somewhat amended in transmission. The laws retain the title of free man; but, reading through them, one quickly realizes that such persons are not in a free state. To keep their status, it was decreed that they must be in a frankpledge, which would bring them to court for any criminal


offense. Elsewhere, there is strong evidence of a vassal-tenant condition. For example, in the legal document The Ten Articles, William ordered that "omnis liber homo foedere et sacramento affirmet" in order to be faithful and to serve him on his lands. The terms, foedere et sacramento, certainly refer to the ceremony of homage and fealty. Moreover, it is clear from this law that some free persons at least no longer owned lands, but held them from the king.\textsuperscript{33} Other laws required them to maintain arms and horses for the rendering of military service. Though described as free, the liber homo was actually a tenant. By the twelfth century, the rank no longer even existed and was only a memory in some places.\textsuperscript{34} The other classes were likewise absorbed into the hierarchy of tenancy. That the slaves, ceorls, sokemen and other lesser folk were essentially reduced to the position of peasants is indicated in the DB, which only mentions them as part of a village, or manor or place. The surviving thegns, whose status was similar to that of a continental knight, found themselves sub-tenants or soldiers serving the great houses. At any rate, it has been proven that in William's time they were known sometimes by the term knight miles and sometimes by thegn, tainus.\textsuperscript{35}

Feudalism was complete when William divided up English lands and granted them to his Norman and foreign companions in arms. The

\textsuperscript{33}The Ten Articles of William I in The Laws from Edmund to Henry I, 2, 8.

\textsuperscript{34}Willelmi Articuli Retracti in The Laws from Edmund to Henry I, 2, 8, 9.

\textsuperscript{35}Hollister, Military Organization, pp. 115-116.
creation of these tenants-in-chief, as they came to be called, is poorly recorded. Ordericus Vitalis gives the fullest account. In his history, he has a long list of individuals whom William made tenants with large fiefs. Roger of Montgomery received Arundel castle, the town of Chichester, and the county of Shrewsbury. Odo, bishop of Bayeaux was made earl of Kent. William fitz Osbern, the steward of Normandy, was presented the Isle of Wright and Hereford county. Geoffrey, bishop of Coutances, received over two hundred and eighty vills or manors (Ordericus uses the terms interchangeably). Over a hundred tenants-in-chief are mentioned in this work, but we know from the DB that there were four times as many. 

These tenants were all tied to the king by feudal bonds, namely the oath of allegiance and ceremony of homage. If not for William’s constant vigilance over the actions of his men, it would certainly have been possible for some Normans to establish their own allodial domains. Some, in fact, did appear to have an independent attitude about their lands and positions. For example, in 1075 of Earls Roger of Hereford, Ralf, and Waltheof rebelled. Even Odo, the bishop of Bayeux and half-brother of William had ambitions which exceeded his feudal rank. He was imprisoned in 1082 for conspiring to march on Rome and make himself pope. William quickly quelled all disturbances and tied every Norman and Englishman to himself by an oath of allegiance. Near the end of his reign in 1086, the E version of the

\[36\] Ordericus Vitalis, II, 219-224.

\[37\] Stenton, Anglo-Saxon England, pp. 610-611.
**Anglo-Saxon Chronicle** relates:

all the people occupying land, who were of any account over all England no matter whose vassals they might be, submitted to him and became his vassals, and swore oaths of allegiance to him that they would be loyal to him against all other men.  

Many such oaths were probably administered to various tenants on an individual basis; but the Oath of Salisbury, as it is termed, covered all the men of England. It again confirmed that the kingdom belonged to William and that all men of importance were his vassals and tenants.

Aside from explicit statements in the sources, the most obvious expression of William's allodial ownership of England was the **Domesday Book**. This work was once thought to be strictly an administrative document intended to provide data for computing the amount of Danegold owed to the king, but it has now been proven that the aim of the compilation was to present a complete description of William's kingdom.  

The contemporary sources generally agree the DB was a descriptio. With some variation of emphasis, Ordericus Vitalis, Florence of Worcester, Robert bishop of Hereford in his Latin book on chronology, and the Anglo-Saxon Chronicle all assert that the DB sought to record all the barons, feudal knights, lands, villagers, bordars, free men, unfree men, animals, mills, and properties of England, impossible though the task might be.  

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38 ASC, E, 1086.  
of his land subjected to such a thorough examination by saying that "no single hide nor virgate of land, nor indeed (it is a shame to relate but it seemed no shame to him to do) one ox nor one cow, nor one pig which was there was left out, and not put down in his record."  

Underlying the procedure used to compile the DB is the assumption that all land belonged to the king. We know from some manuscripts of the original inquest returns that it was executed by men called legati. They went into each county and made inquiries in the shire court. The legates questioned first the barons, then the men of the hundred, and finally checked the information for accuracy with representatives from each village of the county — a priest, a reeve and six villagers. The following was determined: "What is the manor (mansio) called?" In the preamble to the Inquisitio Comitatus Cantabrigiensis, it is stated that many other questions were asked concerning the amount of hides, plows, bordars, slaves, free men, sokemen, meadows, mills, ponds, and other assets belonging to each manor. Although the village was the basic unit of the county, the legates were instructed to list manors. Now, it has been shown that many entries of places in the DB are definitely not manors, but the preconceived thinking of the inquestors was that the fiefs of the

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41 ASC, E, 1086.

tenants-in-chief were divided into these agrarian units. Thus, they searched for manorial holdings.

In its final form, the Domesday Book is divided into the counties of England. Preceding each county survey is a list of tenants or holders. The king heads the roll, usually with his demesne lands. He is followed by the great ecclesiastical tenants, the barons, and then the smaller secular or clerical holders of lands. In the same order with Roman numerals attached to their names, the manors or places of the great tenants with their men, animals, and properties are described. There are no allodial lands or independent holdings. The towns and cities are not among these entries, but are cited separately as properties of one of the great fief holders or parts of the king's alod. In the later Middle Ages, they were only recognized as legal corporations by a royal charter.

The Church was in no way made immune from the feudal régime. William's allodial ownership of England included the Anglo-Saxon Church, and this fact exerted the strongest influence upon his ecclesiastical policy. He did not claim spiritual powers nor was he directly involved in reform, but William was very interested in such matters. He delegated the task of reform to papal legates and to his trusted Lanfranc. Nevertheless, he dominated the Church and its personnel. This dominance stemmed from his proprietorship of England. An examination of the Domesday Book, William's charters, his writs and ecclesiastical acts in the narrative sources reveal that his approach to the English

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Church was that of a concerned religious proprietor.

William's ownership of the lands and buildings of the Church is clearly demonstrated by the Domesday Book. The Church was subordinated to the king either in the form of property or as a tenant. Generally, the ecclesiastical corporations and the episcopacy held the position as tenants-in-chief to the king. This is easily proven by examining the lists of tenants preceding the county entries in the DB. The number of English bishops and dioceses constantly had changed in the Anglo-Saxon period; after recent divisions and consolidations in Edward's reign, there were fifteen dioceses in the year 1066. All the bishops are cited in the DB as tenants-in-chief of the king. Monasteries were also tenants. Knowles estimates from the DB that there were thirty-five monasteries in England when William arrived. They were described, for the most part, as large land holders.44

Besides the monastic and episcopal tenants-in-chief, a very few collegiate churches and minsters also ranked in the same category. This group is miscellaneous and hard to define. Some ancient churches or minsters like St. John of Beverley were staffed by what the DB scribes recorded in the following interchangeable terms: canonici, presbiteri, or clerici.45 One of the tenanted churches, St. Paul of London, was a cathedral chapter of secular canons attached to the London see.46 The tenanted church of Holy Trinity at Twinham also had

44 David Knowles, Monastic Orders, pp. 702-703.
45 DB, I, 373a, 374a, 381b, 382a.
46 Ibid., I, 34a, 36a, 209a, 211a.
canons, but is known from other sources to have been a minster. The evidence about the constitution of collegiate churches in the DB is too vague to determine whether they were minsters, village churches, or cathedral chapters. Many of the old minsters, so plentiful in the Anglo-Saxon period, were apparently in a state of decline. The Normans had no use or even appreciation for them. A number of them were not tenants, but part of a fief. For example, Earl Roger of Montgomery gave the property of the minster, St. Gregory of Morville in Shropshire to the abbey of Shrewsbury. Some, like Stow St. Mary in Lincolnshire, were converted into simple village churches held by tenants. In general, the collegiate churches and minsters were insignificant tenants with small amounts of wealth.

There were other small ecclesiastical tenants-in-chief. Eight nunneries (Shaftesbury, Barking, Romsey, Leominster, Winchester, Amesbury, Wherwell, and Chatteris) were the king's tenants. Some priests held fiefs smaller than those of the great vassals. Entries relating to them are spread sparsely through the DB and clearly do not represent parishes. They were men personally and politically attached to William; many were pluralists with churches and lands in different counties. Rainbald, described as the king's priest, was

47 DB, I, 39a, 44a.


49 Lennard, Rural England, p. 397.

50 Knowles, Monastic Orders, pp. 702-703.
later made chancellor by William. He held seven churches and lands in Somerset, Wiltshire, Berkshire, and Gloucestershire. Osbern, the future bishop of Exeter, Osmund, later bishop of Salisbury, and Maurice, chancellor and bishop of London, were all cited as royal priests and tenants.

Thus the bishops, monasteries, nunneries and a few collegiate churches of the Anglo-Saxon Church became tenants-in-chief of King William. Besides them another ecclesiastical tenant appeared which expressly pointed to the new situation created in England by the Conquest. After 1066, some foreign clerics and religious corporations entered the structure of the Anglo-Saxon Church. They wedged themselves into the loose English diocesan arrangement as tenants and sometimes superimposed themselves over parts of the existing establishment by holding many village churches. Though not exceedingly large, the foreign religious element had a sizeable number of lands and even churches in England. As one might suspect, nearly all of them were Norman with some French monasteries. Some foreign priests became tenants, as we saw, but their fiefs were rather small. Two Norman bishops had extensive lands in England as a result of the Conquest. Odo, bishop of Bayeux and brother of the king was the greatest tenant-in-chief with holdings in seventeen different counties. Geoffrey of Montbray, bishop of Coutances was described at the London council

51 lb9, I, 56b, 57a, 65b, 86b, 91a, 162b.

52 Ibid., 17a, 43a, 57b, 64b, 65b, 76a, 86b, 87, 343b.

of 1075 as a foreign bishop who had "many possessions in England."^4 Ordericus asserts that he had 280 vills or manors.5 Ordericus asserts that he had 280 vills or manors.5 The DB shows this estimate to be conservative; it credits Geoffrey with over 300 holdings in the counties of Berkshire, Wiltshire, Dorset, Somerset, Buckingham, Devon, Gloucester, Huntingdon, Warwickshire, Northampton, Bedfordshire, etc.56 The bishops of Evreux and Lisieux were also tenants of the king, but had very modest amounts of land. Nearly all of the Norman monasteries held fiefs in England as tenants-in-chief of the king.57 From the lists compiled by Knowles and Boehmer, Pécamp, Beck, Jumièges, St. Ouen, Treport, Bernay, Grestain, St. Wandrille, Troarn, St. Evroul, Preaux, and the other newly established monasteries of the duke and nobles held, vills, lands, and even churches in England. Besides the bishops and monasteries, a few Norman cathedral chapters were tenants with very small fiefs. Clergymen called Norman canonici also possessed some holdings.58 In general, the property which foreign religious elements held was not extensive except for the very large fiefdoms of the bishops of Bayeux and Coutances.

The Church as a tenant of the king did not occupy an onerous position, as later writers such as Eadmer suggested. On the contrary,

54 Clover, No. 11.

55 Ordericus Vitalis, II, 223.


57 Ibid., pp. 408, 447.

the Conquest represented a windfall of wealth and property to many bishops and monasteries. In Anglo-Saxon times, the incoherent, disorganized affairs of the Church had left many in a sad state. In Norman times this condition was basically corrected.

Norman bishops found their English diocese affected by the Anglo-Saxon proprietary practices of laymen, kings, and even the ecclesiastics themselves. Some sees had just undergone unification with others by orders either of the king or of the bishops themselves. Devon and Cornwall had been combined in the reign of Cnut, but only in 1050 did Edward agree to the consolidation into one diocese of Devon with its see at Exeter. Stigand, the great proprietor and pluralist, united Winchester and Canterbury. Thomas, archbishop of York, tried to combine Worcester and York, but failed because of Lanfranc's objections.59

Judging from the small holdings in the DB and the comments of William of Malmesbury, some dioceses appeared on the point of dissolution in late Anglo-Saxon times. Ramsbury was a very poor see. Herman, the bishop in Edward and William's reign, complained he had neither resources nor clerks to conduct his bishopric with honor and dignity. He tried to move his see to Malmesbury monastery, but failed because of Earl Godwin's intervention. Frustrated, because he had no kinsmen to support him, Herman abandoned Ramsbury in 1055 and went to St. Bertin in France to live as a monk. When he returned in 1058, Edward granted him the see of Sherborne where Ramsbury was re-located. The resources and lands of the two were combined into one diocese roughly

59Barlow, English Church, pp. 163, 209-212.
including the counties Dorset, Wiltshire, and Berkshire. Other dioceses were not so fortunate. Durham was in disarray. As we saw in chapter 4, Bishop Ealdhun himself gave away some lands to lay persons. Devastation by the Scots and Vikings, and later the Normans created more problems. The DB has hardly any record of its holdings in Edward's time. Wells was another poor see with only a couple of estates in Somerset. Lichfield held many lands but the see itself was located in an obscure place, the cathedral was no more than a village church, and most of its properties had been wasted in the Conquest. Dorchester was considered by the Normans to be too limited in resources to be a bishop's residence. Even the larger and wealthier sees of Canterbury, York, and Worcester had problems in delineating their dioceses.

Monastic establishments had declined to some extent, but not to the same degree as the episcopate. Abingdon, Bury St. Edmunds, Ely, Christ Church, Glastonbury and others remained what they were in Edgar's day: well-endowed institutions. The usual complaints of secular depredations appear in the Abingdon Chronicle and the Liber Eliensis; but, on the whole monastic houses fared relatively well. Their DB holdings in the time of Edward were still extensive, and it

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60 GP, col. 1537.
61 DB, I, 86a, 89b.
62 DB, I, 247a.
63 GP, col. 1605.
is hard to note any change in the great liberties. However, some monasteries suffered dismantling by bishops and laymen; a few were even despoiled by other monasteries. Deerhurst became a possession of a foreign establishment, St. Denis of Paris. Westbury was owned by the bishop of Worcester. Eynsham was taken over by the bishop of Lincoln. Winchester was reduced in size by Stigand when he was bishop there. A second irregularity marking monastic houses was the secular lifestyle of abbots and monks. At the battle of Hastings, several abbots fell, and some surviving ones fled away to live like pirates. Examples of this kind are few, but a more pervasive secular practice was the ownership of private property by monks. So widespread was this practice that Lanfranc had a canon decree passed at the Council of London in 1075 forbidding members of monastic communities from owning property of any kind.

As tenants of the new king, bishops as well as monasteries obtained a respectable status. From an inspection of the DB, the most obvious advantage was a substantial increase in their yearly incomes. The DB gives thorough listings of their lands; yet, as one scholar ascertained, it was not the amount of property held, but its annual income

64 Lemarignier, Les privilèges, pp. 112-116.
65 Knowles, Monastic Orders, p. 100.
66 Ibid., pp. 73-74.
67 Clover, No. 11.
which determined the wealth of a tenant. The income consisted of rents from manors, villages, churches, and even towns. Not all entries present the rents yielded annually. As usual with the DB, inconsistencies existed either because of varied inquest procedures or because the scribes who wrote the DB at Winchester omitted some data. Despite lacunae, an approximate total income for each episcopal and monastic tenant can be estimated.

The following incomes for England's fifteen episcopal tenants are based on William Corbett's computations in volume five (Ch. 15) of the Cambridge Medieval History. As expected Canterbury (£1750) and Winchester (£1000) were the wealthiest sees. This partly resulted from the activities of Stigand, who held both sees and augmented their possessions with his own properties, but a great many benefits came the Normans. Canterbury's primatial status and Lanfranc's vigorous efforts to recover lost estates unquestionably enhanced its wealth. Winchester also owed much to the reformer Walkelin (1070-1098). Generally, rich Anglo-Saxon sees remained so, and the Norman arrival simply added to the wealth. Thus London (£615), Worcester (£480), and York (£370) were well-endowed.

Sees which had suffered depredations or spoliation enjoyed rebirth in the Norman period. The Norman bishop, Remigius, found the see at Dorchester and moved it to a larger city, Lincoln. The DB records its annual value at £600, a large sum. Ramsbury, as we saw, had no


69 Ibid., pp. 509-511.
resources; its new see Sherborne received £ 600 a year. Elmham, transferred later to Thetford and much later to Norwich, had been enriched by its Anglo-Saxon bishops, Stigand and his brother Aethelmar, who gave it many of their private estates. The Norman bishops took advantage of the earlier grants by claiming the personal lands for the bishopric. In the DB, they are described as the "feudum episcopi de Tedford." Indicative of the struggles by which the Thetford bishops pursued their claims, many lands of this episcopal fief are described as "de invasionibus ejusdem feudi." Wells in King Edward's time was an impoverished see with only four or five manors in Somerset, but in 1086 the estates of Wells produced £ 325 in revenue.

Not much is known about the other six English sees. Most, it seems, had not yet fully received an adequate income; but, what they did have indicates that they were not poor. Exeter, the combined see for Cornwall and Devon, was worth £ 360. The conditions of Rochester and Durham are obscure in the sources. Rochester received only £ 220 a year, a small sum; this may have been due to its subordination to Canterbury. The record of lands belonging to Durham is incomplete in the DB; its known lands were worth £ 205. Hereford had been sacked by the Welsh and by Earl Aelfgar in the Anglo-Saxon period. Its revival was underway in the time of the DB, and it enjoyed a modest income of

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70 Ibid.

71 DB, II, 1936.

72 Ibid., II, 194a.

Finally, some impoverished sees remained just that—poor. Selsey, located in a rural backward area, was moved to Chichester, but little more is known about its history. It had only an income of £138. Lichfield (Chester in the Norman period) still had the distinction of receiving the smallest revenue yield, £85.  

Monasteries also enjoyed the favor of the Conqueror. The great houses of Edgar's reign were now tenants in the Norman era with substantial incomes. Hence, St. Augustine of Canterbury (£635), Ely (£768), Christ Church of Canterbury (£687), Glastonbury (£827), and Westminster (£583) all received rich incomes from their newly created royal fiefs. Smaller monasteries, which have no history before 1066, were endowed with smaller, but still handsome incomes. Burton (£27), Croyland (£52), Thorney (£53), Muchelney (£54), Worcester (£75), and many others were raised to the rank of feudal tenants with accompanying lands and resources. Even some monasteries like Eynsham, which were themselves the possessions of another ecclesiastical proprietor (in this case the bishop of Lincoln) enjoyed the status of tenant-in-chief; Eynsham had an income of £40.  

The Anglo-Saxon Church certainly improved its financial position after 1066, but it was characteristic of William's proprietary policy to augment the revenues of his Norman clerics and religious corporations across the seas with English gold and silver. (This of course represented an intrusion into the diocesan organization.) His Norman
bishops, the largest proprietors of land, had the greatest incomes of any foreign clergy. Odo, William's brother and bishop of Bayeux, held some four hundred and thirty-nine manors in seventeen counties. They produced more than £2500. Geoffrey, bishop of Coutances with his vast holdings had an income of £750. The bishops of Lisieux, Avranches, and Evreux possessed insignificant holdings which yielded very little income. Rouen, for an unknown reason, had no lands and thus no revenues. Sées was occupied by Yves, the head of the Belleme house; an enemy of the duke, he consequently was granted nothing in England. 76

The English wealth of Odo and Geoffrey was more than the total income the Norman and French monasteries received from their estates in England. Before 1066, some foreign monasteries like St. Denis of Paris and even Fécamp of Normandy had a few properties with incomes in England. Much of this was due to King Edward, whose early years in Normandy predisposed him to these communities. The Conquest opened the flood gate for monastic houses across the Channel to acquire possession of English lands and wealth. Thirty-two of them established between 960 and 1066 received Anglo-Saxon property from the Conqueror. Twenty-three of them gained revenues. Though most became tenants-in-chief, their incomes were very modest. Fécamp was the richest with an annual revenue of only £200. The others were recipients of rents which ranged anywhere from £73 a year as for Grestain to only £2 for St. Pierre-sur-Dive. 77

76 Ibid., pp. 507-508.

77 Knowles, Monastic Orders, p. 703.
The presence of the Norman Church as a feudal tenant holding lands with rents in England symbolized the subjection of the Anglo-Saxon Church and was a source of disruption in its organization. To be sure, the English Church gained financially, but it also suffered indignities and cumbersome duties. Another feature of the Conqueror's policy was the imposition of military service upon his ecclesiastical tenants-in-chief. There is no direct evidence that Norman religious foundations in England performed this duty either in Normandy or in England during the eleventh century. Yet some fifty years later, when the Bayeux Inquest was undertaken in Normandy, Norman bishops and monasteries provided the duke or king with military contingents. This later evidence suggests the possibility that they contributed knights to the king from their English and Norman lands in the period of William the Conqueror.

Respecting the Anglo-Saxon Church, we have references in the time of William that ecclesiastical tenants maintained military retainers and supplied the king troops for his army. The story of Thurstan, the Norman abbot of Glastonbury, is the primary example. When he and the native English monks disagreed about whether to use the chant and ceremonies of William of Volpiano or those of Gregory I, the abbot flew into rage and ordered his knights and archers into the abbey. The monks resisted with candlesticks and benches; the knights attacked with bow and spear. Many monks were injured in what became a great scandal and led to Thurstan's dismissal and exile. The presence of

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78 Bouquet, XXIII, pp. 699-702.
79 This incident was highly publicized. It is in the following: ASC, E, 1083; Ordericus Vitalis, II, 226; SP, col. 1546; Florence of Wor-
military retainers so close to the monastery indicates the tension of the times; it also demonstrates the military status of William's ecclesiastical tenants-in-chief. Abingdon monastery has the oldest known list and description of military tenants. Written either late in the reign of William Rufus or early in that of Henry I, it states that due to the disorder of the Conquest, Abbot Athelhelm made arrangements with some thirty tenants for military protection and service "regis edicto." The tenants were given land for the provision of a certain number of milites. Likewise, the chronicles of Ely and Evesham, almost contemporary with the Norman Conquest, relate the imposition of knight service upon the monasteries.

Survivals in later sources confirm that not only monasteries, but the bishops as well paid for the use of their lands and establishments by providing military service. The full extent of their obligation is uncertain. J. H. Round, nearly a hundred years ago, demonstrated that in 1070 the Conqueror made some kind of agreement with his leading followers as to the number of milites each owed to the king. Originally, the milites were sub-tenants; but, very quickly, through sub-infeudation milites became a word connoting knights generally, regardless of rank. One hundred years after the Conquest, most 'knights' were found in the retinues of the sub-tenants. Unfortunately, the numbers of these men are not adequately recorded in administrative

caster, p. 16.

80. Chronicon Abingdon, II, p. 3.

documents, which continued to take account only of tenants-in-chief and sub-tenants (the milites in the original, more technical sense). This problem obscures the details provided in one of the most complete early sources for ecclesiastical military service — a survey in 1166 by the exchequer of Henry II, which lists the quotas of knights (sub-tenants) owed to the Crown by the tenants-in-chief. 82

Yet in the later document we receive a picture, if only an incomplete one, of William's feudal creation and of the knights (sub-tenants) the ecclesiastical tenants-in-chief yielded to the king. Generally, the richest bishops and monasteries in the DB were charged with the largest quotas of knights. Canterbury and Winchester each owed sixty milites. The poorest sees, Chichester and Lichfield, had much smaller quotas, two for the former and fifteen, the latter. The same pattern existed for the monasteries. Glastonbury, Ely and Peterborough with wealthy lands had large contingents — forty, forty, and sixty respectively. There were inconsistencies in this 1166 survey as well. Some rich monasteries, because of royal and papal exemption, escaped military obligations completely. Meagerly endowed communities usually owed no knights, but in some exceptional cases impoverished monasteries were encumbered with heavy quotas. 83

In light of this examination of the Church in the DB, it can be affirmed with confidence that ecclesiastical institutions were thoroughly subordinated to the feudal régime. It is evident from the


Domesday that the Church was the property of the king. Church lands were tenancies; church offices were filled, according to Eadmer and William of Malmesbury, with individuals selected by William himself. Their resources and incomes were arranged in the name of the king with his endorsement in the DB inquest. The obvious sign of subordination was that all English and Norman bishops and abbots were tenants-in-chief. In such a capacity, they, their offices, and their fiefs all served the king militarily with the possible exception of the Normans. Though most, but certainly not all, did not participate directly in war, they were commissioned by the sovereign to provide knights for his numerous campaigns. Surely, the English Church was not in the position of independence advocated by the reformers, canons, and mediæval popes.

Nevertheless, the episcopal and monastic tenants were immeasurably better off than the churches. In England as in Normandy, the Normans viewed the local church essentially as part of a fief and as a source of revenue. H. C. Darby estimates that the DB has some 2,061 churches. Only a very small fraction are listed as tenants-in-chief, perhaps fewer than sixty. Most of these were collegiate churches such as St. John of Beverley, which had special spiritual and jurisdictional functions in the diocese of York. After the Norman Conquest, minsters and collegiate churches like St. John were able to put forward good claims for an independent status, and thus became tenants. For the

84 Darby, Domesday England, p. 346.

85 Barlow, The English Church, pp. 89-90, 202, 229, 245.
small village or manorial church of a thegn no such case could be made
in the face of questions by the DB inquestors. The private church
staffed by a priest of humble rank was at the mercy of the Norman
conquerors.

The parish church is not to be found in the DB. Efforts may have
been made to create a parochial organization, but the evidence in the
DB is inconclusive and very incomplete. Some counties, such as Corn­
wall, report no churches or priests at all. Others have too few
churches to serve the estimated county populations themselves (eg.
Buckinghamshire with four churches and no priests, Middlesex with
three churches and eighteen priests, and Cambridgeshire with three
churches and two priests). Great discrepancies exist in some counties
in the ratio of priests to churches. Suffolk, for example, had 427
churches with only 4 priests recorded. Many churches were certainly
omitted from the survey for some reason. In Kent, the DB lists 186
churches; but 3 satellite surveys for the county written shortly after
Domesday under the supervision of St. Augustine and the bishop of
Rochester, describe some 407 churches. Thus some 221 Churches were
not counted by the inquest of 1086 for Kent. Lastly, where a church
is mentioned alone it cannot be assumed its normal accompaniment, a
priest, was present. The reasons are many. The DB makes no distinc­
tion between the ordinary church and the minister or collegiate church.


87Gordon Ward, "Saxon Churches in the Domesday Monachorum, and
White Book of St. Augustine, pp. 60-89. See also Ward, "Saxon
The latter were often staffed with more than one priest. Monasteries which held churches provided monks for church service. Moreover, some priests served more than one church. All these factors invalidate the assumption that each church signified a priest and vice versa.

Variations in procedures for listing churches arose from the primary concerns of the compilers. The main task of an inquestor was to determine who held a manor in Edward's time and who possessed it under William. Churches in the Anglo-Saxon period were not held, but owned with few exception; by 1086, however, English churches were parts of fiefs and sources of revenue. It is logical to believe that churches had become attached to manors, the basic economic units of a fief; indeed, entries in the DB often describe churches as the aeclesia hujus manerii. However, many places designated manors do not conform to that pattern. There are composite entries such as Leominster in Herefordshire, which comprised seventeen villages covering an area of seven miles. Manors in the DB appear in various configurations. Some were villages with dependencies called berewicks and sokelands; a manor might be one village; it could even be composed of halves of

89 DB, I, 253. See also DB, II, 159b, 172.
90 DB, I, 180a.
91 Ibid., 283b.
92 Ibid., 232a.
villages. The confusion led DB legates to cite churches in different ways. Sometimes, we find one listed as the church of a village (ecclesia villae). Elsewhere, a church is simply said to belong to a particular place; hence, the formula most often used is ibi est ecclesia. If a priest serves the church, the statement may read "ibi est ecclesia et presbyter." In many entries these phrases were abbreviated to the simple form, "ibi ecclesia."

It is significant that, as previously observed, the DB inquestors expected to find manors. The manor was the economic and fiscal unit of continental fiefs. The legates conceived of England as a fiefdom with manors as the local units. Though many places were not truly manorial, all were in a tenured condition. Churches attached to such places, whether actual manors or not, were thus parts of fiefs. They were the holdings of tenants-in-chief who divided the lands of the counties amongst themselves. No church escaped its tenurial obligations. Even churches in cities or towns were held by the king, by a tenant or even by townspeople, whose legal status rested on royal recognition. Churches in the Textus Roffensis and other surveys were part of a tenure.

93 Ibid., 353a.
94 DB, II, 361b-362a.
95 Ibid., 205a.
96 DB, I, 7a.
97 I.C.C., p. 97.
To their Norman lords, the English churches were primarily a source of revenue, as is clear from the way they are recorded in the DB. The method for determining the wealth a church in the DB parallels the way it was done in Norman charters before 1066. Alone, with no properties or rents, the church building itself was of value. It could be divided and parts sold or granted to monasteries for spiritual reasons. Fractioning of churches certainly took place in Anglo-Saxon times and continued in the Norman period. In Lincolnshire and Norfolk, villages with churches and mills were divided into halves and thirds and then parcelled out to the manors of two or three lords. Occasionally, the legates made observations about the condition, building material or even aesthetic quality of these structures. In Wiltshire, at Netheravon a church of the king was said to have no roof and to be about to collapse. The church at Old Byland in Yorkshire, belonging to Robert Malet, was specified for some reason to be wooden, ecclesia lignea. Some were impressive buildings. At Wilcot in Wiltshire the church of Edward of Salisbury was "new and beautiful."

In the Norman charters before 1066, lands were often attached to a church and granted with the church to some religious community as

98 DB, I, 351a, 365a. DB, II, 157b, 158.
99 DB, I, 65a.
100 Ibid., 320b.
101 Ibid., 30a.
one unit. The churches in the DB are cited in a similar fashion, but
incongruities exist among such entries. It is difficult to see any
pattern of land distribution to them. The greatest number of churches
with lands were in the East Anglian counties of Suffolk and Norfolk.
Land amounts, usually computed in acres, varied, but Boehmer dis-
covered many having the same acreages. For example, there were forty-
six churches with thirty acres, twenty-five with fifteen acres, ten
with sixty, eight with seven, eleven with six, twenty-seven with
twelve, and nineteen with twenty-four acres. 102 It is tempting to
interpret these figures as representing the alleged Scandinavian
influences on the social organization of East Anglia, but the DB gives
no further information. Entries in the DB for other counties present
a varied picture of church lands. Some such as Yorkshire, Lincoln-
shire, Derby and Huntingdon, had churches with no lands listed. Wilt-
shire and Berkshire, record mainly royal churches with lands usually
measured in hides (each hide was approximately 120 acres). Non-royal
churches, for the most part, had no lands. The remaining DB counties
show variations in lands attached to churches. Surrey had churches
holding from one to three hides. Churches in Middlesex possessed
property anywhere from a virgate to a hide. In Gloucester, churches
had from twelve acres to as much as one hide. Finally, the churches
in Sussex, Somerset, and Hampshire possessed glebe, as it is called,
in virgates and hides. 103


It may seem curious that in a single entry the DB scribes segregated churches and their lands from other holdings in a particular location, inasmuch as they were still held by a tenant-in-chief and had tenurial obligations. Again, the partial answer to the puzzle is the variant inquest procedures in the Domesday survey and the differing techniques of compilation used by scribes. Moreover, England in 1086 was not completely manorialized; divergent agricultural and social systems existed. Thus, many entries are composite in form. A place or manor might be composed of villages, sokelands, and berewicks. Consequently, a church with its lands could simply be considered an economic or fiscal unit of a larger holding by a tenant. In some counties the opposite was the case: lands, properties and even the personnel of a church were well integrated into the manorial system. Suffolk and Norfolk have a few holdings where churches with mills were divided by tenants.¹⁰⁴ The priests of Leicester, Northampton, Warwickshire, Staffordshire, Gloucestershire, Herefordshire, Shropshire, Worcestershire, and Cheshire were numbered among the manorial inhabitants. In Worcester and Gloucester, they are included among the villagers and bordars who had plough teams.¹⁰⁵ Some priests were even ranked with serfs. In a Gloucester entry, the manorial workers are cited with their plough teams. At the end of the citation, it states "ibi presbyter et x servi."¹⁰⁶ Thus, a few priests had a lower status than men

¹⁰⁴ DB, II, 380a, 381a, 434b.

¹⁰⁵ DB, I, 169a, 174b.

¹⁰⁶ Ibid., 176a.
on a manor. The evidence points towards the inclusion of churches with lands and priests into the holdings of a tenant.

In the Norman charters, tithes were a part of the church's wealth. Normally, the church and tithe were diverted to a monastery in a donation. We know of tithes and dues in Anglo-Saxon England, but not about the way proprietors used them. The laws only indicate that abuses existed; they decree that old minsters and thegn churches should receive their dues. The DB contains little about tithes (decimae), only a few references to their diversion to foreign monasteries. Mont-Saint-Michel had the church and tithe at Basingstoke. Lipre held the churches and decimae of the Isle of Wright. Similarly, Lyre and Cormeilles possessed tithes and churches in other counties. Further evidence comes only from William's charters, which show he and his tenants favored diversion of tithes mainly from English lands, villages, and manors to foreign monasteries. To mention only a few, Hugh of Grentenain gave two-thirds of the tithes from his manors to his proprietary monastery, St. Evroult. Ralf of Toeni gave tithes from his villages to St. Nicholas of Angers. Bec, likewise, received tithes from Norman tenants in England. Occasionally in the

107 Ibid., 43a.
108 Ibid., 52b.
111 Lennard, Rural England, p. 316.
charters, we find the tithe of a church donated to another English es-
tablishment, such as William's grant of Alton church and tithe to St. 
Peter of New Minster. ¹¹²

Admittedly, tithes do not seem to have been exploited by the Nor-
mans in England as they were in Normandy. Nevertheless, the proprie-
tor's rights were not diminished in Norman England. Unlike the Norman
and Anglo-Saxon church, the Anglo-Norman church paid a rent to the
lord. This obligation was evidently a product of the Norman Conquest
itself. In the DB not only churches, but mills, manors, villages,
fisheries, and even industries were assessed a present value (valet)
and a past value (valuit). One might assume that these words simply
referred to the value of the properties, but we know from other
entries that they were rents annually paid to the tenants-in-chief.
The church at North Curry in Somerset rendered (reddit) sixty shillings
to Bishop Maurice. ¹¹³ Five Sussex churches produced sixty-four shil-
lings for Fécamp per annum. ¹¹⁴ An entry in York county relates that
Richard son of Erfast received thirty shillings from his churches and
lands attached to them. ¹¹⁵ Some rents were unbearable to churches in
the DB. In Hampshire, three churches at Alresford were valued at six
pounds; but, because they were unable to pay that much the rent was

¹¹² Davis, Regesta, No. 37.

¹¹³ DB, I, 86b.

¹¹⁴ Ibid., 17a.

¹¹⁵ Ibid., 327a.
reduced to four pounds.\textsuperscript{116}

In the DB rents were assigned to churches throughout England. In many cases, the amount is calculated in money, and listed in abbreviated form. In Suffolk and Norfolk, churches are entered in this fashion. Some scholars have suggested that the monetary values attached to churches represent their total worth. Yet the burden of the evidence indicates that they were rents. The entries for Suffolk and Norfolk prove that certain measurements of land were used to estimate dues. In the entries where churches and acreages are both listed, obvious conclusions suggest themselves. In Suffolk, out of ninety-seven such entries forty had the same value of two 
\textit{ore} \ an acre, ten at one d. \textit{(ore)} \ an acre, and seven at one and a half d. \ an acre. Norfolk had one hundred and six cases where forty-one were valued at one d. an acre, eight at two d., nine at one d. for ten acres.\textsuperscript{117} These assessments are low, too small to represent the total worth of a church. They can only be a rent.

Ecclesiastical customs were another resource Norman lords found profitable in churches. They included the right to judge infractions against the churches. Moreover, the phrase signified a proprietary control over church activities, revenues, and dues. The DB neither describes them nor cites them except in a few instances. In Hampshire, the tenant-in-chief of the church at Mottisfont was entitled to all

\textsuperscript{116}\textit{Ibid.}, 40a.

\textsuperscript{117}Lennard, \textit{Rural England}, pp. 322-323.
customs, specifically those dealing with burial and marriage dues.\textsuperscript{118} At Grantham in Lincolnshire, Bishop Osmundus had all customs and tithes of the church.\textsuperscript{119} The DB does not elaborate them, but the charters afford more evidence on the subject. They depict the customs as we know them in Normandy. They were the judicial functions of a bishop and dues of churches. A specific custom appearing often in the charters was \textit{latrocinium}, the right to judge theft in churches.\textsuperscript{120} Overall, the ecclesiastical customs were the prerogative of the king. The nobles utilized them only in a tenured form dependent upon William's will. Again, this points to the strength of the Conqueror’s allodial hold upon England.

Despite their obvious and even onerous proprietary condition, a few churches with lands claimed the status \textit{libera terra}. Suffolk has about a hundred such church entries; Norfolk has about a dozen. In fact, several counties have this formula. One would naturally assume that it describes an exemption, and Lennard observed that this category of churches usually had no values or rents listed with them. Yet, \textit{libera terra} was not always a total immunity. The DB records many exceptions to a general rule of complete freedom. In Norfolk, some churches with free land still paid rents.\textsuperscript{121} More anomalous are churches which held free land \textit{in elemosina} or \textit{pro elemosina}. These phrases sometimes appear alone, but still refer to a liberty and

\textsuperscript{118} Ibid., 337b.

\textsuperscript{119} Ibid., 337b.

\textsuperscript{120} Davis, \textit{Regesta}, p. xxxii.

\textsuperscript{121} Lennard, \textit{Rural England}, pp. 323-327.
depict various exemptions. In Gloucestershire, a church entry stated that lands in charity were free of all customs. In Norfolk, on the other hand, a church holding land in charity was required to sing masses for its owner and pay rents and geld. Some churches in Lincolnshire with charity lands were free of services, but paid the geld.

The charters of William cast more light upon the subject of free or charitable land and confirm that the phrase could mean a partial as well as a complete exemption. In a diploma of William to Ingelric, the priest, churches and lands were granted freedom from episcopal and royal interference. Judicial privileges of sac and soc, infangthief, toll and team were given. In an effort to make the exemption complete, the diploma added that the lands were to have "whatever other liberties are enjoyed by any church in England." Other charters described total exemptions by the simple phrase, "fully and freely." However, most of William's charters of immunity were partial in nature. For example, when the king gave Marmoutier the estate of Puddle Hinton in Dorset, it was free of the Danegeld except for four

122 DB, I, 166b.
123 DB, II, 133a.
124 DB, I, 343b.
125 Davis, Regesta, No. 22.
126 Ibid., No. 25.
hides which paid it.\textsuperscript{127} Many charters of partial exemption state certain freedoms and privileges, but leave the reader with the assumption that the church and lands were liable to the jurisdictions and dues not specifically granted. The exemption of churches was rare; the DB has only a little over a hundred examples.

An English church and its lands was basically a revenue unit to the Norman lord. This type of proprietorship no doubt originated in Normandy where procedures for estimating the wealth of churches and their properties were almost the same. The difference was that the proprietary nature of churches in the DB was considerably accentuated in two respects. Unlike the Norman church, the DB church paid a rent to its lord. Moreover, in contrast to Norman churches, which frequently became the possessions of monasteries, the Anglo-Norman churches were predominantly in the hands of the laity. The English bishops and monasteries under William had comparatively few churches. The whole English episcopacy possessed only 176 churches with a few fractions. Lincoln, the largest holder, had 37 churches with 2 fractions. Canterbury held only 26 churches. Some bishops were owners of few churches, such as Wells with one. Worcester, although we know it had churches from other sources, is credited with none in the DB. Monasteries were better endowed with churches with a total of 279 in the DB. Bury St. Edmunds held the largest number, 88 and 12 fractions. The hierarchy of the English Church had a total of 455 churches, a

\textsuperscript{127} Ibid., No. 204.
relatively small number. The Norman and foreign clergy were in possession of over 100 churches. The remaining 1400 were owned or held by William and his lay tenants-in-chief.

Thus the properties of the English Church after 1066 were substantially affected by William's allodial ownership of England. The hierarchy of the Church was firmly established and supplanted the loose organization of the Anglo-Saxons. The whole Church was subordinated to the feudal régime. Generally, the episcopacy and monastic communities were tenants-in-chief. A few collegiate churches were tenants, but were not of comparable importance. Most churches were absorbed into the fiefdoms of Norman tenants. In such a position, they probably had a very tenuous connection with the diocesan bishop. Respecting the form of the Church, one can say that it had become feudalized and was under the authority of the king.

In respect to the operation of the Church, William's ecclesiastical policy had to address two matters of extreme importance: jurisdictional issues and clerical appointments. Jurisdictional questions struck at the heart of William's proprietorship over England. Interference by a foreign power could not be tolerated. The most striking example of William's attitude is his rejection of papal claims to England. William's letter to Gregory VII reveals that the pope had asked the English king through a legate to do fealty, thus acknowledging England as a papal fief. Gregory had also insisted on the

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128 These figures are based on a count of the monastic and episcopal tenant churches in the DB.

traditional payment of Peter's pence, which was considered to be a proprietary right of the papacy. William dismissed the first demand outright, but surprisingly concurred with the pope's right to the pence. Through the authority of Eadmer and Lanfranc, William rigorously controlled papal rights in England. Movement of clergy-men (especially legates) in and out of England could only take place with William's approval. Recognition of newly elected popes, acquiescence to excommunications, and even clerical correspondence with the continent required royal consent. During the pontificate of Gregory VII when relations were strained, not one papal bull of exemption was granted to an English or Norman monastery from 1071 to 1089. Moreover, previous bulls from the pre-Conquest period were purposefully ignored in the legal disputes of monasteries claiming liberties in William's reign. Lemairgnier correctly argues that this was an attempt to annul papal jurisdictional claims in William's domains. Only the king and an archbishop with primatial authority could intervene in jurisdictional problems throughout the kingdom.

William's power to arrange territorial and legal matters in his Church was exercised in a multiplicity of ways. He allowed bishops, monasteries and some churches judicial and fiscal privileges. Davis estimates about twenty-three different kinds of the former and twelve

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Occasionally, bishops were freed from all secular taxes and burdens, and monasteries from episcopal authority. It must be borne in mind that William used his jurisdictional powers to promote genuine reform, even though liberties to monasteries weakened to some extent the diocesan structure.

It is especially true that William invigorated the Anglo-Saxon episcopate with his jurisdictional powers. In the old English Church, bishops often found their endowments depleted. This was due, in part, to the bishops themselves who, as proprietors, gave lands and even churches away. In a decree (ca. 1071) addressed to Lanfranc, Geoffrey, bishop of Coutances, and his barons, William ordered his sheriffs to restore lands to all bishoprics and abbeys which bishops and abbots had given away, allowed to be taken, or had appropriated themselves. This act reveals why so many bishoprics were handsomely endowed with property in the DB. Another difficulty of the English episcopacy was its sees. Some Anglo-Saxon clerics placed sees on their personal rural estates; thus episcopal centers were occasionally located in obscure parts of the countryside with no resources. The reforming councils of Lanfranc decreed that a bishop's see must be established in a city, but such moves required the king's consent. The acta of the council of London in 1075 stated: "it was conceded by royal munificence and synodal authority for the three above mentioned

133 Davis, Regesta, pp. xxxii-xxxiii.

134 Ibid., No. 50.
bishops to move from villages to cities."\textsuperscript{135} The sees in question were Sherborne to Salisbury, Selsey to Chichester, and Lichfield to Chester. Other Norman bishops also desired new centers, but the decision had to be deferred until the king, who at that time was waging war across the sea, could hear the requests. We do not know their names, but they were probably Thetford and Dorchester. Thetford was recently created in 1072 when Elham was abandoned. However, Thetford too proved unacceptable and another see was requested, but not received till 1095. Dorchester was abandoned sometime between 1070 and 1076, and re-located by royal approval at Lincoln. William's charter of notification has survived; in it the king transferred the see by his own power and with the advice of the pope, his legates, Lanfranc and the bishops of the kingdom.\textsuperscript{136}

William's best known episcopal reform was his writ concerning the judicial authority of bishops. It begins with a complaint by William that episcopal law in England has not been of proper character nor in accordance to canon law. With the counsel of his archbishops, bishops, abbots, and magnates he ordered the following improvements. No bishop or archdeacon was to hear court cases concerning episcopal laws in the hundred. Litigation pertaining to the condition of souls was to be judged by the bishops not by laymen. Whoever had committed a wrong against the episcopal laws (\textit{episcopales leges}) was to appear at a place appointed by the bishop. The

\textsuperscript{135} Clover, No. 11.

\textsuperscript{136} Davis, Regesta, No. 283.
malefactor was to be judged by the bishop according to canon law and episcopal legislation and punishment was to be carried out by the sheriff in the king's name. Should an individual refuse to appear, he would be excommunicated and fined. Lastly, William forbade any feudal magnate or layman from interfering with the bishop's legal jurisdiction. In addition to this liberty, the right to undergo trial by ordeal was placed under the bishop's authority. It could only be allowed with episcopal permission at a place chosen by the bishop.  

Certainly, the act was significant, but its meaning has been obscured by extravagant interpretations. It has been argued that the law created an episcopal court system and began separation of Church and state in England. Neither of these opinions can be accepted. The writ merely moved the bishop out of the hundred court where he did not belong. No episcopal court was created; the bishop was merely permitted to have his own tribunal at a place of his choosing, a privilege that probably led to the creation of a judicial system. The legal matters that came before him were those arising from episcopal laws. His exact jurisdiction is somewhat unclear, but the reference to the condition of souls strongly suggests that his power applied to the ecclesiastical customs so often described in the Norman charters. The writ was revolutionary in this respect. In Normandy, episcopal laws or ecclesiastical customs were generally a proprietary right of lay persons. By placing them under the bishop, William was acting as a reformer. He had restored to the bishop an ancient right lost in

the previous period to lay encroachment. There was no general separation of Church and state. The act only took episcopal affairs out of the hundred court. Ecclesiastical cases were still heard in the shire court by laymen as well as bishops. It took nearly two centuries before the diocesan synod actually became the normal tribunal for hearing all Church matters.138

The episcopacy found new life in these decrees. The Anglo-Saxon bishopric had for a long time suffered from disorganization. Through his policy William reversed this trend. The episcopal sees were given lands, revenues, urban locales, and legal jurisdiction which bolstered their authority and delineated their dioceses. These reforms, plus the substantial incomes listed in the DR, raised the bishopric to a great office. It was all due to William's administrative acts.

William's decrees on ecclesiastical jurisdiction were executed after the consultation with Lanfranc and other important clerics. In that sense they were a joint effort, William considering and acting upon proposals put forward by the ecclesiastical community. Yet in all jurisdictional matters William was the final arbitrator. His involvement was directed primarily to the maintenance of the feudal régime. Extremely protective of his kingdom, William did not allow the Church a free hand in its own affairs. Such a policy would have interfered with the feudal polity. Any move of a see, land transaction, legal privilege, or liberty not approved by the king might disturb a

feudal tenure.

Above all else, William wanted loyalty from his lay tenants, his Church, and his subjects. The central purpose of feudalism was to secure the allegiance of men by a personal agreement between lord and vassal sealed with mutual duties and obligations. Eadmer states that the king appointed all bishops and abbots with two exceptions, Arnost and Gundulf, and it is more than likely that their selection was influenced by William. Since we know little about the appointments of abbots, we are limited to investigating this policy through episcopal designations. William's goal in filling ecclesiastical offices was not Normanization as such. Yet he staffed positions with worthy and loyal clerics, and the English clergy, suspected of treason, were often deposed for vaguely stated reasons. Stigand, his brother Aethelmar and Athelric lost their offices not so much for uncanonical activities, as for their association with the old régime. The men who replaced them were foreigners and all loyal to William. One Englishman, Wulfstan of Worcester, survived because his proved his faithfulness to the new king. Several new bishops like William of Thetford and Walcelin of Winchester were described as royal chaplains. Many episcopal candidates were Norman monks; Lanfranc, Arnost, Gundulf, and Remigius were all from Bec. Many were royal selections. The Anglo-Saxon Chronicle expressly mentions that Maurice, William, and

139 HN, col. 348.

140 ASC, E, 1085. See also Florence of Worcester, p. 6.

Walcelin were elected by the king. Stigand, bishop of Chichester, was also given his see by William. Indeed, William of Malmesbury's De Gesta Pontificum says that all episcopal offices were staffed by royal candidates.

In contrast to the Norman episcopate, the English sees were not filled by members of the feudal nobility. All were either from Normandy or northern France, but their backgrounds were obscure. The goal behind these appointments may have been to secure worthy clergymen who were relatively independent of the feudal nobles. Perhaps, William was influenced by the experience of himself and his house in Normandy. There, the feudal families who controlled important episcopal sees and monasteries proved to be very troublesome; the Belleme furnish an excellent example. The Norman kings may have wanted their bishops and abbots to be isolated from the feudal aristocracy and thus dependent upon the monarchy.

Financial and military considerations also seem to have affected the king's thinking in respect to episcopal appointments. Incomes from vacant sees escheated to the king, and, as we know from the reign of William Rufus, the crown sometimes delayed filling an office in order to enjoy its revenues. Militarily, the ecclesiastical knights were closely bound to the king because most clerical tenants

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142 ASC, E, 1085.


144 GP, cols. 1532, 1549, 1577, 1604-1605.

145 Cantor, Lay Investiture, pp. 44-49.
did not lead their forces personally. In most respects, the appoint-
ment power was valuable to the Anglo-Norman king.

In sum, the allodial hold William had upon England subordinated
the Church to him. Its properties, as we find in the DB, were a part
of the feudal régime. The Church hierarchy created from 1066-1087 was
feudal in that the bishops and abbots were tenants-in-chief. The
churches, owned in Anglo-Saxon times, became parts of fiefs and a
source of revenue to lords. The whole Church organization was con-
trolled by William. Territorial and jurisdictional decisions were
always subject to his final approval. No interference by a foreign
power claiming universal sovereignty, such as the pope or emperor, was
tolerated. The appointments of all bishops and abbots by the king
were a natural outcome of the feudal dominance over the Church. They
were tenants, which meant they held their ecclesiastical offices,
properties, and churches from William and simply enjoyed the use of
them. In return, military service and loyalty were required. In all
of this, the Church was subjected to the strictest form of feudal
dominance. The Anglo-Saxon period had nothing comparable to it. Even
the Norman Church before 1066 was not dominated by the duke so com-
pletely.
CHAPTER VII
WILLIAM'S EIGENKIRCHE AND REFORM

William's claims to the English kingdom and throne were absolute in nature. This factor subordinated the Church to the king's feudal policies and justified his actions with regard to ecclesiastical property, offices, and jurisdictions. However, the tradition in mediaeval and modern sources represents William as a reforming prince. William of Poitiers and Ordericus Vitalis both described the duke as the final arbiter in the ecclesiastical matters of Normandy and as generally zealous about the Christian religion. Naturally, such a trait would lead William to address himself to the condition of his newly acquire English Church. As we know, reform was needed for the organizational deficiencies and the clerical abuses of the Anglo-Saxon Church. It is logical to assume that William's approach to the matter would follow the pattern of his Norman practices. In Chapter Six, strong indications that this was the case were noted. William was a patron to the episcopacy and monasteries through gifts of lands and wealth, and he did appoint some renowned clergymen to high offices. The question which must be explored in this chapter is the connection of these actions with reform. Did William himself or his clerics compromise the king's eigenkirche for the sake of reform?

First of all, it must be stated that the Norman reformation of the Anglo-Saxon Church did not begin on the most auspicious note. In fact, political expediency may have played a role in bringing about the first

\[1\] William of Poitiers, p. 125; Ordericus Vitalis, II, p. 201.
reforming council of 1070. The assertion that William promised the pope to reform the English Church before 1066 must be discounted for lack of evidence. William of Poitiers only states that the duke asked for and received papal consent for his expedition. Gregory VII in his correspondence with William and Lanfranc makes no reference to such an agreement. Between 1066 and 1070, no discernable effort was made to rectify abuses in the Church. The only instance of involvement by William in religious matters was his appointment of Remigius, a monk of Fécamp, to the see of Dorchester. Allegedly, the king granted the bishopric to him because Remigius had assisted the invasion by providing ships or some other type of nautical service. According to William of Malmesbury, no reform or spiritual concerns were a factor in this act; it was an agreement contingent upon the success of the invasion. Outside of this, the English Church continued in its pre-Conquest state; there were no great innovative decrees, clerical appointments or councils. The archbishop of Canterbury was Stigand, who had usurped his see under mysterious circumstances and had received his pallium from a deposed pope. The more serious organizational problems outlined in earlier chapters were still present. In fact, additional difficulties were created by the Conquest itself.

\[2^{\text{Boehmer, Kirche und Staat, pp. 134-136.}}\]

\[3^{\text{William of Poitiers, pp. 155, 185, 225.}}\]

\[4^{\text{Gregory VII, Ad Guilielmum regem Anglorum, in PL, vol. 148, cols. 565-567.}}\]

\[5^{\text{William of Malmesbury, GP, col. 1605.}}\]
In Durham, Bishop Aethelwine, who at first welcomed the Norman invasion, abandoned his see, taking with him the precious relics of St. Cuthbert. Other bishops were in self-admitted uncanonical positions; Leofwine, for example, was married. Some bishops were under arrest for political conspiracies against William. After Hastings some abbots fled England to become pirates, leaving their monasteries with no leadership. These problems lingered and awaited action, but it did not come until 1070.

William's inaction was not entirely the result of negligence. From 1066 to 1070, rebellions were occurring all over England. Rival claimants to the throne still existed. Edgar the Atheling, a relative of Edward the Confessor who had taken refuge with the king of Scotland, inspired several revolts in northern England between 1067 and 1070. These events along with William's preoccupation with his Norman lands kept him busy. Yet whatever his reasons, William ignored the ecclesiastical situation in England. He allowed events to run their course until he was forced to address the problems of the Church.

It was the appearance of the Danes off the coast of Kent in the summer of 1069 that indirectly led William to turn his concern toward the Church. William and his Normans had expected a Danish attack for some time. Svein Estrithson, the king of Denmark, had a claim to the

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7 Knowles, *Monastic Order*, pp. 103-106.

English throne as the nephew of Cnut the Great, who had ruled England from 1016 to 1035. In 1069 he made a bid for the throne by sending a large fleet of 240 ships under his sons' command. After encountering a hostile reception in Kent, the Danes moved north to the Humber river where they were welcomed by the men of Yorkshire and surrounding counties. The people of northern England had already revolted against William in 1067 and 1068. In the last uprising some 1,000 Normans had died. The arrival of the Danes in 1069 touched off another effort by the troublesome region to free itself from Norman rule.  

The prospects of defeating William and even of casting the Normans out of England were considerably enhanced by further developments in the fall of 1069. On September 11 Ealdred, the archbishop of York, died. It had been he, instead of Stigand, who had crowned William after his victory at Hastings. William's recognition of the power of York to confer the crown made it a potential weapon for his enemies. William and the Normans were concerned that the Danes, Edgar, the king of Scotland, or any adversary in possession of York could use the archbishopric to raise a new king to the throne. The danger increased only nine days after the archbishop's demise when the Danes, joined by Edgar the Atheling and three northern earls, captured York from the Normans. This event, along with the presence of the Danes and the rebels in the north, ignited a general uprising throughout England. The king of Scotland sent assistance to York, and a revolt broke out.

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9 ASC, D, 1067-1069.

10 Ibid., 1069.
in the counties of Dorset and Somerset; in Staffordshire and Cheshire a thegn, Edric the Wild, and some Welsh princes attacked Norman outposts. This general revolt was the most serious William ever faced in England. It was suppressed only through vigorous winter campaigning and through astute diplomacy of the king. By 1071, the Danes had been bought off and the rebels soundly defeated.

In the middle of the crisis of 1069–1070 when the blood had not yet been wiped from Norman swords, an ecclesiastical council was held. It took place in 1070 around the time Svein Estrithson and the Danish fleet were rampaging in East Anglia. This council, the first in England for some time, was presided over by the cardinal legate Ermenfrid, bishop of Sion, and by two cardinal priests named John and Peter. The council, like many to follow, was assembled at William's annual Easter and Whitsuntide court meetings. The sources are at variance about who called the council into session.

The impetus for calling the untimely council, Frank Stenton believes, may have come from the papacy. Stenton is of the opinion that William's many campaigns in 1069 and 1070 permitted few opportunities for him to request papal legates for a council. With the death of Ealdred, Stigand was left as the only archbishop of England; since Stigand's position was regarded as unlawful, the situation may have opened the door for papal interference in the English Church. Because

11 Douglas, William, pp. 219–222.
12 Ibid.
13 Florence, II, p. 5.
of the short duration in time between Ealdred's death (September 11) and the arrival of the legates (March 10?), the initiative could have only come from the pope. William could not have had time to send a commission to Rome in such a short space of time.  

Admittedly, Stenton's view is plausible, but rests on indirect evidence. The only document that supports his theory is a letter written by Bishop Ermenfrid to the English bishops asking their attendance at the royal assembly at Winchester on April 4, 1070. The language is haughty in tone; the legate and cardinal priests describe themselves as ministers of blessed Peter who are in England with the apostolic authority of Pope Alexander II. The purpose of their mission is to cut out the bad things in the vineyard of the Lord in order to allow the Sabbath to sprout. They will plant useful things for men's souls. The letter ends with a prayer that King William may harvest the seeds of all virtue, avoid vices, overcome enemies, and always choose the path of truth. For all its pious bombast, nothing in this letter can be construed as direct evidence that the council of Winchester in 1070 was a papal enterprise.

The evidence that the meeting was assembled by William for his own purposes is more plentiful and conclusive. Florence of Worcester explicitly states that the council was held by William's order. The pope consented to it and demonstrated his apostolic authority there.


15 Ermenfrid of Sion, Ad episcopos Anglorum, in Wilkins, p. 323.

16 Florence, II, p. 5.
by sending his legates. Ordericus Vitalis and the *Vita Lanfranci* (attributed to Milo Crispin), relying upon a common source, both mention that William requested the assistance of the pope for ecclesiastical affairs. According to these two sources, Pope Alexander II sent Ermenfrid and the two cardinal priests in response to a petition of the king (*ex petitione ipsius*). The statements of these writers agree with what we know of William's ecclesiastical policy in Normandy. The duke approached grave religious matters cautiously and in such cases sought the aid of the papacy or well-educated clergymen to resolve difficulties. In this particular instance, William was no doubt seeking papal assistance in his predicament with a vacant see at York and a discredited archbishop of Canterbury. In summary, the sources and the king's needs clearly show that the council was a royal undertaking.

The first order of business at Winchester may have been a solemn re-crowning of William by the papal legates. Ordericus and the *Vita Lanfranci*, twelfth century sources, both say such a ceremony occurred. Yet the two writers mention it only briefly, and it is not reported at all by the surviving contemporary authorities. Ordericus and the author of the *Vita Lanfranci*, who had access to many documents now lost, may have used an original source. If so, it is tempting to


18 The *Vita Lanfranci*, col. 40 has the fullest statement.

conjecture that a second coronation may have been held to resolve problems connected with William's recent struggles with contenders. However, an equally possible suggestion is that the twelfth century authors may have misinterpreted part of William's annual assumption of his crown and regalia at Christmas, Easter, and Whitsun as a coronation ceremony. Because of the brevity and ambiguity of the sources, it is difficult to say whether the apparent re-coronation actually took place.

Certainly, a big task facing the council was the purge of disloyal clerics from the English episcopate. Stigand was deposed even before the assembly convened. The papacy had censured him long before 1066, and William had avoided consecration by Stigand's hands because he feared papal prohibition. 20 Now, Stigand was degraded for holding the sees of Winchester and Canterbury in plurality, for unjustly invading the archbishopric of Canterbury; and for receiving his pallium from the deposed Benedict X. 21 For no apparent reason, Stigand's brother, Aethelmaer, bishop of Elmham, was also deposed. Leofwine, bishop of Lichfield, who was married and had sons, refused to obey celibacy rules and abandoned his see at the king's court before the council convened. The legates excommunicated him, but made no effort of their own to fill his see. Lanfranc consecrated a royal appointee in 1072 with papal approval. 22 The legates took no action against Aethelwine

20 William of Malmesbury, GP, col. 1549.
21 Florence, II, p. 5.
22 Clover, No. 2.
of Durham, who had joined the northern revolt, but William probably outlawed him at the council. He was captured in 1071 and even with no official deposition, William had him confined to Abingdon monastery where he died.23

The council adjourned at Winchester a few days after Easter and re-convened at Windsor on May 23. At this meeting the business of appointing new clerics to vacant posts was addressed. Logically, the first appointment was at York, which William gave to Thomas, a canon of Bayeux. He assigned one of his royal chaplains Walkelin to Winchester. Elmham, the former see of Aethelmaer, was presented to another royal chaplain, Herfast.24 Then in perhaps an unexpected move, William degraded Aethelric bishop of Selsey; he was replaced by a man named Stigand (not to be confused with the deposed archbishop). Pope Alexander II later wrote to Lanfranc that such an act was unwarranted and requested that Aethelric be re-instated. William neither complied nor made any effort to compensate Aethelric for the loss.25 The fact that Aethelric was a brother of the outlawed Bishop Aethelwine may have had something to do with his deposition. Lanfranc’s appointment to Canterbury was not made at this council, but William and the papal legate, Ermenfrid, certainly discussed the matter. It was decided that the papal envoy should travel to Normandy and there hold a

24 *Florence, II*, p. 5.
25 *Clover*, No. 7.
26 *ASC*, D, 1069.
council where Lanfranc would be declared as the king's choice for archbishop. 27

Before the legate left England, a number of canons were probably issued to set the Church on a course toward renewal. For the period from 1070 to 1087 six conciliar decrees exist pertinent to English history. Only two are dated: Lanfranc's own summary for the council of London in 1075 and the decrees of the assembly at Winchester dated April 1, 1076. The remainder exist in manuscripts, some with and others without headings and one with no indication at all as to which council it belongs. Only the content of the canons confirms in some cases the council to which they might be assigned. One group of sixteen canons issued at Winchester with no date was probably produced by Ermenfrid. The canons dealt with some important reform matters. Clerical chastity and celibacy were imposed on English clergy, but it was not specified whether the decree applied to all clerics or only the ones of higher rank. We do know that some bishops interpreted the measure as applying to only bishops and priests. The wording of the enactment may have been intentionally vague in order not to create controversy over the practices prevalent in English ecclesiastical life. Simony at all levels was condemned. Canons were also promulgated concerning the episcopate. Perhaps in reference to Stigand, one canon prohibited persons from holding two or more bishoprics at the same time. Others required bishops to hold councils annually, to celebrate the consecration of churches, and to issue penance for sinners.

27 Clover, No. 1.
Diocesan boundaries were tightened. Clerics moving from one diocese to another were required to have letters of recommendation from their bishops. According to Canon 10 every layman was to pay a tithe to the Church. This may have been an attack on proprietary practices in the English Church, but the brevity of the canon precludes any assumption. Lastly a number of decrees sought the solution for a variety of problems concerning the sacraments (holy orders and baptism) and liturgical matters. 28

With his work complete in England, Ermenfrid went to Normandy. There a council of the Norman clergy and the leading barons was convened, probably in July of 1070. The king's choice for the vacant see at Canterbury was announced. It was Lanfranc of Pavia, a wandering Italian scholar, who had settled in Bec under Abbot Herluin. At the time of his election, he was the abbot of the ducal monastery, St. Stephen at Caen. Lanfranc desired to remain a monk and scholar, but the king and the pope persuaded him that his abilities were required in England. On August 15, 1070, Lanfranc was invested by William. 29 Two weeks later on the feast of the Beheading of St. John the Baptist, he was consecrated and enthroned as Archbishop of Canterbury. 30 At the Norman council Ermenfrid also imposed penance upon anyone who had participated in the invasion of England. It may seem contradictory that the papal legate penalized the Normans for a war that received

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28 Wilkins, p. 365.

29 Clover, No. 1.

30 Acta Lanfranci, p. 287.
papal consent, but the Church was morally obliged to require penance for any man who committed or even attempted homicide. The penitentiary has been noted for its broad application. Any form of violence and even unintentional crimes required some type of penance (church building, endowment, etc.). After performing this act, Ermenfrid ended his spectacular mission. We never hear of him in England again as a papal envoy. His place was taken by one Hubert, and by Lanfranc, who was given apostolic authority by Pope Alexander II as the Archbishop of Canterbury.

It is difficult to discern what recommended Lanfranc to William for the position of "architect of reform" in the English Church. In modern and medieval works Lanfranc has been described as a lawyer, a theologian, and a great administrator. Recent scholars have disproved all of these notions. The sources show that Lanfranc knew of Lombard law and had a copy of the Pseudo-Isidorian collection, which he obviously used extensively as archbishop because he marked passages in it. Yet, there is no evidence that he was ever a practicing lawyer. His reputation as a theologian is also largely unfounded. The Liber de corpore et sanguine Domini of Lanfranc is not an original statement on the subject but a syllogistic argument against the writings of Berengar of Tours. Lastly, nothing in Lanfranc's career before 1070 suggests that he was destined for an administrative career. According to his contemporaries, Lanfranc's fame rested upon his mastery of the artes. Alexander II requested his skill in letters for some of

\[\text{Wilkins, p. 366.}\]
the pope's kin. The anti-pope, Clement III, called Lanfranc the light
which led men's minds to the study of the trivium and quadrivium.
Later writers like Gilbert Crispin, Guitsund of Aversa, and William
of Malmesbury all cite Lanfranc's contribution to scholarly studies.  

When he reached Normandy, Lanfranc gave up letters for a greater
love, the monastic life. He joined Berluin's community at Bec where
he later became a prior. In 1063, William appointed him as abbot of
the new foundation, St. Stephen at Caen. His election to the arch-
bishopric of Canterbury came as a shock to him. In his letter to Pope
Alexander, he pleaded with the pontiff to allow him to decline Wil-
liam's offer. He finally accepted the appointment very reluctantly.

William's choice is truly puzzling. Some think that he wanted a
cleric loyal to him alone and free of family connections and feudal

ties. From this point of view, Lanfranc was a perfect selection.
The archbishop's relatively dependent position naturally commended
Lanfranc to his lord, William.

Lanfranc's first goal as archbishop was to establish the primacy
of Canterbury and to suppress the autonomy of York. This proved to be
a cardinal point in the archbishop's ecclesiastical program. The
constitution of primatial authority was a long-standing issue. Or-
iginally, Pope Gregory I had decreed that there should be two arch-

32 Modern research on Lanfranc's reputation can be found in R. W.
Southern, "Lanfranc of Bec and Berengar of Tours," in Studies in
Medieval History presented to F. M. Powicke, ed. R. W. Hunt (Oxford,
177.

33 Clover, No. 1.
bishops, each with twelve episcopal sees. Primacy was to alternate between the archbishops according to the seniority of consecration. The plan was never carried out. The twenty-four bishoprics were never created, and Canterbury gained a de facto leadership of the Church. The archbishops of York did not forget Gregory's constitution, however; it was periodically cited by them, but nearly always as a defense against Canterbury's encroachment. The primacy of Canterbury had received tacit recognition in Anglo-Saxon times. In the days of Theodore and Dunstan, the see had exercised a real leadership. Its rival, York, had few historical examples to support claims of independence; only the recent coronations of Harold and William by Ealdred in 1066 could be cited. In Lanfranc's controversy with York, he went much beyond what any prelate had sought earlier. He wanted the primacy of Canterbury to be made official. To accomplish this end, he resorted to various devices: council decrees, royal edict, and even a request for a papal privileges. None was successful.

The York-Canterbury controversy of Lanfranc's time contrasted in several respects to previous debates. The outstanding feature of these was the participation of the king. Because of the great rebellions of northern England, William did not want the York see to have equal status with Canterbury. Political considerations were obviously present in the king's thinking. The archbishop who would crown and anoint the English king must be near the royal center of power. Moreover, it was natural that William desired an ecclesiastical office

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which complimented his eigenkirche régime. The primacy of Canterbury was to extend over all of England as did William's power, in order to symbolize the Conqueror's dominance of the region. The control that Lanfranc would exercise was to be surpassed only by that of the king. The leadership of Canterbury in ecclesiastical affairs was important, if not crucial, to William's policy. It gave order and consistency to Church matters, which William required for his eigenkirche. In nearly every direction the controversy took, the king was anxious to acquire as much power as possible for the office of archbishop.

The York–Canterbury controversy was renewed a few months after King Svein Estrithson of Denmark had departed from England. Lanfranc was consecrated archbishop on August 29, 1070, but Thomas, archbishop of York, though nominated earlier at the council of Winchester in 1070, had not received consecration. Late in 1070 Thomas journeyed to Canterbury to assume his office. Before consecrating Thomas, Lanfranc asked for a written profession of obedience fortified by an oath of loyalty. Thomas refused, indicating that the demand was unprecedented and illegal. He rejected all evidence presented by Lanfranc for the profession and oath, and left unconsecrated.35

At this point, the king entered the fray. Our main source, an anonymous memorandum, relates that William became angry when he heard about the incident from Thomas. The king thought Lanfranc was being too ambitious and seeking more than his due. The memorandum states

35 The main source for the controversy is an anonymous work, Memorandum on the Primacy of Canterbury, Closer, No. 2. In some modern works it is called the Scriptum Lanfranci. It is correct in most details, but is highly partisan for Canterbury's case.
that Lanfranc soothed the king's temper by explaining to him the legitimacy of Canterbury's claims. It seems William was concerned that the primacy debate might be prolonged by Lanfranc's tactics. A long struggle between York and Canterbury might have dire consequences in the future. So William pressed, perhaps in an impatient way, for a quick solution to the problem. A historian sympathetic to York, Hugh the Chantor, states that Lanfranc resorted to a simple practical argument. Hugh's report is so central to understanding the real motives of Lanfranc and William that it should be quoted in full:

He [Lanfranc] responded that the church of York ought to be subject to Canterbury, and its elect, awaiting ordination, should make a profession to his primate. Moreover, it was useful for the union and firm preservation of the kingdom that all Britain should be subject to one primate; otherwise it might happen, either in his time [William's] or in the time of his successor, that one of the Danes, Norwegians or Scots, who were accustomed to sail up to York to attack the kingdom, might be made king by the archbishop of York and the fickle and treacherous men of York. Thus, the kingdom would be divided and disturbed.

According to both the anonymous memorandum and Hugh the Chantor, William was thoroughly convinced by Lanfranc's tactics. William then commanded that Thomas was to write a profession and read it in front of Lanfranc and bishops of the kingdom.

Thomas only obeyed reluctantly. Hugh the Chantor informs us that

36 Ibid.


38 Memorandum, c. 1.
the king, after pleading with him, threatened the prelate and his kinsmen with banishment. From the perspective of York, Thomas believed that Lanfranc's demand was uncanonical, dishonorable, and not expedient for the kingdom. The anonymous writer for Canterbury argued that Thomas, a canon from Bayeux, was ignorant of English affairs and had been misguided by the clerics of York. Thomas eventually promised absolute and unconditional obedience to Lanfranc, but he refused to render the same pledge to Lanfranc's successors until satisfactory evidence was presented showing beyond any doubt that past archbishops of York had made similar professions.

In October of 1072, both Thomas and Lanfranc went to Rome to receive the pallium from the pope as was customary. There, Thomas appealed the royal decision and sought jurisdictional independence for his archbishopric. As for Lanfranc, he was determined not only to win his case but also to obtain a papal privilege for Canterbury's primacy. That Lanfranc would receive most of what he desired seemed virtually certain. He and Pope Alexander II were friends. The pope had committed some of his relatives to Lanfranc's teaching, and the correspondence between the two was intimate in tone. As a sign of papal favor, Lanfranc was granted not one pallium, but two, the extra one being honorary. After these preliminaries, the debate about primacy began. Thomas initiated the discussion by stating that the bishops of Dorchester (Lincoln), Worcester, and Lichfield, all south of

39 Hugh the Chantor, pp. 3-4.

40 Memorandum, c. 1.
the Humber, owed obedience to York. This was the first time this issue had been brought up in Norman times, but it was a traditional problem for York and Canterbury. York claimed these sees, but Canterbury had from early times argued its immediate jurisdiction extended to the Humber river. Furthermore, according to the constitution of Pope Gregory I, neither see should be subject to the other except that the bishop with seniority should have precedence. Lanfranc, reportedly angry at this contention, argued that Gregory's statements applied to London and York (Canterbury was not mentioned in the letter). Technically, Lanfranc was correct, but Gregory never intended such a rigid formal interpretation of his wishes. His decree specifically called for two archbishops, twenty-four bishops, and an alternating plan for primacy. After a long debate, the pope refrained from making a decision. He referred the case back to the English bishops and abbots, stating that it was a serious matter for them to decide. Pope Alexander II did decree that Lanfranc could bind Thomas by the profession made the previous year, but it was not to be valid for his successors.41

The non-committal stance of the pope can be easily explained. The evidence for Lanfranc’s position was truly not convincing, and the pope and his curia were probably sceptical. Though doubtful about the primatial claims, they did not want to anger William by rejecting them outright. Later popes, like Gregory VII, saw in William a potential ally (even a faithful vassal) who might perform the pope's bidding. They proceeded quietly against him and pointed out ecclesiastical

41 Ibid., c. 2.
irregularities in his kingdom with the greatest tact. Moreover, the popes were generally hostile to primacies because powerful bishops tended to be independent of Rome. Gregory VII reduced primates and metropolitans whenever the opportunity arose. Much to the displeasure of William and King Philip I, Gregory tried to subordinate the metropolitans of Rouen, Tours, and Sens to the primacy of Lyons, which was obedient to the papacy. 42

The unresolved issue was re-directed to England where it was heard by the king with his feudal host and hierarchy of bishops and abbots. The matter was quickly decided by an impatient king in a royal decree. Thomas made another profession, in which he once more promised an absolute and unconditional obedience to Lanfranc, but a conditional one to his successors. The oath of fidelity which Lanfranc had originally demanded, was waived out of love for the king, who considered a written profession enough. Thus it was a temporary settlement. For years to come, it did give the archbishop of Canterbury jurisdictional power compatible to William's secular authority over the Church. York and all English sees were subject to the archbishop of Canterbury as primate of Britain. The see of York remained a metropolitan bishopric, but its provincial area was confined to the region north of the Humber river to the ends of Scotland; Canterbury had direct authority over the sees south of the Humber, including the three claimed by Thomas (Worcester, Dorchester, and Lichfield). Councils called by the archbishop of Canterbury had to be attended by Thomas and his suffragan

bishops. When Thomas died, his successor, after receiving his nomination by the king, was to go to Canterbury for consecration by the archbishop. The constitution received the consent of William, the archbishops and the papal legate, Hubert. For most parties involved, the controversy was over.

Lanfranc, however, continued the quest for legal recognition of the primacy of Canterbury. After May 1072, the king never again issued a decree on the question. The political crisis had passed and the expedient solution for limiting the coronation power of York was enough for William. Lanfranc, for reasons that are not clear, pursued the issue. It seems that Lanfranc's motives were simply to please the king. The prelate's whole career as archbishop was geared toward this end, and the primacy question was just another incident of Lanfranc attempting to satisfy his lord, the king.

Sometime after the last royal council on the issue of primacy (May 27, 1072), Lanfranc wrote a long letter to the pope describing his own case for Canterbury's primacy and the evidence which he presented for his claims. The documents he cited cast him in the worst light and even raise suspicions of his integrity. Using Bede's Ecclesiastical History of the English People, Lanfranc cited the primacies of Augustine and Theodore as a precedent for his claims. The examples are not convincing. Augustine had no rival at York because the see had not been established. The pope had upheld Theodore's primacy when it was contested by Wilfrid of York, but only because of Theo-

43 Memorandum, c. 3. For the royal decree see David, Regesta, Nos. 54, 65.
dore's special papal mission to England. Lanfranc also used texts of various councils to demonstrate the leadership of Canterbury in practice. However, this did not give him the firm basis in law that he needed. He went further and stated that many written professions of obedience by bishops in disputed elections had been made to the archbishops of Canterbury. We lack the evidence to corroborate this assertion: only three professions survive (for Worcester, Lichfield, and Leicester), none of them from the northern province. A historical incident was also used to confirm the broad jurisdiction traditionally exercised by Canterbury. When an unnamed Northumbrian king sold the see of York, he was tried as a simoniac and was excommunicated for failing to appear at a council of the archbishop of Canterbury. 44

In particular, the episode is unrecorded except for Lanfranc's letter, and the nature of some of his other proofs does not inspire confidence. Lanfranc mentioned that a number of privileges and letters from past popes were sent to Canterbury establishing primacy in Britain. Although Lanfranc did not give details, the correspondence referred to may be part of a collection known as the Canterbury forgeries. 45 The obvious purpose of the forgeries was to provide fraudulent papal recognition for the primacy of Canterbury in Britain. The letters were based on authentic ones; the forgers merely interpolated material asserting Canterbury's primacy. Many questions exist


concerning when, where, and by whom the documents were altered. Lanfranc himself was once held responsible for them, but he has been cleared of the charge by recent scholars. However, he may have inadvertently used a portion of them to support his case. It is by no means certain because Lanfranc does not quote any letters directly.

Lanfranc's efforts in 1072 were unavailing. We do not know Pope Alexander's reaction to the archbishop's letter, but we can be sure that he saw the weakness of the evidence. A reply from Hildebrand, who was an archdeacon in the papal court in 1072, has survived; in it he rejected the claims in a very condescending tone. Hildebrand expressed regret that the papacy could not legally accede to the request for a privilege and surprise that such an experienced man as Lanfranc could make so serious a request in writing. Consideration of a demand for primatial status necessitated Lanfranc's presence at Rome. Hildebrand ignored the fact that the archbishop had been at Rome when the initial petition for primacy had been made. Hildebrand's letter was a polite but firm refusal to a friend of the papacy.

After this failure, Lanfranc made no further effort to achieve a permanent, legal primacy. The best he was able to obtain was a temporary hegemony. From the viewpoint of Rome, Lanfranc was no more than a papal legate with apostolic authority in England. The archbishop

46 Lanfranc's culpability has been cleared by Southern, "Canterbury Forgeries," p. 226.

47 Ibid., p. 223.

48 Clover, No. 6.
of York only recognized the legates' primacy as binding on him, not on his successors. The most secure foundation of Canterbury's leadership over the English Church was royal support. This was formalized by a royal decree at the council of Winchester of 1072. It stated that the position of Canterbury had been clearly established through many documents. The church of York was to be subjected to Lanfranc in all matters pertaining to Christianity.  

As primate of Britain with royal backing, Lanfranc undertook the reform of the English Church. Most of it was accomplished in six councils that he held. The records of the proceedings are no longer extant; only the canons — which are mainly headings or summaries — have survived. Apparently, two were issued for the council of 1072, one at Winchester and another at Windsor where the assembly had reconvened. We can verify the place and date for only two of Lanfranc's other councils, London (1075), and Winchester (1076). The remaining council canons exist in manuscripts with varying information about where and when they were promulgated. Another set has no headings at all, but internal evidence suggests they belong to the last council of Lanfranc, at Gloucester (1085).

The ecclesiastical reform attempted at the councils covered nearly every major area of the Church's life in the eleventh century. The great issues of the reform movement: simony and lack of clerical celibacy were addressed. Ermenfrid had already decreed against the

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49 Davis, Regesta, Nos. 64, 65.

selling of offices, but Lanfranc's councils took the opportunity to
denounce the practice three times at Winchester (1072), Windsor
(1072), and London (1075). Clergy were enjoined to live in a
celibate state, but those priests who already had wives were allowed
to keep them. Lanfranc has often been criticised for backing away
from the thorny problem of clerical marriage, but he may have felt
the custom was too deeply rooted to be done away with in one council
meeting. It continued for a long time in England.

Other reforms dealt with general problems relating to clerical
manners, the liturgy and the laity. The aim of these canons was, more
or less, the same: to elevate the life of the Church. Clerics were
to live in accordance with their sacred dignity and not to bear arms
or to behave like lay persons. Feast days and sacraments were to
be practiced in the prescribed manner of the Church's canons. Lay-
men were enjoined to follow the guidelines for their order in Chris-
tianity. They had to pay tithes; they had to marry with the

51 Canon 4 in Martin Brett, "A Collection of Anglo-Norman Councils,
52 C. 2, in Wilkins, p. 365.
53 C. 7, in Clover, No. 11.
54 Winchester (1076), c. 1, in Wilkins, p. 367.
55 Windsor (1072), c. 12, 13, in Wilkins, p. 365.
56 Winchester (1072), c. 2, 3, in Wilkins, p. 365.
57 Windsor (1072), c. 10, in Wilkins, p. 365.
blessings of priests and outside lines of consentuinitm; they obey the king or suffer excommunication. In sum, the rules sought to preserve the spiritual dialogue of the Church (de vita et convers- satione).

The effort to improve the liturgy of the Church and the morality of its members was only part of a more important goal. The main target of Lanfranc's reforming councils was the organization of the Church. In the first years of Norman rule, the English Church was transformed from an institution dominated by particularism and private interests to one organised into an integrated hierarchy under the direct power of the king. As a result, the Church became almost a separate corporation within Anglo-Norman society. The independence it came to have would pose a problem for later kings.

The Conqueror's policy called for the property of the Church to be placed firmly within the framework of feudalism; but, in accordance with canon law, it was given a life of its own removed from the rules which regulated secular holdings. At the council of Winchester (1076), it was decided that clerics should only render services on benefices that they had received in the time of King Edward, but the decree was not enforced. The charters of William and the DB reveal many post-Conquest churches with lands and services attached to them. The

58 Winchester (1076), c. 6, 11, 12, 13, 14, in Brett, "Councils," p. 308.

59 Ibid., c. 9.

60 Windsor (1072), c. 3, in Wilkins, p. 365.
enactment of 1076 was eventually overturned by allowing the constit-
tution of ecclesiastical fiefs to be altered. In a canon probably
from the assembly of Gloucester in 1085, (3), laymen were granted the
right to participate in two-thirds of a church benefice. 61 Other
measures were aimed at bringing ecclesiastical property under the
control of the Church hierarchy. Clerics belonging to religious cor-
porations, especially monks, were enjoined not to possess private
property. Those who disobeyed were punished by losing the right to
be buried in consecrated ground. 62 At Windsor (1072), (11) and Win-
chester (1076), (7), invasion and despoliation of churches and Church
property were prohibited. This prohibition re-confirmed the Anglo-
Saxon principle that churches and their lands were holy and inviolable,
but in Lanfranc's councils it acquired a new meaning. The Church had
achieved more control of its property, but it was under feudal tenure.

The area of the Church that received the most attention from Lan-
franc was the episcopacy. Here again, the primate was following
William's policy. As early as 1070, the king had given bishops
landed wealth for which they performed military service. In the
feudal régime they ranked with the great secular vassals. Lanfranc
sought to raise the status of the episcopate in the Church to a level
commensurate with its worldly rank. The conciliar canons issued in
Lanfranc's years emphasized the bishop's supremacy in Church matters.
In ecclesiastical law he was considered to have near absolute authority

61 Mansel, XX, col. 400.

62 London (1075), c. 2, in Clover, No. 11.
in his own diocese. At Winchester in 1072 (5), it was affirmed that no one might place a priest in a church without the consent of the diocesan bishop. Foreign monks and clerics could only enter a bishop's diocese with letters of recommendation explaining their presence (6).

At Windsor in 1072 (5), a regulation was issued stating that the ordination of priests and of any other clerics with the exception of monks was a function solely of the bishop. The same set of canons, plainly asserts that bishops were to have spiritual authority over all persons — laymen as well as clergy — in their diocese (6). Later councils cited additional episcopal powers: clerics could teach the scriptures only with the bishop's consent, the mass could only be celebrated by a bishop's priest (2). The bishop was to have jurisdiction over most spiritual matters in his diocese.

Lanfranc also improved the spiritual well-being of the bishopric itself. Bishops were instructed to hold synods twice a year. Episcopal sees in remote towns, villages or manors were to be moved to cities. Lanfranc was following earlier canons, but one can also see that he was complying with the wishes of William. In Lanfranc's own description of the London council of 1075, he stated that such jurisdictional enactments required the king's consent.

While establishing a stronger episcopacy, Lanfranc did not overlook

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63 Gloucester (1085?), c. 1, in Mansi, XX, col. 400.

64 Windsor (1072), c. 4, in Brett, "Councils," p. 304.

65 London (1075), c. 3, in Clover, No. 11.

66 Ibid.
the opportunity to exert Canterbury's primacy. We know that at the council of Winchester in 1072 not only Thomas of York swore obedience to Lanfranc, but other bishops as well. Yet despite his assertion of ascendancy, Lanfranc saw the bishops and abbots of England as colleagues in the governing of the Church. At the London council of 1075 a number of steps were taken to widen the gap between them and the local clergy. Only the bishops and abbots were allowed to speak at councils, but other clergy could participate with permission from the metropolitan. The emphasis upon hierarchy in the Church was also demonstrated in other canonical decrees. At conciliar meetings bishops and abbots sat according to the date of their ordination although the archbishop of Canterbury exempted himself from this rule because of the honorable nature of his see.

Lanfranc's reforms and primacy were unprecedented in English history. The sheer number of changes opened a new chapter in the development of the Church. But, many measures were not carried out. Formidable impediments barred Lanfranc from achieving all of his objectives in England. The particularism of the English Church could not be overcome in the space of twenty years. Monasteries and some churches clung to their ancient rights, which opposed episcopal control. Even in a feudalized condition they were tenacious in asserting privileges which were well-documented and thus challenged royal obligations. A further obstacle to Lanfranc's reforms was the king's

67 Memorandum, Clover, No. 3.
68 London (1075), in Clover, No. 11.
ecclesiastical policy itself. William was generally interested in reforming the Church, but he had placed it within the feudal régime. In many instances the great fiefholders, secular as well as ecclesiastical, proved to be barriers against the Church's re-organization.

Monastic jurisdiction was a major problem for William and Lanfranc. Since he had been a monk, the archbishop was partial to the monastic life and supported privileges for monasteries. He himself had fought hard to win a papal privilege for St. Stephen at Caen in 1068 when he was abbot. As archbishop, Lanfranc wrote the monastic constitution for Christ Church and several other houses. In his conciliar canons, he aimed at upgrading monasteries to continental standards. One result of this conciliar activity was that monastic rank and discipline approximated that of the secular clergy. Like bishops, abbots were allowed to speak at councils; monks could move only with letters of recommendation from their superiors. Private property was forbidden for monks, but nothing was done to restrict the independence of monastic property. In many respects, Lanfranc raised monasteries to the same plane as the episcopacy, but this action raised the serious issue whether monastic houses were to be subordinated to the diocesan bishops. Lanfranc could not resolve the problem. Whenever he found himself pressed for a decision, he always had to


71 London (1075), c. 2, in Clover, No. 11.
petition for advice from the king, who favored the monasteries.

From the standpoint of the bishops, it was clearly their right to supervise monasteries within their diocese, even to take extreme action against them (especially Anglo-Saxon ones). A letter of reprimand written by Lanfranc sometime between 1075 and 1085 reveals one notable example. Peter, the Norman bishop of Chester, which was a recent creation from the old see of Lichfield, lacked resources and had tried to exploit near by Coventry, a wealthy Anglo-Saxon monastery. One day Peter and his retinue had forced their way into the monks' dormitory, robbed them, stolen their horses, torn down their houses for building materials and plundered the food supplies. Lanfranc upbraided Peter for his reprehensible act and for the disdain that the bishop had shown to one of Lanfranc's previous letters (the bishop of Chester had refused to read it and had thrown it on a chair with great indignity). The bishop's behavior was also an affront to Lanfranc's primacy. In the name of the king, the primate directed Peter to stop the harassment of Coventry. It was not within a bishop's power to do such things; he should be a spiritual adviser and set a standard for good conduct. We do not know if Peter heeded Lanfranc, but surely the bishop did not go against William's will.

This incident illustrates the problem of jurisdiction between monasteries and bishops. Lanfranc tacitly recognized their co-equal status; however, their authority was not clearly delineated. Disputes like the one concerning Coventry continued. The bishops saw the

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72 Clover, No. 27.
matter plainly. They had a great deal of jurisdictional authority in canon and feudal law to support their actions. No one can excuse Peter's violence. Yet, in many cases he and bishops like him were forced to use such measures to establish a strong, well-endowed see. It was their duty to create a viable episcopacy, which Lanfranc and William wanted. The archbishop's interference was certainly resented because it pointed to a contradictory policy. On one hand, the king and primate worked for an enriched, powerful episcopate. On the other hand, they created independent monastic enclaves within the dioceses.

Smaller monasteries and nunneries on the whole succumbed to the authority of their diocesan bishop. The great monasteries with popular shrines, illustrious histories, and chests filled with charters succeeded in freeing themselves from episcopal control. Ely, St. Augustine, and others became essentially autonomous. It was Bury St. Edmunds that created the greatest controversy about its privileged status. Perhaps the most venerated shrine in all of Anglo-Saxon England, it was built in the tenth century and contained the body of King Edmund, who had suffered martyrdom at the hands of the Danes. Years of veneration had made St. Edmund's one of England's wealthiest monasteries. In the DB it yielded an income of £655 a year and possessed 88 churches with 12 fractions. Nearly all of its holdings

73 Lemarignier, Les Privilèges, pp. 146-155.

74 Ibid., pp. 112-113.
lay in the diocese of East Anglia, which comprised the shires of Norfolk and Suffolk. Since the days of Edgar and Caet, Bury St. Edmunds had claimed with good reason that its lands were privileged and free of episcopal and secular power. With the Conquest and the deposition of Aethelmar, the bishop of Elmham, his Norman successor Herfast found St. Edmunds' privileges intolerable. The new bishop had a poor isolated see at Elmham with only a few lands and churches. To correct this, the bishop sought to move his cathedral to a better location. He also asserted the ancient rights of his bishopric over lands and churches which had somehow left his episcopal authority. From the DB we know that he was successful in recovering estates from Aethelmar's personal holdings. Yet, Herfast's plans to re-organize the see were thwarted by Bury St. Edmunds. The abbey, located to the south of Elmham, and the great diocese of Lincoln to the north restricted Herfast's jurisdiction to a small area.

The controversy between Herfast and Baldwin, the Norman abbot of St. Edmunds, erupted in 1071. The issue at stake was clearly expressed by the chronicler Herman. The bishop asserted that Bury St. Edmund was part of his diocese and even that he wanted the abbey as his see. The resulting jurisdictional conflict involved every party in and outside of England which claimed legal authority in such matters.

\[75 \text{Ibid., p. 146.} \]

\[76 \text{DB. 00. 193b, 379b.} \]

\[77 \text{Herman the Archdeacon, \textit{Miracula Sancti Eadmundi in Ungedruckte Anglo-Normannische Geschichtsquellen}, ed. F. Liebermann (Strasburg, 1879), chs. 37, 39.} \]
The king, Lanfranc, the pope and even Bishop Herfast all insisted on
the right to judge the question. The abundant commentary on the
struggle shows that it was a serious problem for William and Lanfranc. Though William believed that he held the English Church as
his eigenkirche, inconsistencies and contradictions plainly existed
in his policy.

The immediate problem for the king and the archbishop was how to
resolve the issue without damaging the integrity of Herfast's diocese.
Baldwin, the Norman abbot, was on the defensive in the conflict, but
he was supported by William, Lanfranc, and the pope. With the per­
mission of the king, he was allowed to go to Rome with Lanfranc and
Thomas in 1071 for an audience with Alexander II. The result was a
papal exemption to St. Edmunds dated October 21, 1071. The bull
placed the monastery under the protection of the Holy See. No king,
duke, count, bishop, abbot or any other person, secular or ecclesiasti­
cal, might interfere with or disturb the monastery. Liberties and
lands could be granted to St. Edmunds but only with the confirmation
of the pope. The sole exception to this exemption was the arch­
bishop of Canterbury. The pope's prohibitions applied to everyone
in England "save the canonical reverence of the primate bishop." This phrase recognized Lanfranc's primatial authority over the English

78 Besides Herman's Miracula Sancti Eadmundi, there are two letters
from Lanfranc (Clover Nos. 43, 47), two royal charters (Davis, Nos.
138, 139), and two papal letters: Alexander II (PL, vol. 146, col.
1363), and Gregory VII (PL, vol. 148, col. 314).

1363-1364.
Church, the main objective of the English mission to Rome in 1071.

In 1072, Herfast held his own synod sometime after the council of Winchester. He castigated Baldwin for going to Rome without permission of his diocesan bishop and questioned the papal privilege on this procedural basis. Baldwin appealed the case to Lanfranc and William. At that time (1073), however, the king was in Normandy and Lanfranc did not want to judge the case by himself; thus, no immediate decision was forthcoming. While judgment was temporarily suspended, Herfast resorted to various machinations to strengthen his case. Herman states that he wrote to William in Normandy for license to transfer his see to the abbey itself. The king's replies were somewhat favorable at first, but later he rejected Herfast's requests. Thus rebuffed, Herfast offered the king a large sum of silver to hold an assembly on the question, but this petition was also denied. From 1072 to 1081 the controversy was not addressed by the king. 80

Though royal intervention was suspended for a time, Herfast's aggressive activities toward St. Edmunds produced responses from other authorities claiming jurisdiction over the case. The new pope, Gregory VII (1073-1085) wrote a letter, dated November 30, 1073, to Lanfranc asserting that the monastery was under the protection of the Apostolic See by Alexander II's decree. The pope expressed amazement that Lanfranc had done nothing to restrain the actions of Herfast. He commanded Lanfranc to suppress the absurd demands of the bishop because the injuries to the abbey affected the papacy as well. If

80 Herman, Miracula, chs. 38-39.
Herfast resisted, the pope demanded that the archbishop send the bishop and Baldwin to Rome. Because the controversy continued unabated and no mention was ever made of Gregory’s letter by any party, it is safe to assume that the pope’s claims to judge the issue were ignored.\(^{81}\)

From 1072 to 1081, Lanfranc was vexed by the dispute and for the most part ineffective in settling it. Two of his letters to Herfast relate directly to the conflict. In one, written while William was overseas (the dates could be 1073, 1075, or 1076 to 1079), the archbishop reveals that Herfast had summoned clerics within the liberty of St. Edmunds to his episcopal court. For some reason, the bishop had excommunicated them and fined them. Lanfranc requested all punishments to be lifted for the sole reason that royal judgment had not been rendered in the case. Until it was Herfast should refrain from intruding into the lands of St. Edmunds. At the end of the letter, Lanfranc states that he would go to East Anglia to hear the case. Lanfranc may have solved the immediate problem of the excommunicated clerks, but the jurisdictional question continued for some years.\(^ {82}\)

In a second letter to Herfast, the archbishop adopted a more vacillating position. The document is undated and could have been written any time between 1072 and 1081. The opening remarks are very hostile to Herfast. Lanfranc states that he has heard from one of Baldwin’s clerks that the bishop makes coarse jokes about his character. Moreover, the bishop has taken an oath refusing to assist the

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\(^{82}\) Clover, No. 42.
archbishop in the dispute. Lanfranc vows to speak to Herfast about these matters. The archbishop again instructs Herfast to stop interfering in the lands of St. Edmunds until indisputable proof can be presented for his claims. Again Lanfranc makes no ruling, although he is inclined to side with the monks. Baldwin was Lanfranc's personal physician and a friend, and the archbishop, a former monk and abbot himself, understood the monastery's need for an exemption. Yet the archbishop was still reluctant to make a decision which might have undermined Herfast's diocesan jurisdiction. Lanfranc saw the difficulty that monasteries raised for a bishop, but had no ideas for a solution. In the remainder of the letter, which forms the main body, Lanfranc argues that the bishop of Thetford (Elysham) must be obedient to his metropolitan. A number of papal decrees and early canons from Church councils are cited to support Lanfranc's contention. The archbishop asserts that Herfast has been rash to encroach on his primatial jurisdiction, which extends over all of Britain. These remarks must have seemed peripheral and frustrating to Herfast, who was left with no clear final decision in the question of St. Edmunds' liberties. 83

Around 1079, disputes temporarily ceased because of a curious episode. Riding through the forest one day, Herfast was struck in the eyes by a tree branch. Extremely ill, the bishop committed himself to the most renowned physician of England, Abbot Baldwin of St. Edmunds, who cured him in a miraculous manner. Grateful for his recovery, Herfast relinquished his claims on St. Edmunds at a royal assize.

83 Ibid., No. 47.
composed of the great tenant-in-chiefs: Hugh of Montfort, Roger Bigot, Richard Clare, Turold of Lincoln, and Alfred of Spain. In good faith, the bishop returned the abbey's baculum of exemption and placed his own staff on the monastery's altar as a pledge of security. In less than a year, however, Herfast broke his promise. He complained to the king that he had not withdrawn his suit and William obliged him by ordering Lanfranc to hold a court composed of men from nine shires. In the proceedings, the testimony of Abbot Aelfwin of Ramsey proved that St. Edmunds' liberty had been granted by Cnut the Great.\(^{84}\)

Dissatisfied with this decision, Herfast paid the king one hundred marks for a new trial. The king, Lanfranc, some bishops, and a group of faithful tenants decided the issue at Windsor in 1081. Herman noted that abbots were excluded from the court. Baldwin read a number of papal and royal charters describing the freedoms of St. Edmunds, and Herfast could not rebut them.\(^{85}\) William issued a royal writ stating that Herfast had unjustly demanded jurisdiction over the abbey and ought to claim nothing from it. No statement about privileges was made.\(^{86}\) We can assume that, by supporting the abbot's main contention of monastic freedom, William recognized the independent status of St. Edmunds. Indeed royal charters before and after the decree of 1081

\(^{84}\)Herman, *Miracula*, chs. 41-43.

\(^{85}\)Ibid., chs. 44-45.

\(^{86}\)Davis, *Regesta*, No. 139.
showered Bury St. Edmunds with gifts, privileges and immunities.  

After a great deal of hesitation, William and Lanfranc had decided against one of their bishops in favor of a monastic liberty. The decision contradicted a number of conciliar canons which delineated diocesan jurisdictions and gave the bishop almost complete authority within them. Recognition of monastic rights hampered the recovery of many episcopal sees. At the same time Herfast lost his battle with St. Edmunds, Remigius of Lincoln was overruled in his struggle with Ely. Similarly, St. Augustine won freedoms within Lanfranc's district of Kent, and Westminster fared well in a suit with Bishop Wulfstan. The later cases were not as prolonged and embittered as the dispute between Herfast and Remigius, but they point to the same inconsistency in the Conqueror's policy. Acceptance of Anglo-Saxon custom and laws as valid added to William's own partiality to monastic immunity preserved a form of particularism in the English Church. Not only monastic houses, but certain minsters and churches with ancient privileges and popular shrines were able to maintain a free status through royal favor. Like Herfast, many bishops found it difficult to raise their sees to respectable positions with these encumbrances. The episcopal hierarchy envisioned in the reforming canons was flawed by William's commitment to the independence of some


89 Ibid., No. 188.

90 Ibid., No. 213.
ecclesiastical corporations. This aspect of William's policy was especially damaging for his successors in their dealings with the papacy. Many monasteries held tenaciously to their autonomy and did not even want royal support. Beginning in the reign of William Rufus they appealed directly to the papacy for an exemption rather than seek the king's assistance.

The feudal system that William introduced in England presented additional problems for Church reform. Bishops, abbots, and secular tenants were granted fiefs often without regard for canon law or any kind of ecclesiastical jurisdiction. In the last chapter we saw that most of England's churches were in the hands of lay fiefholders; the episcopacy and monasteries held only a very small portion. It has not been determined if this distribution of fiefs was an arbitrary act of the king or merely continued Anglo-Saxon arrangements. The purpose of the Domesday Book was to mold post-Conquest property patterns according to the Conqueror's policy. Aside from the small extent of their lands, many ecclesiastical tenants found their holdings scattered throughout the kingdom. This was true of secular fiefholders as well. After 1066, all problems of dispersed diocesan or monastic holdings had to be solved through the feudal régime because all land was in the royal domain.

Canterbury affords the best example of a diocese fragmented by feudal practices. Lanfranc, the architect of reform, discovered that many of his proposals could not be implemented in his own diocese. Either through the Conqueror's endowment or Anglo-Saxon custom, Lanfranc possessed estates with churches and clergy in distant shires.
outside Kent. Rather than give up these lands for the sake of jurisdictional regularity, which would not have been practical, the archbishop improvised special arrangements with his fellow bishops. In a letter to the Bishop Stigand of Chichester, Lanfranc discussed some of his problems. Lanfranc complained that the bishop’s archdeacons had demanded money under various pretexts from his clergy in the diocese of Chichester. As part of an original agreement, the archbishop had directed his clerics to attend Stigand’s synods and to receive guidance on Christian observance. But, Lanfranc now qualified this concession by stating that, if faults were found among his clerics, they were to be presented at Canterbury for judgment. The money taken from them was to be returned. In the future, Lanfranc forbade his clergy from attending Stigand’s synods and required their attendance at his own even though it meant they had to travel some distance. In clear language, Lanfranc was asserting his right to scrutinize the character and priestly competence of his clergy in Chichester. Yet, the archbishop did not take away all the rights previously conceded to Stigand. His priests still had to buy chrism (holy oil) from Chichester every Easter. Lanfranc reasoned that it was an ancient custom and must be maintained. However, traditional rights were not valid when abused.91

Enclaves of one diocese in another were not uncommon either for Lanfranc or any Norman bishop. They represented a practice which was not in the spirit of reform, but one cannot have expected bishops to

91Clover, No. 30.
relinquish such holdings. Needed revenues were obtained from estates outside the diocese, and it would have been sheer folly to have let them go. One positive result of the diocesan peculiarities was that bishops usually made amicable settlements between themselves in such instances. Monasteries resisted similar arrangements with bishops because they feared a loss of their independence.

Within Lanfranc's own diocese of Kent, there was a host of ecclesiastical and secular vassals, some of whom were under the archbishop's authority and others of whom challenged him. The lands and churches of Canterbury were divided into portions for its vassals. The archbishop had his own property for direct use (twenty-eight holdings and twenty-three churches). His knights were allotted fourteen holdings and six churches, and his chapter, Christ Church, had twenty-one holdings and sixteen churches. The bishop of Rochester was considered a sub-vassal and held estates from the archbishop of Canterbury to whom he owed military service. St. Augustine was the largest ecclesiastical tenant after the archbishop, and it held its lands directly from the king. Battle abbey and St. Pierre of Ghent (a foreign community) were the other religious tenants in Kent and held some fiefs of modest size in the shire. There were also great secular fiefholders, like Hugh of Montfort and Haimo the Sheriff, but the greatest possessor of secular and ecclesiastical property was Odo, bishop of Bayeux, half-brother of the king and earl of Kent, whose lands even outstripped Lanfranc's in size. They included over 380

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holdings with 85 churches and one fraction of a church.\textsuperscript{93} The extensiveness of Odo's fiefs in Kent is easy to explain. As a potential target for sea invasions, the county was strategically located. William had created a powerful earldom there to protect the coast from Danish attacks (the Danes ravaged the area in 1070). Because it was an important office, William may have been insecure about granting it to just anyone. Thus, he gave it to Odo, his own brother and someone bound to the king through blood ties. It was a poor choice. Odo was exceedingly ambitious and was eventually jailed twice in 1082 and 1088 for conspiracies against the king.\textsuperscript{94}

Odo's presence in Kent also worked against Lanfranc's episcopal reforms in his diocese. The earl and archbishop seem never to have developed a friendship. Odo may have been angry that William had not selected him for the office of archbishop, and he was determined to extend his power as earl of Kent at the expense of Canterbury's lands. When Lanfranc assumed office in 1070, he discovered many of the bishopric's lands in the possession of Odo and other magnates. He hastened to William and stated his case. A trial was held between 1072 and 1076. Several contemporary reports have survived providing many details of Lanfranc's material gains for his see.\textsuperscript{95}

\textsuperscript{93} DB, I, 1a-30b.


\textsuperscript{95} J. H. Le Patourel, "The Reports of the Trial of Pennenden Heath," in Studies in Medieval History presented to F. M. Powicke, pp. 21-25.
The court which heard these complaints met at a place called Pennenden. It was composed of Norman vassals, some Anglo-Saxons noted for their acquaintance of traditional laws, and the shire court. The individual who presided over the assembly was not William, but Geoffrey of Coutances, who sat in the king's place. It was charged that before Lanfranc came to England Odo had attached to himself men of the archbishopric of Canterbury, had seized its customary rights, and had taken many of its ancient possessions. After a great discussion, lasting three days, Lanfranc proved his title to many lands and to the customary rights attached to them. According to the reports, the losers were Odo, Herbert, son of Ivo, Thorold of Rochester, Ralph of Courbepine, and Hugh of Montfort. Besides retrieving his possessions, Lanfranc won for his church various liberties and the jurisdictional rights of sac and sox, toll and team, flymenafyr, grithbryce, forsted, hamfare, and infangenthef. Furthermore, it was acknowledged that the king had jurisdiction only over the royal roads which ran through the domains of Canterbury, and that Lanfranc held his lands as freely as did the king. It was even determined that the archbishop had legal right over homicides, adulteries and the cure of souls upon the estates of the king and his magnates. Thus, the trial of Pennenden Heath returned property to Canterbury, gave it customary rights and additional liberties and extended its jurisdiction.96

If the reports of the trial are accurate, then Lanfranc won an impressive victory over the king, Odo, and the feudal vassals. They

96 Ibid.
do seem to present an element of truth. We do know that Odo eventually lost his estates in Kent. After his expulsion from England in 1089, an effort was begun by Lanfranc, the bishop of Rochester and the monasteries of the shire to partition Odo's holdings. A number of property descriptions, similar to those in the DB, were compiled by these ecclesiastical groups. For Canterbury, Lanfranc in his last years commissioned the so called Domesday Monachorum. The work was finished sometime after his death since the archbishop was referred to as "of blessed memory." The DM records a curious collection of lands, churches, dues, and services which belonged to Canterbury and its subordinates. Of most interest to historians is the list of churches and places contained in it. Many estates were evidently held by Odo at one time. A simple comparison between the DB and DM shows that the bishop of Bayeux lost a considerable portion of his fiefs to Canterbury. The churches at Badlesmere, Benenden, Beheshbourne, Barham, Boughton Monchelsea, Chilham, Denton, Eastling, Elham, Lower Hardres, Norton, and others were in the possession of Odo according to the DB. In the DM they are cited in a group of churches which yielded twenty-eight or seven pence every Easter to Canterbury. The other lists of churches and places in the Textus Roffensis, assembled by the bishop of Rochester at the beginning of the twelfth century, and the White Book of St. Augustine, written about 1200, all show that Odo's fiefs were expropriated by the Kentish religious establishments.


The interesting point about the DM and other similar works is the administrative conception that underlies them. They were an attempt to order the ecclesiastical life of Kent. The DM is the best example. It contains a list of churches which owed constatudines to the archbishop at Easter. A second group of churches are described as belonging to the abbey of St. Augustine, but paying dues and produce to Canterbury once a year on Holy Thursday. This section of the DM has caught the interest of many scholars for its peculiar organization of churches. There are 124 churches in the list described as belonging to 12 mother establishments. Some believe that the groupings of churches represented early rural deaneries, but a more conservative and cautious opinion suggests that they were old minsters with subordinated churches.99 Following them, we find several places already mentioned in the previous lists. They are cited again as owing to Canterbury various quantities of honey, wine, bread, oil, sheep, and money. The compiler of the DM emphasizes twice to the reader that these payments in kind were an ancient institution ordained long before the coming of Lanfranc.100 In direct order of succession are a number of places and persons which owed varying amounts of Romaeoet (Peter's pence) at Easter. The remainder of the DM describes the manors held by the archbishop, the bishop of Rochester, the monks of


100 Ibid., pp. 79-81.
the archbishop and his knights.  

The diocesan reforms effected by Lanfranc's councils are not present in the DM, Textus Roffensis or the later White Book of St. Augustine. What we have in the DM is basically an attempt to clarify the customary revenues that Canterbury and its satellites traditionally received. The emphasis is upon the old Anglo-Saxon arrangement of the ecclesiastical district within a feudal framework. Dues, services and payments in kind were drawn from ancient sources dating from early Anglo-Saxon history. The rendering of these revenues often had to be performed according to custom. For example, when the abbey of St. Augustine gave its church rents to Canterbury, seven pennies had to be placed on the altar of the church of Christ Church. The abbot also had to send thirty loaves of bread with at least four worth a penny. In addition, two sheep, three amphorae (two of mead and one of ale) and 600 pence had to be delivered. All of these formalities were performed punctually on Holy Thursday (in cena domini). Even the division of estates between the archbishop, monks and, to some extent, knights in the DB and DM was a system devised in the ninth century. The only recent change in the organisation of Kent was the feudal régime. The contingent of knights in surveys was a Norman creation.  

Superimposed upon the Anglo-Saxon customs was William's feudalism.

101 Ibid., pp. 82–104.  

102 Ibid., p. 78.  

103 Ibid., pp. 1014.
Lanfranc, like all English bishops and abbots, considered himself a vassal of the king. In the DB and MM the archbishop had a considerable feudal following. No doubt Lanfranc's men played an active role in suppressing the revolt of the earls in 1076. His letters portrayed him as a dutiful subject following the wishes of his lord. Within Kent he had a lordship which extended over the greater part of the diocese. Listed among his soldiers was the bishop of Rochester, who rendered knight service directly to the archbishop. Royal writs and directives came to the bishop of Rochester from sheriffs of the archbishop, not from those of the king. The monastery of Christ Church probably had an analogous position. St. Augustine alone seems to have retained some independence.

As a great vassal of the king, Lanfranc seems to have lost the ability to make distinctions between secular and ecclesiastical spheres. From the day he set foot on English soil, he was dependent on William's support. If William had not enforced it by royal writ, his claims to primacy would have certainly been laid aside by the bishops of the kingdom. In the struggles with Thomas of York, Peter of Lichfield, Herfast of Elmham, and Odo, the archbishop in every instance was assisted from a dilemma by royal action. This exacted a severe price from the archbishop's proposals for reform. In his last years, Lanfranc had become a royal servant instead of a reformer. In the first year of the reign of William Rufus, William of St. Calais, bishop of Durham, was placed on trial for conspiracy and for refusing

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a royal summons. The bishop pleaded for a canonical hearing, protection of his episcopal estates, and an appeal to papal court. Lanfranc, the royal prosecutor, disallowed the bishop's pleas by stating that he was being tried to his actions as a vassal rather than as a bishop and that the lands in question were fiefs not ecclesiastical property. 105

By the end of William's reign many principal points of the program for reform had been cast aside like unwanted baggage. Celibacy was imposed on most clergy, but local priests and deacons remained married and continued the practice for a long time. Simony was condemned twice. Yet under William II, the crown was back in the business of selling bishoprics; even in the last years of William I, the king may have sold some high Church offices. Episcopal and diocesan reforms were most sorely tried. By 1087, though some were still poor, the bishoprics were better off and more organized, but the royal policy denied supreme authority to bishops in their own dioceses by protecting the privileges and immunities of monasteries. Such independent ecclesiastical corporations hemmed bishops into restricted areas. Lastly, nearly all English episcopal sees had diocesan possessions which spread across the countryside and intruded into the dioceses of other prelates. Either by feudal design or Anglo-Saxon proprietary customs. English dioceses had a somewhat checkerboard appearance on the map. Practically minded men such as Lanfranc did not give up estates and churches far from their sees; they did their

best to administer distant properties. Such factors and the fact that so much ecclesiastical property was in lay hands forced clergy not to concern themselves with the canons issued in the councils. For Lanfranc and others, it was a matter of holding on to present possessions and recovering what had been lost. In the few episcopal records of this period the story is always the same. The histories and testimonies from Durham, Wells, Canterbury, York, and Worcester describe territorial disputes, litigations, the rapaciousness of William's secular vassals, and the properties returned to the see. In a sort of last will and testament, Bishop Giso of Wells prided himself on the enlargement of his church's property. He warned his successors not to violate his decrees and to continue adding estates to the see.

Lanfranc and his colleagues found too many obstacles to achieve the much needed reforms fully. The particularism of the Anglo-Saxon Church survived. Norman acceptance of old English law, custom, and charters insured many monasteries, minsters, and other ancient institutions a privileged existence. The Conqueror's own feudal policy set up insurmountable road blocks to correcting deficiencies in Church organization. An inconsistent view towards the relationship of monasteries and bishops left the latter bewildered, frustrated, and embittered about their supposed freedom in their own dioceses. William's view of the ecclesiastical and secular vassals as the same prohibited changes or slowed the process of reform. Movement of

episcopal sees and settlement of property disputes had to wait for the Conqueror's decision. Sometimes cases lasted for years because of William's absence or preoccupation with other matters. Reluctance by the king to interfere in the existing feudal distribution of lands occasionally prevented diocesan or monastic reform altogether. In sum, William did bring a greater degree of organization to the English Church and some reforms. Yet, divergent trends in the royal eigenkirche could not be combined to create a coherent, consistent ecclesiastical policy.
CHAPTER VIII

GREGORY VII AND WILLIAM'S EIGENKIRCHE

Throughout Europe, allods and the proprietary church were losing many of their private characteristics. In most cases, the feudal monarchy posed the greatest threat. The extension of the royal dominion could be a gradual process or a spectacular feat accomplished by one battle. Charlemagne and the Carolingians were the first to attempt a systematic reduction of all allods in their kingdom. From the beginning to the end of the Carolingian Empire, the rulers sought to convert allods into fiefs, and to keep their vassal's holdings in tenured form.¹ Similar practices spread to other places. In Norway, the laws of Harald Fairhair (860-930?) stated "that in the king's conquered lands all (odal) allodial property should belong to him, and the men upon it pay dues for the use of it."² In Italy, Spain, France and the Empire efforts were made to introduce land tenure for service at the expense of allodial property.³

Not only were the feudal monarchies seeking more tightly defined rights over their domains, but the traditional ancient powers rekindled some of their claims to a universal dominion which opposed both local autonomy and royal independence. The German kings revived the notion of the Roman Empire, but the so-called renovatio Romani

¹Ganshof, Feudalism, p. 37.
³Ganshof, Feudalism, pp. 163-164.
imperii n e w truly materialized. The German emperors rarely ventured outside German lands and Italy. The Byzantine Empire, for a long time only a phantasm of the Roman Empire, rejuvenated itself briefly after 900. For a time its armies were once again on the march in southern Italy and Syria to reconquer its lost provinces. By the middle of the eleventh century, however, Byzantium was again in decline. In contrast to these ephemeral world powers, the papacy alone emerged in this period as capable of pursuing a universal policy. To be sure, the religious office was held in low regard at times because of the Roman families who corrupted it with bad appointments. Despite these problems, the popes, even in their worst moments, maintained the idea that they were the rightful leaders of Christendom. Their authority to rule Christian society was based on the Petrine commission with the Holy Scriptures and historical evidence as support for their claims.

The papacy's ideological outlook and aims were acceptable to most medieval kingdoms of the period, but not everyone shared this view. At Constantinople, where caesaropapism never succumbed, the emperor treated the pope's claims with indifference and sometimes with open hostility. The emperor viewed him as a religious functionary in the imperial administration. In the West, the bishop of Rome held the most venerated religious office in Europe. It was the only Apostolic See in Western Europe, and the pope gained great religious authority from his unique position. The last Roman emperors of the West had recognized papal supremacy in Church affairs for their realm. For many years (400-1050) the popes' role in religious affairs was that
of chief adviser in legal, jurisdictional, and spiritual disputes within the Christian community. Even in the period of papal decline (850-1049), the pontiffs were still called upon for decisions in ecclesiastical matters.

Moreover, the papacy also accumulated political power by virtue of its great moral prestige and its residence at Rome the old capital of the Empire. The Germanic kingdoms which succeeded Rome were fragile, fleeting political systems that crumbled when seriously challenged. Many factors accounted for their weakness, but the main problem was legitimacy. From the end of the Roman Empire to the eleventh century, the western kingdoms struggled to establish a lasting form of a government. Until Carolingian times, the kings of Europe usually sought recognition from Constantinople to provide much-needed legal support for their poorly based régimes. As Byzantine influence steadily declined in the West, the Germanic states turned to the emperor's representative and the acknowledged leader of Christendom in Europe for guidance and for approval of their actions. In nearly every European kingdom which rose after 750 or which underwent a transfer of power, the pope played some significant role. The election and anointment of Pepin the Short (751-754), the coronation of Charlemagne (800), the anointment and crowning of Stephen of Hungary (1000), and the conferral of the imperial title on Otto I (962), to name only a few, were all papal acts to some extent.

By William's period the sense of purpose and mission of the papacy was greatly strengthened by the reform movement which had swept across Europe. The effort to revive the Church began at Cluny, but
certain bishops, German emperors, and a party of clergymen from Lorraine also contributed to reform. All of these reformers, except perhaps the imperial group, thought that the mingling of the sacred and secular spheres was the root of evil in the Church. They described manifestations of lay domination as simony (the sale of offices), nepotism and corruption of clerical morality. They all proposed more or less the same solutions for correcting the ecclesiastical abuses. Bad clerics were urged to give up their unlawful practices, to read the Scriptures, and to follow the canons of the Church. Reformers also agreed that the pope should be leader of the movement. Yet for one reason or another none of these proposals successfully improved the condition of the Church before 1049. The papacy was in a very corrupt state itself in the early eleventh century and could not provide adequate leadership. The Cluniacs attacked only episcopal abuses because they wanted independence from local bishops; they ignored many other problems in the Church. Episcopal reformers were isolated from one another, and, when they died, their successors often did not share their objectives. The German emperors reformed the Church only insofar as it did not compromise their royal authority. Even the most religious emperors, like Henry III, acted sometimes tyrannically toward the Church and especially the pope. The Lotharingian reformers produced the most viable reform program. They consisted of a group of bishops who carried on a war of words against abuses in the Church. Although imperial subjects, some did not hesitate to criticize the German emperors' actions when they
adversely affected the sacerdotal community and the pope. 4

All reformers wanted the papacy to lead the Church in these times of troubles, but it was the clerics from Lorraine who took over the Roman see and re-established its power. In 1049 they captured the papacy with the election of Bruno of Toul as Pope Leo IX (1049-1054). He was selected by his cousin, Henry III. Thus he accommodated his views to the goals of imperial reform, and, for most of his pontificate, he followed the emperor's commands. Yet, he was also influenced by Lotharingian reform ideas. He was a morally upright clergyman who sincerely wanted a revived Church; his reign marked a rise in the moral tone of the papacy. In contrast to the popes immediately before him, who were either creatures of the local Roman families or selected by the emperors, Leo had a program for reforming the Church. The notable accomplishment of his pontificate was the re-emergence of conciliar activity. Leo IX spent less than a year in Rome. Most of the time, he travelled throughout Europe holding councils in which clerical marriage, simony, and nepotism were condemned. Such abuses had been identified and attacked by other reformers before but Leo accomplished two things of note. Reform was now truly a part of the papacy's holy mission, and, because the councils were conducted with a great deal of publicity, they had a strong psychological impact. Two incidents in particular were widely reported by contemporaries. One Kilian of Sutri, a bishop deposed for simony, collapsed and died when he tried to defend himself during a council at Rome. At another council the

archbishop of Besancon was struck dumb as he pleaded the innocence of a simoniac. These incidents, along with the general fanfare which surrounded the meetings, had an enormous influence on the sacerdotal attitude toward issues of reform. Many bishops and clergymen saw Leo's activity as a portent of the future and began to adjust their offices and lifestyles accordingly.5

After Leo's death in 1054, several popes reigned until 1063. Their pontificates were short but some major achievements were accomplished. Most important, the popes advocated measures which eventually would make the sacerdotium a corporate entity in society. According to the canons of the papal councils, bishops, priests, abbots, or any ordained persons were the members of a special class distinguished by the Sacrament of Holy Orders. Their offices were sacrosanct. They could not be bought, sold or traded in any way. Ecclesiastical positions were defined by the decrees of the pope, conciliar canons, and the ancient authorities of the Church. One could obtain an office only through election by clergy and people. When circumstances prevented this manner of selection, the pope would appoint a cleric as an act of necessity. The holders of sacred functions had to follow an ethical code prescribed by papal commands, the Bible, and the Holy Fathers of the Church. Ecclesiastics must act according to their dignity and purpose in the Christian society. Their holy function was the administration of sacraments and care of souls. They might not marry, fornicate or bear arms.

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In addition to defining official duties and personal ethics of the sacerdotal class, the reforming pontiffs took another step toward corporate independence for the Church. Popes Victor II (1055-1057) and Nicholas II (1059-1061) decreed that buildings, lands and property of churches and monasteries were sacred. They were exempt from lay jurisdictions. As a part of the sacerdotal community, churches and abbeys could not be bought, sold, or transferred in an indiscriminate manner. Monks, priests and members of the lower orders had no voice in arrangements for Church property. The bishop, abbot and finally the pope himself had sole authority over the ecclesiastical estates. Lay influence was excluded. In 1056, Victor II stated that no secular person might own an abbey, archdeaconate, church, ecclesiastical benefice, school or any other type of Church property. Dues from religious lands were destined only for clerical persons; no one else could receive revenues from them. Succession rights to such lands claimed by laymen were null and void. Nicholas II in his Roman council of 1059 reiterated these decrees and the assertion that Church property was for the nourishment of the sacerdotal order.

Along with these reform measures, the papacy advanced its own independence of lay authority and its supremacy over the Church. In 1059 Nicholas II issued a decree establishing new procedures for the election to papal office. Future pontiffs were to be elected by the

\[\text{Hefele-Leclercq, pp. 1111-1216.}\]

\[\text{Ibid., pp. 1122-1124.}\]

\[\text{Ibid., pp. 1133-1216.}\]
people and clergy of Rome, but the process was to be supervised by a college of cardinal-bishops and cardinal- clerics. In effect, it was the College of Cardinals, as it came to be known, that would henceforth choose the pope. Many times the tumultuous nature of the Roman mob or the presence of the emperor prohibited the constitution from working properly, but the decree of 1059 did set up the machinery for an autonomous, independent papacy. The emperor and the families of Rome that had dominated the see were given merely token representation in the new arrangement; it was only over their objections that Nicholas' successor Alexander II (1061-1073) was selected by the cardinals.9

The reign of Gregory VII, Hildebrand, combined the aspirations of the reformers and the tenets of papal supremacy into one neat, well-defined package for dissemination. Gregory's conception of his office can be fully adduced from his letters and council reports. His basic assumption was that there is one universal Church. For Gregory the ecclesia was both a spiritual and earthly reality. It included all those who believed in the Christian faith past and present. The visible element of the Church was of course the body of Christians on earth ruled by those consecrated in Holy Orders. Since there were schismatic divisions in Christendom, namely between the Greek and Latin worlds, Gregory's use of the term societas christiana signified a body politic, the Latin Christians. Secondly, Gregory believed that there were two classes of Christians, the ordo laicalis

9Ibid., pp. 1140-1165.
and the ordo sacerdotalis. Only the sacramental order could perform sacraments, which were necessary for salvation. Thus, the offices, properties, and members of the priesthood were sacred. The laity played largely the passive role of receiving the sacraments, but they also protected the priesthood and rooted out evil. When each order in Christianity worked towards its designated function, there was concordia. When the secular intruded into the sacred, discordia reigned.10

A third notion of great importance to Gregory was the concept of justitia. Justice for him was simply maintenance of the prescribed norms of the societas christiana. All Christians were supposed to live according to their defined functions in society. A just man was one who performed his religious duties and had humilitas. Anyone who refused committed the sin of pride, superbia. Justitia was a comprehensive idea. It allowed Gregory to thrust himself into a variety of secular and spiritual affairs.11

Fourthly, Gregory believed without question that the pope was the head of the societas christiana. The leadership of the papacy over Christendom had been established by virtue of the Petrine commission. Jesus had left his Church to the care of St. Peter, who had made his headquarters at Rome as the bishop of the city. His successors had the same duty as Peter — that is to lead the Church. Hence, the

10 I have relied upon Ullmann, Growth of Papal Government, pp. 272-276 for this elucidation of Gregory's papal theories. Citations of his letters and councils can be also found in his work.

11 Ibid.
pope’s commands were divine since God himself spoke through the apostle. His powers included the deposition of emperors, kings and anyone else who violated the rules of Christian society. Every Christian must obey the pope. Those who followed the pontiff’s orders were useful; those who disobeyed were sinners and corrupted by the devil. 12

To understand Gregory’s pontificate, we must be aware that he had an extraordinarily high regard for his office. Indeed, his vision of its function in the Christian society was unrealistic. Yet, while he felt so much awe for the papal throne, Gregory knew that he himself was from an obscure background and owed his advancement to the sacerdotal régime. His biographers state he was the son of one Bonsio, a person of no distinction. 13 Very early in life, Hildebrand became an orphan and went to Rome, where he was educated under the tutelage of the popes. His career with the papacy began sometime around the year 1045 when he received his minor orders under Pope Gregory VI. Before his accession in 1073, Hildebrand labored as sub-deacon, archdeacon and legate for the popes. He was not a dominating influence, but a loyal servant who obediently followed pontifical commands. When Alexander II died, Hildebrand became the first man who had risen through the labyrinth of the papal bureaucracy to fill the office of St. Peter. Ironically, his election did not follow the procedure set down in the decree of Nicholas in 1059; in the funeral procession for Alexander,

12 Ibid.

Hildebrand was seized by a Roman mob and acclaimed pope. The whole episode may have been orchestrated, possibly by Humbert de Silva. Despite its illegality, the College of Cardinals later elected him pope with consent of the Roman clergy and people. Within a month he was ordained a priest, a bishop, and then crowned as pope. In conformity with the election decree he announced his enthronement to the emperor. ¹⁴

The men who placed Gregory in office later regretted their act, and near the end of his reign they were forced to disassociate themselves from him. As pope, Gregory drove himself relentlessly to attain the goals of papal reform. His line of thought was simple and direct. The whole sacerdotium must submit itself to its divinely directed leader the pope. The pope's primacy must be converted into an absolute, monarchical form of government, recognized in law. His jurisdictional powers were to be supreme and to supersede all earthly governments, and his legates were to represent his authority.

In his correspondence Gregory often demanded libertas ecclesiae, a phrase that carried a distinct meaning. Freedom was not for the whole body of faithful but only for the sacerdotes. The Church's order had been disrupted by secular intrusions and by lay domination of the papacy and episcopal offices. The proprietary church at the royal and local levels was the greatest oppressor of liberty. ¹⁵ It subjected the property of God and St. Peter to personal greed.


¹⁵ Ullmann, Growth of Papal Government, pp. 290-299.
Local private churches were not the target of papal reform. The biggest obstacle to Gregory's plans was the royal proprietary church; it actually threatened the papacy itself. The German emperors in particular attempted to make the Roman Church a German *eigenkirche* and the pope an imperial servant. Since the royal proprietary system was so deeply rooted, it was difficult for the pope to wipe it away in the space of a few years. Gregory's most effective weapon against it was his decree on lay investiture. By forbidding the transfer of ecclesiastical offices and property he challenged a vital part of the feudal regime. His decrees called into question the rectitude of proprietary practices, and they proved viable in countries where kings had internal political problems. Regal opposition was always ready to follow Gregory, not so much for reform, but to weaken the king.

Normandy and England were minor matters for one with Gregory's vision of world dominion. Out of the pope's voluminous correspondence only eighteen letters are concerned with the Norman duke who had conquered England. Henry IV, Constantinople, the Normans of south Italy, and the Investiture Issue occupied the pontiff to a greater extent. Though William was only a small chapter in the history of Gregory VII, the pope did have some very definite ideas about the Conqueror and his role in the *societas christiana*.

Gregory's own letters reveal that he believed his relationship with William was based on historical circumstances. The dukes of Normandy had always been the most beloved sons of the popes. They had remitted many gifts to the Holy See which in turn had honored
their churches with privileges and special jurisdictions. Leo IX's condemnation of William's marriage to Mathilda was the only serious break in the otherwise good relationship between the papacy and Norman dukes of the eleventh century. The invasion of England, however, drastically altered the papal view of the duke (now king). William had appropriated a special province of the Roman Church, which had rendered traditional services and tribute to the pontiff.

England was distinguished by the fact that it was the first country evangelised by the papacy under Gregory I (590–604). Because it fell within the sphere of papal influence, the English Church was ostensibly tied to the Roman pontiff by certain apparent bonds of obedience. First and foremost was Peter's pence. When, where, and by whom the pence was begun is obscured in the sources. But by the eleventh century it was a traditional tribute paid to the pope. The method of collecting the pence is not clear in the sources either. It seems that each household contributed a penny on the feast day of St. Peter (August 1), but there were exceptions to this rule. For unknown reasons some parts of England paid no tax to St. Peter. In a few districts, the pence was collected through the hundred organisation. The agency charged with gathering the duty was the bishop, who then passed it onto the archbishop. How the pence was transported from England to Rome is another mystery; the king probably had jurisdiction over the transfer. We do know that Peter's scot was often overdue and that the popes were quick to request a resumption of it.16

16. O. Jensen, "The Denum sancti Petri in England," Transactions of
Archaeological evidence indicates that the pence went to the Schola Saxorum in Rome. The Schola was actually two churches, St. Peter's and St. Mary's, which were used as resthomes for English pilgrims. But not all tribute went to the Saxon pilgrimage. A portion was paid to the pope for his own use. In the dark days of the so-called dynastic papacy, some corrupt pontiffs vied for the money. Otto of Friing reported that when Benedict IX was in 1045 forced to give up his claim to the papal throne, he reserved the revenues from England as a pension for himself. Even Pope Alexander II referred to the pence directly as a pension for the pope's own uses.

The second act of obedience which the English traditionally rendered to the papacy was the pilgrimage of the archbishops of Canterbury and York to Rome for the pallium. This custom was not as old as Peter's pence; it had developed in the late tenth and early eleventh century. The pallium or pall was a stole worn on the shoulders over the alb. It was a circular band of white woolen cloth with pendants and embroidered crosses hanging before and after it. The grant was usually made with a great deal of fanfare and professions of obedience by the archbishops. In England the pall became a symbol of metro-

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17 Barlow, The English Church 1000-1066, pp. 291-299.
18 Otto of Freising, Chronicon, ed. G. Pertz (Hanover, 1867), VI, c. 32.
politian authority. By the time of the Norman Conquest, it was thought by most Englishmen that an archbishop could not exercise his powers legitimately without it. According to Florence of Worcester, Archbishop Stigand was deposed in part because he could not obtain his pall from a rightful pope. Allegedly he used his predecessor's or may have bought one from the anti-pope, Benedict X.

The point which needs to be stressed about these acts is their non-obligatory character for the English. The Anglo-Saxons willingly paid Peter's pence and received the pallium as an honor. The pence was not an onerous tax; it was only one penny a year. Much of it provided for the Schola Saxonum and the pilgrims who frequented Rome. While a portion went directly to the pope, an equal share supported devotional acts by the English. Caedwalla (685-688), Offa (757-796), Alfred (870-899) and Cnut (1016-1035) all made the journey to Rome to revere the pope and St. Peter. Some kings even died there. The pallium was likewise something sought by the archbishops. A few corrupt popes, like Benedict X (1058-1059), demanded money for the grant, but most readily gave the sacred vestments with no excessive requests. It was not crucial that a prelate have it to function in office. The pallium did acquire a quasi-legal significance, but this was due to the eager acceptance of it by the English. The pallium was an honor. Those who did not have the stole were considered dishonorable or bad clerics (eg. Stigand), but they were not subject to deposition by law.

20 Barlow, The English Church 1000-1066, pp. 299-300.

In the case of Stigand, other charges were levelled against him.

To the reforming popes, Alexander II and Gregory VII, however, the pence and pallium justified their proprietary claims to England. Their views of William's kingdom and kingship were considerably different from those of preceding popes. Papal reform heavily influenced their thinking, but it was the circumstances of the Norman Conquest and subsequent events which led them to assert direct dominion over England. The newly won domain was more vulnerable to the hierarchical aims of the papacy than any other country in the Christian community. From the pope's vantage point, William's position raised the following questions: Did not the Norman duke seek Pope Alexander's approval for his expedition? Did not the pope give William a papal banner for his battle standard? Lastly, did not the new king ask Alexander for assistance in the reform of the English Church and in the settlement of the dispute between York and Canterbury over primacy? Embarrassing as it was to William, all these questions had affirmative answers.

Alexander II was the first pontiff to seize the opportunity of exerting power in England. William could have avoided the pope's intervention in the internal affairs of his kingdom, but he himself continually opened the door to papal intrusions. At the duke's request, Alexander approved William's expedition and sent the papal banner to him. He had granted the standard to a number of European princes, but none had accomplished the feat of capturing a whole kingdom.\(^2\) In 1070 the king allowed papal legates to begin the task

of reform in his kingdom. In 1071, William transferred the whole
matter of the primacy of Canterbury to Alexander's judgment.

It is not surprising that the pope looked upon the king as a
client. In a letter dated October 1071, the pope urged William to
become the ideal Christian ruler. The pontiff acknowledged him as
the most pious king in the world because he had fought against the
forces of the simoniacal heresy and for the freedom of the Church and
its customs. Yet this was only a beginning. To achieve his crown
fully, William must adorn the churches of his realm with true religion
and justice. He must defend the clergy, protect the oppressed, and
have mercy on the weak. Since the pope could not be there personally,
he exhorted William to follow the advice of Lanfranc, who possessed
apostolic authority.  

23 In a letter to William probably written at the
end of Alexander's reign, the pontiff stated clearly, as Gregory VII
would later, that England was under the tutelage of the pope and that
Peter's pence was papal property. The letter exists only in a frag­
mented form, but it is regarded as reliable. The pope begins by com­
menting that the "kingdom of the Englishmen had existed under the hand
and tutelage of the first apostle."  

24 He goes on to say that evil men
in the Anglo-Saxon period had turned the English away from God to
Satan. After these statements there is a gap in the letter. The last
part is a demand for Peter's pence, which he terms as an annual

23 Alexander II, Ad Wilielmum, in Migne, PL, vol. 146, cols. 1365-
1366.

24 Ibid., col. 1413.
pension paid to Holy See and the Schola Anglorum (also called the church of St. Mary).\textsuperscript{25} This letter reflects the essence of the reformed papacy's attitude toward England. The kingdom was under the hand and tutelage of the pope. It yielded to Rome a yearly pension or tribute which signified its subservience.

Gregory VII did not add anything new to Alexander II's position toward England, but he did pursue a more aggressive policy. His first letters as pope to William and other English notables, such as Lanfranc, Queen Mathilda, and Bishop Remigius, did not reveal Gregory's ambitious plans. They were of a more routine nature. One dated November 30, 1073, dealt with the attacks that Bishop Herfast had made against the privileged status of St. Edmunds. Another of December 2, 1073, to Bishop Remigius was about a priest who had committed murder.\textsuperscript{26} Generally, Pope Gregory's early letters to William's subjects can be characterized as marking a period of normal relations. The pope's interference only went as far as disputes concerning monastic immunities, clerical manners, and legal questions. This was the traditional role of the pope since the fourth century. At the end of 1074, however, Gregory began to criticize the monarch's policies openly.

It was in Normandy rather than England that the first indications of strained relations between Gregory and William began. A dispute arose over the bishop of Dol in Brittany. The bishop, Juhellus, was

\textsuperscript{25}Ibid.

\textsuperscript{26}Gregory VII, Epistolae, in Migne, PL, vol. 148, col. 314.
accused of simony, nepotism and corrupt morals. In 1075 the pope summoned all the bishops of Brittany to Rome to discuss the problems of that province, but they never responded. 27

Since Brittany was in William's jurisdiction, the pope considered the difficulties of the Church there to be the duke's responsibility. Thus, in 1076 (September 27) Gregory wrote a letter to William informing him of Juhe l l us' disreputable character. Gregory had appointed and consecrated a new bishop whom, it seems, he hoped William would help install. 28 The pope's plans were dashed. In 1077 Gregory wrote another letter alleging that William had supported Juhe l l us and rejected the papal candidate. The pope noted his displeasure, and sent a second legatine commission to investigate the case once more. Nothing of significance resulted from the inquiry. 29

More serious issues arose over Rouen. Since it was the archbishopric for Normandy, the see was important to William. Gregory tried to implement papal goals with regard to Rouen in two ways. Initially the pope desired to have his own candidate fill the office. In 1078 he sent a legate, Hubert, to see if the current archbishop, John, was well enough to carry out his duties. The pope did not openly express the intention of appointing his own man in Rouen, but it seems likely that, if John had been unfit, Gregory would have made an attempt to

27 Ibid., col. 359.
28 Ibid., cols. 674-675.
29 Ibid., col. 471.
replace him with a papal candidate. When John did die the next year, however, he was succeeded by a royal (ducal) appointee. In a later letter (1081?) the pope referred to William's selection, William Bona Anima, as a man whose devotion was pretended.

Around 1079, Gregory adopted a new strategy to assert his authority over Rouen. He sought to reduce Rouen's provincial status by subordinating it to Lyons. This move was not so much a reaction to the appointment of William Bona Anima, as it was part of a general policy to suppress the power of some metropolitan bishops. In a letter dated April 20, 1079, Gregory decreed the primacy of Lyons not only over Rouen, but over Sens and Tours as well. According to Gregory, this change merely re-established the traditional organization of the Church because Lyons had allegedly exercised primacy in the period of the Roman Empire. The attack upon Rouen's position must have been disturbing to William. We know from a letter written by Gregory to William Bona Anima in 1081 that the bishop had refused to come to Rome for his pallium. As a result, Gregory placed him under a ban which amounted to excommunication; Archbishop William was not to administer any sacraments or consecrate churches. King William was evidently disturbed by this action. Perhaps later in the year

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30. Ibid., cols. 504-505.
31. Ibid., cols. 603-604.
32. Ibid., cols. 539-540.
33. Ibid., cols. 603-604.
1081, William sent a conciliatory mission to the pope. The king may have convinced Gregory it would be unwise to break with him. In a later letter the pontiff recognized the archbishop but remained unsatisfied with the prelate’s character.

Gregory’s aggressiveness towards Rouen contributed to other serious difficulties with the Norman king. Since the beginning of his pontificate, Gregory had urged the Norman prelates in the duchy and in England to come to Rome for discussions on ecclesiastical affairs. At first the requests were polite and cordial. But as relations deteriorated during the debate about Rouen, the pope became more insistent and demanding. In a letter to Archbishop Lanfranc, dated March 25, 1079, the pope strongly rebuked the prelate for not coming to Rome. Gregory blamed his absence either on the archbishop’s own fault or on fear of the king. The pontiff clearly believed the latter reason. He urged Lanfranc, whom he considered a papal legate, to be mindful of his obedience to Rome. No cleric, he continued, should fear a secular power or have an inordinate regard for a person who hinders his way to the Holy See. The pope reminded the archbishop that it was his duty to warn and counsel the king, who, swollen with pride and unworthiness, had acted unjustly against the Roman Church. In the future, Lanfranc must correct his excessive negligence and hasten to Rome to discuss the interests of the Church.

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35 Gregory VII, Epistolae, col. 714.
36 Ibid., cols. 535-536.
The issues of Rouen and Dol provoked some controversy, but Gregory's letter to Lanfranc in 1079 marked the real turning point in relations between the pope and the Norman king. Gregory felt that the dignity and aspirations of his see had been affronted through a misunderstanding by William. Beginning in 1079 the pope asserted his policy of universal domination more directly and succinctly. Gregory's letters from 1079 to 1085 to William I are similar in content to those to Henry IV of Germany. They set forth the Roman pontiff's vision of the Church and his theories of dominance over it. The letters demanded obedience to the pope and instructed the king in Church matters. Finally, Gregory went even further and insisted on his ultimate goal: the superiority of the sacerdotium led by the pope over the ordo laicalis.

By 1079 Gregory's position already seemed intransigent toward the king. However, while the pope pressured the king to accept papal dominance, he counseled his legates and surrogates to proceed cautiously. Above all, they were not to act zealous and abusive. They were not to infringe on normal diplomatic protocol. In a letter to the legate Hubert, Gregory admonishes one Teuso, who on behalf of the pope has spoken against the king. The pope states that this is "not by our command." Nevertheless, Gregory feels the Roman Church has to complain about the king's actions. William has forbidden bishops and archbishops from travelling to Rome. The pope orders Hubert to restrain the king from diminishing the honor of the Roman Church.

37Ibid., cols. 545-546.
William must be taught to gain the blessings of Peter. Because of the former love the Norman has shown to the Holy See, Gregory withholds punishment. But in the future, the pope commands Hubert to inform the king that similar acts will not be tolerated. If such behavior continues, the wrath of St. Peter will fall upon the king. In this same letter, the pope took a new opportunity to attack the archbishop of Rouen. He scolded Hubert for not acting against him, and urged the legate not to hesitate in reprimanding the prelate. Yet, by this point, the question of Rouen was clearly subordinated to more general issues of papal obedience.

This letter initiated a period of tense relations between the pope and Norman king. Gregory felt that his authority was insecure in England and Normandy. Hence, from 1079 to 1085 he sought from William formal recognition of fealty to the papacy.

Gregory's attack on William's kingship was opened with a letter issued by the papal chancery on April 24, 1080. The pope reminds William that it was he who had asked Pope Alexander II to approve the duke's invasion of England. Gregory (at that time Hildebrand) had labored diligently for William's cause despite opposition in the Curia, which had argued that the pope should not sanction a slaughter. Alexander's recognition had been essential to the duke's success in making himself king. In Gregory's mind William's royal rank had been given to him by God through the pope. After stating these considerations, the pontiff described it as his duty to advise the king on how

\[\text{Ibid.}\]
to conduct himself. The obligations of papal office impel him to cry out against the iniquities that the Church endures through reprobate sons. Peter had brought him up from boyhood in his household. Finding merit in him, God had chosen Hildebrand to abolish the evils destroying the Church. 39

Gregory's advice to William was simple and ethical in direction. The king was to give charity and full obedience to the Church. Through just rule and obedience, William would become the "jewel of princes." 40 The king must honor Jesus as his protector and helper, and now allow evil princes to hinder him from his Christian duties. Gregory writes that more could be said, but that the rest would be conveyed through the carrier of the letter, Hubert. In particular, the pope indicates, "those matters which have been insufficently dealt with in the letter shall be explained through word of mouth." 41 The reference to "those matters" has been thought by scholars to signify Gregory's famous demand for fealty. There is good evidence that this was the case.

Following the letter of April 24, Gregory wrote another one on May 8. Either Hubert brought the second letter with him, or it was sent separately a few days after the legates left Rome. It is even more interesting in content than the first because it expounds Gregory's theories on the relations between the Church and earthly kingdoms. The royal and apostolic powers excel all others in the world.

39 Ibid., cols. 565-566.
40 Ibid.
41 Ibid.
God, however, has divided governance between them just as he has appportioned the light of the world between the sun and the moon. According to this famous papal metaphor, the greater light is the apostolic authority and the lesser the royal power. The Christian religion has determined that secular rulers shall be governed by the authority of the apostolic see. Although he knows, Gregory states, that William is aware of the superiority of the pope's power, he is re-asserting this position for William's salvation. The Bible bears witness to the fact that the popes will represent all Christians and kings on judgment day. Thus the pontiffs must have obedience from their Christian subjects in order to achieve salvation for them. Again William is commanded to love, serve, and obey God and His vicar on earth, the pope. Most historians agree that the purpose of this letter, which accompanied Hubert's mission to England, was to buttress Gregory's demand for fealty from William. 42

We do not possess the actual request for fealty in writing. As implied in Gregory's letter dated April 24, 1080, the demand was made orally by Hubert, the subdeacon and legate. Although it is not known what the pope's representatives said, we know the king's reaction and have some indication about what occurred. In his correspondence dated sometime in the latter part of 1080, William adamantly refused Gregory's demands. The king's rejection was clearly and concisely stated in the following way:

Your legate, Hubert, who came to me on your behalf, has directed me to perform fealty to you

42Ibid., cols. 568-569.
and your successors and to ponder about the money which my ancestors used to send to the Roman Church. One proposal I have accepted; the other I have not. I have never promised to do fealty, nor will I, because neither I promised it nor can I discover that my predecessors ever performed it to yours.

In the remainder of the letter William did agree that Peter's pence, which was three years in arrears would be collected and sent back through Hubert. The balance would be conveyed later by the legates of Lanfranc. William apologized for the delay, but stated that it was due to him campaigning in France. The letter ended with William's asking the pope for his prayers and with a reminder that he and his English predecessors had always been dutiful and obedient to the popes.\(^\text{43}\)

To say the least, Gregory's demand for fealty caused considerable controversy. It is difficult to determine what transpired between the pope and English leader from 1080 to 1081 because the chronology of correspondence is unclear. At least one and perhaps several of Gregory's letters to William are no longer extant. A further problem is that no letter from either the pope or the Norman king after 1080 is dated. We are left only with internal evidence from the existing documents to determine when they were written. We know that Lanfranc was placed in a very awkward position by the rupture in papal-royal relations. In the archbishop's letter written sometime in 1081 to Gregory, the prelate re-affirmed his obedience to the pontiff and defended his conduct from papal reproach. Lanfranc acknowledged his

\(^{43}\text{Ibid., col. 748.}\)
appreciation for Gregory's help in advancing him to the see of Canterbury. However, the archbishop did not feel that it was necessary for him to go to Rome to demonstrate his worthiness and obedience; his actions and letters sufficed to show that he was loyal to Gregory VII. Lanfranc went on to state that, while his affection for the Holy See had not diminished, Gregory's love for him was not the same. This was another reference to the demand for fealty. In the last sentence of his letter, Lanfranc insisted that he had done his best to explain Gregory's request to William, but he could neither advise nor persuade the king. The reasons were clearly outlined by William himself.  

Although relations had faltered between the pope and William, Gregory still held the king in high esteem. He hoped that the Norman monarch would eventually come to his way of thinking. As he stated in a letter to Hugh, bishop of Die, and Amatus, bishop of Gléron, William was not scrupulous about religion, but he was more acceptable than other princes. The Norman king's good points were that he did not sell churches and that he strove to govern his subjects in peace and justice. This assessment certainly does not correlate well with what is presented in the DB and chronicles of William's period. However, the pope seems to have believed that the king was capable of becoming a useful tool. He instructed Hugh and Amatus, the legates for Normandy, to be lenient with William and to have indulgence for his shortcomings and for those of his subjects. In accordance with the
last admonition, letters of restitution were to be sent to Norman clerics suspended for simony and immorality. Gregory also noted that the archbishop of Rouen had been restored. By moderating his stand on the Norman ecclesiastical situation, the pope no doubt hoped to mollify the king. Gregory asked his Norman legates to temper their severity in order not to force the king and his subjects to worse conduct.

In the analysis of the *eigentum* and William's ecclesiastical policy, the pope's demand for fealty must figure prominently. A great deal has been written about this historical incident, but no one has considered it in the context of the problem of the proprietary church. Gregory viewed England as a papal fief. The circumstances of the Norman Conquest and the appeals William had made for papal approval were interpreted by Gregory as acts of submission to and recognition of the pope's leadership. The payment of Peter's pence in the past and William's promise to continue it seemed to confirm this interpretation. These were the immediate grounds for Gregory's claims. The main motive behind the pope's actions was his aspiration to universal domination. In papal hierocratic thinking, the functions of earthly kingdoms were to protect and to promote Christianity. In practice, this meant serving the sacerdotal community headed by the pope. Because of the Conquest and the traditional regard the English had for the pope, England was an ideal place for Gregory to test his theories. Moreover, William was the ideal monarch to test it on since he had

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sought papal support and guidance as duke and later as king.

For William, papal policy must have seemed contrary to the previous pattern of Church and state relations. The Church in England, and for that matter the kingdom itself, were part of William's allo-dial domains. In his letter to Gregory, the king re-stated his position that England was his kingdom by birthright. Edward and other Anglo-Saxon kings were his ancestors. William had defeated the English usurper Harold, the Scandinavian claimants, and the uprisings of 1068 to 1070 to become undisputed ruler of England. From around the year 1070, the Norman king treated the English Church as his own. Distributing Church lands and offices as he pleased was the cardinal point of his policy from the day he had full control of the Anglo-Saxon kingdom to the time of his death. His response to the pope was that the English Church was his eigenkirche and that the pope's jurisdiction was limited by royal authority.

The papal attempt to reduce England to a fief and William to a vassal provoked other responses from the king. The Domesday Book was one answer to the pope and to any other power which claimed all or part of England. The work was an attempt by the king to describe England as his royal dominion. As stated in an earlier chapter, it left no doubt in the reader's mind that William owned England outright. All land in the kingdom was part of some fief, and all persons were vassals or servants of the king. The ecclesiastical offices, great monasteries, and a few notable churches were also his dependents. The land and buildings of the Church were considered fiefs. The Investiture Controversy of Gregory VII spawned many works of propaganda,
and DB must be counted among them. In ecclesiastical affairs, the DB publicised the notion that the English Church was William's eigenkirche.

The policies of Gregory VII also inspired a number of tracts on political theory, particularly in the German Empire where the conflict was long and protracted. No important theoretical treatises came out of England in William's time, but sometime after his reign, a work of some importance and originality was produced dealing with the king's power over the Church and his relationship to the pope. The author is unknown and the precise date and place of composition are also mysteries. The work is actually a series of sermons or tracts of varying dates. The author has never been identified and is referred to by many modern writers as the "Anonymous." Opinion has differed over the question of where the essays were written. Boehmer hastily assumed that they came from York; hence the popular reference to the author as the "Anonymous of York." However, recent scholarship has determined that the author more probably came from Rouen, because this archbishopric's rights are defended more stoutly than any other is. The tracts were written well after the Conqueror's death as a theoretical treatise, it makes no mention of individuals, but there is no doubt that the main subject of them was the Anglo-Norman king's authority over the Church in his realms. In effect, what we have in the writings of the "Anonymous" is a defense of the Norman ecclesiastical policy in Normandy and England, which was begun by William I.  

The basic assumption of the "Anonymous" is that there is both a  

46 For a full account of the theories about the "Anonymous" see G. H.
spiritual and a temporal world. He accepts without question the notion that the spiritual or heavenly world is superior to and controls the earthly world. For the most part this follows the doctrine of Gelasius I, pope from 492 to 496. Where the Norman writer differs from Gelasius and the reforming popes of the eleventh century is in his conception of the way the spiritual operates the visible world. The whole theory of the "Anonymous" turns upon the notion of Christ as rex et sacerdos; the two natures of Christ as Man and God are symbolised by his royal and sacerdotal functions. As King of kings, Jesus is divine and one with the Almighty Father. His priestly nature was only exercised when He became a man to redeem humanity.

The point stressed by this formulation is the superiority of Christ's regal power. Christ is, has been, and will be king for eternity. As king, He is God who creates and moves the world and all things. The omnipotence of Christ rests with His regal nature in heaven. 47

For the "Anonymous" the sacerdotal character of Christ is less significant than His regal power. The priestly functions were utilized only when God became Man and Jesus administered the sacraments of baptism and the eucharist and died on the cross for human salvation. Thus, the "Anonymous" argues in a skillful way that the sacerdotal aspect of Christ was a temporary feature of His nature, used only in the mission of Jesus to earth. Moreover, Christ could not have become a priest unless He was king first, that is God. The point

emphasized by the "Anonymous" is that the royal nature of Jesus is prior and superior to His sacerdotal character. When He died, it was as a priest. Christ as King is eternal.  

The governance of this world, like that of the one beyond, was consigned to the king. All kings, past and present, pagan and Christian, share with the King of Heaven the power to rule. At this point the "Anonymous" betrays his royalist sympathies. In one passage, he even states that the Caesars, Tiberius, Nero, and Diocletian, drew their political authority from God. Governments acts cannot be performed by priests. According to the "Anonymous", this would be contrary to the planned operation of the universe. Kings rule and institute the priestly order. The functions of the priests are purely sacramental. They have no place in government, which is divinely led by the king.

One might suppose that the priestly order (through functions) could curtail the power of kings. Yet the "Anonymous" has worked out an elaborate well-organized argument against this possibility. The priestly order is a creation of the royal one. Kings are not only royal, but priestly as well. If we can return for a moment to the original proposition of the "Anonymous," we will remember that Christ is rex et sacerdos. Kings are also royal and sacerdotal. The author goes to some lengths to explain that kings can perform sacraments.

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49 Ibid., 24, line 176.

50 Ibid., 24.
but these tasks he has delegated to his subordinates, the priests. More importantly, the king can create priests. From the Old Testament, he cites the examples of Joshua, the king of Israel, and even Moses, who in the role of simple dux populi, appointed priests, consecrated the tabernacle and blessed altars. The visible act whereby the king became royal and sacred was the anointment. The holy chrism carried within it the power of the Holy Spirit, which united kings with Christ. In sum, the king had an absolute control over the Church.  

The "Anonymous" did not accept the hierarchical aspirations of the pope or any universal power. The Church was unified, but only in a spiritual sense. All Christians are on the same level, participating in the Eucharist, the sacrament through which they communicated with Christ. Yet, Holy Orders and the royal anointment distinguished certain Christians from the whole body of Christendom. In the works of the "Anonymous," no plan for the organization of the earthly Church is presented. Nor does he explain the relationship of kings to each other or of kings to emperors. Each it seems rules his Church absolutely within his own sphere of authority. To the "Anonymous" this is a viable Church structure. No emperor, pope, king, or bishop should have primacy over another.  

The bishops were very special to the "Anonymous." His emphasis upon the episcopal role in the Church betrays the fact that he was

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51 Ibid.  
52 Ibid., 1, 2, 10.
probably a bishop himself. Bishops too were anointed in the manner of kings. They had the power to create priests and perform sacraments. Indeed, the "Anonymous" stresses the point that it is bishops who anoint kings. In some respects, he sees the bishops and kings as co-equals, but he also qualifies this partnership. While they both have the power to create each other, the bishop is only a priest. The king has both sacerdotal and royal functions.53

Even though the "Anonymous" admitted that the bishops were subordinated to sacred kingship, he rejected outright any claims to primacy among clerics themselves. In the priestly structure of the Church the bishops were a federation. Each was equal and each enjoyed independence within his diocese. The primacy of Canterbury was dismissed as unprecedented and not justified by historical or scriptural evidence. Canterbury's reliance upon papal privilege was invalid because the pope's primacy and power to decide jurisdictional issues was non-existent. Some have thought that the "Anonymous" criticisms of Canterbury indicate that he was from York, but he seems to have been generally hostile to all primacies. Naturally, the pope's claims received the brunt of the "Anonymous" attack.54

The head of the Church is Christ. Christendom is united through faith and baptism, and not through obedience to the pope. The theories supporting papal hierocratic principles were brushed aside by the "Anonymous." He denies that St. Peter was ever constituted as

53 Ibid., 4.

54 Ibid., 1, 2, 4, 27, 28, 29.
Prince of the Apostles, refusing to accept any scriptural evidence for such a claim. The words "tu es Petrus" did not apply to Peter alone. but to all the apostles, who were equal and together formed the foundation upon which the Church was built. The "Anonymous" hypothesizes that the use of the word petra, the rock, applies to Christ himself. It is Jesus Christ who has the power to bind and to loose on earth and in heaven as rex et sacerdos. 

If the primatial claim of the pope had no biblical foundation, it could not be justified on historical grounds either. To be sure, Rome was once the capital of the Roman Empire, and Peter and Paul had made it the capital of Christendom. Yet in the thinking of the "Anonymous" this is a purely human event, not the result of divine providence or intervention. If one were to accept historical arguments as valid, one could make a much better case that Jerusalem should lead the Church. It was in Jerusalem that the prophets and patriarchs had spoken and revealed God's secrets, that the kings of Israel had resided. There the apostles had received their power to bring men to salvation. Indeed, initially, the headquarters of the Church had been in Jerusalem. However, the point stressed by the Norman writer is that no earthly institution heads the Church. Christ as king rules heaven and earth, and his vicars in this world are the kings and emperors.

In summary, the "Anonymous" was a thorough-going royalist. His

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55 Ibid., 23, 24d.

56 Ibid., 23, line 140.

57 Ibid., 12.
theory described kingship as a sacred institution whose dominion over the Church was sanctioned by Christ himself. Primatial claims by the pope, by the archbishop of Canterbury or by any cleric were dismissed as contrary to the will of God. While the Church had a unity based on faith, baptism, and Christ's leadership on earth, the "Anonymous" viewed Christendom as politically fragmented. It was ruled by a federation of bishops and kings who were equal to and independent of each other. They were united only through Christian religion and Christ's kingship.

In essence, the "Anonymous" constructed a theory on behalf of the royal eigenkirche. Some scholars argue that the Norman writer was describing contemporary beliefs about kingship which originated from Germanic paganism. Another school believes that the notion of sacred kingship was his own invention in response to papal claims to universal dominion. Both opinions are well-supported by documented evidence, and this issue has never been resolved. In any event, the point that the "Anonymous" has made is that the royal eigenkirche is unassailable. The pope has no right to interfere in the affairs of any royal Church. Within his kingdom, the king enjoys absolute authority from Christ himself, including authority over the Church. He appoints clergymen to their offices. He distributes their lands from his domain. He approves or disapproves their council meetings. If the monarch desired, he could perform the sacraments and legislate

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Some examples of this theory are Marc Bloch, *Thamaturgical Kingship*, and H. Kantorwics, *The King's Two Bodies*.

on theology, but these duties he has delegated to priests in accordance with Christ's will.

The tracts of the "Anonymous," like the DB, were to a great extent a response to the claims of Gregory VII and later popes. Both works made the same point, but in different ways: the English and even the Norman Church belonged to the king. These works represented the strenuous efforts made by William himself and by a writer sympathetic to the royal cause to defend the independence of the Anglo-Norman monarchy. The claims made by Gregory were extreme and to contemporaries they seemed novel. They were resisted not only by William, but also by the other rulers of Europe.

By the end of the year 1081, Gregory had failed in his effort to obtain fealty from William. From 1082 to 1085, Lanfranc and the king apparently did not correspond with the pope. For a time, they even considered the idea of recognising the anti-pope, Clement III. For his part, Gregory was slow to realize that he had lost William's support. As late as 1082, the pope was still writing inflammatory letters to Archbishop Lanfranc. In one probably dated sometime in 1082, the pope once more demanded Lanfranc's presence in Rome and presented him an ultimatum. If the prelate was not in Rome in four months for the feast of All Saints, Gregory would consider him disobedient. As a result he would lose the favor of Peter and would stand rebuked; moreover, Gregory would suspend him from all episcopal functions. This stern letter seems to have produced no results. Lanfranc did not go to Rome, and the pope never carried out his threat. Lanfranc remained archbishop for the rest of his life.
Around the year 1083, Gregory seems to have realized that he had gone too far in his demands to William. Either for this reason or because he was involved in his serious dispute with Henry IV over investiture, Gregory made a volte face in his policy. Perhaps the pope saw himself becoming isolated and, instead of pressing secular rulers for obedience, he sought their help. Sometime in 1083 (no exact date can be established) Gregory wrote a eulogistic letter to William. In it, the pope praised William for his past devotion and the honor he had conferred on the papacy. The pope reminds him of the spirit of unity and cooperation in which they had worked. Above all, the pontiff pleads with William to continue his devotion towards the Church and pope. He castigates those rulers who murmur against Peter's successors. Gregory states that he had little need for them because the papacy was supported by such devoted monarchs as the Norman king. This letter certainly represented a significant change in the papal attitude toward William. Essentially, it was the effort of a beleaguered pope to acquire much needed help.

However, Gregory had so angered William with his attack on the royal eigenkirche that it was no longer possible to make amends. Indeed, we have a strong indication that William and his archbishop had become disturbed about Gregory as pope. In 1080, the German emperor, Henry IV, had appointed Wibert, the archbishop of Ravenna, as Pope Clement III. The purpose of the nomination was to replace Gregory with a more pliable pontiff who would perform the imperial coronation.

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60 In EHD, vol. 2, p. 649.
As Gregory's influence waned, European monarchs began to look to Clement as the true pope. A cardinal named Hugh (possibly Candidus), who was a leading partisan for Clement's cause and an opponent of Gregory VII, had written to England in an attempt to coax Lanfranc and William into the imperial camp.61

In his response to Hugh, the archbishop appeared to be indecisive about the matter. He rebuked Hugh for referring to Gregory as Hildebrand and for calling his legates abusive names. Lanfranc made it clear that the Anglo-Norman kingdom did not approve of Hugh's advocacy of Clement, and recommended that Hugh not come to England until he obtained royal permission. At the same time, however, the primate did express some sympathy with the emperor's decision to raise an antipope to the throne. Lanfranc acknowledged that the emperor would not have "tried to take such a grave step without good cause, not without the help of God would he (Henry) have been able to win such a great victory."62 (The victory alluded to was Henry's expulsion of Gregory from Rome in the latter part of 1084). Thus, while Lanfranc did not firmly commit himself to oppose Gregory VII, there is every indication in his letter that he and William were undecided about which pope to accept. At the end of this correspondence Lanfranc stated the royal position on Gregory's pontificate:

... our island has not yet rejected the former nor pronounced judgement on whether we should obey the latter. Once both arguments have been heard, it will be possible to decide what ought

61 Clover, No. 52.

62 Ibid.
Neither William nor Lanfranc ever formally rejected Gregory. After 1081, however, it seems certain that relations between the Anglo-Norman kingdom and Gregory VII ceased. There are no letters from England to the reforming pope, but several from Clement III to William and Lanfranc are extant. Although they primarily sought recognition from England, they resemble Gregory's earlier correspondence in many respects. They eulogize William as a model Christian prince, but they also demanded Peter's pence, and seek to interfere in jurisdictional disputes within the English Church. For example, Clement suggests to William II that he restore some privileged land to Wilton monastery. These letters do indicate that William and his successor were conducting a dialogue with the anti-pope, but they never recognized Clement, who remained pope till 1100.  

In history, the confrontation between William and Gregory appears inconclusive. Although the monarch rejected the pope's demands, the issues raised were never resolved in their lifetimes. A precise relationship of England to the papacy had not been established. William enjoyed a temporary victory, but the pope had not relinquished his claims. Actually, the controversy was the initial stage in the long struggle of the Anglo-Norman monarchy with the papacy in the Middle Ages. Beginning with Gregory VII, the popes periodically insisted on

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63 Ibid.

their right to interfere in English affairs. The issues were always the same. The kings claimed the English Church as their eigendom; the popes claimed the kingdom as a papal fief. Under Henry II, John, and Henry III, the papacy tended to prevail. Innocent III even achieved the ultimate papal goal of receiving England as a fief and the king as a vassal. Several factors contributed to these successes. The archbishops of Canterbury were loyal to the pope, and in later struggles they fought against the king. Thomas à Becket even became a martyr. Moreover, after William the Conqueror's reign, there was always a party of clergymen in the kingdom who supported both pope and archbishop. Finally, the barons often used papal opposition to the king to justify their own revolts against royal power.

Despite the successes of Rome, the English kings never forgot William's position on the eigendom. In the Constitutions of Clarendon, Henry II re-asserted a claim to dominance over the Church in nearly the same terms as the Conqueror had. Ecclesiastical office holders were vassals of the king. Their lands and churches were fiefs. They could travel outside England only with royal consent. Lastly, perhaps assuming powers even greater than those of his predecessor, Henry commanded clerics charged with crime to have their cases heard in royal courts. The Constitutions of Clarendon were resisted, but they represented a clear example of continuity in the ecclesiastical policy of the Anglo-Norman kings.65

CONCLUSION

William the Conqueror's ecclesiastical policy provides an example of the complex role of the eigenkirche in medieval times. The eleventh century was a turning point in the history of Europe, and for the Church as well. It was the age when the popes moved toward a supremacy in Western Christendom and the feudal monarchs began their quest for centralization of power. As the kings and pontiffs solidified their dominions, the extreme particularism which had prevailed since the fall of Rome became less pronounced. In the period of the Norman Conquest, these divergent trends in medieval politics affected the proprietary church in a variety of ways.

The Anglo-Saxon Church represented the old order in Europe. It was a loosely organized Church dominated by private interests. Anyone possessing a charter or writ could own a church, a monastery, or any kind of ecclesiastical property. From Theodore to Dunstan to Edward, attempts were made by the leaders of the clerical and secular communities to bring the Anglo-Saxon Church into conformity with the Roman model. Despite many efforts, however, no reformer before 1066 was able to impose a rigid diocesan organization on the Church. Many clerics were unwilling to give up their private interests for the sake of the Church as a corporate entity.

William's imposition of feudalism in England obliterated the old character of the Anglo-Saxon Church. The impetus for the introduction of feudal practices into the Church's life stemmed from the Norman dukes' ecclesiastical policy in Normandy. Ducal theories about
religious affairs were governed mainly by the proprietary practices of the Norman Church. The dukes did not perform sacerdotal functions nor did they decide theological matters. Yet they dominated the Church through the feudal régimes. The dukes considered the lands of the Church as fiefs, which they freely distributed to their vassals, both secular and ecclesiastical. Church offices were also fiefs, and the clerics who held them vassals. Many bishops were related to the ducal family in some way. Nobles often received holdings which belonged to monasteries or churches. The dukes exercised a power over the Church which could have been extremely detrimental to it, but they used their proprietary position to preserve (extend) its material interests.

The difficulty with the ducal ecclesiastical policy was that it threatened the freedom of the nobility. Many individuals in Normandy held lands and churches as allods, which freed them completely from the duke's control. Yet, as the dukes increased their military power, the allod and its private churches gradually disappeared. By the end of William's reign, allods were rare in the Norman charters, though within the feudal régime the nobility did not accede completely ducal control. Many nobles gained a great deal of power over Church lands and offices. Some, like the Belleme, held bishoprics, monasteries and numerous churches as their own. Though theoretically under the duke, such families possessed an independence which made them free of ducal authority in practice.

William's invasion of England ushered in a new era in the history of the _eigenkirche_. The particularism and very private nature of the
Anglo-Saxon Church were significantly curbed by William's policy. The Conqueror successfully converted the whole English kingdom into his personal allod. This was accomplished by a feat of arms, but it was William's diplomatic skill that made every Norman and English a vassal and every piece of land a part of the royal domain. As a result of this development, the Church became William's *eigenkirche*. Ecclesiastical offices and lands were all part of the feudal régime. Bishops and abbots were considered tenants-in-chief. Priests were in most cases servants to some great lord and their churches were parts of fiefs.

Though William theoretically exercised absolute control over the Church, there were weaknesses in his position. In accepting Anglo-Saxon custom, the king recognized the immunities of many monasteries and churches, which seriously compromised diocesan reform. Some bishops were simply not able to strengthen their sees as the king and archbishop demanded. The distribution of property under feudalism often made both diocesan and monastic reform difficult to achieve. Secular fiefs frequently cut across diocesan lines and even monastic jurisdictions in complete disregard for canon law. Despite William's efforts to make his *eigenkirche* independent, moreover, his position was vulnerable. He had relied heavily on papal support for his invasion of England and for reform of the Church, and the papacy expected repayment. Alexander II and Gregory VII both demanded money and obedience. Pope Gregory went further and insisted that England was a papal fief.

William's ecclesiastical policy and his creation of a royal pro-
prietary church were landmarks in the history of the English Church. They set the stage for the conduct of later Anglo-Norman kings in religious affairs. Throughout the Middle Ages, the monarchy considered the English Church as its eigenkirche. Likewise, the papal policy toward England formulated by Alexander II and Gregory VII remained constant until the end of the Middle Ages. It was intended to reduce the kingdom to a papal fief.

Although William's innovations were numerous, some traditions of the Anglo-Saxon Church endured even to recent times. Particularism was the main one. This condition was fostered by two factors. The privileges of some monasteries and churches survived to challenge the authority of the bishop. Moreover, feudalism continued the practice of fragmenting dioceses except that in Norman times it was done by the king and his lords. These practices had lasting effects upon the English Church. In modern times, examples of particularism still existed. Most dioceses had peculiars, as they were called, enclaves of special jurisdiction. They might be churches held by one bishop within the dioceses of another; they might even be churches held by laymen or ecclesiastical corporations. In 1830 when parliament ordered the Ecclesiastical Commission to survey the organization of the English Church, over three hundred peculiars were reported to exist.
APPENDIX A

This is a description of all of Bishop Oswald's charters while he was bishop of Worcester and of York. They are compiled from Kemble's *Codex diplomaticus Aevi Saxonici*, six volumes, Earle's *A Handbook to the Land-Charters and other Saxon Documents*, and P. H. Sawyer's *Anglo-Saxon Charters: An Annotated List and Bibliography*.


1. Oswald's grants to individuals

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<td>RBW</td>
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<td>NR</td>
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3. Oswald's grants to priests, clerics, and monks

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Oswald's grants to soldiers

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APPENDIX B

This is a diagram of the churches and fractions of churches owned by thegns and free men in the time of King Edward.

1. **Liberi Homines**

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<td>1</td>
<td>258b.</td>
</tr>
<tr>
<td>Suffolk</td>
<td>33</td>
<td>290a and b, 300a, 315a-320b, 324a-329a, 395b and 396a, 399a, 441b and 442a.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>328a, 332a and b, 441a.</td>
</tr>
</tbody>
</table>
APPENDIX D

This is a complete listing of the churches and fractions of churches of King Edward, Archbishop Stigand, and Harold in the *Domesday* Book. Note that the counties of Essex, Norfolk and Suffolk are located in volume two of the 1783 printed edition of the *Domesday* Book.

1. King Edward

<table>
<thead>
<tr>
<th>County</th>
<th>Churches</th>
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<th>DB references</th>
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<tbody>
<tr>
<td>Berkshire</td>
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<td>56b, 57a, 57b.</td>
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<td></td>
<td></td>
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<td>Devonshire</td>
<td></td>
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<td>104b.</td>
</tr>
<tr>
<td>Gloucestershire</td>
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<td>39a, 40b, 42a, 43a, 44b, 45a, 45b, 46a, 46b, 47a, 47b, 48a, 48b, 49a, 49b, 51b.</td>
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<td>179b, 260a.</td>
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<tr>
<td>Huntingdonshire</td>
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<tr>
<td>Kent</td>
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<td>6b, 7a, 7b, 8a, 8b, 9a, 9b, 10a, 10b, 11a, 11b, 13a, 13b, 14a, 14b.</td>
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<tr>
<td>Somerset</td>
<td></td>
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<td>86b.</td>
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<tr>
<td>Suffolk</td>
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<td>281b, 282a, 289b, 302a, 338b, 409b, 415b, 416a, 417a, 428a, 430b, 462b.</td>
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341
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<tr>
<td>Surrey</td>
<td>32</td>
<td>30a, 30b, 31a, 31b, 32a, 34a, 34b, 35a, 35b, 36a, 36b.</td>
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<td>Sussex</td>
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<td>Wiltshire</td>
<td>3</td>
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<td>Yorkshire</td>
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<td>299b, 304b, 316b.</td>
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2. Archbishop Stigand

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<th>Pages</th>
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<td>1</td>
<td>58a.</td>
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<tr>
<td>Gloucestershire</td>
<td>1</td>
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</tr>
<tr>
<td>Hampshire</td>
<td>1</td>
<td>38a.</td>
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<tr>
<td>Kent</td>
<td>27</td>
<td>3a, 3b, 4a, 4b, 9b, 16b.</td>
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<tr>
<td>Norfolk</td>
<td>31</td>
<td>116b, 118b, 140b, 141a, 141b, 171a, 173b, 175a, 175b, 176b, 177a, 180b, 181a, 205b, 228b and 229a, 240a and b, 254a, 264b and 265a, 271a and b, 174b and 175a, 264b and 265a.</td>
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3. Harold

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<th>Pages</th>
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<tr>
<td>Essex</td>
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<td>1b, 2a and b.</td>
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</tr>
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<td>Hampshire</td>
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<td>179b.</td>
</tr>
<tr>
<td>County</td>
<td>Count</td>
<td>References</td>
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<td>-----------------</td>
<td>-------</td>
<td>-------------------------------------</td>
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<td>Huntingdonshire</td>
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<td>Norfolk</td>
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<td>158a, 171a, 190b, 198a, 198b, 235a, 239b, 253a and 253b.</td>
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<td></td>
<td>1</td>
<td>161b.</td>
</tr>
<tr>
<td>Somerset</td>
<td>2</td>
<td>86b, 87a.</td>
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<tr>
<td>Suffolk</td>
<td>13</td>
<td>286b, 343a, 348a, 350a, 351a, 377b, 381a, 404b, 412a, 419b, 426b, 428b, 432a.</td>
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<td></td>
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</tr>
<tr>
<td>Surrey</td>
<td>5</td>
<td>30a, 32a, 34a, 36b.</td>
</tr>
<tr>
<td>Wiltshire</td>
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</tr>
<tr>
<td>Yorkshire</td>
<td>1</td>
<td>321a.</td>
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</tbody>
</table>
BIBLIOGRAPHY

Primary Sources


Chronicon Monasterii de Evesham. Edited by W. D. Macray. 2 vols.

In RS. London, 1863.


Concilia Magnae Britanniæ et Hiberniæ. Edited by David Wilkins.


Concilia Rotomagensis Provinciæ. Edited by G. Bessin. Rouen, 1717.


Decreta Nicolai II papæ. In PL. Vol. 143.


De Institutione Catholicæ Dialogus. In PL. Vol. 89.

Poenitentialis. In PL. Vol. 89.


Die Gesetze der Angelsachsen. Edited by F. Liebermann. 2 vols. Halle, 
1903-1916.


Hemingus. Chartularium ecclesiae Wigorniensis. Edited by Thomas 

De iniusta vexatione Willelmi episcopi. In Simeon of Durham. Opera 

Inquisitio Comitatus Cantabrigiensis. Edited N.E.S.A. Hamilton. 
London, 1876.

Inventio et Miracula sancti Wlframni. In Acta Sanctorum Ordinis 

Caen, 1914.

Lanfranc. Decreta Lanfranci Monachis Cantuariensisibus transmissa. 

The Laws of the Kings of England from Edmund to Henry I. Edited and 
translated by A. J. Robertson. Cambridge, 1925.

Leo IX. Epistolae et Diplomata. In PL. Vol. 143.

The Letters of Lanfranc, Archbishop of Canterbury. Edited and trans­

Liber Eliensis. Edited by E. O. Blake. In Camden Third Series. 


Vita Wulstani. Edited by R. R. Darlington.


Memorandum on the Primacy of Canterbury. In Clover, No. 3.


Sion, Ermenfrid of. *Ad episcopos Anglorum.* In Wilkins, p. 323.


*Vita Lanfranci.* In *PL.* Vol. 150.


Secondary Sources


Binchy, D. A. "The Linguistic and Historical Value of the Irish Law."


Band 1. Munich, 1905.


Brooke, Z. N. The English Church and the Papacy. Cambridge, 1931.


Gougaud, Louis. Christianity in Celtic Lands. Translated by Maud


Kantorowicz, Ernst H. The King's Two Bodies: A Study in Mediaeval Political Theology. Princeton, 1957.

Laporte, A. "Les Origines du monachisme dans la province de Rouen."


Lemarignier, J. F. Les Privileges d'exemption et de juridiction

Lesne, Emile. Histoire de la propriete ecclsiastique en France.


London, 1926.


Mollat, G. "Le Droit de patronage en Normande du XI au XV siecle."
463-484, 725-788.


Naz, R. "Propriete ecclsiastique." In Dictionnaire de droit

Le Patourel, J. H. "The Reports of the Trial of Pennenden Heath."
In Studies in Medieval History presented to F. M. Powicke.

"Geoffrey of Montbray, Bishop of Coutances 1049-


Smith, R. A. L. "The Place of Gundulf in the Anglo-Norman Church."


Whitney, J. P. "The Reform of the Church." In The Cambridge Mediaeval


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Candidate: Albert Simeon Cote, Jr.

Major Field: History

Title of Thesis: The Anglo-Saxon and Norman Eigenkirche and the Ecclesiastical Policy of William I

Approved:

[Signatures]

Major Professor and Chairman

Dean of the Graduate School

EXAMINING COMMITTEE:

[Signatures]

Date of Examination: November 19, 1981