

THE UNDERSTANDING OF THE CONFLICT BETWEEN HENRY II AND THOMAS BECKET IN THE POLITICAL CONTEXT OF THE LEGACY OF THE REIGN OF KING STEPHEN

LA COMPRENSIÓN DEL CONFLICTO ENTRE ENRIQUE II Y TOMÁS BECKET EN EL CONTEXTO POLÍTICO DEL LEGADO DEL REINADO DE ESTEBAN DE INGLATERRA

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Abstract

There is no doubt that one of the subjects that sparked the most interest in medieval English historiography is the one that corresponds to the troubled relationship between Thomas Becket and Henry II. Personal, political, and religious ties that produced a vast literature by the hands of fervent defenders and antagonists of the two historical figures. Henry and Thomas were driven to build and deconstruct an association in the general context of confrontation between the Church and the State. The monarch's intention was none other than to restore the royal authority and peace of the reign of his grandfather, Henry I. Thomas Becket's objective was to serve that ideal as chancellor. The Becket controversy originated from the consecration of Thomas as the new archbishop of Canterbury. A sudden shift of loyalties that has caused and will presumably continue to cause much ink to flow. The aim of this article will be to tie the key features that marked this controversy to the legacy of the previous reign of King Stephen. An inheritance bearing demands that to a greater or lesser extent conditioned the actions of both characters.

Keywords

Becket Controversy - King Stephen - Norman and Angevin – England - Church and State

Resumen

No hay duda alguna de que uno de los temas que ha suscitado mayor interés en la historiografía medieval inglesa es aquel que corresponde a la problemática relación entre Tomás Becket y Enrique II. Unos lazos de ámbito personal, político y religioso que han producido una vasta literatura de la mano tanto de defensores como de críticos de estas figuras históricas. Enrique y Tomás fueron impelidos a construir y deconstruir un vínculo en el seno de un contexto generalizado de confrontación entre la Iglesia y el Estado. La intención del monarca no fue otra que la de restaurar la autoridad real y la paz propias del reino de su abuelo, Enrique I. Por su parte, el objetivo de Tomás Becket fue el de servir a ese ideal desde su puesto de canciller. La controversia de Becket tuvo su origen en la consagración de Tomás como nuevo arzobispo de Canterbury. Un cambio repentino de lealtades que ha hecho correr muchos ríos de tinta y, presumiblemente, lo seguirá haciendo. El propósito de este artículo será el de establecer

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un nexo entre los factores clave que determinan esta controversia y el legado procedente del reinado de Esteban de Inglaterra. Una herencia portadora de unas exigencias que, en mayor o menor medida, condicionaron los actos de ambos personajes.

Palabras clave

La controversia de Becket - Esteban de Inglaterra - La Inglaterra normanda y angevina - Iglesia y Estado

It seems clear that Henry II's main plan from the beginning of his reign was none other than the restoration of law and order throughout England. To carry out this task, he chose a worldly clerk with a sense of business and shared hobbies who was always willing to faithfully and wholeheartedly serve his temporal lord. At least, that would be the perception of Henry II over time¹, since both recent biographers² and part of current historiography³ would agree that Becket was far from worldly and hid his serious, indeed frugal and chaste, nature under the guise of being what he thought a chancellor should be.

In terms of methodology, this analysis is based on the selection and analysis of a large sample of secondary sources. The reason for this is the existence of an abundant historiographical production on King Stephen, Henry II and Becket. This vast literature was the result of an exhaustive screening of chronicles, pipe rolls, royal charters, and of course, the contemporary Lives of Becket. The result of this difficult work of current and past historians was as rigorous in terms of dealing with primary sources as it was dissenting in the results. The cross-reference of the conclusions and final arguments of these efforts will suppose the heuristic basis of this work.

The deterioration and its causes in the relationship between king and subject became one of the main objects of study by British medieval historiography. A common question raised is how far the quarrel between Henry and Thomas was personal (*i.e.*, a conflict between former friends now enemies) or how far it reflected differing principles and outlooks. What this article intends is to investigate how far these differences lie in the period before Henry became king.

¹ Anne DUGGAN, *Thomas Becket*, London, Arnold, 2004, p. 17. Frank BARLOW, *Thomas Becket*, London, Phoenix Press, 2000, p. 83.

² Wilfred Lewis WARREN, *Henry II*, London, Methuen, 1991, p. 449.

³ Kay Brainerd SLOCUM, *The Cult of Thomas Becket: History and Historiography through Eight Centuries*, New York, Routledge, 2019, p. 16. Michael STAUNTON, "Thomas Becket's Conversion", *Anglo-Norman Studies*, 21 (1999), pp. 193-211.

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In this sense and, for a better comprehension of this personal and controversial companionship, it becomes necessary an examination of the role that the legacy of Stephen's reign played both in the formulation and implementation of Henry II's royal policy as well as in the understanding of his conflict with Thomas Becket.

Anarchy and Restoration: An Old Family Issue

Since the days of William I, the sequence of stable and undisputed reigns was more a wish than a reality throughout the Anglo-Norman lineage. This was due to the misconception prevailing at the time between the dynastic succession, *i.e.*, the public sphere, and the patrimonial inheritance, *i.e.*, the private sphere. Confusion that brought with it a vicious circle in which after the death of the king the eldest son would have to face his brothers if he wanted to retain the throne. Whoever emerged victorious, in turn, would engender a new generation of competitors who would once again follow in the footsteps of their ancestors to occupy the throne. In this way, the Conqueror died when his eldest son Robert was in full insurrection against him, for his part, William Rufus, the middle son, and successor to the throne of England, took over the Duchy of Normandy after getting rid of Robert, whereas Henry, the youngest, emerged victorious from the fraternal rivalry between his two older brothers, thus becoming king of England and, eventually, by defeating his nephew William Clito, duke of Normandy.⁴

Henry I, the first survivor of this recurring Anglo-Norman "Game of Thrones", was commonly regarded by the accounts of contemporary testimonies as a strong ruler and his kingdom as a long period of peace and stability even beyond the Channel.⁵ It should not be forgotten that perhaps the greatest political success of the reign of Henry I was the implementation throughout the kingdom of a solid administration of justice exercised by itinerant judges who, going from shire to shire, acted on behalf of the king with full powers.⁶ However, the disaster of the white ship in 1120 and the death of the only legitimate heir to the

⁴ There is abundant bibliography about this period in the history of England. Here, I cite a selection of established works on the subject: Frank BARLOW, *The Feudal Kingdom of England. 1042-1216*, London, Longmans Green and Co., 1955. Christopher BROOKE, *From Alfred to Henry III. 871-1272*, Edinburgh, T. Nelson, 1961. Reginald Allen BROWN, *Origins of English Feudalism*, London, Allen and Unwin, 1973. Robert BARTLETT, *England Under the Norman and Angevin Kings. 1075-1225*, Oxford, Clarendon Press, 2000. Christopher DANIELL, *From Norman Conquest to Magna Carta: England 1066-1215*, New York, Routledge, 2003. David CROUCH, *The Normans: The History of a Dynasty*, London, Hambledon and London, 2002.

⁵ Charles Warren HOLLISTER, *Henry I*, New Haven and London, Yale University Press, 2001, p. 207.

⁶ Judith A. GREEN, *The Government of England under Henry I*, Cambridge, Cambridge University Press, 1989, pp. 81, 102-106.

throne, William Adelin, led to a new dynastic crisis that, in turn, resulted in a civil war and a time of chaos known as the Anarchy. This stage of English history under the reign of King Stephen was explicitly described by not a few chroniclers of the time⁷ and, although most of these chronicles have some prejudice for or against the key political figures in the conflict,⁸ there is no doubt that they portray the dreadful conditions the English people endured during a war of attrition.⁹

Just as Henry I restored peace and order following the reign of his brother William Rufus, so Henry II's wish was to follow in the footsteps of his grandfather by endowing England with a period of stability and strengthening the royal power after the preceding nineteen years of winter.¹⁰ Initially, Thomas Becket seemed the perfect candidate to help him undertake this mission from his new privileged position. To begin with, it was a question of taking sides since the family of the new chancellor always remained loyal to the Angevin cause during the war.¹¹ Besides, he was recommended by the archbishop of Canterbury Theobald of Bec whose relationship with the new king could be considered, at least, amicable, largely due to Theobald's long-standing quarrels with Stephen not to mention his essential role in the resolution of the Treaty of Wallingford which ensured Henry's succession to the throne.¹² Finally, we must not forget the close affinity that Henry II showed towards an archdeacon not only knowledgeable of civil and canon law, but also capable of hunting and hawking like a high-born magnate.¹³ They soon became close friends and Henry saw his chancellor as the perfect instrument to implement his policy. This was the reason why no other official of the Crown since the Conquest assumed so many and such great powers.¹⁴

It should be borne in mind that the policy of Henry II aimed at restoring royal power was largely influenced by the perception of King Stephen's acts as those of a usurper.¹⁵ Therefore, it is not surprising that the true king of England channelled his efforts to demolish

⁷ Edmund KING, "The Gesta Stephani", in David Bates; Julia C. Crick; Sarah Hamilton (eds.), *Writing medieval biography, 750-1250*, Woodbridge, Boydell Press, 2006, pp. 195-206 (p. 195). Well known are the testimonies that were given in the following texts: the *Gesta Stephani* and the *Anglo-Saxon Chronicle*; the *Historia Novella* by William of Malmesbury; the *Historia Ecclesiastica* by Orderic Vitalis, and the *Historia Anglorum* by Henry, Archdeacon of Huntingdon.

⁸ Ralph Henry Carless DAVIS, *King Stephen, 1135-1154*, London, Longman, 1977, pp. 146-152.

⁹ Edmund KING (ed.), *The Anarchy of King Stephen's Reign*, Oxford, Clarendon Press, 2001, pp. 1-5.

¹⁰ WARREN, *Henry II*, p. 59.

¹¹ John GUY, *Thomas Becket. Warrior, Priest, Rebel, Victim: A 900-Year-Old Story Retold*, London, Viking-Penguin Books, 2012, p. 45.

¹² Frank BARLOW, *The English Church 1066-1154: A History of the Anglo-Norman Church*, New York, Longman, 1979, pp. 100-102.

¹³ BARLOW, *Thomas Becket*, p. 20.

¹⁴ DUGGAN, *Thomas Becket*, p. 17.

¹⁵ WARREN, *Henry II*, p. 218.

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all the castles that were illegally erected during Stephen's illegitimate reign and expelled all his foreign supporters from the kingdom.¹⁶ He also went to great lengths to renege on most of Stephen's promises, including that of handing over the administration of the property of vacant bishoprics to the respective dioceses. Instead, all that source of income was placed under the direct management of Becket.¹⁷ Another concern of Henry II was to be able to restructure a royal demesne inherited from a period of war with the purpose of turning it into the foundations on which to sustain a lasting and successful government. To this end he had to rationalize his fiscal policy and keep an annual account of the kingdom's income.¹⁸

Although perhaps Henry II's greatest goal was to follow the example of his grandfather and extend royal justice to all subjects in every corner of England. In carrying out this task, he relied on the advice, assistance, and expertise of Thomas Becket, the faithful companion of the king in a court always on the move.¹⁹ In this way the chancellor not only sat with the barons and bishops in the *Curia Regis* to enforce the law, but also during Lent and summer served as an itinerant justice throughout England.²⁰ A paradigmatic example of the attitude of Becket in a legal case can be found in the role he played in the so-called Battle Abbey dispute. Here, following orders from his lord, the chancellor of the kingdom acted as advocate for the abbot, defending his alleged royal privileges of immunity against the attempt of the bishop of Chichester to submit the abbey to the jurisdiction of the diocese. A clear demonstration of how Becket, as a royal servant, took appropriate action in defence of the interests of the Crown.²¹

Church and State: A Shared Loyalty

For Henry II to achieve his purpose of keeping the peace and doing justice throughout the kingdom, the law of England would have to be uniform and enforceable over all his subjects without exception, including members of the Church. However, the relationship between the Anglo-Norman crown and the English Church was never harmonious. Of all these frictions that occurred before the Becket Controversy, it is worth highlighting the conflicts that William Rufus and Henry I had to handle with Anselm, archbishop of Canterbury. Apart from a series

¹⁶ Christopher HARPER-BILL, and Nicholas VINCENT, *Henry II New Interpretations*, Woodbridge, Boydell Press, 2007, pp. 40-41.

¹⁷ WARREN, *Henry II*, p. 436.

¹⁸ Emilie AMT, *The Accession of Henry II in England: Royal Government Restored, 1149-1159*, Woodbridge, Boydell, 1993, pp. 181-187.

¹⁹ DUGGAN, *Thomas Becket*, pp. 17-18.

²⁰ GUY, *Thomas Becket. Warrior, Priest, Rebel, Victim*, p. 99.

²¹ BARLOW, *Thomas Becket*, p. 51.

of personal disagreements and clashing incidents, this climate of dissension was the result of the struggle established by the king and the Church: the first in order to control all facets of government and public order; the second to maintain its independence from secular power.²² This dispute resulted in the archbishop going into exile twice and a threat of excommunication towards Henry I.²³ At the heart of all these hostilities lay the most radical reformist positions that encouraged the refusal of the clergy to do homage to any secular authority, including that of the king. Eventually, an agreement was reached in the Concordat of Westminster (1107) by which the king would refrain from investing ecclesiastics with any symbol inherent to their spiritual authority, *i.e.*, the ring and the crozier, while the churchmen would accept to continue doing homage to their king.²⁴

The deterioration of relations between the Crown and the Primate of the Church was not an isolated case but must be placed in the context of a broader antagonism derived from the Investiture Controversy, that, to a greater and lesser extent, affected both the feudal monarchies and the empire in their dealings with the papacy.²⁵ This clash of competing interests was a direct consequence of one of the most controversial measures of the Gregorian reform; the one that implies the exclusive right of the Church to elect and appoint the holder of an ecclesiastical office and determine the attribution of its functions.²⁶ In 1122 the Emperor Henry V and the Pope Calixtus II came to an agreement known as the Concordat of Worms whose resolutions were very similar to those reached in Westminster a few years previously.²⁷

Taking into account the contrast between the relations of “the usurper” Stephen with the Church and those that were maintained in previous legitimate reigns, it is not surprising that sooner or later Henry’s attempts at centralization of power adopted a more hostile attitude towards the ecclesiastical establishment than that displayed by his predecessor. In

²² Sally N. VAUGHN, “St Anselm of Canterbury: The Philosopher-Saint as Politician”, *Journal of Medieval History*, 1 (1975), pp. 279–306 (p. 293).

²³ ANSELM, Maxwell John CHARLESWORTH, and GAUNILO, *St. Anselm’s Proslogion with A Reply on Behalf of the Fool*, South Bend, University of Notre Dame Press, 2004, pp.19-20.

²⁴ Sally N. VAUGHN, “Robert of Meulan and Raison d’État in the Anglo-Norman State, 1093-1118”, *Albion: A Quarterly Journal Concerned with British Studies*, 1(4) (1978), pp. 352–373 (p. 367).

²⁵ A representative sample of classic works about the relationship between monarchies, empire, national churches and papacy is as follows: Marcel PACAUT, *Louis VII et les Élections Épiscopales dans le Royaume de France*, Paris, J. Vrin, 1957. Brian TIERNEY, *The Crisis of Church & State: 1050-1300: With Selected Documents*, Englewood Cliffs, Prentice-Hall, 1964. Josef FLECKENSTEIN, *Investiturstreit Und Reichsverfassung*, Sigmaringen, Thorbecke, 1973. Juan Francisco RIVERA RECIO, *La Iglesia de Toledo en el Siglo XII: 1086-1208*, Toledo, Diputación Provincial de Toledo, 1976.

²⁶ Jacques PAUL, *La Iglesia y la cultura en Occidente: siglos IX-XII. Volumen 1. La santificación del orden temporal y espiritual*, Barcelona, Labor, 1988, p. 233.

²⁷ Joseph P. HUFFMAN, *The Social Politics of Medieval Diplomacy Anglo-German Relations (1066-1307)*, Ann Arbor, University of Michigan Press, 2000, p. 49.

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fact, King Stephen, only one year after his coronation, showed what was to be a policy of submission to the Church that would eventually weaken the power of the monarchy. This erosion was due in large part to the concessions included in the Oxford charter that the king granted, among which, were the promise not to commit simony; the recognition of the subjection of the clergy to the canon law, and the jurisdiction of the bishops; confirmation of all the privileges, immunities, customs and lands obtained since the time of William the Conqueror; the return of the lands belonging to the Church afforested by Henry I; to allow bishops and abbots the distribution of their property at their deaths; to limit the rights of the monarch on the revenue of the vacant sees; and finally, the promise to correct the unfair practices or levying of the royal officials. In other words, the new king gave the Church absolutely everything it could wish for.²⁸

The Church, consequently, was not slow to take advantage of the weak position of the king, given that he had taken the throne by decisive action (seizing the treasury) in the face of a rival who could claim that she had been designated by the previous king, her father after the extraction of oaths from barons. As a result, the clergy gained a freedom to manage its own affairs as never before enjoyed. And freedom is the keyword that summarizes all the concessions obtained: freedom of bishops to exercise justice over all ecclesiastical persons and their property; freedom to appoint ecclesiastical offices, and not to do homage to any secular authority; freedom to appeal civil judicial decisions to Rome and to summon councils without permission of the king; and, of course, freedom to travel to Rome and meet the pope free from any royal restriction.²⁹ It seems clear that all these concessions from King Stephen were based on a single ecclesiastical policy aimed only at satisfying two main needs: to keep the throne for himself and to ensure the succession of his son Eustace by having him anointed in his own lifetime.³⁰ It should also not be overlooked an early sense of gratitude towards the highest ecclesiastical hierarchy, since without their support Stephen might never have reached the throne. After all, he was elected by his clergy and people, confirmed by the pope himself, and consecrated by the archbishop of Canterbury, William of Corbeil, who had previously rendered Stephen's oath to uphold the succession of Mathilda null and void.³¹ At that time the concern of the highest representatives of the Church was focused much more on an almost certain fall

²⁸ DAVIS, *King Stephen*, p. 19.

²⁹ GUY, *Thomas Becket. Warrior, Priest, Rebel, Victim*, p. 32.

³⁰ David CROUCH, *The Reign of King Stephen, 1135-1154*, London, Pearson Education Limited, 2000, pp. 296-297.

³¹ Keith J. STRINGER, *Reign of Stephen: Kingship, Warfare and Government in Twelfth-century England*, New York, Routledge, 1993, p. 2.

of the kingdom into chaos than on the future lines of action of the new king regarding ecclesiastical matters.³²

However, it must be pointed out that only a few years later the new king the new king was perfectly capable of changing his ecclesiastical policy at his convenience as evidenced by the arrest of the bishops of Salisbury, Ely, and Lincoln in 1139. Therefore, it would be neglectful to regard Stephen's reign as calm as a millpond regarding his relations with the Church. Although it is also true that these differences could be considered specific and resulting from the course of the war and the persistent disobedience of Theobald of Bec.³³

The arrival of Henry II to power and his desire to recover from his grandfather the ideology of a strong reign would be in some way hindered by the reformist decrees promulgated by the legatine councils of 1125, 1127, 1138, and 1143 which replicated the resolutions of the papal councils of the time. In 1151, Theobald of Bec presided over another legatine council, this time with the purpose of stating a large number of appeals to the pope, and denouncing the violation of church properties by laymen.³⁴ And this was where the real nature of the conflict between the king and his church seemed to lie since, as in many other countries, Gregorianism was, slowly but surely, permeating the consciousness of the national churches in the form of papal courses of action increasingly hostile to secular power. In this way, even Henry I ended up yielding to the interference of Rome in his domestic affairs not only concerning concessions over investiture, but also with respect to the creation and transfer of sees, and the granting of the pallium to the archbishops.³⁵ It is because of all this that Henry II's policy towards the English Church was largely influenced by the desire to limit, if not entirely eliminate, the encroachment of the pope and, thus, strengthen his jurisdictional authority.³⁶ And the great hope of achieving this was presented by the feasible possibility that his, until now, loyal chancellor, could fill the vacancy of the Metropolitan Archdiocese of Canterbury.

Henry and Thomas: Chords and Discords

In 1162 Thomas Becket was elected archbishop of Canterbury, hitherto chancellor, close associate, and friend of the king. Everything effectively suggested that the Londoner was going

³² BARLOW, *The English Church 1066–1154*, pp. 52-53.

³³ DAVIS, *King Stephen*, pp. 31-32 and 101-103. CROUCH, *The Normans*, p. 273.

³⁴ Zachary Nugent BROOKE, *The English Church and the Papacy: From the Conquest to the Reign of John*, Cambridge, Cambridge University Press, 1989, pp. 102-103.

³⁵ Martin BRETT, *The English Church under Henry I*, London, Oxford University Press, 1975, pp. 57-62.

³⁶ Charles DUGGAN, "The Becket Dispute and the Criminous Clerks", *Bulletin of the Institute of Historical Research*, 35, 91 (1962), pp. 1-28 (p. 1).

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to be a faithful instrument of the royal policy when it came to ecclesiastical matters. Surprisingly, he was not.

Henry II's commitment to place his chancellor in the highest position in the English Church is not surprising if various factors, all of them related to the role that Becket played in the relationship between *regnum* and *sacerdotium*, are taken into consideration. After all, Becket was fully involved in the most aggressive aspects of the king's financial dealings with the Church. Within the responsibilities of the chancery was the administration of the revenues of the bishoprics and abbeys as these left vacant.³⁷ But more specifically, Becket did not hesitate either in raising the tax burden on the ecclesiastical establishment in order to finance the Toulouse campaign, or in enforcing his statutory duty to impose the authority of his king over that of the Church.³⁸ It is easy to understand, therefore, the great reluctance that part of the English episcopate showed when learning of his nomination.³⁹

A historiographic problem that no one has been able to solve to everyone's liking is that of the causes and motivations that led to Becket's conversion from a devoted servant of the Crown to a champion of the Church.⁴⁰ However, the truth is that it did not take long for the newly appointed archbishop to confront the judgment of the king. In 1163 during the Council of Woodstock an unresolved issue, fully linked to the legacy of King Stephen's reign, represented a direct threat to the centralizing policies of the royal power. This is known as the sheriffs' aid case. It was a tradition that the landholders of each shire gave an annual allowance to the sheriff to avoid the hassle of paying seasonal and annoying levies in kind that were not worth sending to the Treasury at Winchester. The real problem for Henry II was that this custom went against his intention to centralize all aspects of his administration, both in terms of territorial organization and tax scheme. In this way, control over each and every one of the incomes had to be absolute in order to rebuild the battered economy inherited from the

³⁷ David KNOWLES, *Thomas Becket*, London: Adam and Charles Black, 1970, p. 39.

³⁸ Michael STAUNTON, *The Lives of Thomas Becket*, Manchester: Manchester University Press, 2001, p. 13.

³⁹ DUGGAN, *Thomas Becket*, p. 23.

⁴⁰ A representative sample of the works that have dealt with historiographical studies in relation to this subject, in particular, and with the historical figure of Becket, in general, could be the following: James W. ALEXANDER, "The Becket Controversy in Recent Historiography", *Journal of British Studies*, 9, 2 (1970), pp. 1-26. Thomas M. JONES, *The Becket Controversy*, New York: John Wiley, 1970. Beryl SMALLEY, *The Becket Conflict and the Schools: A Study of Intellectuals in Politics*, Oxford, Blackwell, 1973. Raymonde FOREVILLE, *Thomas Becket dans la Tradition Historique et Hagiographique*, London: Variorum Reprints, 1981. Leidulf MELVE, "Public Debate, Propaganda, and Public Opinion in the Becket Controversy", *Viator Medieval and Renaissance Studies*, 48, 3 (2017), pp. 79-102. Kay Brainerd SLOCUM, *The Cult of Thomas Becket: History and Historiography through Eight Centuries*, New York, Routledge, 2019.

previous king.⁴¹ But also, on the other hand, this annual payment from the local authorities to the sheriffs was reminiscent of King Stephen's policy of decentralizing power by handing over part of the royal possessions, demesne, and forests to regional officers.⁴² Consequently, those who did not enjoy the protection of an earl, like the abbot of Abingdon, had no choice but to submit to the demands of the local sheriffs, in this case, one hundred shillings a year to ensure the protection of the men and property of the monastery.⁴³ Becket here refused to share the views of his king, arguing that the sheriff's aid was a contribution made freely and voluntarily, and not a royal imposition. Furthermore, he was not willing to allow this levy to tax the lands of the Church.⁴⁴

Until the council of Clarendon, the controversies between Becket and Henry II can be typified as jurisdictional confrontations between church and state, and their link with the legacy of King Stephen was none other than the weakening of the secular government and the advancement of ecclesiastical interests, both circumstances product of the special features of his reign.⁴⁵ Thus, when Thomas Becket excommunicated William of Eynsford for exercising his presumed right to present his own clerk at the living of a parish church, Henry II demanded his immediate absolution, arguing that, since the time of the Conqueror, no tenant-in-chief might be excommunicated without the prior consent of his sovereign, and that is what the ancient customs of the realm observed.⁴⁶

The distinction between spiritual and temporal offenses as well as the dispute over the authority to judge them, increasingly soured the relationship between Thomas Becket and Henry II. A current incident and an open case from the time of King Stephen exacerbated this confrontation. In the first, canon Philip of Brois, previously acquitted of the charge of murder in a diocesan court, was tried again, this time in a lay court for the same crime, and found guilty; the archbishop of Canterbury intervened on the ground that the offender was a clerk and, therefore, subject to the jurisdiction of the courts of the Church.⁴⁷ The second was closely intertwined with the Council of Westminster, and it is none other than the murder case of Osbert of Bayeux who, being at that time archdeacon of York, had allegedly poisoned his

⁴¹ Edward J. KEALEY, "King Stephen: Government and Anarchy", *Albion: A Quarterly Journal Concerned with British Studies*, 6, 3 (1974), pp. 201-217 (pp. 204-205).

⁴² CROUCH, *The Reign of King Stephen*, p. 325.

⁴³ Donald MATTHEW, *King Stephen*, London and New York, Hambledon and London, 2002, p. 121.

⁴⁴ BARLOW, *Thomas Becket*, pp. 88-89.

⁴⁵ DUGGAN, "The Becket Dispute", pp. 1-2.

⁴⁶ WARREN, *Henry II*, pp. 457-458.

⁴⁷ John Allen GILES, *The Life and Letters of Thomas à Becket, Now First Gathered from the Contemporary Historians*, London, Whittaker, 1846, p. 166.

Anne Fulton HOPE, *Life of S. Thomas à Becket, of Canterbury*, London, Burns, Oates & Company, 1868. pp. 84-85.

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archbishop in 1154. The crime was so heinous and outrageous that King Stephen, ignoring Archbishop Theobald's objections about jurisdictions, brought it to royal justice. However, Stephen died that same year and Henry II, newly crowned and in need of the support of the Church, allowed the ecclesiastical courts to try the case. As a result, Osbert was never punished by a secular court⁴⁸ and that moment of weakness of Henry II would be of great importance to understand the true nature of his controversy with Becket. Conscious of his failure, knowing that the Church courts could never successfully undertake criminal cases, and aware that at least a hundred clerks had committed murder since the beginning of his reign, Henry II launched his campaign against criminous clerks for the purpose of submitting them to the jurisdiction of the royal courts.⁴⁹

In January 1164 the Council of Clarendon was held. Among the main motivations of the king was to prevent cases like Osbert's from happening again. The most efficient procedure would be to cease passing judgment on a case-by-case basis as was customary in previous reigns and to put the ancient customs of the land in writing and, thus, be able to establish precedents for future proceedings involving the clergy.⁵⁰ In order to reinforce this approach, the Constitutions of Clarendon decreed that clergymen were to be tried in both royal and ecclesiastical courts, but inevitably be sentenced by the first.⁵¹ Another important issue to be addressed by the Constitutions of Clarendon was that of declaring null and void certain rights and freedoms that King Stephen confirmed to the bishops in the Oxford charter. Especially those contemplated in clauses 1, 3, 4, 8, 9, and 12, related to ecclesiastical jurisdiction, appeals to Rome, travelling without royal permission, and the dealings with vacant sees.⁵²

Conclusions: Mentalities and Realities

Henry II was convinced that Stephen was not only a usurper, but also his rulings weakened the Crown as an institution. Such decline was especially noticeable in his policies regarding the decentralization of power, submission to the Church, not to mention his poor way of administering justice and raising and managing the revenues. On the contrary, the first

⁴⁸ The case went to Rome and disappears from record, but as Osbert later appears as a secular baron suggests that he was degraded from his clerical status: Jennifer D. THIBODEAUX, *The Manly Priest: Clerical Celibacy, Masculinity, and Reform in England and Normandy, 1066-1300*, Philadelphia, University of Pennsylvania Press, 2015, p. 70.

⁴⁹ James J. SPIGELMAN, *Becket & Henry: The Becket Lectures*, Sydney, St Thomas More Society, 2004, pp. 30-32.

⁵⁰ HARPER-BILL, and VINCENT, *Henry II New Interpretations*, p. 181.

⁵¹ John D. HOSLER, *Henry II: A Medieval Soldier at War: 1147-1189*, Leiden, Brill, 2007, p. 66.

⁵² STAUNTON, *The Lives of*, pp. 91-96.

Plantagenet always considered his grandfather and last legitimate king as an example to follow in his policies aimed at strengthening the royal power and bringing each and every one of his subjects to the rule of peace, law, and order. Historical reality nuances and even questions this dichotomy. After all, Henry I had to bow to the interests of the Church in the Concordat of Westminster and also accept two legatine councils. Stephen, on the other hand, did not hesitate to arrest Roger, bishop of Salisbury, together with his nephews the bishops of Lincoln and Ely as well as to prevent the entrance into England of both the archbishop of York elected by Rome and the primate of England, Theobald, after his meeting with the pope. Even some of the recent historiography does not regard the anarchy of England as anarchic as once was believed.⁵³

For Henry II, all the laws that did not suit him came from a usurper and, therefore, appropriated to be abolished, while those that fit perfectly into his policy of restoration and defence of royal jurisdiction, *i.e.*, the ancient customs of the realm, should not only be enforced, but also put in writing to serve as a precedent. The Constitutions of Clarendon were but the epitome of all this.

Thomas Becket's connection to the reign of King Stephen is somewhat more indirect. Henry I died when Becket was about to turn fifteen, and his parents supported the Angevin cause. On the other hand, his mentor, Theobald of Bec, refused to have Eustace crowned in life and, for that reason, was driven into exile. Finally, he managed to pave the way to the throne for Henry II. Earlier, according to Roger of Pontigny, in March 1148, Thomas accompanied Theobald of Bec on his journey to Rheims in defiance of Stephen's express prohibition.⁵⁴ For his part, William Fitzstephen emphasizes the importance of the chancellor's advice to "restore the kingdom to its former state, its ancient dignity and peace"⁵⁵.

Nevertheless, all the ties with Stephen's legacy that arise in the dispute that involved Becket with Henry II appear to be due to the belligerent attitude that the former adopted against the latter's attempts to go against the interests of the Church in the belief that these were somehow favoured by the usurper. It is interesting to note that the confrontation occurred almost immediately after Becket was consecrated as archbishop of Canterbury. The truth is that identical and undiminished zeal coming from Becket in the management of the chancery was perfectly observable later in his passage through the archbishopric. The same can be said of his loyalties to the king as chancellor and to the Church as archbishop. A conversion, so rapid that it left and will continue to leave many unresolved interrogations in

⁵³ See, for example: CROUCH, *The Reign of King Stephen*, pp. 2-7. STRINGER, *Reign of Stephen*, p. 3.

⁵⁴ STAUNTON, *The Lives of*, p. 46.

⁵⁵ *Ibid.*, p. 49.

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the air. Questions that involve such extreme and disparate qualifications as those of traitor and hero, parvenu and saint, and hypocrite and martyr. Coming up with the correct answers is what makes the Becket controversy one of the most challenging and interesting objects of study for the historiography.