

Immunity, Exemption and the Sussex Monasteries

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It is too easy to forget that whereas the kingdom of Wessex possessed a group of famous anglo-saxon monasteries, Winchester, Malmesbury, Glastonbury, and also venerable nunneries, Winchester again, Wherwell, Romsey and Shaftesbury, all with great estates, the kingdom of Sussex had to wait until after the Norman Conquest for its two great monasteries. Battle and Lewes are both early Norman foundations, owing nothing to the older anglo-saxon traditions. The Normans had no esteem for the English abbeys and sought to put them under Norman abbots, for no doubt they saw in them centres of resistance to normanization. The anglo-saxon monasteries had been all closely linked to the English kings, while the episcopate was largely drawn from their monks.

Both Lewes and Battle contributed new elements to monastic life in England which were to be of great significance, particularly concerning the constitutional framework of the life — the election of abbots, independence from external interference, whether from bishops or secular government, that is to say 'exemption'.¹ This can be studied both in the intentions of the founders and in the regulations of the Rule of St Benedict which was to order the life of the foundations of both Battle and Lewes. St Benedict did not legislate for an order, but wished every monastery to be autonomous, to be a separate unit; the monks were to promise stability in the house of their choice, to live under the rule of an abbot they themselves had chosen and under his guidance to live out the counsels of the Gospels. But for mutual protection or support, monasteries have tended to group themselves into families or congregations, usually for reasons based on some historical situation. Even so, what is perhaps the chief characteristic of the Benedictine family is the lack of any clear-cut organisation or interpretation of how the Rule is to be lived out at any period. St Benedict does not give any role to the local bishop in the organisation of the monastery, except to remove an unsatisfactory abbot or to punish a rebellious priest (c.64); but, in his day, the priest in the monastic family was the exception.

According to the law of the early medieval Church, every Christian was a subject of a bishop, whose authority belonged to a particular territory only, his diocese; every Christian was at the same time a subject of the sovereign pontiff, to whom he could appeal over the local bishop. But the person who enters the monastic state becomes thereby a subject of his religious superior, his abbot. One cannot conceive of a monastery in which the abbot has not the final decision, just as one cannot conceive of a diocese in which the bishop has not the final word in the admission to holy orders. Hence there arose certain exceptions to the territorial jurisdiction of bishops; monastic life demands a certain independence, and if there are priests in the monastery, they cannot be completely under the jurisdiction of the local bishop. To be truly subject to their abbot, they must be exempt from the authority of the ordinary. This is not just a medieval problem, for it was discussed at the Council of Chalcedon in 451, hence monastic superiors came to have powers more or less equivalent to those of bishops. The first clear example of exemption from episcopal jurisdiction was that granted by pope Honorius I to the Irish foundation of Bobbio in 628. Such a privilege was particularly useful to a religious family with houses in more than one diocese, to congregations of monasteries. The great monastery of Cluny was exempt from its origins and by reason of its structure was able to hand on its exemption to all its foundations — a practice which the papacy did not seek to curb, since it worked in favour of monastic and ecclesiastical reform generally. Hence monks came to rely upon kings and popes to secure exemption from being subject to the local bishop: he was not to interfere in elections of abbots, though he could and did claim the right of conferring the abbatial blessing. The monasteries had to turn to their bishop for the ordinations of their subjects, though they could in practice avoid this by having recourse to some other bishop. Similarly when monasteries came to own churches, they had to present to the local bishop the clerks they intended to place in the benefices. Certain monasteries succeeded in extending their privileges to a limited area, usually two miles, around the monastery, the *sacrum bannum*, the *banleuca*; this was the case for Battle. The Sussex abbey of Robertsbridge² is not to be considered here, for the family of Cîteaux was a federation under a superior-general with an annual general-chapter; all its monasteries were exempt, as laid down by the *Carta caritatis* (1119).

The question of the right to make a visitation,³ the equivalent of a 'general inspection', is a corollary of exemption. From ancient

times it has been a duty and a right of bishops to enquire into the temporal and spiritual affairs of the different religious corporations within their dioceses. The bishop would hear complaints and ask questions with a view to drawing up injunctions for the future and maintaining good ecclesiastical discipline. Whether or not a diocesan did have the right to make the visitation of a monastery was part of the privilege of exemption, hence the cause of endless disputes, especially since the large number of cases heard by papal judges - delegate within a century of pope Gregory VII had built up a very clear body of papal decisions concerning exemption. Even if visitation is not mentioned in a case, it was obviously involved. If the monastery could prove its exemption, it was outside the jurisdiction of the ordinary, as today Westminster Abbey is exempt from the diocese of London.

After the battle of Hastings the Conqueror determined to build a monastery on the high ridge where Harold fell. He would in this way commemorate the event, secure prayers for the slain and make amends for his own sins. He did not take into consideration the difficult site he was imposing, the poverty of its soil or the inadequacy of the water-supply.⁴ Though it was to the Norman abbeys of Caen and Bec that he normally turned for men to present to the English monasteries, since the nomination of abbots was a royal privilege,⁵ William went outside Normandy and requested a colony of monks for his new foundation from Marmoutiers, near Tours. This famous abbey was dedicated to St Martin, for the soldier-saint had lived there centuries before; Battle abbey, also dedicated to St Martin, was destined to take its place by the side of the old pre-Conquest abbeys in England.

To us it seems only natural that a founding monastery should have some responsibility, or at least take some interest in its foundation, but when Battle was vacant for five years the claim of Marmoutiers to intervene was rejected. The Conqueror had clearly wanted his abbey to be under his own protection and control, just as he had endowed it with lands and privileges, but he had not set out these privileges and rights in any documentary form; the monks knew everything from word of mouth. The *Chronicle of Battle*⁶ needs, therefore, all the care in its interpretation that its latest editor has brought to the task. When the time came for the canon lawyers to insist on written evidence of jurisdictional privileges, the grants from the founder had to be written up in charter form — hence the forged charters⁷ which are extant and the chronicle which puts these charters in their historical setting. The monks themselves certainly considered themselves free from

interference by royal officials and agents in their lands, probably also from most forms of ecclesiastical supervision. In England the bishops and local lords had always exerted a considerable influence in the anglo-saxon monasteries, but the new spirit of ecclesiastical reform associated with the name of Gregory VII was everywhere working to exclude lay interference in the affairs of the Church.

Now Battle had built for the use of the inhabitants of its *banlieu* a church dedicated to St Mary.⁸ It was the bishop of Chichester's claim to exactions from this church which seems to have precipitated the famous crisis of 1157. How helpful it would be to have at hand precise information concerning the situation before that date, independent of the charters and the *Chronicle*. After failing to become archbishop of York, Hilary was bishop of Chichester from 1147 to 1169 and, having worked at the papal curia as an advocate and acted many times as papal judge-delegate, he was an accomplished canonist, fully aware of the niceties of exemption and privilege. He knew quite well that Battle had no papal privileges and no papal documents. It did not resemble the ancient English abbeys in being held by knight service, nor was its revenue shared between abbot and community.⁹ But it received continual royal visits; when William Rufus was prevented from leaving the country by bad weather, he ordered the monks to arrange the consecration of their abbey church in the presence of the king in 1094.¹⁰ Again, when abbot Gausbert died in 1095, it was the same king who after some delay nominated as abbot a monk of Bec, Henry, at the time prior of Canterbury. Battle was, then, very much an *Eigenkloster*, closely protected by the kings until the reign of John and the foundation of Beaulieu. Hilary began by claiming jurisdiction over the abbey and making demands on abbot Walter de Luci (1139-71), forgetting that the abbot's brother was the justiciar of England. At a first hearing of the case in the Tower of London before the king, the bishops of Winchester and Ely with the abbot of Westminster, Hilary seems to have left the court and it was thus in his absence that the king declared the abbey of Battle not to be subject to the bishop of Chichester. This did not, however, settle matters, since the abbot was ecclesiastically suspended for being contumacious; after not appearing a year later, the abbot found himself excommunicated. Finally, the case was heard at Colchester before the king, when Hilary disputed the validity of the Conqueror's charters in favour of Battle. Thereupon in anger the king rebuked the bishop for attempting to dispute and diminish the prerogatives of the Crown. Hilary submitted and renounced his rights of

jurisdiction over Battle.¹¹ At this point it is useful to recall that, at the consecration of the abbey church, Ralph, bishop of Chichester (1091–1123), had been present and that he had persuaded abbot Henry (1096–1102) to receive his abbatial blessing at Chichester.¹² But it would be presumptuous to go over here all the important work on this case: the study of the personality of Hilary as an ‘opportunist’ by Dom Knowles,¹³ the examination of the privileges and consequences of exemption by Lemarignier,¹⁴ the problem of the loyalty of Hilary to the Crown and to the papacy examined by Mayr-Harting¹⁵ and more recently, Professor Searle’s penetrating examination of the forged charters and the *Chronicle*. Nonetheless, Battle was in the diocese of Chichester; it was essential to build up some *modus vivendi* with the diocese, while being outside its jurisdiction. To this we now turn, for if Battle was exempt, it was still not canonically exempt: exempted by the king, contrary to canon law.

By royal nominations Battle was in fact ably served by a line of superiors from outside the community; their quality was never in question. Odo (1175–1200), who had been prior of Canterbury, though invited for his abbatial blessing by the bishop of Chichester, was instead blessed at the archbishop’s manor of Malling.¹⁶ After 1215 royal nomination of abbots ceased and future abbots were elected by the community of Battle. The king had been treating the abbey as a royal peculiar, a royal demesne chapel, though the abbey but little resembles a royal free chapel. Battle still had not secured papal exemption, nor had it attained the status of an ancient royal chapel. However, even if the ordinary had been excluded from Battle by a confirmation¹⁷ of its exemption by pope Gregory IX in 1234, the archbishop of Canterbury was not excluded from exercising his metropolitan rights. A composition, quite unusual, was reached a year later by a papal commission, carefully picking its way between king and bishop, smoothing over the disputed territory.¹⁸ In future the bishop of Chichester had to be satisfied that the election had been canonically conducted, then he could give the abbatial blessing, but the ceremony must take place in some other church than Battle, where the prior would install the new abbot. The bishop could come to the abbey, but only every three years and with only twenty-five horses, remembering all the time that he had no jurisdiction within the *banleuca*. As regards visitation, the bishop would nominate one monk, the community selecting another, these two would then report their findings to the bishop. The archbishop of Canterbury, however, could make this visitation and in 1283 John Pecham did so.¹⁹ By

chance we have his injunctions. In this rich abbey, he complained that the monks were not being supplied with the necessities; he felt that the abbot was not in full control of the monastery. It was a situation unique in England and other archiepiscopal registers show that the archbishops did make the visitation of Battle with reasonable regularity. The general history of the abbey shows a monastery of good observance and regularity; it maintained its original spirit and lived amicably with the little township which had grown up around it.²⁰

Lewes was the foundation of William de Warenne and his wife Gundreda, lords of the rape and town of Lewes.²¹ He had already a distinguished career before the Conquest and when William returned to Normandy in 1067, he was one of the vice-gerents during the absence; again in 1075 he acted as chief justiciar with Richard de Clare in the absence of the king. He had been granted land in Sussex, also in Conisborough in the West Riding and by 1086 possessed land in twelve English counties. It was therefore as one of the leading Norman barons that he set out on pilgrimage to Rome with his wife. The foundation charter, though interpolated, tells how they were prevented by war from proceeding to Rome, but instead made their pilgrimage to St Peter and Paul at Cluny. There is no adequate reason for rejecting the story that they were so hospitably received and edified with the spectacle of Cluny that they decided to found a monastery on their own land with monks from this famous abbey. We might have said earlier that William the Conqueror had already appealed to Cluny, to abbot St Hugh, for monks to found Battle abbey, offering to pay an annual pension of 100 pounds in silver for each monk. The abbot did not accept the proposal; for one thing he did not wish to have any monasteries beyond the seas; also he objected to the financial suggestion.²² When William de Warenne made his request for a foundation, St Hugh again demurred and for the same reasons.

The Burgundian abbey of Cluny was then at the height of its repute for the standard of its observance, upheld by a series of distinguished abbots. The abbey had enjoyed canonical exemption since 931 and temporal immunity since its formation. It was subject only to the Holy See. Cluny had not sought for power, but it progressively became an order, securing freedom from lay and canonical jurisdiction for all the monasteries depending upon it. During the anarchy of Europe in the tenth century this great abbey had been able to bring a certain stability and reform to the Church. Freedom from external interference by secular lords or bishops was the chief factor in its growth and influence. It was the

great abbot, St Hugh (1049–1109), who consolidated the order of Cluny, in which, as compared with the Rule of St Benedict, the principle of authority was exaggerated and the autonomy of the individual priories was diminished. Each dependent house in the family was a priory and not an abbey, for which the abbot of Cluny nominated the superior. The individual monk made his profession to the abbot of Cluny rather than to his prior, in something like a feudal link. It will be clear that in the nomination of superiors, too much depended on the qualities of the abbot at the centre, making his decision with insufficient knowledge of local circumstances. The abbot of Cluny acted personally without any general chapter to guide him in the government of the numerous priories of the family loosely linked together.

It required a personal visit to Cluny for earl William de Warenne to be granted three monks for his foundation at Lewes. It was not a very encouraging beginning, but Cluny was accustomed to making foundations insufficiently manned, whereas the founder was prepared to support twelve monks with their prior. Lewes was fortunate to have as its first superior Lanzo, whose long rule of thirty years secured for the priory a sound foundation. But when we consider the principles of the Cluniacs on freedom from the influence of lay lords, we may well be surprised at the terms and conditions earl William was in a position to lay down. St Hugh promised not to interfere unnecessarily in the internal affairs of Lewes and to appoint Lanzo as prior for life (he was the first prior to be granted this privilege). The abbot promised he would always set over Lewes one of his most outstanding monks, after the prior of Cluny and the prior of La Charité: the prior of Lewes was to be subject to the abbot of Cluny only in matters of observance and discipline. Lewes was to be considered one of the chief priories of the order, and these arrangements were sealed by the grant from Lewes to Cluny of 50 *solidi* every year. It has been observed that, in endowing Lewes with land in Falmer (which had simply been taken from the nuns of Wilton at the Conquest), William de Warenne did not impoverish himself by his generosity.²³

Earl William was killed in 1088 and buried in the chapter-house at Lewes (to be re-discovered and re-interred elsewhere in 1845). Almost all the members of the family seem to have been buried there.²⁴ It is good here to keep in mind that the English kings, beginning with the Conqueror, held Cluny in high regard. The English Cluniac abbots or bishops were among the foremost Cluniacs of their day on either side of the Channel. Even though Lewes remained the focus and pattern of Cluniac observance,

Cluniac influence was exerted rather through those English bishops who had been monks of Cluny.

After a century of seemingly good relations between the monks of Lewes and the de Warenne family, a long dispute²⁵ arose when Hamelin de Warenne (d. 1202) claimed the right to have a hand in the patronage of the priory. He was only a de Warenne by right of his marriage to Isabella de Warenne, and had earlier been rebuked for withholding tithes due to Lewes. Hamelin disapproved of Alexander, the prior nominated by the abbot of Cluny; he argued that the prior should be elected by the monks and that as patron he had the right to approve of their choice; then he sequestered the goods and put the priory under a kind of siege, ordering the prior to leave. The patron similarly occupied the dependent priory of Lewes at Castle Acre in Norfolk. At first a section of the Lewes community sided with Hamelin, no doubt feeling that the founding family should have some interest in the priory to which it had long been associated. The pope set up a commission of enquiry under the archbishop of Canterbury and the bishops of Ely and Chichester, as papal judges-delegate with a few laymen, ordering the earl to restore the goods seized.²⁶ Thereupon earl Hamelin excluded the prior. The arrival of the abbot of Cluny, Hugh V (1199–1207), who had been abbot of Reading, did not change the situation. While the case was still pending, Hamelin prevented the abbots of Battle and Robertsbridge from installing the new prior, Alexander, when, suddenly, perhaps because the whole community had come over to the side of the new prior and the bishop of Chichester was preparing to excommunicate, the dispute ended in an unexpected calm. There followed the composition of 1201; the importance of the case had been shown by the choice of the judges-delegate. It was agreed that in future Cluny would propose two candidates for the choice of the earl. The delegates from the priory and from the earl would go to Cluny for the abbot to present the successful candidate to the earl's representative. This rather clumsy arrangement safeguarded the principle that it was the abbot of Cluny who was nominating and, as before, presenting two of his best men. It left a prominent place for the local patron, passing quietly over the question of election by the community. It was a solution that was contrary to canon law and Gregory IX in 1229 restored to Cluny the choice of the prior of Lewes. Only in 1298 was the prior at last an Englishman, John of Newcastle (1298–1301). A national sentiment can be seen developing at Lewes, as in so many alien houses at this period. The monks pleaded with the abbot of Cluny, that since the earl of Warenne

was of such high rank, any action against him would be resented by the king and the nobility. There was a good deal of truth in their argument.²⁷

Archbishop John Pecham, whom we have seen at Battle, had been brought up at Patcham, near Lewes, where he may well have received some of his education and derived his devotion to the official worship of the Church. However, he became a Franciscan, an able canonist, being both ardent for monastic reform and the care of souls in parochial life. In 1284 he made a purely ceremonial visit to Lewes, where he sang the Mass and preached to the assembly. Then, as a private guest without his attendants, he sat with the monks in their refectory.²⁸ After his visit, the archbishop felt obliged to make known to the abbot of Cluny that he was disturbed about certain things of which he could not approve. His letter of 1 June, 1285, is carefully worded, for he knew he had no jurisdiction whatever, yet wanted to lodge his complaint.²⁹ The archbishop was distressed at the *desolatio* of Lewes, calling attention to three points. First, the superiors appointed should be men of quality, who could maintain the observance and the standard of hospitality. Then, since Lewes was wealthy, its wealth should be expended in proper directions, with less *ambitio*. Lastly, he appealed for a more realistic attitude towards the de Warenne family as patrons; there was an obligation of gratitude to the family and also a risk of offending the English nobility and the hierarchy. Even if the abbot of Cluny was impressed by the letter from the archbishop of Canterbury, as we have noted above, no Englishman was appointed to Lewes until 1298, by which time England and France were at war. All the alien monastic houses were now afflicted by disabilities and restrictions, while questions of immunity and exemption lost almost all their relevance. By the Statute of Carlisle 1307, Cluny could no longer receive its annual pension, while the very privileges of the Cluniac order only served to underline that its houses were in opposition to the English king. In 1374 Lewes purchased its denization, thus breaking its financial and administrative link with Cluny. In 1376 the English parliament asked that foreign abbeys should appoint English superiors to their dependent priories. A plan was elaborated and then approved by Boniface IX in 1410 for a vicar-general, an Englishman, to deal with elections and professions, but the abbot of Cluny, Raymond de Cadouène, through old age or the pride of the ancient abbey, refused. Only in 1480 did Edward IV secure the independence of Lewes by a bull of Sixtus IV. Cluny had lost its chance and time was running out; Lewes surrendered in 1537.³⁰

This enquiry into the efforts two very different monasteries to maintain their rights and privileges reflects somewhat the wider problem of lay patronage and the investiture struggle. The Church had granted to the founders of churches certain rights and privileges in gratitude for the endowment conferred on the particular churches; it was only natural that founders of monasteries also would expect some parallel privileges. It is true that patronage carried with it certain obligations, but there was a tendency for patrons and founders to be possessive and the strife which ensued usually had to be settled by some form of compromise. But too often privileges and principles overlapped; on both sides there was an insistence on safeguarding privileges once received, with insufficient openness to new situations. The immunity of monasteries from secular liabilities and from ordinary diocesan jurisdiction carried with it the risk of a clash of interests, which the canonical definitions reached in the XII century did much to help smooth out.

Notes

¹ D. Knowles, 'The growth of Exemption', *Downside Review*, L (1932), pp. 201-231, 396-436; *Dictionnaire du Droit Canon*, v, c.637-665.

² For Robertsbridge, V.C.H., *Sussex*, ii, p. 71.

³ C.R. Cheney, *Episcopal Visitations in England in the thirteenth century* (Manchester, 1931).

⁴ D.C. Douglas, *William the Conqueror: The Norman Impact on England* (London, 1964); J. Le Patourel, *The Norman Empire* (Oxford, 1977); Eleanor Searle, *Lordship and Community: Battle Abbey and its Banlieu, 1066-1538* (Toronto, 1974); Rose Graham, *English Ecclesiastical Studies* (London, 1929), ch. viii.

⁵ D. Knowles, *Monastic Order in England* (Cambridge, 2nd ed., 1963), pp. 113-115.

⁶ *The Chronicle of Battle Abbey*, ed. E. Searle (Oxford, 1980).

⁷ E. Searle, 'Battle Abbey and exemption: the forged charters', *English Historical Review*, LXXXIII (1968), pp. 449-480.

⁸ J.H. Denton, *English Royal Free Chapels of the twelfth century*, (Manchester, 1970), p. 83.

⁹ M. Howell, 'Abbatial Vacancies and Divided Mensa in Medieval England', *Journal of Ecclesiastical History*, XXXIII (1982), p. 180, 183, 185.

¹⁰ *Anglo-Saxon Chronicle*, ed. D. Whitelock and others (London, 1961), p. 171.

¹¹ A. Saltman, *Theobald, archbishop of Canterbury* (London, 1956), pp. 243, 156-158.

¹² H.G. Richardson and G.O. Sayle, *Governance of Medieval England* (Edinburgh, 1963), pp. 287, 290.

¹³ D. Knowles, *The Episcopal Colleagues of Archbishop Thomas Becket*, (Cambridge, 1951), p. 27.

¹⁴ J.F. Lemarignier, *Etude sur les privilèges d'exemption et de juridiction*

ecclésiastique des abbayes normandes, (Paris, 1937).

¹⁵ H. Mayr-Harting, 'Hilary, bishop of Chichester and Henry II', *E.H.R.*, LXXVIII (1963), pp. 209–224.

¹⁶ *Chronicle*, pp. 305–306.

¹⁷ *Registres de Grégoire IX*, ed. L. Auvray, nos. 1738, 1772, 1776.

¹⁸ Denton, *op.cit.*, p. 87.

¹⁹ Decima Douie, *Archbishop Pecham* (Oxford, 1952), p. 156.

²⁰ *V.C.H., Sussex*, ii, pp. 53–54.

²¹ *Early Yorkshire Charters*, ed. C.T. Clay, *Yorkshire Arch. Record Series*, VIII (1949), pp. 59–62.

²² Migne, *P.L.*, CLIX, c. 922; N. Hunt, *Cluny under St Hugh, 1049–1109* (London, 1967).

²³ B. Golding, 'The coming of the Cluniacs', *Proceedings of the Battle Conference, 1980* (Woodbridge), pp. 65–77.

²⁴ v. *D.N.B.*

²⁵ L. Guilloureau, 'Les prieurés anglais', *Millénaire de Cluny* (Macon, 1910); *Orderic Vitalis: Ecclesiastical History*, iv, ed. M. Chibnall (Oxford, 1973), p. 180–181.

²⁶ C.R. Cheney, *From Becket to Langton* (Manchester, 1956), p. 158.

²⁷ Guilloureau, *op.cit.*; Susan Wood, *English Monasteries and their Patrons in the thirteenth century* (Oxford, 1955), both using Bruel, *Recueil des Chartes de Cluny*.

²⁸ Douie, *op.cit.*, p. 4.

²⁹ *Reg. Epist. Pecham*, (R.S.), iii, pp. 902–905.

³⁰ *V.C.H., Sussex*, ii, pp. 64–71; *Dict. d'Histoire et de Géogr.*, (Louvain), xiii, c. 140.