The Exemption of the Order of Sempringham

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Twelfth-century Lincolnshire gave birth to the only indigenous English religious congregation of the Middle Ages, the Order of Sempringham or the Gilbertines. From St Gilbert’s foundation at Sempringham in the 1130s, the order spread by the end of the century, with royal and episcopal support, to comprise 26 houses, twelve in Lincolnshire and most of the remainder in nearby counties. Twelve Gilbertine priories were dual foundations of regular canons and nuns, adapted from similar arrangements in twelfth-century France, and fourteen were houses for canons alone.¹

Papal law and privileges were essential to the government of centralised religious congregations. Indeed, most of the centralised orders such as the Cluny and Cistercians were wholly exempt by papal law from the jurisdiction of the local bishop, the better to reinforce their internal lines of authority and discipline under a mother house answerable to the pope alone. Indeed, by the thirteenth century exemption had become the norm for centralised religious congregations; only a handful of independent Benedictine and Augustinian houses, by contrast, enjoyed the privilege of exemption.²

Since Eugenius III’s legislation of 1147, papal protection and privileges had played an important part in the evolution of the Gilbertine order, particularly in the definition of the Master’s disciplinary powers over the houses of the order.³ But before the fourteenth century, papal favours stopped short of full canonical exemption. Alexander III’s privilege of 1178, crucial to the development of the Order’s government and the authority of the Master, contained the phrase ‘salva dioecesani episcopi canonica juxta’, which left the order subject to episcopal jurisdiction.⁴ The late Dr Rose Graham asserted, on the strength of a privilege of Innocent III, that the Gilbertines were subject only to the pope.⁵ But the bull in question offered only the protection against ‘indefitas et inconuenientias actiones’ common to the standard papal privilege for all religious houses, exempt and non-exempt alike; the bull expressly did not exempt Gilbertine houses from synodalita (attendance at and financial support for diocesan synods) or episcopalita (dues to the bishop and obligations to accommodate him).

Whether the Gilbertines were subject to formal episcopal visitation and correction remained a matter of uncertainty and dispute throughout the thirteenth century. On the strength of their own ex parte statement in an appeal against Bishop Grosseteste of Lincoln in 1235, the Gilbertines obtained a papal mandate that ordinaries should desist from ‘unlawful and unusual jurisdiction over you... for the purpose of visitation’, since ‘hitherto they have never been wont to come to your houses’.⁶ Yet six years later the papal legate Otto executed a papal mandate to compel the Master and brethren to pay due obedience to the bishop of Lincoln,⁷ and further controversy followed.⁸

But whatever the case with visitation, other episcopal rights over the order and the mother house at Sempringham went unchallenged. Throughout the thirteenth and into the fourteenth century, the bishops of Lincoln exercised the ordinary episcopal rights to confirm the election of, bless and institute the Master of Sempringham, who took an oath of canonical obedience to the bishop; in a properly exempt house or congregation, those functions would have been performed only by the pope.⁹

Full exemption came only in August 1345. On 5 August, Pope Clement VI accepted a petition from Queen Philippa, Henry, Duke of Lancaster, his son Henry, Earl of Derby, Thomas Beauchamp, Earl of Warwick, and Hugh Despenser, Earl of Glamorgan, in which they complained that the priors, brethren and sisters of the Order of Sempringham (prematurely described as ‘immediately subject to the Roman church’ and ‘exempt from ordinary or collegiate authority’) were suffering harassment from ordinaries attempting to enforce their jurisdiction. The petitioners requested that the pope confirm the Order’s privileges and exemptions, and declare it free from all ordinary jurisdiction forever. Clement obliged by giving full exemption to the master, priors, canons, lay brothers, sisters and nuns of the Order, in recognition of which a pound of wax was to be paid as a census every two years to the papal camera (treasury).¹⁰ What prompted the petition is not clear. Sempringham’s status may have seemed anachronistic when most other centralised congregations were exempt. The Gilbertines were financially straitened,¹¹ and perhaps sought exemption to escape the financial exactions of the bishops of Lincoln. The request may also reflect the legal climate of the fourteenth century, when uncertain legal arrangements based on custom and prescription were coming under increasing pressure from aggressive royal and papal jurisdiction; the royal free chapel of Bromfield (Salop), for example, was forced to surrender in 1355 the de facto exemption it had long enjoyed on the bases of custom and royal prerogative, but without papal sanction.¹²

Although the petitioners seem to have made larger claims than were warranted for the Order’s existing privileges, the new exemption was upheld. In October 1345, Edward III and Isabella sent a petition which referred to the earlier grant of exemption and asked that the census either be moderated or be made payable every four years; the pope responded by reducing it to one mark of gold every two years.¹³ A bull of the same date, 8 October, granted, at the request of King Edward and Queens Philippa and Isabella, that the Master and all the members of the Order of Sempringham should be exempt from ordinary ecclesiastical jurisdiction and immediately subject to the pope, in return for which they should pay a census of a mark of gold every two years. For the first time, the distinguishing phrase ‘immediately subject to the Roman church’ was used, and the census ad indicium libertatis was to be paid.¹⁴ The exemption and the census were added to the twelfth-century Liber Censuum kept in the papal camera,¹⁵ and the first payment of one gold mark was made through the Bardi banking firm on 27 June 1347.¹⁶ The payments continued regularly throughout the pontificates of Clement VI and Innocent VI (1352-62) and with rather more irregularity until 1377, when the return of the papacy from Avignon to Rome and the Great Schism no doubt confused matters. From the end of the Schism in 1418 onwards, the census was paid regularly to the papal collector in England.¹⁷ Even so, the weightier obligation of coming to the Curia for confirmation of elections, which should have applied to the Master of the Order, seems to have been disregarded or waived, for the papal registers contain no bulls of confirmation or obligations for common services, the payments due to the pope on such occasions.

The new exemption seems to have caused friction with the bishops of Lincoln. In 1363, Bishop Buckingham sent a petition to the pope complaining of the prior (i.e. Master) of Sempringham’s alleged attempts to gain the privilege of using pontifical insignia and to ‘usurp’ from the bishop the right of consecrating and giving benefices to the nuns of the Order. In reply, Pope Urban V appointed a cardinal to hear the complaints.¹⁸ Surprisingly given that he had sought the Order’s exemption, the king took sides with the bishop over the blessing of the nuns: in 1366, he ordered the Master of Sempringham to desist, on pain of royal displeasure, and let the bishop bless the nuns, as well as to admit him and treat him with the respect due
to him as ordinary. It may be mistaken, however, to interpret this as a complete royal disavowal of the Order's exemption. In exempt orders containing houses of both sexes, nunnery did not invariably escape from episcopal supervision and control. Such lapses of exemption occurred most frequently in the Cistercians, the nuns and the houses of which were certainly exempt, but the nunneries of which were grafted onto the Order's structure only slowly and uncertainly; and it was the Cistercians with which Sempringham had the closest affiliations in both origins and organisation - so much so that St. Gilbert borrowed the Cistercian rule for his nuns. Indeed, to avoid the risk of scandal from the existence of dual houses, Gilbert had explicitly provided from the first that the nunneries should be subject to the supervision of the local bishop. The intention of the founder may have given Bishop Buckingham grounds for his appeal. Moreover, the second petition from Edward III and Queen Isabella in October 1345, unlike the earlier petition in August, had asked for exemption in general terms for the 'Master, canons, persons and monks' of the Order, without specifying that the nuns were to be exempt. Edward III's letter of 1366 leaves the impression that his principal concern was the long-standing royal resentment of the removal of lawsuits to the papal curia, rather than the merits of the case itself.

The decision of the cardinal delegated to hear the case by Urban V reversed the decision, as did the upshot of the whole dispute. But had the Order's exemption been breached, Sempringham would scarcely have continued as it did to pay to the pope without complaint the census of an exempt house. Fifteenth-century episcopal registers, unlike those of the thirteenth century, contain no traces of the exercise of ordinary episcopal jurisdiction over the Order, attesting by their silence to its continuing exemption.

Sempringham's exemption illustrates the exercise in practice of what was in theory a strict papal prerogative. The exemption originated in lay requests and initiatives, especially those of the Crown at whose behest Clement VI acted. The Gilbertines had always enjoyed extensive royal support, so that they were virtually 'independent in temporal matters of all save the king.' They also benefited from the interest and support of other lay magnates. Lay patronage probably reflected pride in the achievements of the only 'native' English religious order, a pride which may well have been heightened by the war with France. In addition to this powerful lay support, there were apparently also long-standing claims against the bishops, even if these fell short of full exemption. The Order's exemption had roots in local customs and lay loyalties - a common feature of exemption in older houses - and the soil was well prepared for the papal grant when it came.

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