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Cistercian Nuns, Cause Papers, and the York Consistory Court in the Fourteenth and Fifteenth Centuries

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Evidence about individual nuns in medieval England is hard to come by. Often all we know is the name of a given community's abbess or prioress, with the opinions and even the names of the other community members lost to history. But the York cause papers, from the Archbishop's Court at York, provide some wonderful examples of both the individual and collective activities of nuns. These consistory court records typically deal with marriage and tithe disputes; in fact, they deal with these disputes with monotonous regularity. But each time we read about yet another tithe dispute or yet another marriage dispute we gain some insight into the unique experiences of unique people. In the broader context of medieval institutionalised religion, English Cistercian nuns were quite marginalised; indeed, their very membership of the Cistercian order was often challenged.¹ Happily, the York cause paper evidence shows us another side of the picture, with English nuns taking the initiative to argue for their legitimate place within the international Cistercian communion.

The court in question is the York consistory court. This was one of the three medieval courts of the archbishopric of York that dispensed the archbishop's justice.² It is not the archbishopric's court of the exchequer, and not the archbishop's personal court of audience. Rather, the consistory court was the busiest of the three courts, the one where the archbishop delegated aspects of his duties to his nominated official, with this official acting as presiding judge. Not just a standard bishop's consistory court, it was also an archbishop's consistory court, since the city of York was the centre of the archdiocese of York. In other words, the York consistory court dealt not just with the individual diocese of York but with the entire northern province, which for English purposes meant the dioceses of York, Durham, and Carlisle, as well as the archdeaconry of Richmond. Within the diocese of York, the consistory court claimed the right to hear litigation relating to the cure of souls in that diocese, litigation initiated both by the court itself and by individuals. Within the wider northern

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¹ For example, in 1270 the abbot of Cîteaux denied a claim to Cistercian privileges from six nunneries in the diocese of Lincoln, and argued that the abbesses of all these nuns were neither of the order nor incorporated into the order; *Close Rolls of the Reign of Henry III preserved in the Public Record Office*, vol. 14 (1268-1272) (London: HMSO, 1938), ann. 1270, p. 301.

² For the archdiocese's three courts the authoritative study is the not-very-accessible K. F. Burns, "The Administrative System of the Ecclesiastical Courts in the Diocese and Province of York Part I: The Medieval Courts" (unpublished, Leverhulme Research Scheme, 1962), esp. ch. 3 for the consistory court. For more accessible discussions on the workings of the consistory court, see Frederik Pedersen's work: "Demography in the Archives: Social and Geographical Factors in Fourteenth-Century York Cause Paper Marriage Litigation", *Continuity and Change* 10: 3 (1995), 405-36, and *'Romeo and Juliet of Stonegate': A Medieval Marriage in Crisis* (York: Borthwick Institute of Historical Research, 1995).

province it acted as an appellate court, hence appeals from inferior archdeacons' courts could be sent to York.

Theoretically, the official of the consistory court could initiate a case, but at York this tended not to happen or, at least, the surviving sources suggest not. Most surviving cases were instance litigations, that is, initiated by the relevant individuals themselves, and they were civil and not criminal. The consistory court was extremely busy – we have surviving cause papers for about 600 cases from the period 1300-1500, but this represents probably a mere one-thirtieth of all court activity.³ Skimming the published indexes to these late medieval cause papers,⁴ we can see that the consistory court commonly dealt with marriage disputes – for example, trying to enforce a marriage or trying to annul a marriage. Over one-third of surviving cases from the period 1301-1499 have marriage as their focus and, as a result, most modern scholarship on the court has also focused on marriage, providing some truly wonderful social history in the process.⁵ But if one-third of cases were to do with marriage, then this means that two-thirds were not. Other matters typically dealt with include tithes disputes, defamation, probate disputes, and appeals from lesser jurisdictions in the York province. When it comes to monastic history, we will find that there is still much to learn from these court cases. While the marriage cases are the best known, it is the other cases that may well turn out to be the most enlightening.

One may think that learning about medieval English monastic history is not so difficult. After all, as soon as the Middle Ages were over there was a great antiquarian effort directed at collecting, copying and preserving the documents of the medieval monasteries. Although the Johns Leland, Bale, and Dee, as well as their fellow antiquarian Matthew Parker, undoubtedly saved many sources from extinction, certain classes of documents were of minimal interest to these Early Modern antiquarians. Often the archives of small monasteries tended to disappear on the four winds,

³ Pedersen, “Demography in the Archives”, 408.

⁴ For indexes, see D. M. Smith (ed.), *Ecclesiastical Cause Papers at York: The Court of York 1301-1399* (York: University of York, 1988), and D. M. Smith (ed.), *The Court of York 1400-1499: A Handlist of the Cause Papers and an Index to the Archiepiscopal Court Books* (York: University of York, 2003). Cases after 1499 are indexed in hand-written unpublished volumes at the Borthwick Institute for Archives, York.

⁵ On marriage cases as 37% of surviving cases, see Charles Donahue, Jr, “Female Plaintiffs in Marriage Cases in the Court of York in the Later Middle Ages: What Can We Learn from the Numbers?”, in Sue Sheridan Walker (ed.), *Wife and Widow in Medieval England* (Ann Arbor: University of Michigan Press, 1993), pp. 183-213 at p. 185. For more scholarship on cause papers as evidence for medieval marriage theory and practice, see: R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974); and various works by Jeremy Goldberg and Frederik Pedersen, eg, P. J. P. Goldberg’s “Marriage, Migration, Servanthood and Life-cycle in Yorkshire Towns of the Later Middle Ages: Some York Cause Paper Evidence”, *Continuity and Change* 1: 2 (1986), 141-69 and “Gender and Matrimonial Litigation in the Church Courts in the Later Middle Ages: The Evidence of the Court of York”, *Gender and History* 19 (2007), 43-59, and Pedersen’s *Romeo and Juliet of Stonegate*.

particularly when these small monasteries had been in geographical proximity to larger and better-resourced monasteries with larger libraries.⁶ Fewer people were interested in retaining these smaller archives, and certainly there was less likelihood that smaller archives would end up in unified collections in the great repositories of the British Library and Public Record Office. Such was the case with Cistercian nunneries, which were overwhelmingly located in Lincoln and York dioceses, effectively in the shadow of the great Cistercian male houses with their archives of both administrative and literary importance. For these and other reasons, the histories of medieval Cistercian nuns in England are still blurrier than they ought to be. Indeed, the traditional view of Cistercian women in medieval England is that there were only two official Cistercian nunneries. Rather than official women's houses formally incorporated into the Cistercian order, the English scene was allegedly characterised by unofficial houses of nuns.⁷ As the argument has it, twenty-five such nunneries enjoyed ambiguous relationships with the wider Cistercian order, floating in and out of the Cistercian affiliation over the course of the High and Late Middle Ages. Sometimes the unofficial houses started off belonging to another order and then at a later stage were recorded as Cistercian. Other houses tried to claim a Cistercian identity, yet these claims were either ignored or rejected by the Cistercian hierarchy. Both kinds of unofficial houses failed to gain explicit recognition from Cîteaux of their incorporation. It is this lack of formal recognition from Cîteaux that modern commentators traditionally emphasise as the key factor in determining that a given English nunnery was unofficial.

I have argued elsewhere that this division of English Cistercian nunneries into two categories – official and unofficial – seems to miss the point.⁸ While Cistercian nunneries in England did not go through the same processes of formal incorporation into the Cistercian order as convents in France and the Low Countries did, there were clearly female religious communities in England that, one, believed themselves to be active members of the international Cistercian communion and, two, were accepted as such by others. Institutionalisation here meant something different at the local level

⁶ For good studies of the dispersal of monastic archives, see Nigel Ramsay, “The Manuscripts flew about like Butterflies’: The Break-Up of the English Libraries in the Sixteenth Century”, in James Raven (ed.), *Lost Libraries: The Destruction of Great Book Collections Since Antiquity* (New York: Palgrave Macmillan, 2004), pp. 125-44; Maureen Jurkowski, “English Monasteries and their Records: The English Monastic Archives Project Part II”, *PROphile* 14: 2 (September 2003), 1-10; and Linda Rasmussen, “Why Small Monastic Houses Should Have a History”, *Midland History* 28 (2003), 1-27.

⁷ For scholars who draw a distinction between official and unofficial Cistercian nunneries in England, see Coburn V. Graves, “The Organization of an English Cistercian Nunnery in Lincolnshire”, *Cîteaux: Commentarii Cistercienses* 33 (1982), 333-50 at 333; Eileen Kelly, “English Cistercian Nunneries: Dissolution or Disintegration?”, *Tjurunga* 38 (1990), 51-72 at 57; Sally Thompson, “The Problem of the Cistercian Nuns in the Twelfth and Early Thirteenth Centuries”, in Derek Baker (ed.), *Medieval Women* (Oxford: Basil Blackwell, 1978), pp. 227-52 at p. 245.

⁸ See my “‘Houses of a Peculiar Order’: Cistercian Nunneries in Medieval England, with Special Attention to the Fifteenth and Sixteenth Centuries”, *Cîteaux: Commentarii Cistercienses* 55 (2004), 245-87.

compared to its meaning at the bureaucratic centre, as indeed the York cause papers will exemplify.

It is important to understand some Cistercian context. Beginning in Burgundy in around 1100, the Cistercian monastic order was a subset of the Benedictine order, focused on a return to the simplicity of the Benedictine Rule. There was a commitment to community life, a practical devotion to work just as much as a meditational devotion to the incarnated Christ, and a priority on disinterested love (*caritas*) which found expression not just in daily interactions between community members but also in the very institutional structure of the order.⁹ Very quickly the Cistercians devised a system of mother houses and daughter houses, regular visitations of one by the other, and a famous annual General Chapter meeting in France which instituted legislation that the entire rapidly-growing European order must follow. All of this self-monitoring served to ensure not so much a rigid uniformity for the sake of mere uniformity but, rather, a pastoral care prompted by the necessity that *caritas* be uniformly and universally exhibited. In other words, the active form of *caritas* so prized by the Cistercians impelled monastic leaders to share their monastic customs, implement structures for doing this, and keep centralised statute records of all this.

I mention these points for two reasons. First, the image of the Cistercians as a centralised and uniform monastic order is a key cliché of medieval history. As I have been reliably informed by a student of the matter, the Cistercians' quick and wide expansion, and their administrative uniformity, made them the McDonald's of their day.¹⁰ But, second, this model of universal bureaucratic uniformity makes no sense at all when we investigate Cistercian nuns. The model was devised through studying Cistercian monks, not nuns, and it is becoming rapidly evident that female religious life had a different kind of institutionalisation from male religious life. This applies doubly so in the English context. Nuns in England did have a connection to the Cistercian order, but it was more flexible than the classic hierarchical mother-daughter house model permits. English nunneries tended to move in and out of affiliation with the Cistercians over the years. In particular, it seems that English nuns were usually uninterested in forging relationships with the central figures of the Cistercian institution – the General Chapter in France and the national reformers of the order. Rather, they thought of their Cistercian practices as having meaning predominantly in the local and regional context.

This takes us back to the consistory court and the two convents of Hampole and Wallingwells, 25 kilometres from each other. Almost no physical remains of the houses survive today, but Hampole lies in modern South Yorkshire and Wallingwells is just over the border in Nottinghamshire. In medieval times both were part of the

⁹ It is impossible to summarise the vast scholarship on the Cistercian order, but books from Cistercian Publications are a good start. On the practical implications of the Cistercians' attention to *caritas*, see Martha G. Newman, *The Boundaries of Charity: Cistercian Culture and Ecclesiastical Reform* (Stanford: Stanford University Press, 1996).

¹⁰ Anthony Ray, PhD candidate, University of Tasmania, personal communication. While it is true that scholars have now begun to question the extent of the early Cistercians' uniformity, the death of this popular image is still a long way off.

diocese of York. In 1393 a case came before the York consistory court. In the words of the modern index, it was “The prioress and convent of Wallingwells contra Hugh Fulwood and Henry Holme of Streetthorpe, parish of Kirk Sandall, the prioress and convent of Hampole as appropriators of the church of Hampole intervening, re tithes of coppice-wood in Brokholes”.¹¹

Thus we have a dispute regarding tithes, one of the commonest kinds of disputes dealt with by the consistory court. The Wallingwells community had evidently asked the two men for tithes, but the men had then said that the wood actually belonged to the neighbouring nunnery of Hampole and, further, that Hampole was exempt from paying tithes on lands it cultivated or had others cultivate on its behalf. This then turned into a three-way dispute; Wallingwells versus the men and then by extension versus Hampole as well.

We know about all this from the so-called York cause papers. Cause papers are rag-tag collections of all the surviving documentation from a certain consistory court case, or cause:¹² a general statement of the plaintiff’s case, and what the plaintiff wants the court to do about it; documents authorising the proctors who speak on behalf of the plaintiff or defendant; a list of the plaintiff’s key claims; perhaps a list of the questions the plaintiff wants each witness to be asked; the witness statements or depositions; any other supporting documents submitted and exhibited as relevant to the case; and, sometimes, the judge’s sentence. Of course, for any given case only some of these documents may survive.

Usually the most interesting parts of cause papers are the depositions. Lots of social history can be gleaned here, as Jeremy Goldberg in particular has demonstrated.¹³ The 1393 case involving Wallingwells and Hampole, however, has no surviving depositions from the convents’ nuns; instead, for my purposes, the supporting documentation is the key. In support of their case, the Hampole defendants had their proctor present four papal bulls to the judge – two of the bulls were addressed specifically to Hampole, and the others to the Cistercian monks’ abbey of Rievaulx

¹¹ Smith (ed.), *Ecclesiastical Cause Papers at York: The Court of York 1301-1399*, p. 67. The source is York, Borthwick Institute for Archives, CP E 195. My analysis follows the excellent study of CP E 195 by Janet Burton, “The Convent and the Community: Cause Papers as a Source for Monastic History”, in Philippa Hoskin, Christopher Brooke, and Barrie Dobson (eds), *The Foundations of Medieval Ecclesiastical History: Studies Presented to David Smith* (Woodbridge: Boydell, 2005), pp. 63-76 at pp. 66-68.

¹² For a handy survey of the different classes of cause paper documents, see Helmholz, *Marriage Litigation in Medieval England*, pp. 11-22.

¹³ See, for example, the variety of information on childbirth, work patterns, marriage, and debt in the cause papers translated by P. J. P. Goldberg, *Women in England c. 1275-1525. Documentary Sources* (Manchester and New York: Manchester University Press, 1995). Robert N. Swanson also uses cause papers to get a sense of day-to-day life; “...Et examinatus dicit...”: Oral and Personal History in the Records of English Ecclesiastical Courts”, in Michael Goodich (ed.), *Voices from the Bench: The Narratives of Lesser Folk in Medieval Trials* (New York: Palgrave Macmillan, 2006), pp. 203-25.

which was also in Yorkshire. These bulls dated from the 1150s to the 1240s¹⁴ and all made the same point, namely, that the recipients were exempt from payment of tithes from their lands.

Here we need to know that one of the defining privileges of the Cistercian monastic order was its wholesale exemption from paying tithes; even when the privilege had been watered down it still included exemption of tithes from lands that Cistercians brought into cultivation themselves, regardless of whether they worked the lands themselves or contracted others to do so.¹⁵ This was a highly desirable medieval privilege, and there were tried and true ways used by Cistercians to assert it, namely by presenting a copy of the key papal bulls by Adrian IV, Innocent III, and Innocent IV. This is precisely what the Hampole community did.

As Janet Burton has pointed out, the cause papers are important here because they provide us with complete copies of papal bulls that would otherwise be unknown to us. The first bull, for example, survives otherwise only in two antiquarian abridgements from the seventeenth century.¹⁶ But the cause paper copy is complete. Of interest to current debates on Cistercian nuns, in this bull from 1204 Innocent III states that the Hampole community should maintain the monastic rule according to the institutes of the Cistercian order.¹⁷ Further on, Pope Innocent confirms various lands that the priory had owned “before it adopted the institutes of the Cistercian order”.¹⁸ This suggests a state of before and after. Hampole priory had been founded around 1150; apparently, at some stage between 1150 and 1204 there was a formal adoption of the new Cistercian order. Unlike the situation in, say, the Low Countries, where the establishment of new Cistercian nunneries tended to lead to immediate (and, importantly, documented) acceptance that the nunnery was Cistercian,¹⁹ the English process of nunnery incorporations is much vaguer; hence, the Hampole reference is intriguing. It does not tell us the details of the process of entry into the order, but it does at least suggest that there was a process. And, finally, the very word “institutes” (*instituta*) is intriguing. Institutes are collections of monastic custom and legislation. In the Cistercians’ case, they are the earliest recoverable versions of

¹⁴ One bull was from Pope Innocent III (1204), addressed specifically to the Hampole community; one from Innocent III (1204) to the monks of Rievaulx; another from Adrian IV (1156), directed by name to the Hampole community; and the final bull from Innocent IV (1243), again to Rievaulx.

¹⁵ On the twists and turns in the development of the Cistercians’ tithe privileges, see Giles Constable, *Monastic Tithes from their Origins to the Twelfth Century* (Cambridge: Cambridge University Press, 1964).

¹⁶ For the abridged versions, see C. R. and Mary G. Cheney (eds), *The Letters of Pope Innocent III (1198-1216) concerning England and Wales: A Calendar with an Appendix of Texts* (Oxford: Clarendon Press, 1967), no. 602, p. 100; and Walther Holtzmann, *Papsturkunden in England*, vol. 3 (Göttingen: Vandenhoeck and Ruprecht, 1952), pp. 16, 19.

¹⁷ CP E 195; “statuentes ut ordo monastic. qui secundum deum et beati benedicti regulam atque instituta cisterciens...”

¹⁸ “antequam Cisterciensis ordinis instituta susciperet”.

¹⁹ Elizabeth Marie Panzer, “Cistercian Women and the Beguines: Interaction, Cooperation and Interdependence”, unpublished PhD dissertation, University of Wisconsin-Madison, 1994, ch. 2.

codified General Chapter statutes, dating from the mid- through to late-twelfth century. From the early thirteenth century they were collected once again, and disseminated at various times under the name of *libelli definitionum*.²⁰

One of the great unknowns in female Cistercian history is how much, and by what means, nuns knew about the Cistercian *institutata*. If we went by surviving manuscripts, it would seem that only four nunneries in all Europe had access to these texts.²¹ Of course, wars, anti-religious feelings, time, and indifference have all conspired to mean that the medieval monastic texts surviving today are but a fraction of those in existence at the time;²² nonetheless, the contrast between the few *institutata* manuscripts from female communities and the many from male houses is stark. In all likelihood, then, more communities of nuns than of monks must have learnt about the *institutata* second-hand, particularly in the twelfth and early thirteenth centuries when nunneries were in their early decades of foundation and hence starting their libraries from scratch. For example, as early as the twelfth century papal privileges directed towards English convents had specified that the nunnery in question would be exempt from tithes on its lands provided it “observe[d] the monastic order that had been instituted in their monastery according to God, the blessed Benedict, and the institutes of the Cistercian brothers”.²³ Interaction with Cistercian monks would have helped share this knowledge about the Cistercian *institutata* and the privileges accruing from them. Possibly the Rievaulx monks taught the Hampole nuns about the Cistercian *institutata*, at the same time as they must have lent their papal bulls for copying. We see hints then that nuns knew something at least about the formal legislation and documents of the order, even if they were on the fringes and far from the Cistercian centre in France.

²⁰ The *libelli definitionum* updates of the *institutata* were created in 1202, 1220, 1237, 1257, 1316, 1339, and 1350. See Bernard Lucet’s editions: *La codification cistercienne de 1202 et son évolution ultérieure* (Rome: Editiones Cistercienses, 1964) and *Les codifications cisterciennes de 1237 et de 1257* (Paris: Éditions du CNRS, 1977).

²¹ On surviving manuscripts of the *institutata* and the later *libelli definitionum* from nunneries, see: Chrysogonus Waddell, *Narrative and Legislative Texts from Early Cîteaux* (Brecht: Cîteaux: Commentarii Cistercienses, 1999), pp. 54-55, 65-66, 90-92; Lucet, *La codification cistercienne de 1202*, p. 13; and the vernacular translations in “Ancienne traduction française des *Ecclesiastica officia, Institutata generalis Capituli, Usus conversorum et Regula sancti Benedicti*, publiée d’après le manuscrit 352¹ de la Bibliothèque Publique de Dijon”, in *Documents inédits pour servir à l’histoire de France et particulièrement à celle de Bourgogne tirés des archives et de la Bibliothèque de Dijon* (Dijon: J.-E. Rabutot, 1878).

²² On losses from English archives, see n. 6 above. On losses from French Cistercian nuns’ archives, see Anne Bondéelle-Souchier, “Les moniales cisterciennes et leurs livres manuscrits dans la France d’Ancien Régime”, *Cîteaux: Commentarii Cistercienses* 45 (1994), 193-337, esp. 213.

²³ Eg, the nunneries of Sinningthwaite and Nun Cotham, both in the 1170s and 1180s. See William Dugdale, *Monasticon Anglicanum*, 6 vols in 8, ed. John Caley, Henry Ellis, and Bulkeley Bandinel (London: Joseph Harding, 1817-30), vol. 5, pp. 466-467, nos 7-8; and Oxford, Bodleian, MS Top. Lincs. d. 1, fols 4v-5r.

What else? The very fact that the Hampole community presented their proctor with these bulls to present to the judge helps us fill in gaps in the chronology of document use at Hampole. We already know from another source that in 1308 the Hampole community had presented unspecified papal bulls from four popes, on another tithes matter.²⁴ So we can infer a process here. The process began in the late twelfth and early thirteenth centuries, when the community began acquiring these bulls from the original popes in the first place. The community then used the bulls as evidence in the early fourteenth century, and then used them again as evidence in 1393, in each case claiming tithe exemption and in each case obviously confident that their audiences would accept these claims and accept that this was indeed a Cistercian house.

Overall, the 1393 case shows Hampole to be a monastery confident in defence of its rights. A mere forty years earlier it had been in danger of closure due to financial pressures.²⁵ But in those intervening forty years the house had gained great spiritual wealth via its recent association with the hermit and religious author Richard Rolle.²⁶ Just a decade or so before the dispute with Wallingwells, the Hampole nuns had composed an office based on Rolle's life, thereby increasing his cult yet further. By 1400 the cult was clearly drawing pilgrims to the house; in this year the pope granted an indulgence to pilgrims who visited and who gave money for the conservation and repair of the church.²⁷ In light of all this, it is tempting to analyse the 1393 consistory court dispute as part of a bigger campaign by Hampole to increase its wealth at a time when it was finally seeing some light at the end of the tunnel after recent experiences of poverty, both spiritual and financial.

Finally, this experience in litigation may well have taught the Wallingwells community a thing or two. Thirty years later we find Wallingwells as plaintiffs in another case at the consistory court, and this time the Wallingwells nuns talked about seeing papal bulls which granted Cistercian privileges. Perhaps they had learnt the efficacy of these bulls from their interactions with the Hampole nuns.

Wallingwells was approximately 70 kilometres from York, and it was a relatively poor monastery. Litigants at the consistory court were rarely from poor backgrounds and likewise rarely came from great distances beyond York.²⁸ Nonetheless, despite poverty and distance, in 1425 the Wallingwells prioress was plaintiff in a cause at York. This was perhaps not surprising, since this was no ordinary case but, rather, a

²⁴ The popes in question were Innocent III, Adrian IV, Gregory IX, and Alexander IV. See William Brown and A. Hamilton Thompson (eds), *The Register of William Greenfield Lord Archbishop of York 1306-1315* (Durham: Surtees Society, 1940), p. 213, no. 2708.

²⁵ *Victoria History of the Counties of England: Yorkshire*, vol. 3 (London: University of London, 1974 [1913]), p. 164.

²⁶ A good brief account is found in Jonathan Hughes, "Rolle, Richard (1305x10-1349)", *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), <<http://www.oxforddnb.com/view/article/24024>>, accessed 29 Sept 2004.

²⁷ *Calendar of the Entries in the Papal Registers relating to Great Britain and Ireland: Papal Letters*, vol. 5 (London: HMSO, 1904), p. 375.

²⁸ On the origins of litigants, see P. J. P. Goldberg, "Fiction in the Archives: The York Cause Papers as a Source for Later Medieval Social History", *Continuity and Change* 12: 3 (1997), 425-45.

matter of the abduction of the professed nun Katherine Norfolk. In fact Katherine Norfolk was allegedly abducted twice – once taken by her uncle and placed in Wallingwells when she was nine years old, and then taken by her mother and co-conspirators and abducted from Wallingwells four years later!²⁹

The sources actually start at the end of the story, with the second abduction. In 1425 Isabel Durham had been prioress of Wallingwells for twenty-two years.³⁰ Initiating a case at the York consistory court, she teamed up with John Norfolk, uncle of Katherine, against four people whom they accused of abducting the professed nun Katherine. One of these alleged abductors was Katherine's mother. Katherine was an heir to lands through her paternal grandfather (her father was dead), Katherine's mother had recently remarried, and all of this meant that Katherine was fought over between her mother and her dead father's brother, both wanting the lands for their side of the family. If Katherine were a professed nun in a convent then her vow of poverty meant that her land was forfeit and it would go to her uncle, hence the uncle's interest in having Katherine's abductors brought to court. This time we do have depositions from some of the nuns. Six nuns were interviewed. Presumably the rules of the court were followed and they were interviewed individually and secretly. There is Alicia Tutehill, aged at least 60; Elizabeth Pilkington, at least sixteen years old; Johanna Hewet, over 30; Marioria (Marjorie) Booth, 50 years old; Elizabeth Gray, sixteen; and Elena del Fermory, 60.

The question they had most to say on was this – was Katherine a professed nun? The replies were a resounding “yes”. Since 1298, canon law had been very clear on the matter of what constituted formal acceptance into a religious community: candidates were to pronounce the traditional vows of poverty, chastity, and obedience; and they were also to make a formal and public act of profession, which profession was signified by the assumption of the habit.³¹ It was only by means of the profession that the vows were made solemn. In their depositions the six nuns all pointed out that

²⁹ Katherine Northfolk/Norfolk is known to scholarship already. Eileen Power knew of her first abduction; *Medieval English Nunneries c. 1275 to 1535* (Cambridge: Cambridge University Press, 1922), p. 35. Both abductions have been studied in detail by Sharon Hubbs Wright, “Women in the Northern Courts: Interpreting Legal Records of Familial Conflict in Early Fifteenth-Century Yorkshire”, *Florilegium* 19 (2002), 27-48. The main source for the second abduction is the cause papers, ie York, Borthwick Institute for Archives, CP F 89. While Wright's analysis of CP F 89 focuses on the testimony of lay witnesses, my interest is with the testimony of the nuns themselves. Wright also discusses the other sources pertinent to the case. Philippa Maddern of the University of Western Australia has kindly shared her CP F 89 transcriptions and notes with me.

³⁰ On Isabel Durham's election, see R. N. Swanson, *A Calender of the Register of Richard Scrope Archbishop of York, 1398-1405*, part 1 (York: Borthwick Institute of Historical Research, 1981), no. 565.

³¹ Pope Boniface VIII's collection of canon law, the *Liber Sextus* of 1298, specified the details of profession; Elizabeth Makowski, *'A Pernicious Sort of Woman': Quasi-Religious Women and Canon Lawyers in the Later Middle Ages* (Washington, D.C.: Catholic University of America Press, 2005), pp. xxviii-xxix. See, for example, *Liber Sextus* 3.15.1; Emil Friedberg (ed.), *Corpus iuris canonici*, vol. 2 (Graz: Akademische Druck-u. Verlagsanstalt, 1955 [1879]), 1053.

Katherine had professed voluntarily; that she was certainly old enough, ie over twelve; and that she was dressed in the clothes of a nun. The fact that Katherine made her profession publicly was also mentioned. Given that surviving sources on consecrations and professions tend to focus on theoretical prescriptions,³² these depositions are valuable evidence for how professions actually took place. For example, we learn that the prioress Isabel had gone to Doncaster, five miles away, to the Franciscan house there to bring the friar John Appilby back to say mass and conduct the profession.

The fact that the profession was conducted by a friar warrants some analysis. It could mean many things. If Wallingwells were a Benedictine rather than Cistercian nunnery, the bishop of the diocese would be the natural choice to officiate.³³ But Cistercians were exempt from episcopal oversight. As a result, Cistercian legislation had it that Cistercian father abbots, or other Cistercian abbots delegated with special licences, were to be in attendance at nuns' professions. This had been Cistercian policy since the mid-thirteenth century.³⁴ But, on the other hand, Cistercian legislation made in France did not always have much meaning at the English local level, particularly in the archdiocese of York with its powerful archbishops. Indeed, in 1275-76 the archbishop recognised the existence of Cistercian prioresses in York diocese, but simultaneously declared that they were to receive their confessors from the mendicants, on the grounds that, in his assessment, the abbots of the Cistercian

³² The pronouncement of vows and the rite of consecration are separate acts, but surviving sources show that they often took place together. In the English context, surviving bishops' pontificals include numerous model texts for the *consecratio virginum* ceremony, an elaborate and dramatic ritual which, from the twelfth century, also included the monastic vow of obedience; Anne Bagnall Yardley, *Performing Piety: Musical Culture in Medieval English Nunneries* (New York: Palgrave Macmillan, 2006), ch. 6. For examples from English dioceses, see William Maskell, *Monumenta Ritualia Ecclesiae Anglicanae. The Occasional Offices of the Church of England according to the Old Use of Salisbury the Prymer in English and Other Prayers and Forms with Dissertations and Notes*, 2nd ed, vol. 3 (Oxford: Clarendon Press, 1882), pp. 331-59; and extracts in W. G. Henderson (ed.), *Liber Pontificalis Chr. Bainbridge Archiepiscopi Eboracensis* (Durham: Andrews and Co., 1875). See too Lucy Freeman Sandler, *Omne Bonum: A Fourteenth-Century Encyclopedia of Universal Knowledge. British Library MSS Royal 6 E VI – 6 E VII* (London: Harvey Miller, 1996), vol. 2, p. 128. For the continental scene, see Columba Hart, "Consecratio Virginum: Thirteenth-Century Witnesses", *American Benedictine Review* 23 (1972), 267-87.

³³ Hence, this is why so many of our sources for nuns' consecrations and professions come from bishops' pontificals.

³⁴ On the General Chapter's various statements on nuns' professions, see Joseph M. Canivez (ed.), *Statuta Capitulum Generalium Ordinis Cisterciensis*, vol. 2 (Louvain: Bureaux de la Revue, 1933-41), ann. 1231, cap. 53, pp. 100-101; ann. 1241, cap. 5, p. 231; ann. 1242, cap. 16, p. 248; ann. 1243, cap. 6, p. 260 (temporarily modified by ann. 1244, cap. 8, p. 275). These were confirmed in 1257; Lucet (ed.), *Les codifications Cisterciennes de 1237 et de 1257*, pp. 195-96; dist. XV, 9, pp. 353-54. This all followed the Cistercians' initial ambivalence towards nuns, namely the twelfth-century prohibition against abbots professing nuns; *Instituta XXIX* at Waddell, *Narrative and Legislative Texts*, pp. 467-68.

order had no ordinary, or even delegated, jurisdiction over Cistercian prioresses.³⁵ If nunneries heeded this directive they would on the one hand continue to refer to themselves as Cistercian (the 1275-76 declaration applied only to Cistercian prioresses), while on the other hand forge close relationships with the mendicants for matters of pastoral care and officiating at church ceremonies. In other words, the absence of an officiating Cistercian abbot at Katherine Norfolk's profession need not prove that Wallingwells was not a Cistercian nunnery. Perhaps the Wallingwells nuns had followed the archbishop's advice from 1275-76 (perhaps as a deliberate means of aligning themselves with the Cistercian order and its practices) or perhaps they had simply developed a relationship of convenience with the nearby Franciscan community. In any event, the nuns and the friar were clearly on good terms and Appilby clearly acknowledged that this was a Cistercian nunnery he was caring for. Appilby deposed that he did not know Katherine's age or parents – presumably, then, he trusted the prioress Isabel and her community sufficiently to accept that they were not requesting him to oversee an illegal profession. And in his deposition he stated that the profession had included various Cistercian observances. Although his statement was frustratingly vague here, the reference to “other Cistercian observances” suggests that contemporaries did identify particular features that were specific to the Cistercians and, further, suggests that in Appilby's mind events at Wallingwells met the criteria to be included within Cistercian practice.

Strangely enough, despite the Cistercians being known in popular language as the “white monks” and “white nuns”, in practice there was flexibility concerning the colour of monastic habits, with female communities seeming to have more variety than male houses. The Wallingwells depositions give us negative evidence in this respect. That is, while specifying that Katherine received the black veil of the nun,³⁶ they did not give any details about the habit she was dressed in. This is despite the fact that at this same period there were a number of instances where clothing was taken to be a clear and constitutive marker of Cistercian monastic affiliation. In 1412 the Cistercian monk Richard Esk of Furness Abbey (west of Wallingwells, in Lancashire) was confident that clothing colour was a defining feature of the Cistercians. In describing the transition of Furness Abbey from Savigniac to Cistercian affiliation, he wrote that Savigniac monks wore grey and Cistercian monks wore white: “In Tulket were we grey monks, but here / We are white, as we know by this dress”.³⁷ North of Wallingwells, at the nunnery of North Berwick in Scotland, there was a dispute in 1418. According to outside church officials, the North Berwick

³⁵ W. Brown (ed.), *The Register of Walter Giffard, Lord Archbishop of York, 1266-1279* (Durham: Surtees Society, 1904), p. 295.

³⁶ In 1235 the Cistercian General Chapter stipulated that “nuns of our order” must always wear black veils; Canivez (ed.), *Statuta*, vol. 2, ann. 1235, cap. 3, p. 139. This was repeated in the 1237 and 1257 codifications; Lucet, *Les codifications Cisterciennes de 1237 et de 1257*, dist. XV, 6, pp. 352-53, and dist. XV, 8, pp. 352-53. Black veils were of course not unique to Cistercian nuns; they were standard for professed nuns of all orders; Désirée G. Koslin, “The Dress of Monastic and Religious Women as Seen in Art from the Early Middle Ages to the Reformation”, unpublished PhD dissertation, New York University, 1999, pp. 242-57, 264.

³⁷ S. B. Gaythorpe, “Richard Esk's Metrical Account of Furness Abbey”, *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society*, n.s. 53 (1954), 98-109 at 101.

nuns were not Cistercian, since they did not wear the habit of the Cistercian order.³⁸ However, in 1405 the North Berwick nuns had been quite readily accepted in their local community as Cistercian. It seems then that exterior church officials were interested in defining Cistercians according to their habit, but that at the local level it was less important to possess the “correct” kind of habit. Certainly, this was the case at Wallingwells where, despite otherwise being keen to stress that this had been a specifically Cistercian profession, deponents were happy enough simply to mention that Katherine had been invested with the “habit of a nun” rather than with any specific Cistercian habit.

While the case revolved around the simple question of whether or not Katherine was a professed nun (hence explaining why the deponents stressed the two key aspects of profession, namely that the vows of religion had been made publicly and that Katherine had assumed the monastic habit), it is significant that the nuns volunteered the information that Katherine was a professed nun of the Cistercian order. They clearly considered their nunnery to be a Cistercian nunnery, notwithstanding the fact that scholars today have traditionally not even allocated Wallingwells to the secondary “unofficial” category of Cistercian nunnery, let alone considered it a fully-fledged Cistercian house.³⁹ But Johanna Hewet specifically remembered the words that Katherine had read aloud as her vow of obedience, and these words included reference to “this place which is called Park of the Cistercian order”.⁴⁰ Furthermore, several of the nuns said that Katherine had professed according to the rule and custom of the Cistercian order. What did they mean by this? What did they think was the “Cistercian custom”? One of the great unknowns for Cistercian nuns in medieval Europe more broadly is how they learnt about Cistercian liturgical practices. As mentioned already, manuscripts of Cistercian legislation and codifications seem not to have been routinely present in nunneries, which leads us to question how nunneries learnt about rules and updates on liturgical practice. The same applied with liturgical texts proper; in fact, if nunneries possessed any of the specifically Cistercian liturgical manuscripts then our surviving evidence suggests that these were likely to be outdated ones!⁴¹ Clearly, then, nuns must have learnt about Cistercian liturgical practice in

³⁸ James Houston Baxter (ed.), *Copiale Prioratus Sanctiandree. The Letter-Book of James Haldenstone Prior of St. Andrews (1418-1443)* (London: St. Andrews University, 1930), nos. 27, 30; pp. 53-57, 66-67.

³⁹ Even the most recent survey of English Cistercian nunneries excludes Wallingwells, ie the University of Sheffield’s outstanding web-site, “The Cistercians in Yorkshire,” at http://cistercians.shef.ac.uk/cistercian_life/women/nuns/nunneries.php, 13 April 2007.

⁴⁰ Wallingwells was also known as St Mary within the Park. The words remembered by Johanna were the standard Latin words for a vow of obedience, following the Benedictine Rule chapter 58. Translation: “I sister Katherine Northfolk promise my steadfastness and right behaviour and obedience according to the Rule of St Benedict, in the presence of God and all the saints and the saints whose relicts are held in this place which is called Park of the Cistercian order, built in honour of the most blessed mother of God and virgin Mary in the presence of Dame Isabel the prioress”.

⁴¹ This statement is based on the evidence of surviving manuscripts. Of course, nunneries possessed many liturgical manuscripts; indeed, late medieval and Early Modern inventories from French Cistercian nunneries indicate a preponderance of

other ways, no doubt via pastoral care from Cistercian monks or from friars such as John Appilby.

The story went on. As well as the six nuns, about 30 lay witnesses gave their views. They knew nothing about the profession, but did all agree that Katherine was now thirteen years old; in other words, the inference could be drawn that she was old enough to choose the professed life. The judge read and evaluated the written depositions, and the sentence was that the four individuals had indeed abducted Katherine the nun from Wallingwells, and so should be excommunicated. However, the saga continued.⁴² At some unknown date between 1426 and 1432, Katherine's mother petitioned chancery, saying that Katherine had been abducted by her uncle into the nunnery in the first place!⁴³ The result of the chancery petition is unclear, and the trail then goes cold for a while. But we do find Katherine again, in the early 1440s, and married!⁴⁴ Had she actually returned to Wallingwells after the York consistory court case, or not? We don't know. Given that the consistory court judge had accepted that Katherine was a professed nun, and given that in canon law the vow of chastity made any subsequent marriage both unlawful and invalid,⁴⁵ there must be more to the story that we don't know about. But, clearly, monastic life for some medieval nuns was short-term, and participation in the life of the monastic *familia* by no means ended one's ties with biological families outside the monastery walls, particularly when those families were eager to get a young heiress out of a monastery (as the abductor mother was, in order to retain the girl's inheritance) or were eager to get the young heiress returned to the monastery (as the uncle was, in order to pass the

liturgical manuscripts in nuns' libraries; Bondéelle-Souchier, "Les moniales cisterciennes et leurs livres manuscrits", 198, 212-13. However, the subsequent loss and destruction of these French manuscripts, and our consequent reliance on general identifications in inventories, means it is impossible to tell whether or not these lost texts followed strict Cistercian liturgical guidelines. While some of them do seem to have followed Cistercian practice (or, at least, were not described as deviating from it; Bondéelle-Souchier, "Les moniales cisterciennes et leurs livres manuscrits", 246-47), nonetheless it seems significant that three surviving examples of the outdated pre-1147 Cistercian liturgy should all have been acquired by Cistercian nunneries from Cistercian male houses. On these three outdated liturgical texts, perhaps given as cast-offs to the nuns, see Bondéelle-Souchier, "Les moniales cisterciennes et leurs livres manuscrits", 214 and 247, no. 5, and Chrysogonus Waddell, "A Corpus Liturgicum Cisterciense Saeculi Duodecimi: A Tribute to John Sommerfeldt", in Marsha Dutton, Daniel M. LaCorte, and Paul Lockey (eds), *Truth as Gift: Studies in Medieval Cistercian History in Honor of John R. Sommerfeldt* (Kalamazoo: Cistercian Publications, 2004), pp. 169-98 at pp. 179-80 and 185-86.

⁴² See Wright, "Women in the Northern Courts" for a clear account of the complex details.

⁴³ London, The National Archives: PRO, C 1/7/70, as cited in Wright, "Women in the Northern Courts", 28-29, 35-36.

⁴⁴ Joyce W. Percy (ed.), *York Memorandum Book* (Gateshead: Northumberland Press, 1973), p. 126.

⁴⁵ On the vow of chastity as a diriment impediment to marriage, see Makowski, 'A Pernicious Sort of Woman', p. 90.

inheritance over to male members of the family).⁴⁶ On the other hand, there is no need to interpret this episode entirely in the light of land and inheritance disputes. After all, the Wallingwells nuns may have teamed up with the uncle first and foremost because they wanted their professed sister to remain in the community, not because they sympathised with his attempt to gain lands. The nuns were clearly a close-knit group who saw their individual and collective fates as linked: in their depositions two of them suggested that the shock and upheaval of having one of their fellow nuns snatched away was responsible for the deaths of two other community members.

Finally, if we did not know about the cause papers, we would doubt that Wallingwells had any link with the Cistercians at all.⁴⁷ Modern reference books without exception allocate Wallingwells to the Benedictine order, not to the Cistercian order.⁴⁸ But clearly the nuns thought they belonged to the Cistercian order. Alicia Tuttehill and Johanna Hewet actually reported that they had seen papal privileges of the Cistercian order, and that these had been read aloud. (Perhaps they had seen Hampole's copies?) The nuns believed they were living in a Cistercian nunnery – they believed that their key profession ceremony, the critical ceremony at which a woman became a nun in the first place, was a Cistercian ceremony. Cause papers, then, have the potential to give us insights into Cistercian identity in the Middle Ages; they can show us how individuals and groups conceived of their place within this monastic order. Moving beyond cause papers, my feeling is that there are even more sources out there that may show connections between English nuns and the wider Cistercian monastic order.⁴⁹

⁴⁶ Twenty-five years later an abduction would also take place at Hampole, perpetrated by members of the Lancashire Pilkington family against a widow who had retired to live in the nunnery (perhaps the abductors were related to Elizabeth Pilkington, nun at Wallingwells at the time of Katherine Norfolk's abduction?). See London, The National Archives: PRO, SC 8/117/5838 and PRO, SC 8/277/13828.

⁴⁷ The only other suggestion of Wallingwells' incorporation in the Cistercian order is an ambiguous reference from 1533; Canivez (ed.), *Statuta*, vol. 6, ann. 1533, cap. 46, pp. 718-19.

⁴⁸ See n. 39 above. All recent lists of Cistercian nunneries ultimately rely on the list in David Knowles and R. Neville Hadcock, *Medieval Religious Houses: England and Wales* (London: Longman, 1971), pp. 222-26; however, see the expanded list in my "Houses of a Peculiar Order".

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