

THE CONDEMNATION OF JOHN KEDINGTON, OSA

One of the best-known incidents in this history of the English Austin Friars is the conflict that developed in the mid-1350s between the Austin Friars on the one hand and Archbishop Richard FitzRalph on the other. The details of FitzRalph's attack on the mendicant orders in general and the Austins in particular are well-known, especially thanks to Katherine Walsh's study of FitzRalph.¹ But one facet of this conflict has received little scholarly attention. In 1358, the University of Oxford condemned a certain 'Friar John' for making two propositions about the property rights and tithes of parish priests in the course of an academic debate.² This incident has rarely been connected to the dispute between FitzRalph and the Austins. But it is now clear that the Friar John in question was in fact the Austin Friar John Kedington. Kedington's condemnation throws substantial light on how the conflict between FitzRalph and the Austins played out at Oxford.

Archbishop FitzRalph and the Debate over *Dominium*

Before we explore Kedington's condemnation, it is necessary to first discuss the wider debate over *dominion* that was occurring in the mid-fourteenth century. The theory of dominion addresses the rightful ownership of property, but also has strong implications for the right to exercise all forms of authority, and has consequently been discussed both by legal theorists interested in property issues and political theorists interested in just government and the relationship of Church and State.³ Dominion became an important issue for the mendicant vow of poverty, especially for the Franciscans, for whom poverty was, at least in theory, a foundational concept. Innocent IV agreed to accept dominion over all Franciscan property, leaving the friars with only simple *usus*, use of the property, but many found this to be a violation of the spirit of the Franciscan Rule.⁴ This led to the

¹ Katherine Walsh, *A Fourteenth-Century Scholar and Primate: Richard Fitzralph in Oxford, Avignon, and Armagh*, (Oxford, 1981).

² *Munimenta Academica*, ed. Henry Anstey, (London 1868), 1:208-11.

³ For a survey of the theory of *dominium*, see Janet Coleman, 'Property and Poverty,' in *The Cambridge History of Medieval Political Thought, c.350-c.1450*, ed. J.H. Burns, pp. 607-48.

⁴ Coleman, 'Property,' p. 634.

eruption of the Poverty Controversy, a heated debate about whether Christ and the Apostles had owned their own clothing, but which had much deeper implications for mendicant privileges and property. In the late 13th century, the Augustinian Giles of Rome asserted that proper dominion belongs only to those who are in a state of grace, and consequently the highest exercise of sovereignty and property rights belongs to the Pope.⁵

In the 1350s, a debate over *dominium* erupted between Archbishop Richard FitzRalph of Armagh and the Austin friars.⁶ FitzRalph circulated his *De pauperie salvatoris*, first privately at Oxford and then publicly, in which he accused the mendicant orders of abusing their vows of poverty and humility and usurping the pastoral function of the secular clergy. Drawing on the Aegidian position, FitzRalph suggested that only those clergy of sound living had a right to the lordship of their temporalities or to the privileges of their order.⁷ Since the mendicant orders had sinfully abused their privileges, including their confessional privileges, FitzRalph concluded that they had lost their dominion over those privileges.⁸ He also rejected the notion that Christ and the Apostles had practiced absolute poverty, and therefore denied that the mendicant practice of poverty was truly justified.⁹ FitzRalph was challenging the mendicant distinction between the ownership and the use of property, as well as their exercise of their privileges, so that he was exploring both elements of *dominium* as it applied to the mendicants.

FitzRalph attacked the mendicant orders openly in a series of sermons he preached, first in Coventry and more substantially in London, Dodington (near Oxford), and Oxford in 1356 and 1357.¹⁰ The friars, led by the Augustinians, responded by accusing him of erroneous teaching, and brought charges of heresy against him at the Papal curia

⁵ John B. Morrall, *Political Thought in Medieval Times*, (London, 1958, repr. Toronto, 1980), p. 87-8; Walsh, *Fourteenth Century School*, pp. 380-81; Graham McAleer, 'Giles of Rome on Political Authority,' in *Journal of the History of Ideas* 60 (1999), pp. 21-36.

⁶ Aubrey Gwynn, *The English Austin Friars in the Time of Wyclif*, (Oxford, 1940), pp. 80-9. See also Walsh, *Fourteenth-Century Scholar*, pp. 349-451; Edith Wilks Dolnikowski, 'FitzRalph and Wyclif on the Mendicants,' in *Michigan Academician* 19 (1987), pp. 87-100; Christopher Ocker, *Johannes Klenkok: A Friar's Life, c.1310-1374*, (Philadelphia, 1993), pp. 33-8; and Kathryn Kerby-Fulton, *Books Under Suspicion: Censorship and Tolerance of Revelatory Writing in Late Medieval England*, (Notre Dame, 2006), p. 135-9.

⁷ See Gwynn, *Austin Friars*, pp. 59-73, and Walsh, *Fourteenth Century School*, pp. 377-86.

⁸ Walsh, *Fourteenth-Century Scholar*, pp. 402-3.

⁹ Walsh, *Fourteenth Century Scholar*, pp. 395-7.

¹⁰ Walsh, *Fourteenth-Century Scholar*, pp. 409-21.

in Avignon. FitzRalph retaliated by attacking the worldliness and wealth of the friars. By the end of March 1357, the friars had enlisted the aid of King Edward III, and FitzRalph went to Avignon to carry on the debate. In 1360, FitzRalph died before the charges against him (and by extension the charges he had raised against the mendicants) could be resolved. As a consequence, while the dispute cooled down somewhat, the issues involved continued to surface at Paris and Oxford for some time.

Dominion and problems with confessional practice were not the only issues FitzRalph raised. FitzRalph also complained about tithe-evasion. This was a particular problem in large towns, where wealthy merchants used a variety of strategies to avoid paying tithes to their parish church and their diocese, and FitzRalph preached a number of sermons against this practice in Dublin, Drogheda, and London.¹¹ While this was chiefly an offense by the laity, FitzRalph accused the friars of granting easy absolution to tithe-evaders, and he suggested that the friars were leading the laity astray by encouraging the offense.¹² On February 26th, 1357, he made this charge in a sermon delivered in London.

This debate was by no means confined to London. FitzRalph was in the vicinity of Oxford in October 1356, where he preached against the mendicants at Dodington, and he circulated *De pauperie salvatoris* in Oxford at that time, and may even have formally debated the issues at the university.¹³ FitzRalph accused the friars of recruiting children by means of gifts and confession, and this charge underlay the university's decree on 1358 that the mendicants were not to recruit from among students.¹⁴ By the end of 1357, Geoffrey Hardeby, the junior Augustinian regent master at Oxford for 1357-9, had debated the topic of dominium, probably with one of FitzRalph's supporters, and was responding to FitzRalph with the *De vita evangelica*, in which Hardeby asserted that lordship was independent of the merit of the holder.¹⁵ In 1357, John Kedington was the senior Augustinian regent master, and he too responded to FitzRalph. But unlike Hardeby, FitzRalph's response provoked a condemnation.

¹¹ Walsh, *Fourteenth-Century Scholar*, pp. 298, 314-15, 322-24, 416.

¹² Walsh, *Fourteenth-Century Scholar*, pp. 334, 346, 416; Francis Cotter, *The Friars Minor in Ireland from their Arrival to 1400*, (St. Bonaventure, 1994), pp. 112-13.

¹³ Walsh, *Fourteenth Century Scholar*. pp. 411-5.

¹⁴ Dolnikowski, 'FitzRalph,' pp. 91-2

¹⁵ Although Hardeby wrote *De vita evangelica* during this period, he did not publish it until 1385, contrary to the conventional dating of the work; see Benedict Hackett, *William Flete, O.S.A., and Catherine of Siena*, (Villanova, 1992), pp. 27-32.

John Kedington

The condemnation of John Kedington has frequently been noticed in passing, but has attracted almost no direct study, because the record of the condemnation does not provide enough information to directly connect 'Friar John' with John Kedington.¹⁶ The record refers to him as 'frater Johannes' and then leaves a blank, and then says 'doctor' followed by a second blank.¹⁷ The record also notes that John made his revocation in the presence and by the agreement of the principal of his convent and the other doctors, and the priors of 'the said order', but it doesn't actually say what order was involved.

But other evidence makes clear that Friar John was in fact John Kedington, the Austin regent master for 1357.¹⁸ In that year, Kedington was removed from office, a decision that he appealed to the Court of Arches without the permission of his prior. The only surviving records for Kedington's removal are a letter from the Austin Friars of Oxford about the matter and a record of the expenses incurred by the Chancellor and Proctors, who had to travel to London to deal with the case.¹⁹ The events of Kedington's case fit perfectly with the known facts in Friar John's case. Both were mendicant regent masters in theology in 1357, both got into trouble with the university, both appealed to authorities outside the university, and both involved the university in considerable legal expense. Aubrey Gwynn noticed Kedington's case, but thought that Kedington had been removed from office to make room for the incoming master Geoffrey Hardeby and made his appeal to protest his

¹⁶ Among those who have noted the case in passing are Walsh, *A Fourteenth-Century Scholar*, pp. 436-7; Margaret Aston, 'Caim's Castles: Poverty, Politics, and Disendowment,' in *The Church, Politics, and Patronage in the Fifteenth Century*, ed. Barrie Dobson, (New York, 1984), pp. 45-81 at p. 50; William J. Courtenay, 'Academic Freedom in Medieval Universities', in *Church History*, 58 (1989), 168-181; Jeremy Catto, 'Wyclif and Wycliffism at Oxford 1356-1430,' in *The History of the University of Oxford*, ed. J.I. Catto and Ralph Evans, (Oxford: 1992), 2:186-219, at p. 183; Ocker, *Klenkok*, p. 35; and Kerby-Fulton, *Books Under Suspicion*, pp. 134-43.

¹⁷ A marginal note in a later hand reads 'Jo: Wyclif', and a second hand has written, '*non accedo Wiclifus enim 'frater' non erat, sed coram impugnator, si quis alius, acerrimus.*'

¹⁸ Andrew E. Larsen, 'The Oxford 'School of Heretics': the Unexamined Case of Friar John,' in *Vivarium* 23 (1999), pp. 168-77.

¹⁹ *Mediaeval Archives of the University of Oxford*, ed. H.E. Salter, vol. 1-2, (Oxford, 1920-21), 1:171-5, 179.

²⁰ Gwynn, *Austin Friars*, pp. 90-1. Ocker speculates that Kedington was suspended because he was one of the 'Wax Doctors'; Ocker, *Klenkok*, p. 34.

removal.²⁰ However, nothing in those documents says why Kedington was removed, and the close fit between the two cases makes it clear that they are the same incident. By combining the fragmentary records of Friar John's condemnation with the records of Kedington's appeal to the Court of Arches, we can reconstruct Kedington's case in considerable detail, and a remarkable set of events emerges.

The Events Leading up to the Condemnation

On October 16th, 1356 FitzRalph preached his first sermon at Dodington, in which he explored issues related to mendicancy and dominion. Another sermon followed at Dodington on the 18th, and he preached a third sermon there on November 1st. Some time before December 18th, his *Defensio curatorum* was circulating in Oxford.²¹

Early in the winter term of 1357 John Kedington presided over a theology debate involving *dominium* in some form, and during his resolution of the issue (the 'determination' of the debate) he declared that the mendicant orders had a greater right to tithes than rectors of churches did. He seems to have claimed that the founder or patron of a church had the right to transfer tithes to the mendicants if the patron felt that priest of the church exhibited bad morals.²² In doing this, he was essentially taking FitzRalph's argument and turning it back against him, asserting that the mendicants were living a more virtuous life than parish priests did. He also said that the king had the right to deprive ecclesiastics of their livings 'for bad and disorderly living', again presumably using FitzRalph's arguments.²³ The record also says that he called Oxford a '*gymnasium haereticorum*'. Kedington was clearly a man of strong convictions, and he must have used the determination to launch an aggressive attack on the anti-mendicant party at Oxford, denouncing them as heretics (and perhaps as the 'evil-living' seculars who deserved to lose their tithes).

Word of his statements clearly spread, and someone at the university initiated a condemnation proceeding. Normally, in a formal condemnation proceeding for heresy at Paris, a friar's order had the

²¹ Walsh, *Fourteenth-century scholar*, pp. 411-14.

²² That at least is Hothum's version of what Kedington had said, as reported in a letter to Archbishop FitzRalph. See note 34 below.

²³ 'rex a clericis et viris ecclesiasticis male et inordinate viventibus absque injuria possessiones posset auferre', *Munimenta*, p. 209.

first responsibility to investigate the matter, and the university normally only stepped in if this did not happen.²⁴ A similar procedure operated at Oxford, since in 1323, William of Ockham was investigated by the Franciscan Provincial Chapter, but there is no evidence that the Austins investigated or took any action against Kedington.²⁵ Instead, it was Chancellor Hothum and his proctors for 1357, John Joskin and Alexander of Feribrigg, who took action, removing Kedington from his office as regent master.

At the time, there was only one clear precedent (so far as we know) for the condemnation of a scholar for academic heresy by the university of Oxford. In 1315, the entire theology faculty (naturally led by the chancellor, who was almost always a theology master) condemned a set of propositions by an unnamed Franciscan.²⁶ In this case, there was at least one, and probably two, formal meetings on the issue. A list of propositions was drawn up and then examined by the masters, who unanimously agreed that the articles were inappropriate.²⁷ The masters then issued a formal condemnation.

But in 1357, this process was not followed. Although a list of the condemned propositions was drawn up at some point, there is no mention made of a committee investigating Kedington or a meeting that ruled on the orthodoxy of the list. While it would be unusual for the chancellor and proctors to have proceeded without formally consulting the rest of the theology faculty, it would not have been an overextension of the chancellor's legal authority to act on his own. It seems that the chancellor and the proctors took official action against Kedington because his order had failed to. However, it is extremely important to note that nowhere in the surviving documents is Kedington accused of heresy, suspicion of heresy, or any other grade of error. He was simply ordered to retract his statements. By what authority the chancellor issued such an order is hard to say, and the whole process followed in this case is highly irregular (at least in comparison with other known condemnations at Oxford). In his appeal, Kedington emphasized that he had not been legitimately cited or formally convicted of anything.

²⁴ William J. Courtenay, 'The Articles Condemned at Oxford Austin Friars in 1315,' in *Via Augustini: Augustine in the Later Middle Ages, Renaissance, and Reformation*, ed. H. A. Oberman and F. A. James (Leiden, 1991), 5-18, at pp. 9-10.

²⁵ Girard Etzkorn, 'Ockham at a Provincial Chapter: 1323. A Prelude to Avignon', in *Archivum Franciscanum Historicum* 83 (1990), pp. 537-556.

²⁶ Courtenay, 'Articles Condemned,' passim.

²⁷ The surviving document in the case refers to them as both erroneous (*erronei*) and heretical (*haereticos*), so the committee's exact verdict is unclear.

Removing Kedington from office was an extreme step. In a typical case, the accused would have been instructed to recant his propositions, but assuming he did so, nothing worse would happen to him. The fact that Kedington was removed can only mean that the chancellor ordered him to recant his propositions, and that Kedington refused to obey. Kedington's refusal to recant might have been based in an assertion that his position was correct and therefore should not have been condemned, or it might have been based on the fact that he was not being accused of heresy or error, and was therefore not obliged to make a revocation.

Kedington's Appeal

In November of 1357, Kedington appealed his case to the Court of St Mary Arches in London, the metropolitan court for the province of Canterbury.²⁸ University regulations required that he appeal the chancellor's decision to the Congregation of Regent Masters, and from there to the Full Congregation before he pursue an appeal to an authority outside the University. But the appeal was technically a tutorial appeal, which could be made by any person and did not require following the regular hierarchy of courts, so it is likely that Kedington did not follow the university's appeals process but went directly to the metropolitan court.²⁹ Kedington made his appeal against the orders of Prior John, the head of the Austin house at Oxford, who later testified (along with William, the Prior Provincial of their Order), that Kedington had been forbidden to appeal.

A tutorial appeal was actually two separate appeals. The appellant appealed directly to the papal court for resolution of the case, and appealed to the Court of Arches to order a one-year stay of the action being appealed.³⁰ Thus Kedington appealed the university's action to the papal court, and asked the Court of Arches to forestall his suspension from regency until he had obtained a papal ruling on the matter. Normally, the matter was handled by the archbishop's Official, who presided over the court, but in this case Richard de Plessy, the

²⁸ For the Court of St Mary Arches, see *The Medieval Court of Arches*, ed. F. Donald Logan, (Woodbridge, 2005), pp. xiii-xlvi. Our knowledge of this phase of the matter derives entirely from a letter written by the Augustinian prior provincial and prior local for Oxford. This letter, which contains the text of the Court of Arches' inhibition, is found in *Med. Arch.*, pp. 171-75.

²⁹ *Medieval Court*, p. xxxix.

³⁰ *Medieval Court*, pp. xxxix-xl, xliii-xliv.

archdeacon of Colchester and dean of St Mary Arches in London, who was the commissary for the archbishop's Official, accepted Kedington's appeal (technically termed a 'libel') and issued an inhibition, a temporary stay of action and citation for the inhibited official to appear.

According to de Plessy's inhibition, which seems to be based on Kedington's libel, Kedington was a legitimate doctor of theology who had lectured praiseworthily until the university officials removed him without cause. Plessy's letter emphasizes at considerable length that the action had been taken without due process and without legitimate cause.³¹ Although this may be an exaggeration on Kedington's part to strengthen his case, it appears to be broadly accurate. Kedington had, so far as we can see, done nothing to merit actual removal from his office, except to say something that offended the non-mendicants at the university. This also strengthens the impression that the chancellor acted without the regent masters, which was at least a violation of general precedent, if not the actual law.

This appeal started a legal struggle that involved the university in considerable legal expense.³² This expense is partially reflected in an account book for the university from the 1357-58 academic year, which includes the expenses of the chancellor and proctors when they went to London to deal with the matter.³³ Hothum was cited to appear at the court of Arches and he went there in January of 1358, along with both his proctors; Richard, abbot of Lowth Park; John of Lancaster; and other clerics. Hothum brought with him a letter from William, the Augustinian Prior Provincial, and Prior John, who insisted that Kedington's case had no merit and that they had forbidden the appeal.

Four months later, the matter had still not been resolved. In March of 1358, John of Hothum wrote to Archbishop FitzRalph at Avignon, asking him to help the university with the problem by informing the pope of what Kedington had done.³⁴ He told FitzRalph that the bearer of the letter would explain all the details. Presumably Hothum had sent a representative to the curia to argue against

³¹ 'non legitime citatum, non convictum, nec confessum, cause cognitione et iuris ordine in ea parte de iure requisitis penitus pretermisiss, absque causa rationabili seu legitimia quacumque, ab officio doctoratus seu magisterii huiusmodi exercicio, cura, statu et honore sic regendi, docendi et legendi...', *Med. Arch.*, p. 173.

³² 'totam Universitatem indebite vexavi, improvide appellando, dominis et magnatibus querelando, et aliis multiplicibus expensis gravando', *Munimenta*, p. 210.

³³ *Med. Arch.*, pp. 179-82.

³⁴ The letter is to be found in Sidney Sussex College, Cambridge, MS 64, fo. 126r; see Walsh, *Fourteenth Century Scholar*, pp. 436-7; Aston, 'Caim's Castles,' pp. 50-51 and n. 24.

Kedington's appeal; he must have hoped that FitzRalph would be a strong advocate for the university, since the archbishop was already struggling with the Augustinians. The problem for Hothum was that he was unable to compel Kedington to make a public revocation because the friar had powerful protectors, whom he only describes as 'magnates of the kingdom' (*magnatibus de regno*).

Who these magnates were we can only guess, but they were clearly powerful nobles who liked Kedington's ideas because they enhanced secular authority over their churches. The most likely candidate is Humphrey de Bohun, the sixth earl of Hereford. De Bohun was the most prominent patron of the Austins in England in the 1350s, having donated money to help them rebuild their church in London; when he died in 1361, he made arrangements to be buried there, and left 200 marks for prayers and masses for his soul.³⁵ His nephew, William of Monkland, was a member of the order. Kedington must have appealed to de Bohun or another patron of the order as he got deeper into his appeal; such support may have discouraged the Court of Arches from issuing a final verdict in the matter.

The appeal cannot have dragged out much longer than June of 1358, since John was being punished by July, and with John having been forbidden to pursue the matter, the Court of Arches probably rendered its final verdict in April or May. The Court of Arches must have ultimately denied Kedington's appeal, which meant that the temporary stay on Kedington's suspension was lifted. This ruling did not prevent Kedington from pursuing his appeal to the papal curia, but his academic punishment would proceed as ordered. There is no evidence to show if Archbishop Islip was himself involved in this verdict, or if his Official at the Court of Arches made the decision.

An additional complicating factor here is that Kedington's appeal was in violation of royal law. In 1355, Edward III had explicitly forbidden appeals from the chancellor's court to the papal curia.³⁶ There is no clear indication that the Crown became involved in the case, but royal pressure would certainly explain why Kedington's appeal to the Court of Arches was ultimately rejected.

The Punishment

Kedington's punishment was overseen by the proctors of the university for 1358-59, William Denby and Richard Toulworth. The

³⁵ Gwynn, *English Austin Friars*, pp. 108-13.

³⁶ *Med. Arch.*, 1:349; Kibre, *Scholarly Privileges*, p. 309.

judgment was made in the presence of, and with the permission of, Kedington's principal, other doctors, presumably of theology, and the Augustinian priors. It would appear, then, that Denby, Toulworth, and probably Hothum determined the sentence in consultation with the others mentioned. The reference to Kedington's principal is puzzling, since the Augustinians do not appear to have employed an official with that title, but it is probably a reference to John, the prior of the Oxford convent.

The elements of John's punishment need to be considered, because they are unusual within English universities. Kedington was forced to publicly read a statement of apology written for him and to pay a fine of 100 shillings, and he was barred from ever lecturing in theology again without the permission of the chancellor, the proctors, and all the doctors of theology. John's recantation is the first recorded recantation at Oxford. The same year an unidentified Dominican was forced to read an apology for having insulted the arts students during a sermon.³⁷ It is plausible that the unidentified Franciscan whose propositions were condemned in 1315 had been forced to read a recantation, and recantation had been standard in condemnations at Paris for some time, so the recantation was entirely typical of such matters. The document explicitly notes that John was to read the recantation exactly as it had been written for him, without any changes, additions or deletions.³⁸

As already noted, John was never explicitly accused of heresy, undoubtedly because the statements he made were the source of considerable controversy at the time and FitzRalph's case was awaiting a decision at Avignon. The overall impression, however, is that John was treated as if he *were* a heretic, and his retraction reads like a recantation of heresy. In it, he is forced to retract the opinions he expressed about tithes and the deprivation of ecclesiastics and to affirm the contrary, and to promise never to hold those opinions again, either publicly or privately.³⁹

³⁷ *Munimenta*, pp. 211.

³⁸ 'quod legeret palam et publice revocationem infrascripta, nec addendo, nec diminuendo, nec aliqua verba [erasure] ddo in publico in ecclesia Beatae Mariae Virginis Oxoniae', *Munimenta*, p. 209.

³⁹ 'Reverendi domini a[d]stantes et singuli, in determinatione quadam, termino hyemali ultimo praeterito facta, materias aliquas determinando tractavi odiosas quam plurimis et displicentes, et praecipue matris nostrae Universitatis nimium offensivas, de quo dolens et anxius fui tempore non modico, verum pro meo posse satisfacere cupiens, in hac parte de mandato ejusdem Universitatis venerabilis dicam in scripto; Imprimis, quod istam matrem nostram Universitatem venerabilem scio Catholicam esse, in doctrina sana fundatam et sanae fidei protectricem; Item, doctores reverendos ejusdem esse catholicos viros dico et affirmo; Item, quod praedictam matrem

The other punishments, however, are less common. The fine of 100 shillings is extremely heavy by the standards of university offenses, and may have been imposed to help the university make up for the expenses involved in the appeal. According to the record of expenses, Hothum's trip to London cost 126 shillings total, although the record notes that other business was conducted on this trip, so the fine roughly corresponds to the university's travel expenses. The fine is certainly a non-standard punishment, with no parallel in any other case involving academic debate, although imposing a fine was justified by the rules governing unjust appeals.⁴⁰ John, being a friar, would not have been able to pay such a fine, and it would have fallen to his order to make good the payment (or perhaps his noble supporters helped him). No other case of academic condemnation at Oxford involved such a punishment.

The restriction on Kedington's teaching activity is likewise unprecedented. It amounted to a revocation of Kedington's teaching license. Although we cannot be certain, it appears that this punishment ruined John's academic career, since he is not mentioned in any other surviving document from the university. It is possible that Kedington, like Richard Knapwell before him, left Oxford for the papal curia to plead his case. If so, he was presumably unsuccessful. In February of 1392, an Augustinian named John of Kedyngton was given permission

nostram et reverendos doctores et magistros, et praecipue dominum Cancellarium et Procuratores pluries offendi, humiliter quo possum ab eisdem veniam peto una voce; et quia totam Universitatem indebite vexavi, improvide appellando, dominis et magnatibus querelando, et aliis multiplicibus expensis gravando, ideo ire ad satisfactionem offero juxta vires; Item quia plures valentes me reportaverunt in determinatione praedicta dixisse, asseruisse, et determinasse, quod quicumque domini temporales pro suo libito absque auctoritate Ecclesiae possunt aliqua temporalia Deo et ecclesiis donata auferre ab eisdem et perpetuo revocare; Item, quod decimae Ecclesiae magis sunt debite fratribus mendicantibus quam rectoribus et curatis; Idcirco praedictas quaestiones de temporalibus et decimis erroneas et falsas esse dico, earumque contradictorias fateor esse veras, et illas quaestiones affirmativas, et earum quamlibet, tamquam minus catholicas ex nunc et in perpetuum detestor, nec eas vel earum aliquam de caetero aliquo modo sustinebo tacite vel expresse.' *Mun. Ac.*, pp. 210-1.

⁴⁰ Unjust appeals had been a problem for the university as far back as c. 1300, when the university had been forced to increase the penalties for making unjust appeals. Unjust appellants were divided into three categories based on their net worth, and a scale of fines was established that increased with the appellant's wealth. The wealthiest offenders were fined 10 shillings. Even given inflation, John's fine was vastly in excess of standard fines. In the late 15th century, fines for appeals normally amounted to 2s. or 3s.4d. See *Munimenta*, p. 73-6, as well as Hastings Rashdall, *Universities*, 3:136-7, and *Med. Arch.*, 2:281. It is worth noting that the Crown passed a statute forbidding appeals from the chancellor's court to the archbishop's just a few years after this case.

by his order to travel to the Holy Land, and in June of the same year, he was assigned a room at the Augustinian house at Grimsby.⁴¹ Assuming this is the same man as the Oxford scholar, he apparently led a long but undistinguished life.

John's punishment was fairly severe, about as severe as the university could reasonably make against someone who was not actually a heretic (although it stops short of banishment from Oxford, the most severe penalty the chancellor could impose), and its severity requires some explanation. In addition to causing it a substantial expense, John had insulted the university by calling it a school of heretics, and the university clearly considered the insult a very serious matter. The first two items in John's recantation amount to statements that the University and the masters are orthodox Catholics, preceding the more technical propositions, and this order presumably reflects some sense of the relative seriousness of Kedington's offenses.

Kathryn Kerby-Fulton suggests that it was this insult that triggered the attempt to condemn Kedington, arguing that it raised fears that Kedington was a Joachite.⁴² She also suggests that it was this odor of Joachism that caused Kedington's supporters to back away from him. However, this is probably reading too much into the case. While Kerby-Fulton makes a strong case that Joachism was a greater factor in English intellectual circles than has previously been acknowledged, the only evidence of Joachism in this case is that John's insult was 'the kind of insult traded in the debates over the heterodoxy of Franciscan Spirituals.' Furthermore, the letter that Hothum and the regent masters sent to FitzRalph mentions Kedington's two other statements, but omits the insult. If the insult had been the thing that triggered the entire condemnation, it would certainly have been mentioned. At best, John's insult should be seen as an aggravating factor, but it may well explain the general over-reaction that Hothum demonstrated in this case.

The mendicants are likely to have supported, or at least not strongly objected to John's arguments, so the impetus for his punishment must have come from the secular masters. His suggestion that the mendicant lifestyle was superior to the secular lifestyle was certainly offensive, and his argument that mendicants deserved the tithes of churches more than the rectors did was a direct threat to the seculars, many of whom held benefices on the parish level, and most of whom

⁴¹ Francis Roth, *Sources for a History of the English Austin Friars*, (Louvain, 1961, repr. from *Augustiniana* 8-11), pp. 249-50.

⁴² Kerby-Fulton, *Books*, p. 137.

undoubtedly hoped for higher benefices later on. It is also worth noting that Archbishop Islip, himself a secular, is known to have favored the secular clergy against the friars on at least one other occasion, and this may have played a factor in the decision to deny Kedington's appeal.⁴³ Additionally, Kedington's assertion about tithes must have seemed to some seculars as confirmation of FitzRalph's charge that the friars were actively encouraging tithe-evasion. Finally, the strength of the anger Kedington aroused can be judged by the fact that no condemnation had taken place at Oxford for more than 40 years, despite the lively intellectual life that characterized Oxford in the early- to mid-13th century.

Given the atmosphere of hostility to the mendicants, the intensity of the complaints against them, and the controversy swirling around the Augustinians and Archbishop FitzRalph, it is unsurprising that Kedington was treated so harshly for what was hardly a major offense. This context also helps to explain why his superiors decided to forbid his appeal and wrote a letter undermining his case. They were under a good deal of pressure at Oxford, and Kedington's actions had evidently embarrassed them. Kedington clearly became a lightning rod for anti-mendicant tensions at Oxford, tensions strong enough that normal classroom protections were ignored and the mechanism of academic condemnation was invoked even though Kedington was not accused of formal error or heresy.

Kedington and FitzRalph

Kedington's case shines a light on how FitzRalph's attacks on the mendicants were received at Oxford. It demonstrates that Geoffrey Hardeby was not the only Austin friar at Oxford to find FitzRalph's preaching offensive. While Hardeby wrote his *De vita evangelica* against FitzRalph, but did not publish it at the time, Kedington was openly opposing FitzRalph's teachings in the classroom, and he resisted the university's efforts to silence him for several months. Given that his order took no action against him for several months after the determination, we might imagine that the Oxford

⁴³ He limited the rights of friars to hear confession and discharge pastoral functions, owing to a concern for secular clergy. See Wilkins, *Concilia*, 3:64, and 'Simon Islip', in *DNB*, 10:512. He also established Canterbury College for secular students at Oxford; Emden, *BRUO*, 2:1008.

Austins at least tacitly supported Kedington. The outcome of Kedington's case may have influenced Harbedy's decision to not publish *De vita evangelica*; he may have decided it was not prudent to do so, or his superiors may have pressured him to keep it private to avoid further embarrassment to the order.

This case also shows us how popular FitzRalph's attacks were at Oxford. Chancellor Hothum's actions were irregular and unprecedented, and he was able to persevere in his condemnation in the face of what must have been substantial opposition from the magnates who were supporting Kedington. Kedington's superiors ordered him to desist from his tutorial appeal and swore, against the evidence, that his appeal had no merit. This is surely evidence that the Austins were under considerable pressure at Oxford to disown Kedington and that Hothum's actions were popular with the secular students.

Nor was this a purely internal matter for the university. What began as a complaint over a politically-charged determination spilled into the Court of Arches and then to the Papal Curia. Some within the English nobility embraced Kedington, and the university became sufficiently concerned that it sought out FitzRalph's assistance, although how FitzRalph responded to Hothum's letter is unfortunately unknown.

How FitzRalph reacted to Hothum's letter is not the only outstanding question in Kedington's case. It would be very helpful to know more about who was supporting Kedington, because it would help us to gauge how far outside of Oxford the matter spread. Knowing more about how the case was handled at the Court of Arches, and the extent to which Archbishop Islip became involved, would also help us understand the political elements of this case. Knowing whether Kedington's appeal reached the Papal Court would allow us to see whether his case influenced FitzRalph's cause. For the moment, though, in the absence of further documents related to this case, we must be content with the broad outlines of the matter. Kedington's condemnation was clearly an important and very complicated case, arguably one of the most important academic condemnations that ever happened at Oxford, and one that helps us gain a better view of the affairs of the English Austin friars in the mid-fourteenth century.

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