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PART III

FORGERIES AND HISTORIES IN THE
TWELFTH CENTURY

PERPETRATION, DETECTION, AND PREVENTION OF FORGERIES

FAMOUS FORGERS AS FAILURES

Scholars have tended to focus on the motives for medieval forgeries, but the use of forgery demands pragmatic explanation also. Instead of obsessing over *why* forgery occurred, one should also consider *how* it was so frequently perpetrated. Forgers' tricks have been unpacked using traditional methods and increasingly through scientific testing. But beyond the technical exposure of specific forgeries, there were interesting tendencies in the tricks of medieval forgers. Their means reflected their ends and, thus, forgers' techniques reveal their mindset and that of their audiences. Forged charters highlight authorities' assumptions and practices about documents because their persuasiveness depended upon following conventions. Forgers' craft was thus a functional expression (and thus useful evidence) of medieval thought and culture. So, it is worth exploring how forgery was perpetrated, how it was detected by contemporaries, and what – if anything – authorities did to prevent it.

Of course, when successfully perpetrated, forgers' work was not detected. But some forgeries failed in the Middle Ages – and they failed for various reasons. Often, medieval forgers did not achieve their goals because the tales they told were overcome by competing stories, which were better composed or just preferred by authorities. Such competing stories will be considered in the next chapter. But sometimes medieval forgers failed because their fabrications were suspected and detected by medieval people they were trying to fool. Such failures to deceive, especially if dramatic or repeated, must certainly have been disturbing. Forgery was more than mere lying since it also subverted the medieval system of signification. In practice, forgeries undermined the credibility of genuine texts and objects and people needed ways to distinguish authentic from fake, and, by extension, separate truth from falsehood.

Inept forgeries with poor form were easily detected and could be rejected by cursory inspection. But what if a counterfeit coin, fake seal, or forged document passed initial inspection only to be suspected later? How did one detect and repudiate a forgery? How could repeat offenses be discouraged? Over time, medieval readers developed methods for detecting forgeries and sometimes took steps to prevent future forgeries. Such attempts at detection and prevention show authorities pushing back against forgers, trying to reassert the validity/credibility of the genuine. Perpetration of forgery was always tied to detection and prevention, since being convincing required passing inspection to be believed as genuine/trustworthy. In order to understand what medieval people were doing and thinking on such occasions, I examine an instance in which a forger failed and, therefore, became briefly and unfortunately famous. And so, I turn to Guerno the forger and his confession of his misdeeds.

GUERNO'S CONFESSION

In 1131, Pope Innocent II summoned a great council to the city of Reims in northern France to rally support for his papacy. It was a very large gathering, featuring bishops from all over western Christendom. This was a momentous council, since the church had been divided by schism since the death of Honorius II in 1130 between two contenders for the papacy, Innocent II and Anacletus II. Innocent II eventually triumphed with the support of King Louis VI of France, and the spiritual leaders Norbert of Xanten and Bernard of Clairvaux. Moreover, Innocent II used this council to implement reform of the Church, focusing on the sacrosanct character of the clergy and instilling Christian lifestyles among the laity. The council adopted numerous provisions, which later found their way into the decrees of the second Lateran Council of 1139. The 1131 Council also witnessed many important events: the anticipatory crowning of Louis VII as the next king of France; an embassy from the German King Lothar III, who recognized Innocent II and promised an expedition against the anti-pope; and the shoring up of Innocent's support in northern Europe.¹ At the same time, a number of leading monks used this opportunity to hold a meeting to discuss reform within the Benedictine order.²

¹ The council was October 18–29, 1131. Odette Pontal, *Les conciles de la France capétienne jusqu'en 1215* (Paris: CNRS, 1995), 311–14; I. S. Robinson, "The Papacy, 1122–1198," in *The New Cambridge Medieval History c. 1024–1198*, vol. 4, part 2, eds. David Luscombe and Jonathan Riley-Smith (Cambridge: Cambridge University Press, 327–33).

² Organized by Benedictine abbots associated with Saint-Nacaise in Reims, E. Rozanne Elder, "Communities of Reform in the Province of Reims: The Benedictine 'Chapter

The pope also held audiences at the council to resolve disputes. One of them featured a report of a confession made by a monk named Guerno (or Guernon), who had admitted before his death to being a forger. Historians know of Guerno's confession and the revelation of it at the Council of Reims only indirectly, through a very unusual pair of documents: two letters joined together by parchment tags and a seal. Indeed, three sets of identical copies of this pair of letters survive. All were written out at the same time and bear late twelfth-century endorsements, which indicate they were stored at Christ Church, Canterbury, in the archives of the cathedral priory. One of the copies, now Cotton Charter xxi.9, still has the seal attached.³ Although they were held at Christ Church, they didn't concern its priory but rather the nearby monastery of Saint Augustine's, Canterbury. This pair of letters tells an interesting story about Guerno and his confession. After analyzing them, I will consider the Canterbury context for Guerno's activities and what previous historians have said about them, before considering the implications of Guerno's confession for broader issues of perpetration, detection, and prevention of forgeries.

Let us first consider the two letters themselves. When the two letters were joined by tags and seal, one was on top: this "cover letter" was intended to explain what I will call the "confession letter" beneath it. The cover letter was sent by Gilles (or Giles) 'du Perche,' the Bishop of Évreux (1170–1179) to Pope Alexander III (1159–1181) and was certainly composed in the mid- to late-1170s.⁴ In the cover letter, Giles explained to Pope Alexander that he was enclosing an earlier letter revealing forgeries, a copy of which he had obtained from Canterbury. The convoluted prose of this letter suggests that the situation was anything but straightforward. Bishop Giles wrote that he was forwarding the Canterbury account because it related the words of his late uncle, Hugh, the archbishop of Rouen (1130–1164), which he, Giles, had heard himself, and which had been sent in an earlier letter to Pope Adrian IV (1154–1159). Giles had been archdeacon of Rouen at the time

General' of 1131," in *The Making of Christian Communities in late Antiquity and the Middle Ages*, ed. Mark Williams (London: Anthem Press, 2005), 117–29, 182–8.

³ The "original" was CCA-DCc Ch. Ant. A 62; the other Canterbury copy, CCA-DCc Ch. Ant. A 61 and Cotton Charter xxi.9 both have "dupX." for "duplex" at the end of their endorsement. Cotton Charter xii.9 has the seal, the other two have slits for seal tags. I use the less damaged Cotton charter for all subsequent citations. For an edition, facsimile, and analysis, Robert F. Berkhofer III, "The Confession of a Forger," *ANS* 36 (2014): 53–68.

⁴ Nigel Ramsay, "Draft Descriptions and Bibliographies of Cotton Charters and Cotton Appendix" (BL, unpublished) dated them to 1176x1179. Internal evidence (the letter mentions "blessed Thomas," martyred 1170, canonized 1173) and Giles' death (1179) allows a larger range.

and in service to his uncle, and so it is likely that he heard the original words, perhaps the dictation of the letter itself.⁵ Giles further explained that he accepted the written version presented by the church of Canterbury, and had placed it under his own seal, so that the “truth of older recollection” (*veritas recordationis antique*) might confound previous errors and lies and, although this is not stated, presumptively also assure his holiness the pope about Giles’ own letter.⁶ Giles further explained that he had consigned the forgeries to the flames with his own hands; that is, he burned them personally.⁷ The “confession letter” which Giles introduced was part of an earlier letter of Archbishop Hugh, stripped of at least its invocation and valediction and perhaps more. As is clear from internal evidence, this earlier letter had been sent by Hugh himself to Pope Adrian IV, *circa* 1157.⁸ The core of the “confession letter,” at least as preserved in this version, related important details about Guerno the forger, his confession, and its revelation in 1131 at the Council of Reims.

⁵ For Hugh’s career: David Spear, *The Personnel of Norman Cathedrals During the Duchal Period, 911–1204* (London: Institute of Historical Research, 2006), 198–9; DHGE 25:285; GC 11:43–8; and Thomas Waldman, “Hugh ‘of Amiens,’ Archbishop of Rouen, 1130–1164” (PhD diss., Oxford University, 1971), which contains an edition of his *acta*, 168–556; hereafter “*Acta* of Hugh.” For Giles, Spear, *The Personnel of Norman Cathedrals*, 211–2 and GC 11:578–9.

⁶ Cotton Charter xxi.9: “Que in scedula scripta sunt, quam vobis cum sigillo nostro Cantuariensis presentat ecclesia, ab ore bone memorie Hugonis quondam Rotomagensis ecclesie archiepiscopi patris et patru mei accepimus et sigillo suo signata, ad beatum Thomam et ecclesiam Cantuariensem transmisimus, ut veritas recordationis antique eorum presumptionem compescat, qui inspiritu erroris et spiritu mendacii in debitam sibi vendicant libertatem.” My translation: “The things written in this leaf, which the church of Canterbury presents to you under our seal, we received from the mouth of Hugh, of good memory, holy father and archbishop of the church of Rouen and my uncle and signed by his seal, we transmitted to blessed Thomas and the church of Canterbury, so that the truth of ancient recollection might suppress the presumption of those who, inspired by error and mendacity, sought to free themselves from obligation.”

⁷ Cotton Charter xxi.9: “Privilegia autem que ex confessione Gaufridi Catalanensem episcopi, in presentia sancte recordationis Innocentii pape adulterina probata sunt, et predicto domino nostro archiepiscopo reddita, de mandato eiusdem domini nostri igni comburenda propriis manibus tradidimus.” My translation: “In addition, the privileges, which were proven adulterated (*adulterina*) from the confession [related by] Bishop Geoffrey of Chalons in the presence of Pope Innocent, and returned to our aforesaid lord Archbishop, we consigned with our own hands to the fire to be consumed by order of our lord.”

⁸ Waldman, “*Acta* of Hugh,” 168 no. 2. Véronique Gazeau, *Normannia monastica*, 2 vols. (Caen: CRAHM, 2007) 1:83, dated “vers 1157.”

Archbishop Hugh's explanation in the "confession letter" ran as follows. Hugh explained that he was writing to recount the audience at the Council of Reims, in October 1131, at which Hugh had been present.⁹ Hugh related that two Norman abbots were also present who had been elected some years before but had not yet received their benediction from him. These were Abbot Raginfred of Saint-Ouen in Rouen (1126–1141/2) and Abbot William II of Jumièges (1127–1142).¹⁰ This must have been a tense meeting because Hugh, as the diocesan bishop of the two abbots, was seeking their written professions acknowledging his episcopal authority, while the two abbots were claiming exemption from it.¹¹ The abbots were asserting the independence of their monasteries. In his letter, Hugh related Pope Innocent II's interrogation of the two abbots, in which the Pope inquired if the two abbots had any privileges (*privilegiis autenticis*) by which they could prove they were immune from Hugh's subjection.¹² This phrase could have meant just "old" privileges, but might also be read as "authentic" privileges, meaning accepted and approved by an authority.¹³ Then, as the pope was examining them and the abbot-elect of Saint-Ouen was hesitating under questioning, another cleric spoke up, "out of divine favor" (*ex divino munere*) according to Archbishop Hugh, checking the presumption of the abbot-elect and ending all doubts about the matter. This other man was Geoffrey, recently consecrated bishop of Châlons-sur-Marne in August

⁹ Cotton Charter xxi.9: "Dum bonus Innocentius Remis, celebraturus concilium, advenisset; me minimum servorum dei cum filiis et fratribus nostris ex more contigit interesse." There is no other record of the two abbots attending.

¹⁰ Cotton Charter xxi.9: "Inter ceteros autem quos nobiscum adduximus: R in abbatem beati Audoeni, W in abbatem Gementicum, electi nec benedicti, apostolico se conspectui in abbatem ordine presentarunt." For Raginfred's career, GC 11:144 and Gazeau, *Normannia monastica* 2:251–2. For William II, GC 11:195 and 961 and Gazeau, *Normannia monastica* 2:157–8.

¹¹ Written professions (as opposed to oaths) had not been usual, Thomas Waldman, "Hugh of Amiens, Archbishop of Rouen (1130–1164), the Norman Abbots, and the Papacy: The Foundation of a 'Textual Community,'" *Haskins Society Journal* 2 (1990): 139–53 at 143; compare Gazeau, *Normannia monastica* 1:80–7.

¹² Cotton Charter xxi.9: "ab eis diligentius inquisivit, si forte aliquibus privilegiis autenticis munirentur, quorum patrocinio eorum persone vel ecclesie a metropolitani subiectione comprobarentur immunes."

¹³ For "*aut(h)enticum*," Oliver Guyotjeannin, "Le vocabulaire de la diplomatie," *Vocabulaire du livre et de l'écriture au Moyen Âge*, ed. Olga Weijers (Turnhout: Brepols, 1989), 128 and Bernard Guenée, "Authentique et approuvé: recherches sur les principes de la critique historique au Moyen Âge," in *La lexicographie du latin médiéval et ses rapports avec les recherches actuelles sur la civilisation du Moyen Âge*, ed. Yves Lefevre (Paris: CNRS, 1981), 215–29.

1131, but formerly abbot of Saint-Médard de Soissons from 1119 to 1131.¹⁴ Archbishop Hugh then reported what Geoffrey had said fairly directly:

For he said that while he was discharging the office of abbot of Saint-Médard, a certain one of his monks, named Guerno, in the last moment of confession, confessed himself to have been a falsifier (*se falsarium fuisse confessum*); and – tearfully repenting – that he helped the church of Saint-Ouen and the church of Saint-Augustine's, Canterbury provide themselves with adulterated privileges in the pope's name, among others which he fabricated for various churches (*per diversas ecclesias*); and indeed he confessed to having received precious ornaments as reward for his iniquity and having brought them to the church of Saint-Médard.¹⁵

In other words, the privileges which supported Abbot Raginfred's claims of exemption were forged. After recounting Bishop Geoffrey's revelation, Archbishop Hugh then described the galvanizing effect it had on Pope Innocent II. The Pope first inquired if Bishop Geoffrey was willing to take an oath to affirm what he had said, which Geoffrey agreed to do on the spot. Then, Pope Innocent turned to Archbishop Hugh and, according to Hugh (who related the words used), the pope told the archbishop to put on the symbols of his office in order to accept the profession of the two abbots-elect, who would submit to Hugh's authority.¹⁶ Thus, the dispute ended and Archbishop Hugh emerged victorious over the two abbots.

How should historians interpret this written report of what had been oral testimony before the Pope in 1131? Archbishop Hugh's account is

¹⁴ For Geoffrey, DHGE 20:538–40 and GC 9:186–7 (Abbot of Saint-Thierry-de-Reims, 1112–1119), 415–6 (Abbot of Saint-Médard-de-Soissons, 1119–31), and 879–90 (Bishop of Châlons, 1131–1143). This incident is analyzed from the perspective of Saint-Médard in Michel Delanchy, “À la conquête de l'exemption: Les étapes de l'émancipation monastique,” in *Saint-Médard: Trésors d'une abbaye royale*, ed. Denis Defente (Paris: Somogy Éditions d'art, 1997), 113–16.

¹⁵ Cotton Charter xxi.9: “Ait enim, quod dum in ecclesia beati Medardi abbatis officio fungeretur quondam, Guernonem nomine, ex monachiis suis, in ultimo confessionis articulo, se falsarium fuisse confessum; et inter cetera que per diversas ecclesias figmentando conscripserat, ecclesiam beati Audoeni et ecclesiam beati Augustini de Cantuaria adulterinis privilegiis, sub apostolico nomine, se munisse, lacrimabiliter penitendo asseruit, quin et ob mercedem iniquitatis, quedam se preciosa ornamenta recepisse confessus est, et ad beati Medardi ecclesia detulisse.” My translation. For the *ornamenta*, Delanchy, “À la conquête de l'exemption,” 116.

¹⁶ Cotton Charter xxi.9: “Quo audito dominus papa, “Eia!” inquit, “mi frater karissime, indue te ornamentis dignitatis tue, et presentibus electis, sub professione canonica manum, benedictionis impone.” Quod ego, impetrata licentia, aggressus sum. Ipse, quod mirabile dictu est, venerabilium patrum conventum, eius adventum expectantium, ingredi supersedit, quoad ego secum intraturus benedictis rite abbatibus, advenirem.”

obviously partisan, since it supported his own control over the Norman monasteries. The archbishop was asserting his authority as head of the Norman church. Hugh was an influential figure, having been the first abbot of Reading, a monastery founded by Henry I to pray for his dead sons. He also had received special training as a scribe in the papal curia and was a key supporter of Innocent II in his struggle with the anti-pope.¹⁷ Furthermore, he insisted on professions of obedience from his abbots later in his reign, so at least his view on monastic exemption was consistent: he was against it. Of course, if the Norman abbots' professions had been all there was to this incident, historians would know less about it. No record of Bishop Geoffrey's revelation of Guerno's confession was kept by the Norman monasteries, and while one supposes that Archbishop Hugh did send his account to Pope Adrian IV around 1157, the papacy probably had not kept a copy, since Hugh's nephew Giles felt compelled to send another to Pope Alexander III in the late 1170s.¹⁸ Of course, by that time the issue had changed. The status of the monasteries in Normandy was no longer the central problem. Instead, it was the activities of Guerno: specifically, that he had confessed to forging privileges for the monks of Saint Augustine's, Canterbury, who had become embroiled in an exemption struggle with their own archbishop.

Before turning to the Canterbury context, it is worth reviewing the French context of Guerno and his confession. Much as I have tried, there seems to be no way to narrow the date of the confession (and Guerno's death) any more closely. Guerno himself is otherwise unrecorded, either at Saint-Médard or in England. That Guerno might have forged privileges for his own monastery would be fairly unremarkable as forgers go. Monks at Saint-Médard had quite a tradition of forgery both documentary and material.¹⁹ For example, they created the infamous relic forgery of the "baby teeth" of Christ, denounced as blasphemous by Guibert of Nogent in his treatise on relics.²⁰ However, Bishop Geoffrey revealed that Guerno confessed forging for various churches (*per diversas ecclesias*), though the only two specifically named were Saint-Ouen, Rouen and Saint Augustine's,

¹⁷ Waldman, "Hugh of Amiens," 140–5.

¹⁸ At this point, the papacy at best kept calendars of outgoing, not incoming, correspondence.

¹⁹ Wilhelm Levison, *England and the Continent in the Eighth Century* (Oxford: Clarendon, 1946), 212–14 and PUF 7:169–76, esp. 170–1. Delanchy, "À la conquête de l'exemption," 113–116.

²⁰ See book 3 "Contra Sancti Medardis" in Guibert of Nogent, *De sanctis et eorum pigneribus*, 138–59. Trans. Rubenstein, *On the Relics of Saints*, 249–69 and see the "materiality of forgery" in chapter one.

Canterbury. What these two houses had in common was that they were located in the same town as their episcopal superiors, and both superiors were the metropolitans of their region (the archbishop of Rouen for Normandy and the archbishop of Canterbury for England). That these two houses were the only ones mentioned specifically says less about Guerno and more about the reporter, Archbishop Hugh, who undoubtedly favored episcopal control of such monasteries. But what about the reach of Guerno's activities? It is unsurprising that Guerno could have been in contact with Rouen from Soissons, as there was frequent communication between these two northern French monasteries.²¹ But what did Guerno, a monk from Soissons, have to do with England?

Although these two letters are the only sources pertaining to Guerno and his confession, many modern historians have sought to discover his forgeries. In particular, historians of medieval England have investigated Guerno because of his connection to Saint-Augustine's, Canterbury. Saint-Augustine's had been the first monastery in England, founded by the Roman missionary Augustine, and so claimed pride of place among English monasteries. Augustine was also the founder of the church of Canterbury and the first bishop in England, and the post-Conquest archbishops emphasized these events when asserting primacy over the English church. In addition, as the diocesan bishop of Canterbury, the archbishops had ordinary jurisdiction over Saint Augustine's – unless and until the monks could assert an exemption from that control. To complicate matters, there was a second monastery at Canterbury, the cathedral chapter of Christ Church, whose post-Conquest story was explained in chapter four. This peculiarly English institution, of monks attached to a cathedral chapter rather than secular canons, arose in Canterbury's case in the late tenth century (though the monks' story asserted it had existed from the earliest missionary days). Thus, from about 1000 onwards, there were three competing groups of ecclesiastical scribes (the archbishops' men, the monks of Saint Augustine's, and the monks of Christ Church) who could assert claims to authority based on Augustine's mission to England. They also produced a very large corpus of surviving documents for pre- and post-Conquest England. In consequence, Guerno's alleged activities have been investigated by a number of historians of England. Their efforts offer interesting views of Guerno but, equally importantly, reveal tendencies within historical scholarship about forgery.

²¹ Delanchy, "À la conquête de l'exemption," 114 argued the campaign of forgery began after the translation of several key relics from Saint-Ouen to Saint-Médard in 1090; AASS October 10, 83 (misdated 1079).

Modern scholarly interest in Guerno was piqued by Wilhelm Levison, who attributed a set of forgeries to Guerno.²² This “lone forger” theory tied Guerno both to the famous Canterbury primacy forgeries and some of the earliest royal diplomas about the foundation of Saint-Augustine’s. Levison stressed an ongoing dispute between the archbishops of Canterbury and the monks of Saint-Augustine’s about their independence. Levison’s argument tied Guerno to ten forged charters of Saint Augustine’s. These included three charters of King Æthelberht, among the earliest known royal charters, a supposed charter of Edward the Confessor, and some forged charters of early popes and Bishop Augustine, the missionary founder saint. Levison argued that these texts had been forged circa 1070, when Lanfranc became archbishop of Canterbury and began his program to institute Norman control over the English church.²³ Levison tied the forgeries to Lanfranc’s (and Norman) ascendancy for two reasons. First of all, when Lanfranc arrived, the previous abbot of Saint-Augustine’s, Æthelsige, had gone into exile, and Scolland, a Norman monk from Mont Saint-Michel, had been designated for election by William the Conqueror. Thus, Levison argued, the free election of the abbot by the monks was a hot issue, as it was for Gregorian reformers on the Continent at the same time. Since the forgeries supported a case for abbatial independence from episcopal control, Levison viewed this dispute as one motive for their creation.²⁴ Second, and perhaps more influential in Levison’s thinking, were the famous Canterbury primacy forgeries – a different set of forgeries designed to assert the primacy of the archbishop over the whole English Church. In particular, Levison – who was writing in 1946 in England – used the then-dominant interpretation of the primacy forgeries, that of Heinrich Böhmer, who in 1902 had exposed a number of royal and papal forgeries and attributed them to Lanfranc’s agency.²⁵

However, subsequent scholarship has discredited this theory and so much of Levison’s argument about Guerno may be discarded. However, Levison was a cautious scholar and some of his work is still valuable. He realized that the issue of the abbot and monastery’s independence had flared up at various points during the century following the Conquest. He thought one of these later flare-ups explained the creation of Giles of Évreux’s cover letter and the copies of Hugh’s confession letter. This part of his reasoning

²² Levison, *England and the Continent*, 174–233.

²³ Levison, *England and the Continent*, 206–10.

²⁴ Levison, *England and the Continent*, 206 was judiciously guarded: “But we must be conscious of the limits set to our knowledge, and speculations such as these may go too far.”

²⁵ Heinrich Böhmer, *Die Fälschungen Erzbischof Lanfranks von Canterbury* (Leipzig: Dieterich, 1902).

still stands. During the twelfth century, there had been continuing disputes about the professions of obedience which the archbishops of Canterbury had required from the abbots of Saint-Augustine's.²⁶ One eruption occurred in the time of Archbishop Richard (1174–1184), the successor of the martyred Becket, with the election of Abbot Roger of Saint Augustine's in 1175.²⁷ Abbot Roger, as his predecessors had done, claimed independence and refused to make the profession. The issue was presented to Pope Alexander III while Abbot Roger was visiting Rome for his benediction, who decided initially in favor of the monastery after inspecting transcripts of its ancient privileges in February 1179.²⁸ However, Archbishop Richard declared that the documents were forged. It is in this context that Giles presented his cover letter with his uncle Hugh's "confession letter" to the Pope, perhaps at the third Lateran Council in March 1179.²⁹ Giles certainly was seeking to support Richard's claim to authority, as a fellow bishop and as nephew of Hugh, whose stand on monastic exemption had been resolutely episcopal. In any event, Alexander III issued a retraction in early May.³⁰ Subsequently, in 1181 the Pope sent the bishop of Durham and the abbot of Saint Albans to examine the privileges of Saint Augustine's and send sealed copies to Rome with two or three originals, while the monks themselves brought other charters.³¹ According to the later report of Gervase of Canterbury (whose views reflected those of Christ Church and the archbishop), the monks produced two charters of Æthelberht and Saint Augustine, which were deemed fake because they exhibited erasures and emendations, and either lacked a seal or had a defective one.³² Finally, King Henry II put an end to this particular phase of the controversy by overseeing a compromise in 1183, though the issue stubbornly persisted.³³

²⁶ Michael Richter, *The Canterbury Professions, Canterbury and York Society* 67 (Torquay: Devonshire Press, 1973); Levison, *England and the Continent*, 179–80 and 207.

²⁷ For Roger, David Knowles et al., eds., *The Heads of Religious Houses in England and Wales*, 2nd ed. (Cambridge: Cambridge University Press, 2001) 1:36.

²⁸ JL 2:13039–40. Roger received benediction Jan 28, 1179.

²⁹ Levison dated the letter to 1176–1179, *England and the Continent*, 179–80. Delanchy, "À la conquête de l'exemption," 115 explained the exchange more clearly. Giles died at the end of the year.

³⁰ PUE 2:388–90, no. 190–1.

³¹ JL 2:14365 and 14380.

³² Gervase of Canterbury, *The Historical Works of Gervase of Canterbury*, ed. William Stubbs, 2 vols. RS 73 (London, 1879–80) 1:296–7 and PUE 2:410, no. 217.

³³ Archbishop Richard confirmed some possessions of Saint Augustine's, but not the exemption, C. R. Cheney and Bridgett E. A. Jones, eds, *English Episcopal Acta 2: Canterbury, 1162–1190* (Oxford: Oxford University Press, 1986), 73–4, no. 92. Thomas

Recent scholarship on charters at Canterbury has completely shifted how historians must evaluate Guerno's confession. Indeed, the "lone forger" theory looks unlikely. It had always been a problem for Levison's argument that he had seen Guerno as forging in the 1070s, although he must have died between 1119 and 1131, when Geoffrey was abbot of Saint-Médard. Such a lengthy career was not impossible, but subsequent analysis of the charters demonstrated that Levison attributed too many forgeries to Guerno. Susan Kelly, who worked extensively on Saint-Augustine's forgeries, divided them into various groups. Initially, she argued that the early English royal charters constituted a separate group, and that their forger was versed in royal diplomatic practices, which made it unlikely to have been Guerno, who presumably was not from England.³⁴ Nevertheless, the false privilege of Bishop Augustine, one charter of Æthelberht, and the four fraudulent papal privileges – in total 6 documents – shared enough textual similarities to possibly constitute a group which could have been achieved by a lone forger.³⁵ Yet she argued that a program of forgery existed at Saint-Augustine's from as early as the 1060s, and was extended by disputes in 1107–1108 and 1121–1123. Later, Kelly was more reserved, stating that the forgeries were done in stages for multiple purposes, especially the royal charters.³⁶ She posited that Guerno might have been involved at the later stages, after the issue of the abbey's independence from the archbishop arose. However, she also suggested that perhaps none of the extant forgeries are Guerno's handiwork since Giles' "cover letter" asserted that he had burned the fraudulent privileges with his own hands.³⁷

of Elmham, *Historia monasterii S. Augustini cantuariensis*, ed. Charles Hardwick, RS 8 (London: Longman, 1858), 449–52, no. 80 and see Eric John, "The Litigation of an Exempt House, St. Augustine's, Canterbury, 1182–1237," *Bulletin of the John Rylands Library* 39 (1957): 390–415 at 395–7.

³⁴ Kelly, "Some Forgeries," 354–60.

³⁵ Kelly, "Some Forgeries," 360: "Levison seems to have been correct to assign the ten forgeries to approximately the same period and the majority of them to the same man. The core of the group is formed by the third charter of Æthelberht, the privilege of Augustine and the papal privileges."

³⁶ Susan Kelly, *Charters of Saint Augustine's*, 22: "It is likely that the ten documents Levison identifies as Guerno's work were produced over several decades in the later eleventh and very early twelfth centuries, and that more than one scribe was responsible; the royal charters, in particular, seem to have been fabricated on different occasions with different techniques and models."

³⁷ Kelly, *Charters of Saint Augustine's*, lxxv: "Guerno's participation in the project may belong to a later stage and, since the documentation concerning him indicates that his forged privileges were exposed and destroyed after his death, it could be the case that none of the extant fabrications represent his work."

Other historians assigned various degrees of blame to Guerno, between Levison's "lone forger" theory and Kelly's cautious disavowal of any definite connection. These modern views echo what had been a previous, more vicious, debate among early modern scholars about Guerno. Guerno's confession had been part of the eighteenth-century quarrels provoked by Jean Mabillon's *De re diplomatica* about the authenticity of early church documents.³⁸ Readers with a skeptical cast of mind perhaps have already thought of one tactic employed in this debate: a misguided defender of Mabillon proposed that the two letters about the confession were themselves forgeries. If correct, of course, this would mean that Guerno's confession was an invention of Hugh or Giles. Indeed, one might read the tearful repentance of Guerno as a clever legal fiction, since tearfulness was a recognized sign of a confession's sincerity in penitential handbooks and the emergent canon law.³⁹ Was Guerno's confession a Norman legal fable for an English and papal audience? One need not be so skeptical, since there are no indications that the "cover letter" was itself forged, and while Hugh's "confession letter" was tendentious, Giles had every opportunity to know its contents. However, this dispute shows how bitter the early modern debates over diplomatic became, infused by controversies over faith and nascent modes of textual criticism. Moreover, the methodological concerns have persisted and inflected modern historians' views.

What, then, can one say about Guerno's connections to England? Perhaps some trace of Guerno's work survives. It seems to me that Giles' letter probably refers to burning the fraudulent privileges of the Norman abbeys, which were in dispute before Innocent II in 1131, rather than Saint Augustine's. The Norman forgeries were in reach of Giles and under the authority of Hugh, while Saint-Augustine's was not.⁴⁰ In addition, even if the pseudo-originals (that is the fraudulent single-sheet charters) had been burned, what we now have are later cartulary copies of the charters from Saint-Augustine's, which may preserve Guerno's wording.⁴¹ Moreover,

³⁸ Levison rehearsed these disputes, *England and the Continent*, 208–9.

³⁹ William J. Courtenay and Karl B. Shoemaker, "The Tears of Nicholas: Simony and Perjury by a Parisian Master of Theology in the Fourteenth Century," *Speculum* 83, no. 3 (2008): 603–28, esp. 618–24.

⁴⁰ Levison, *England and the Continent*, 208n1 argued that Hugh had the Saint-Ouen privileges burned and was eager to prove the Saint-Augustine's charter survived, citing evidence of a later *compositio*, see Jean-François Lemarignier, *Étude sur les privilèges d'exemption et de juridiction ecclésiastique des abbayes normandes depuis les origines jusqu'en 1140* (Paris: Picard, 1937), 213n125 and GC 9:138, 144 (which both misdate it to 1130). Delanchy, "À la conquête de l'exemption," 114, concluded that only the Saint-Ouen privileges were burned.

⁴¹ Even though the pseudo-originals were destroyed at Saint-Ouen, Lemarignier, *Étude sur les privilèges d'exemption*, 214n126 still found texts of four false bulls

the content and purpose of the forgeries must be considered. Medieval forgers, if they were any good, forged for very particular reasons, using quite specific turns of phrase: often just inserting key words into older privileges. The process of creating any charter was deliberate and careful; it was all the more so for a forgery. While forgeries at Saint Augustine's arose for various reasons, the independence of the monastery from the archbishop's ordinary jurisdiction motivated any connected with Guerno. It makes sense for a continental monk, versed specifically in the language of monastic "liberties," to have been consulted about fabricating ecclesiastical privileges. He would have known the formulas needed to convince (or fool) the papal chancery. As shown in part II, this particular type of dispute (and privileges fabricated for it) had a long, shared history among monks of France, Flanders, and England. Monks seeking independence used phrases which had been developed, refined, and employed many times. Guerno was a mechanic trained in their use; one among many who otherwise remain unknown. Possibly he was recruited by Saint-Augustine's as a type of "fixer" to deal with the specific and ongoing problem of the monastery's independence. Such professional forgers were not unknown in England in this period.⁴² Even if Guerno didn't travel himself, his phrases could have, between communities of forgers.

These paired letters also reveal twelfth-century clerical attitudes to Guerno's confession and forgery. Let us consider the form of the two letters which survive. To say that they are removed from the confession itself is an understatement. What survives is Giles' "cover letter" (from the late 1170s) affirming a contemporaneous copy of Hugh's "confession letter" (composed in the late 1150s), which recounted Geoffrey's oral testimony in 1131 about the confession of Guerno, which had occurred while Geoffrey was abbot of Saint-Médard, that is, between 1119 and 1131. So, the two letters were written down more than forty years after the oral testimony, which was sometime (perhaps several years) after the confession. These reports were far removed from deeds. Historians have rightly questioned the letters' account. Nonetheless, certain matters are clear. For example, Giles' motive in producing the letters: he was supporting the subjection of a monastery (Saint-Augustine's) to episcopal control. More generally, the form and content of the letters reveal operating assumptions of documentary culture.

survived in fifteenth- to seventeenth-century copies, suggesting perhaps they had been preserved in the Saint-Ouen cartularies or elsewhere. I envision a similar possibility for Saint-Augustine's.

⁴² Nicholas Brooks, "History and Myth, Forgery and Truth," in *Anglo-Saxon Myths: State and Church, 400–1066*, ed. Nicholas Brooks (London: Hambledon, 2000), 15–19 for various examples.

Why did Giles feel impelled to produce three copies of the “confession letter,” each with a “cover letter” attached by his seal? One reason could be that the dispute between Saint-Augustine’s and Archbishop Richard had become so bitter and so prolonged that triple expedition was needed to assure that all interested parties (Saint Augustine’s, the archbishop, and the papacy) had accurate copies. In general, multiple expeditions, such as chirographs, were used to provide greater surety – and placing those copies under seal was meant to guarantee the recipient of the authenticity (as well as the accuracy) of the copies.⁴³ More importantly, in the years between Guerno’s confession (roughly the 1120s) and Giles’ creation of the letters (the 1170s), there were shifts in attitudes about charters, forgeries, and proof.

In 1131, during the dispute between Archbishop Hugh and his Norman abbots, the sworn oral testimony of the confessor, Bishop Geoffrey, was sufficient proof for Pope Innocent II to make his ruling, and the abbots were forced to make their professions. This ritual was as close to public knowledge as any event in the Middle Ages, since it took place around a general council, which by even the most conservative chroniclers’ accounts was attended by 300 bishops and abbots, and numerous lay dignitaries.⁴⁴ But a generation later, Archbishop Hugh felt compelled to send a written account of these events to another pope, probably because of continuing assertions of independence by Norman monasteries. The prologue of his letter explained why. Hugh began by reminding Pope Adrian that there had been troubles between him and King Henry I at the start of his episcopacy, many of which had been resolved by Pope Innocent II.⁴⁵ The abbots of Saint-Ouen and Jumièges had opposed Hugh on the basis that they had ancient papal privileges granting them exemption from episcopal control. Therefore, Hugh said he was writing about his dispute with two abbots, “because we do not believe notice of it has come down to the modern day, (and it is) worthy of memory (*dignum memoria*).”⁴⁶ Of course, one could

⁴³ Bedos-Rezak, *When Ego Was Imago*, 15–16.

⁴⁴ Orderic Vitalis, *Historia ecclesiastica*, xiii.12, ed. Marjorie Chibnall, 6 vols. (Oxford: Clarendon, 1969–1980) 6:423 claimed 13 archbishops (including Hugh), 263 bishops, and a great multitude of abbots and monks and secular clerks were present; the *Annales Blandinensis*, MGH SS 5:28 claims 50 bishops and 300 abbots.

⁴⁵ Innocent II may have just confirmed the rights of Hugh while at Blois on Oct 6, 1131, PUF 2:66–7, no. 11. Hugh had been insisting on written professions of obedience from the abbots of Saint-Ouen, Jumièges, and Saint-Wandrille. Hugh was opposed by King Henry I, see Waldman, “Hugh of Amiens,” 143. For Saint-Wandrille’s profession, see PL 179:117–18.

⁴⁶ Cotton Charter xxi.9: “Inter quae hoc unum, quia ad modernorum non credimus notitiam pervenisse, vestrae discretioni, tanquam dignum memoria, praesentis scripti relatione studuimus intimare.” My translation: “Among which this one,

simply regard this as an attempt to preserve in writing the memory of what had been an oral judgment. Indeed, by the 1150s, Archbishop Hugh was the only significant participant (except Giles) known to have been present in 1131 who was still alive.⁴⁷

But it was more than this. The monastic scribal world in which Guerno had confessed to forging was experiencing new pressures. Around the same time, the popes and the papal curia moved to detect and prevent forgery of papal privileges forcefully. These attempts at prevention had begun already in the 1120s, as new styles for papal documents were developed at the curia, just as the future Archbishop Hugh was in training there. During Innocent II's tumultuous pontificate (1130–1143), the papal curia adopted more consistent procedures and forms for issuing privileges, which were aimed in part at reducing forgery.⁴⁸ Also, by the mid-twelfth century, the curia began to restrict what documentation could be presented, discussed below. Hence, another motive for Giles' attaching his own cover letter and seal to his uncle's confession letter – it provided a document in a format which had recognized probative value in the papal court in the 1170s. This concern with proof may also explain Giles' insistence in his letter that he had heard Hugh's words himself, had seen Hugh's sealed letter, and burned the fraudulent privileges with his own hands – for such acts made him a living witness to the “confession letter” and the destruction of Guerno's forgeries. The tightening of papal documentary practices (and the rules of evidence) had imposed new standards about oral testimony and written privileges, and Giles was creating the now necessary “paper trail” for what had been an oral judgment (even a widely known one) just a few decades earlier.

But who needed this proof? Who wanted a written record? The monks of Saint Augustine's certainly wanted Guerno's confession forgotten, as did the monks of Saint-Médard. Guerno himself, until the last moment, had sought to avoid detection. Famous forgers were, by definition, failures, because their creations had not been identified as the work of others. Forgers did not seek anonymity (like their more humble monastic brethren); rather they sought

because we do not believe notice of it has come down to the modern day, (and it is) worthy of memory, we strive to make known to your discernment by written relation at present.”

⁴⁷ Raginfred of Saint-Ouen died by 1150/1, Gazeau, *Normannia monastica* 1:118 n442. Levison, *England and the Continent*, 208 assumed Giles was present and was archdeacon, but he did not become archdeacon until 1138. Spear, *Personnel of Norman Cathedrals*, 212n42 asserted “Giles was with abp. Hugh, as Levison states, but perhaps as a chapl. or can.: nothing specifies that he was then an archdeacon.” Spear took as truthful the statement that Giles burned the privileges with his own hands.

⁴⁸ For the “simple privilege” and forgery, Reginald Lane Poole, *Lectures on the History of the Papal Chancery* (Cambridge: Cambridge University Press, 1915), 112–22.

to have their texts attributed to authorities, to be regarded as authentic and approved.⁴⁹ Guerno, by confessing, had confounded the claims of monks for whom he had forged. It was the archbishops of Rouen and Canterbury, who were seeking to prevent their respective monasteries from claiming exemption, who were keen to remember Guerno and to place his confession in writing. Indeed, the interest of the “authorities” explains why we have any record at all.

So, historians should be careful with Guerno’s confession. From a purely methodological standpoint, the two letters provide the only information and they do so tendentiously and rather indirectly. But historians, seeking to tell their own stories vividly, have a tendency to stress personalities who can be cast as heroes or villains in their narratives. In so doing, they sometimes absorb the biases of their sources. For Giles and Hugh, Guerno was a monastic villain, who sought to undermine episcopal power. Some modern historians also cast Guerno as a villain, since his forgeries muddled their evidentiary waters. But historians should not accept their tale at face value. I would argue that no traditional narrative about Guerno’s confession can be written, for lack of evidence. We have little knowledge of him at all and only from highly constructed, rather late sources. Guerno also cannot be discovered through his handiwork. Maybe none of his forgeries survive. If so, then his work was literally burned from the written record (if not from memory). In the end, Guerno was a famous failure, though perhaps redeemed at his death in the eyes of some contemporaries because of his confession. However, I doubt his monastic brethren at Saint-Medard’s or Saint-Augustine’s would have remembered him kindly, since his confession exploded their stories about their past and compromised the status of their houses for several generations.

FORGERS’ TRICKS: MAKING IT LOOK GENUINE, CREATIVE REWRITING, AND TIMING

The activities of Guerno and their aftermath raise numerous issues about forgery in the twelfth century. Although his confession led to the exposure of his sins, his skills as a forger were not wholly secret beforehand. Somehow, the monks of Saint Augustine’s knew about Guerno and he either visited them or, more probably, sent key phrases or example texts to them. Although we may never know what Guerno actually did, there are other important questions raised by this incident. In purely pragmatic terms, what wording or techniques had to be learned? Should we regard

⁴⁹ Compare Guenée, “Authentique et approuvé,” 216–17 who argued that this sense of “authentic” could apply to recitations as well as texts.

such exchanges of knowledge as rare or frequent? Moreover, did authorities recognize a problem, as Archbishop Hugh clearly did? If so, what measures of detection and prevention did they adopt? And how did such resistance stimulate forgers to develop new tricks?

Perpetrating forgery successfully required skill, models, and opportunity. It also depended on the level of scrutiny an audience would apply. Forgers of charters and seals, inventors of relics, or counterfeiters of coins all needed skills to make their products look genuine. Simulating the genuine, imitating its form as closely as possible, was the most basic aspect of successful perpetration. Of course, seals and coins could be replicated mechanically using matrices and dies. But with medieval text, the process of replication was not mechanical before printing, it was artisanal. Therefore, forgers could intervene in every phase of crafting to employ their tricks.

Of course, a person skilled in writing particular scripts had great potential as a forger. Historians often have minimized or maximized their estimates of medieval forgers' skills for rhetorical effect in their own interpretations, depending on whether it suited their purposes to represent forging as easy or hard. In an age of digital copying, a twenty-first-century historian can easily underestimate the amount of effort that exact copying required in a world of handwriting. But one should not assume that such manuscript skills were too rarified either, at least among the clerical literate elite. Take, for instance, the process of erasure and rewriting. It was a common scribal task to scratch off mistakes and then rewrite a word or words properly. However, forgers could also selectively erase key words (such as names) and replace them with desired ones in the same space. While such script doctoring can be quite obvious now, after centuries of inks fading differently or with magnification, erasures were often difficult to detect in the Middle Ages. Rarely, such substitutions were deliberately visible, as when Abbot Womar of Saint Peter's had his name put in place of a rival's. For forgers, though, a rewritten script had to look unaltered to achieve credibility. A more elaborate (and deceptive) version of "erase and replace" had occurred at Saint-Denis, where the monks imitated Merovingian scripts on the back of genuine papyri before erasing the front. Thus, erasure could be used along a whole spectrum, from assuring accuracy (correct spelling) to perpetrating an intentional deception (inventing acts which did not exist).

The basic monastic school curriculum for reading and writing Latin, dominant until the early twelfth century – and later influential in cathedral schools – emphasized not just learning by repetition and memorization, but also imitation. This was particularly true for writing: one learned to

imitate a particular script.⁵⁰ For generations, paleographers have compared scripts (indeed it is the basis of the discipline) and identified and localized them to particular *scriptoria*. This is to say nothing of identifying “hands” associated with particular manuscripts or, more unusually, individual writers.⁵¹ Many prominent monastic *scriptoria*, especially those accustomed to writing charters for lay beneficiaries or authorities, probably had scribes with the ability to forge (imitate a script well enough to fool others). Imitation of earlier scripts was an art and it could be used to rejuvenate older acts through accurate copying or to renovate their style or content. Such rejuvenations and renovations occurred in English monasteries after (and even before) the Conquest, including at Christ Church, Canterbury, where single sheet charters supposedly from the tenth century or earlier were written in imitative scripts during the eleventh century.⁵² Such skills offered the chance to improve documents, for those versed enough in the art.

An elaborate case of script imitation is provided by early English charters forged at Saint-Denis which were far removed from their alleged time and place of origin. In a late twelfth-century cartulary of Saint-Denis, there are copies of four documents pertaining to English lands held by the house.⁵³ Two of these acts also survive as pseudo-original royal charters. These four charters were analyzed by Hartmut Atsma and Jean Vezin, who determined they were fabricated, though modelled on authentic (now lost) records in Saint-Denis’ archives.⁵⁴ The charters tell the implausible story of a donation by Duke Berhtwald of Sussex. Supposedly, around 788, the duke fell ill and Charlemagne (prematurely called emperor) authorized the transportation of the relics of Saints Denis, Rusticius, and Eleutherius to England, whereupon they miraculously healed the duke. In thanks, he allegedly endowed

⁵⁰ Imitation was not just physical but also an aspect of spirituality, Bedos-Rezak, *When Ego Was Imago*, 186–205 on twelfth-century theology about likeness and replicas.

⁵¹ Bernard Bischoff, *Latin Palaeography: Antiquity to the Middle Ages*, trans. Dáibhí Ó Cróinín and David Ganz (Cambridge: Cambridge University Press, 1990), 36–48 for copying and esp. 46–8 on forgeries.

⁵² Peter A. Stokes, *English Vernacular Miniscule from Æthelred to Cnut, circa 990–1035* (Cambridge: D. S. Brewer, 2014), 54–62, esp. Table 16, which lists 17 examples; Julia Crick, “Historical Literacy in the Archive: Post-Conquest Imitative Copies of Pre-Conquest Charters and Some French Comparanda,” in *The Long Twelfth-Century View of the Anglo-Saxon Past*, eds. Martin Brett and David A. Woodman (Farnham: Ashgate, 2015), 159–90.

⁵³ AN LL 1156, ff. 81r–83v, Stein 3359. Begun in 1180/1190 but completed in the early thirteenth century.

⁵⁴ Hartmut Atsma and Jean Vezin, “Le dossier suspecte des possessions de Saint-Denis en Angleterre revisté (VIIIe–IXe siècles),” *FiM* 4(2):210–36.

the monks with his lands in Rotherfield, Hastings, and Pevensey in Sussex.⁵⁵ These gifts were subsequently expanded in later confirmation charters, allegedly issued by Offa, King of Mercia in 790 (a pseudo-original) and Æthwulf, King of Wessex in 857.⁵⁶ They were confirmed again in a judgment by Edgar, King of England in 960 (another pseudo-original), a “restoration” of monastic goods despoiled by royal agents, a theme which was not coincidental.⁵⁷ Both surviving pseudo-originals had seals attached, unusual for early English royal acts, and perhaps preserved phrases from earlier grants.⁵⁸ They were written in similar hands, though not exactly the same. Furthermore, the monks of Saint-Denis imitated English royal diplomatic forms fairly well. Even more remarkable, though, was their knowledge of script. Saint-Denis scribes could imitate Carolingian scripts but they also knew a lot about ninth- and tenth-century English scripts. In particular, they knew that the insular g was written differently than the Carolingian g of the same era, which were both different from their contemporary g.⁵⁹ These four acts were probably conceived as a set, and around the turn of the thirteenth century they were copied together in a royal *vidimus*.⁶⁰ A fifth act, a pseudo-confirmation by Pope Benedict III dated 857, headed the four documents in the late twelfth-century cartulary.⁶¹

When and how were these English charters fabricated at Saint-Denis? Atsma and Vezin suggested the reign of Edward the Confessor (1042–66) and especially towards mid-century when the monks were rewriting their past to defend their interests.⁶² There were close ties between the monks of Saint-Denis and the English kings before (and after) the Norman Conquest of 1066, which could have provided both the local knowledge and opportunity for fabrication. These pre- and post-Conquest ties are evident in the two entries which follow the five Sussex charters in the Saint-Denis cartulary. The first was an Old English writ of Edward the Confessor granting an estate in Oxfordshire (Taynton) to Saint-Denis [1053 x 1057]. This act survives as a single sheet and is very likely authentic.⁶³ The second entry, a

⁵⁵ AN LL 1156, ff. 81r–v, S 1186.

⁵⁶ Offa: AN K 7, no. 10 (S 133). Æthelwulf: LL 1156 ff. 83r–v (S 318) impossibly dated 833, but the *vidimus* indicates 857, Atsma and Vezin, “Dossier suspecte,” 218 n.43.

⁵⁷ AN K 17, no. 3 (S 686).

⁵⁸ Atsma and Vezin, “Dossier suspecte,” 228–9.

⁵⁹ Atsma and Vezin, “Dossier suspecte,” 227–8.

⁶⁰ AN L 844, no. 2, a *vidimus* of 1192–1204 contained copies of the four English acts (but not the papal bull or other acts mentioned below.) Atsma and Vezin, “Dossier suspecte,” 221 n64.

⁶¹ AN LL 1156, fol. 80v–81r; PUF 9(2), no. 10 (JL 2666).

⁶² Atsma and Vezin, “Le dossier suspecte,” 233–4, esp. n126.

⁶³ AN K 19, no. 6 (S 1105); Cartulary copy AN LL 1156, fol. 83r–84r; Bishop and Chaplais, eds., *Facsimiles of English Royal Writs*, pl. XVIII. Simon Keynes, ed., *Facsimiles*

Latin grant of Taynton with English bounds, by Edward and dated 1059, also survives as a single sheet.⁶⁴ Although the 1059 grant conforms to English royal diploma format, the Hellenized spelling of “Dyonisius,” the use of rustic capitals for names, the anathema formula, and other telltale signs led Thomas Waldman to conclude “the diploma was certainly drafted at Saint-Denis, and was probably written by a Saint-Denis scribe who was imitating Old English hand.”⁶⁵ Remarkably, this charter also contains a first person note after the subscriptions written by Baldwin (once prior of Lebraha in Alsace, then prior of Deerhurst in Gloucestershire, later abbot at Bury), who we have already encountered.

Monastic machinations continued after the Conquest. Saint-Denis had holdings in England before 1066, but it was another matter to retain control. Given the new realities of landholding imposed by the Norman king, it would be sensible for the monks of Saint-Denis to gather all their privileges pertaining to English holdings. If William was going to honor the grants of Edward the Confessor and the earlier kings, why not use the opportunity to defend the house’s claims? There was a new king, who they could petition to assure the house’s future interests; moreover, a king who was familiar with such requests from his time as Norman duke. In a 1069 charter, William the Conqueror granted Saint-Denis the church of Deerhurst and its dependences.⁶⁶ Although diplomatists have observed that this act resembled an English diploma, Thomas Waldman noticed that it shared many features with the 1059 grant of Taynton, including the Hellenized “Dyonisius,” the same anathema, rustic capitals for proper names, a similar dating clause, etc. – all of which led him to conclude it was beneficiary redacted. Furthermore, he argued its elongated letters and elaborate ligatures also resembled Philip’s I 1068 confirmation for Saint-Denis, a product of the French royal chancery.⁶⁷ The Conquest had stimulated the monks to reassess their English charters and to solicit better confirmations. They also had an advocate, Abbot Baldwin, who continued as royal physician under William and began his own campaign for independence (1070–1081) using fabrication.⁶⁸ Thus, the imitative scripts of Saint-Denis’ dossier crossed the channel.

of Anglo-Saxon Charters (Oxford: Oxford University Press, 1991) 1:7, no. 20.

⁶⁴ AN K 19 no. 6 (S 1028); cartulary copy AN LL 1156, ff. 83r–84r; Simon Keynes, *Facsimiles of Anglo-Saxon Charters*, 1:7–8, no. 21a–b.

⁶⁵ Thomas Waldman, “Charters and Influences,” 29.

⁶⁶ AN K 20, no. 5. David Bates, *The Acta of William I*, 767–9, no. 254.

⁶⁷ Waldman, “Charters and Influences,” 29.

⁶⁸ Sarah Foot, “The Abbey’s Armoury of Charters,” in *Bury St. Edmunds and the Norman Conquest*, ed. Licence, 31–52.

Of course, a capacity to imitate scripts would not, by itself, suffice. One also had to know how to imitate the appearance of an authentic document. Script and format were reinforcing ways to assert credibility.⁶⁹ Having a genuine model to imitate helped enormously. The houses analyzed in part II had some of the largest archives (and most forgeries) in their respective regions. The monks at Saint Peter's, Saint-Denis, and Christ Church all produced pseudo-originals and could do so effectively because they had archival models. To make forgeries convincing, imitating every aspect of a document was crucial, especially marks of validation (*rotae*, elongated letters, *bene valetae*, arrangement of witness lists, inscribed crosses, and so on). Indeed, the desire to preserve such features was so strong that forgers favored recycling as much as possible, either by erasing and replacing key passages on the original itself, or by penning an imitative copy, or by transferring genuine seals to creatively rewritten charters. Producing an acceptable substitute – a pseudo-original charter, a duplicitous seal, or a counterfeit coin – all depended on genuine appearance.

The importance of appearance is further demonstrated by how hard monks worked to preserve such features even when producing acknowledged copies or cartularies. Of course, copying had legitimate uses. Copies, booklets, or cartularies of charters had the advantage of being portable and so could be used to support monastic claims off site, while precious charters remained safely stored at home. But the gap between a copy and an original could be exploited by those seeking to fabricate a more useful text. Copies could be selective, or reworded in various ways, all along the spectrum from fully accurate to wholly invented; however, as long as the format or validating signs were imitated, they could be credible. As has been pointed out many times, ordinary copies lacked legal force as proof – especially once chanceries began to insist on stricter rules for written instruments. However, before such procedures became routine in the twelfth century, credible copies often sufficed. The danger for a forger, of course, was if anyone decided to compare a copy with an original. This risk explains why so many eleventh-century forgers produced not just cartulary entries but also simultaneously fabricated pseudo-original charters, which were their putative “sources.” Such parallel inventions filled any credibility gap of their copies.

Imitating the genuine was not the only means to forgers' ends. Appearance was significant in making a forgery believable, but content also mattered. The ability to fool others also depended on the audience, their expectations, and their familiarity with matters at hand. An audience unacquainted with a particular script or format, already inclined to believe the

⁶⁹ Jessica Barenbeim, *Art of Documentation: Documents and Visual Culture in Medieval England* (Toronto: PIMS, 2015), 53–62.

message, and which could not remember the claims being made was the ideal audience for any forger. These factors explain why charters in disused scripts, making plausible claims, and from a past beyond living memory were easier to pass off as genuine. However, knowing exactly what words to change or insert, or what formulas to repeat, was very important when trying to fabricate a convincing text. Rewriting texts only as much as necessary was one of a forger's most important tricks. Diplomats have usually called such interventions "interpolations" to distinguish them from the original text being modified, but such a description privileges the initial composition. A more positive approach would regard such interventions as "creative rewriting."

Of course, there were patterns to creative rewriting. Several restrained patterns of intervention have already been noted at the end of part II. Examples included inserting key words such as *monasterium*, *libertas*, or *ad victus monachorum*. Another pattern was reusing a document of one ruler as the basis for the act of another. Overt similarities made such sleight of hand easier. So, for example, at Saint-Denis the monks in the late-Carolingian period could reuse their many acts of Charles the Bald through subtle erasures or small additions around the king's name (Carolus), which allowed them to attribute the acts to the more prestigious Charlemagne (or even Charles the Simple). This trick of name similarity also worked for acts of kings such as Louis II (Lothar), which could be made to appear as acts of Louis the Pious.⁷⁰ Aristocratic families often reused names for their children, and so creative rewriters could take advantage of repetition of leading names.

Another way creative rewriting could be disguised was through translation from one language into another. Bilingualism presented both a challenge for scribes and an opportunity for forgers. One could allege antiquity (and authority) by employing another language, such as Greek, as the monks at Saint Peter's and Saint-Denis did to enhance their pretensions. But post-Conquest England provides the most obvious example, as Anglo-Norman scribes attempted to transcribe Old English or translate it into Latin. Indeed, every translation was also an act of interpretation.⁷¹ The range of response varied, from copying complete charters in Old English, to annotating personal names or preserving boundary clauses, to translating entirely into Latin, as happened with the Anglo-Norman cartulary of Christ

⁷⁰ Tessier, "Originaux et pseudo-originaux," 35–69 and Dufour, "État et comparaison des actes faux," 171–80.

⁷¹ Bruce O'Brien, *Reversing Babel: Translation Among the English during an Age of Conquests, c. 800–1200* (Newark: University of Delaware Press, 2011), esp. 187–210.

Church, where they were also creatively rewritten.⁷² Such code-shifting between languages allowed scribes both to invent past events and forget inconvenient truths, which became lost in translation.

Form and content were crucial for successful forgery. But sometimes circumstances could prove favorable for forging or could be used to justify inventions. Different occasions provided opportunities for forgers to reshape the past. Sometimes disasters (actual or rhetorical) could provide the necessary justification. As monks were remembering and writing down the traditions of their community, the desire to “improve” them might override scruples. Creative rewriting became easier when a *scriptorium* or an archive was being refurbished. Fires which destroyed archives provided cover for creative rewriting. Consider the common wonder: the miraculous “preservation” of documents after a terrible fire. Often key documents were shielded from harm, either by a heroic member of the community or by the patron saint, especially if they were suddenly rediscovered unharmed in the smoldering wreckage. A good example involved the monastery of Saint-Père-de-Chartres, which suffered a disastrous fire in 1078. Afterwards, a monk named Paul wrote a *gesta abbatum* from the surviving records. Yet the fire seems to have been rather selective, destroying the whole archive with the exception of certain key documents: the foundation charter, early land grants by the bishop of Chartres, and two rolls with a precise description of those lands.⁷³ Such fires were an actual threat to medieval monastic libraries, but could also provide a cover story for the invention of relics or old documents. Given the large number of pre-Conquest documents we still have from Christ Church, one wonders if the Anglo-Norman monks’ choices about what was deemed useful (as reflected in their dorsal notes of *utile/inutile*) shaped the surviving corpus more than the 1067 fire.⁷⁴ Disasters could stimulate rewriting. Unexpected setbacks, as signs from God, demanded explanation, and often provoked rewriting of *vitae* or *miracula*, or stories about “restoration” of lost lands or goods. Such spiritual “disasters,” if perceived as endangering the livelihood of the monks, were often the mother of “*inventiones*” – the miraculous discovery of a saint’s body or other significant objects.⁷⁵

⁷² For cartulary translations, Peter A. Stokes, “The Problem of Grade in English Vernacular Minuscule, c. 1060 to 1220” *New Medieval Literatures* 13 (2011):23–47, esp. 42–6 on code-shifting in the Evesham cartulary, BL Cotton Vespasian B xxiv.

⁷³ Benjamin Guerard, ed., *Cartulaire de Saint-Père-de-Chartres*, 2 vols. (Paris: Crapelet, 1840) 1:21–43; Guyotjeannin, “*Penuria scriptorium*,” 12–3, 41–2.

⁷⁴ Charles Insley, “Where did all the charters go?” *ANS* 24 (2001): 109–27.

⁷⁵ Geary, *Furta Sacra*, 67–74; Steven Vanderputten, *Imagining Religious Leadership in the Middle Ages: Richard of Saint-Vanne and the Politics of Reform* (Ithaca: Cornell, 2015), 83–94.

Another occasion which provided opportunity for forgers was what might be broadly called “regime change,” a shift in power arrangements. These regime changes could be internal to a monastery, such as the appointment of a new abbot, or external, involving a key patron or protector – including succession or displacement of a ruler. Such times of transition influenced the three monastic stories treated in part II. Monasteries which served as aristocratic necropolises could be especially sensitive to shifts in their patrons’ families. The eleventh-century monks of Saint-Peter’s, Ghent were conscious of their house’s position as the necropolis for the counts of Flanders, a connection which attenuated after Baldwin IV died in 1035 and was the last count to be buried there. A desire to reconnect to the comital dynasty helps explain, therefore, an incident in 1127 related by Galbert of Bruges. After the murder of Count Charles the Good in Bruges, the monks of Saint Peter’s travelled from Ghent to try to claim the body of the murdered count, only to be resisted by the townsfolk, who may have been seeking to promote his cult.⁷⁶

Westminster in England provides another example of creative rewriting to support a potential necropolis. Edward the Confessor had been generous to the house, perhaps intending that it become the English royal burial house similar to Saint-Denis or Speyer.⁷⁷ After the Norman Conquest, William was keen to claim legitimacy by adopting the trappings of English kings, including being crowned at the abbey, but the Norman kings were not buried there. Consequently, the later monks sought to raise their status by inventing histories and narratives about Edward the Confessor.⁷⁸ At Westminster, three major post-Conquest forgeries relied on a “story” similar to that of Saint-Denis: from foundation it was a regular monastic house specially dedicated to Saint Peter and, therefore, worthy of papal protection and freedom from its ordinary, the bishop of London. Moreover, they used phrasing from Saint-Denis. For instance, a pseudo-Edward charter borrowed heavily from King Philip I’s Saint-Denis confirmation of 1068.⁷⁹ They may well have been

⁷⁶ Galbert of Bruges, *De Multro, Traditione Et Occisione Gloriosi Karoli Comitis Flandriarum*, Corpus Christianorum. Continuatio Mediaevalis 131, ed. Jeff Rider (Turnhout: Brepols, 1994), 53–7, c. 22, trans. Jeff Rider, *The Murder, Betrayal, and Slaughter of the Glorious Charles, Count of Flanders* (New Haven: Yale University Press, 2013), 43–4.

⁷⁷ Emma Mason, “‘The Site of King-Making and Consecration’: Westminster Abbey and the Crown in the Eleventh and Twelfth Centuries,” in *The Church and Sovereignty, c. 590–1918: Essays in Honour of Michael Wilks*, ed. Diana Wood (Oxford: Blackwell, 1991), 57–76 at 58 stressed Edward’s familiarity with the cult of Saint-Denis.

⁷⁸ Bernard Scholz, “Sulcard of Westminster: *Prologus de Construccione Westmonasterii*,” *Traditio* 20 (1964): 59–91.

⁷⁹ Bernard Scholz, “Two Forged Charters from the Abbey of Westminster and Their Relationship with Saint-Denis,” *English Historical Review* 76 (1961): 466–78, esp. 466–7.

advised about how to promote a cult around royal relics by Abbot Baldwin of Bury St. Edmunds, who had known the king and his surviving widow, Edith.⁸⁰ But later on, they became bolder still. In the 1120s and 1130s Westminster forgers, led by prior Osbert de Clare, altered or invented large numbers of pre-Conquest charters to reinforce their position as a potential royal necropolis (and cult center), including many charters of Edward the Confessor.⁸¹ The monks at Westminster refined their archives, exploited their connections, and worked persistently until eventually, in the thirteenth century, Henry III was entombed at the abbey, (re)establishing it as the primary royal necropolis, just as Saint-Denis had become in France.⁸²

Finally, one must not overlook everyday transitions in families of monastic patrons and protectors. Everything we know about how charters functioned for aristocrats and monks – facilitating land exchanges, reinforcing lordship, or ensuring commemoration – generated occasions on which monks could inscribe those relationships. After births and deaths such relationships would often be renewed down through the generations.⁸³ But moments of generational renewal were also moments of re-inscription, when monks could deploy their long memories and extensive archives. Of course, such re-inscriptions provided potential opportunities for forgers, who rewrote the past in their favor. A charter of an honored but long-dead relative might be produced in support of monastic claims, which could be “grandfathered” into the negotiations with the younger generation.

ASSOCIATING WITH AUTHORITY I: THE HOLY

Although forgers had lots of tricks, many medieval forgeries were potentially easily detected – either immediately or afterwards – because their execution lacked finesse or they were poorly timed. Nonetheless, many were thought genuine anyway because they were framed (either physically or intellectually) in a way which made them believable. One means

⁸⁰ Licence, “The Cult of St. Edmund,” 105–8.

⁸¹ Pierre Chaplais, “The Original Charters of Herbert and Gervase, Abbots of Westminster (1121–1157),” in *Essays in Medieval Diplomacy and Administration*, ed. Pierre Chaplais (London: Hambledon, 1981), XVIII:89–110; Emma Mason, *Westminster Abbey Charters* (London: London Record Society, 1988), appendix lists 38 allegedly pre-Conquest charters altered or modified after the Conquest, including 33 of Edward the Confessor.

⁸² William Chester Jordan, *A Tale of Two Monasteries: Westminster and Saint-Denis in the Thirteenth Century* (Princeton: Princeton University Press, 2009).

⁸³ Amy Livingstone, *Out of Love for My Kin: Aristocratic Family Life in the Lands of the Loire, 1000–1200* (Ithaca: Cornell, 2000), 91–119; Barbara H. Rosenwein, *To Be the Neighbor of Saint Peter* (Ithaca: Cornell University Press, 1989), 109–44.

of framing was to surround the forgery with other authoritative objects or texts so as to impart authority (and authenticity) by association. Fake relics were often “discovered” as the result of miraculous circumstances or within tombs. (It is ironic that this hagiographic genre is called *inventio* in Latin, which means “to find” but also is the root of the modern word “invention.”) Or they were kept in reliquaries near altars, often with restricted access which suggested they were precious and, therefore, genuine. Furthermore, they often had parchment tags or scrolls attached which “authenticated” their provenance, which was intended to discourage fakery but which could also assist it. Indeed, Guibert of Nogent, in *On the Relics of Saints*, stressed the need for “true writings” to confirm the authenticity of relics.⁸⁴ Sealed pseudo-original charters might be kept in coffers, bundled together with genuine ones, and might be stored in a symbolic sacred location, such as a treasury, sacristy, or even in or around the altar. Fabricated charters could also be copied into holy books or in volumes intended for the altar.

Charters copied into gospel books (both genuine and creatively rewritten) reveal a strong desire to associate with holy authority. As explained in chapter four, the monks of Christ Church had copied several charters deemed important for their “story” into the so-called “Æthelstan Gospels” (BL Cotton Claudius A ii). This volume was a deluxe tenth-century book, kept by the mid-eleventh century on the altar of Christ itself, at least according to a spurious Old English remark of Edward the Confessor recorded within it. This note insisted (too firmly) on the inalterability of the king’s grant: “And he who alters this bequest, which with my own hand on this gospel-book I have dedicated to Christ on the altar of Christ, the Lord shall bring him to perdition forever and to all eternity. Amen.”⁸⁵ Here we have association with two authorities: the royal and the holy. Furthermore, Christ Church monks had copied acts deemed significant into three other gospel books by the 1050s and 1060s, including property transactions, royal writs, and even lay benefactions. Many of these were genuine (or at least fairly accurate copies), though some became fodder for the post-Conquest cartulary after suitable modification.

⁸⁴ Guibert of Nogent, *De sanctis et eorum pigneribus*, 87, trans. Rubinstein, *On the Relics of Saints*, 195: “We ought to revere and honor the relics, both because of the saints’ examples and the protection they provide, but we must have truly sound evidence as to the authenticity (*autentica ratio*), such that someone is called a saint only if there is sure tradition of antiquity about his saintliness or else if true writings (*scriptorum veracium*), not mere opinion, confirms it.”

⁸⁵ On a detached leaf of BL Cotton Tiberius A ii, which is BL Cotton Claudius A iii, f. 6v, trans. *Charters of Christ Church*, 1206, no. 181b.

Other English monasteries also copied their charters into gospels or other books intended for the altar from the tenth to early twelfth centuries (including Bath, Bury St. Edmunds, Glastonbury, Hereford, Thorney, Worcester, and York).⁸⁶ In one remarkable example, the monks of New Minster at Winchester produced a book using the refoundation charter of King Edgar. This deluxe volume was of portable size (221 × 163mm), with generous margins (50mm) all around, illuminated, and written throughout in gold ink. Such ample spacing meant that the refoundation charter of 966 (a genuine grant written down contemporaneously) occupied the majority of the codex, 31 folios out of 43.⁸⁷ This volume was clearly for presentation, and was probably intended for the altar or another ceremonial location.⁸⁸ It was grandly introduced by a gold-adorned frontispiece.⁸⁹ It depicted King Edgar supplicating Christ in majesty (in a mandorla surrounded by four angels), with the king flanked on the left by the Virgin (the abbey's patron) holding a quill and on the right by Saint Peter offering the book to Christ.⁹⁰ Meanwhile, the charter itself explained Edgar's reform program, especially the replacement of canons by monks at New Minster and throughout the kingdom. Furthermore, there was provision within the book for public reading to the community during the year. Although the 966 Edgar charter was genuine (many scholars believe it was composed by Bishop Æthelwold), the remaining contents of the volume are suspicious.⁹¹ Because this

⁸⁶ Francis Wormald, "The Sherborne Chartulary" in *Fritz Saxl: A Volume of Memorial Essays from His Friends in England*, ed. D. J. Gordon (London: Nelson, 1957), 101–19 at 106 n2. For 31 other pre-Conquest instances, Simon Keynes, "King Athelstan's Books," in *Learning and Literature in Anglo-Saxon England*, eds. Michael Lapidge and Helmut Gneuss (Cambridge: Cambridge University Press, 1985), 189 n216.

⁸⁷ BL Cotton Vespasian A viii, ff. 3v–33v (S 745). Miller, ed., *Charters of the New Minster, Winchester*, 95–111, no. 23 (S 745) and Alexander R. Rumble, *Property and Piety in Early Medieval Winchester* (Oxford: Clarendon, 2002), iii (fac) and 65–97, no. 4.

⁸⁸ Alexander R. Rumble, "The Purposes of the Codex Wintoniensis" *ANS* 4 (1981): 153–66, 224–32.

⁸⁹ BL Cotton Vespasian A viii, f. 2v. Fac. Janet Backhouse, *The Illuminated Page: Ten Centuries of Manuscript Painting in the British Library* (Toronto: University of Toronto Press, 1997), 20–1, no. 8.

⁹⁰ Charles Insley, "Charters, Ritual, and Late Tenth-Century English Kingship," in *Gender and Historiography: Studies in the Earlier Middle Ages in Honour of Pauline Stafford*, ed. Janet L. Nelson et al. (London: Institute of Historical Research, 2012), 75–89 at 83 and "Rhetoric and Ritual in Late Anglo-Saxon Charters," in *The Medieval Legal Process: Physical, Spoken and Written Performance in the Middle Ages*, eds. Marco Mostert and P. S. Barnwell (Turnhout: Brepols, 2011), 1–13 at 10–11.

⁹¹ Æthelwold's authorship first proposed by Francis Wormald, "Late Anglo-Saxon Art: Some Questions and Suggestions," in *Romanesque and Gothic Art*, ed. M. Meiss

book was unusually important, it provided fertile ground for later monks wishing to plant fabrications to affirm lands and privileges. Immediately following the refoundation charter was a copy of a second act of Edgar, a twelfth-century forgery purportedly granting certain lands to the monks, and an inflated affirmation of the monastery's perpetual liberties by Henry I of 1116, both also written in gold ink.⁹² The context implied authenticity. This extraordinary codex, celebrating the refoundation of New Minster as a Benedictine monastery, was clearly intended to impress others, including perhaps even rival monks at Old Minster, immediately next door. While it was not a sacred book itself, it imitated the form of one. It celebrated the connection between king and community, while drawing on holy associations. Of course, copying genuine acts assured preservation of key properties or rights (or even just the memory of them). However, fabrication and record-keeping were reinforcing activities, since copies of genuine acts gave cover to forged ones.

Copying charters into blank or inserted leaves of Gospel books inherently associated them with the holy or sacred. Such precious books were themselves objects of veneration, and their bindings (sometimes even containing relics) were often sumptuously decorated. Francis Wormald, who traced this practice in at least eleven different English gospel books, argued that it also made tampering with the documents akin to sacrilege.⁹³ In particular, he highlighted the close link between charter copies and the gospel book format in the Sherborne cartulary (BL Additional 46487).⁹⁴ In this case, a reconstruction of the manuscript indicates that charters were copied in three continuous sets into the first five quires of the book, preceding the gospels and other liturgical materials intended for the abbot's use. Each of these series began with a foundation or quasi-foundation document and outlined key holdings. For example, the first quire began with an act of Æthelred II, re-founding the house as one of monks.⁹⁵ This orderly arrangement led Wormald to conclude that the

(Princeton: Princeton University Press, 1963), 19–26 at 24–5, who also noted the provision for reading; Rumble, *Property and Piety*, 65–9.

⁹² BL Cotton Vespasian A viii, ff. 34r–37r (S 746), Miller, ed., *Charters of New Minster, Winchester*, 111–16, no. 24 and ff. 37v–38v.

⁹³ Wormald, “The Sherborne Chartulary,” 106–7: “The reason must be that Gospel books were holy books and therefore subject to veneration. What was written in it would be preserved not only because it was written in a book, but because it was written in a holy book and to tamper with holy books was sacrilege.”

⁹⁴ Davis, 179–80, no. 892. See also M. A. O'Donovan, ed., *The Charters of Sherborne, Anglo-Saxon Charters*, 3 (Oxford: Oxford University Press, 1988), xiv–xviii.

⁹⁵ BL Additional 46487, ff. 3r–4r (S895), O'Donovan, *Charters of Sherborne*, 41–4, no. 11. Of questionable authenticity though opinion varies, see Simon Keynes, “King

charters were part of the plan for the volume, not later additions, as in most gospel books.⁹⁶ The layout was careful, the leaves measuring 275 × 185mm, with ample margins (writing area 192 × 115mm), 28 lines to the page, and the quires were regular quaternions. The script was neatly written, with red titles, and many colored (and in the liturgical section illuminated) initials, and there are two surviving miniatures of Saints Mark and John. In addition, the volume was bound in thick wooden boards, decorated with gold and silver, to which a Limoges enamel of an angel was added, probably in the thirteenth century.⁹⁷ Wormald traced the production of this book to a dispute between the monks and Bishop Jocelin of Salisbury over the free election of the abbot in 1142–5, resolved in the monks' favor by 1146.⁹⁸ Not surprisingly, many charter copies in the codex were doctored in tendentious ways: they were presented as granted to the monks (rather than the bishop); some Old English royal acts were "translated" into Latin; others were edited and placed under rubrics suggesting "liberties" the monks supposedly enjoyed; and many were given dates *anno domini*, or explicitly linked to royal or episcopal grants portrayed as unalterable or perpetually given to the monks.⁹⁹ Overall, these features suggest a familiar kind of monastic "story." It may also have inspired an even more elaborate project, the Sherborne Missal (c. 1400).¹⁰⁰ Of course, this approach made sense for genuine documents, but it also gave cover to fabricators for seeking credibility. In all these ways, forgers associated their creations with the holy and, thus, with authority and authenticity.

Æthelred's Charter for Sherborne Abbey, 998," in *St Wulfsgie and Sherborne: Essays to Celebrate the Millennium of the Benedictine Abbey 998–1998*, ed. K. Barker, D. Hinton and A. Hunt (Oxford: Oxbow, 2005), 10–14.

⁹⁶ Wormald, "The Sherborne Chartulary," 107–8: "In the Sherborne book the documentary section precedes the liturgical one and forms quite a considerable part of its contents. It is a case not merely of a few selected charters, but of a comprehensive collection of early royal, and a significant group of papal ones. What is more, they were, with few exceptions, written at the same time as the liturgical contents, and are thus part of the original plan of the MS."

⁹⁷ Binding kept separately as BL Additional 46487*. M. A. F. Borrie, "The Binding of the Sherborne Chartulary," *British Museum Quarterly* 32 (1967–68): 96–8.

⁹⁸ Wormald, "Sherborne Chartulary," 108.

⁹⁹ O'Donovan, ed., *Charters of Sherborne*, xxi–xxx out of 21 acts considers 5 outright forgeries and 4 as suspicious.

¹⁰⁰ Barenbeim, *The Art of Documentation*, 76: "The connection between archive and liturgy are part of a more general cultural association between charters and the sacred, in which charters could be found in shrines, with relics, or on altars." Further, she suggests the cartulary was an "important precedent for the Missal."

ASSOCIATING WITH AUTHORITY II: THE LAW

Another way to associate forgeries with authority was to link them to laws or legal texts. Both Christian and Roman notions of law as written imparted significant authority to texts which could be made to appear as, or were written alongside, laws. The most obvious example from “Twice Told Tales” was the dossier of Saint-Denis, which was eventually joined with a canon law collection. Today, the “cartulary” portion of the codex is about a third (ff. 1–25), dwarfed by a version of the *Collection of 74 Titles* (ff. 26–77). This collection was certainly produced after the dossier.¹⁰¹ It dealt with papal authority and especially monastic liberties, and the Saint-Denis version included six additional entries drawn from the Pseudo-Isidore decretals, also about monastic liberties.¹⁰² The collection was an influential text for reformers during the last quarter of the eleventh century, and was especially useful for monasteries seeking freedom from their bishops.¹⁰³ By joining the dossier with the *Collection of 74 Titles*, the monks were associating their charters (their supposedly ancient liberties) with legal authority. Indeed, the fabricators of the dossier had been quite careful to insert legal keywords (such as *libertas* or *immunitas*) into their pseudo-originals and dossier copies, thereby anticipating their use at the Lateran court. Indeed, one might regard the dossier as a legal brief, and so reinforcing it with a law collection was a logical next step. The monks were accumulating legal arguments needed to justify even greater freedom for their house, a later exemption.

Forgers’ desire to associate their fabrications with legal authority became trickier when courts and chanceries increased their scrutiny of documents as evidence, as law grew more professional during the twelfth century.

¹⁰¹ Grosse, *Saint-Denis Zwischen Adel und König*, 61–8 conclusively demonstrated that the collection was not composed at the time of the dossier, nor in the same hand. Waldman, “Charters and Influences,” 27, concurred that “the canon law collection was probably added later, perhaps in the late 1060s.”

¹⁰² Grosse, *Saint-Denis*, 70–8 listed 319 items in BnF NAL 326. Of these, 311 came from the early recensions of the collection, 6 (nos. 155, 167, 168, 24, 263, and 314) derived from Pseudo-Isidore, and the remaining two were the 1068 charter of Philip (item 304) and a much later addition of a Eugenius III letter from 1146 (JL 8876) added on the endsheet, f. 77r.

¹⁰³ Stroll, *Popes and Anti-Popes*, 91–93; Christof Rolker, “The Collection of 74 Titles: A Monastic Canon Law Collection from Eleventh-Century France,” in *Readers, Texts, and Compilers in the Early Middle Ages*, eds. Martin Brett and Kathleen G. Cushing (Farnham: Ashgate, 2009), 66–69, 71–2, argued the collection was concerned with monastic liberty to an unusual degree. Compare Paul Fournier, “Le premier manuel canonique de la réforme de XIe siècle,” *Mélanges archéologie de l’École française de Rome* 14 (1894): 147–223, 285–90.

These difficulties become clear if one compares the success of the dossier of Saint-Denis with the failures of Guerno. While the monks of Saint-Denis produced pseudo-original charters in the 1060s, a mere booklet of copies sufficed to win their case in Rome in 1065 and, moreover, one with few replicas of validating signs. In contrast, by the time of Guerno's confession in the 1120s, the papal chancery had become suspicious of ancient monastic liberties. Indeed, as we will see in chapter six, monastic documents were increasingly rejected by the curia afterwards if presented just in the form of copies.

Another example of forgeries associated with law is the famous *Textus Roffensis* of Rochester Cathedral Priory, composed under the supervision of Bishop Ernulf (1115–1124).¹⁰⁴ The codex contained two parts. The more famous (and more studied) first part consisted of Old English and Latin texts of pre- and post-Conquest royal laws, as well as an abridgement of a canon law collection popularized in England by Lanfranc. The second part consisted of the monastery's cartulary, which has been relatively neglected. The cartulary, however, resembled the books examined in part II: it began with ancient royal land charters of Æthelberht, which served as foundational texts, and then continued reign by reign up until the not-so-distant past, the post-Conquest period. Although the relationship of its two parts has frequently been debated, Bruce O'Brien has synthesized previous scholarship and addressed this issue with greater clarity. In particular, he showed that the two parts (the laws and the cartulary) were composed together from the outset, based on a number of shared features including their scribe, their formatting, quiration, and chronological ordering.¹⁰⁵ Moreover, he observed that the two parts written by the main scribe (before modifications) were the same size (100 and 101 folios) and, furthermore, that the size of the cartulary determined the size of the companion laws, which were edited and adjusted to fit the desired space.¹⁰⁶ So, it was the cartulary, rather

¹⁰⁴ Strood (Rochester), Medway Archives and Local History Centre, DRc/R1, ff. 119–235; Peter Sawyer, ed., *Textus Roffensis: Rochester Cathedral Library Manuscript A.3.5*, 2 vols. (Copenhagen: Rothskilde and Bagger, 1957–62).

¹⁰⁵ Bruce O'Brien, "Textus Roffensis: An Introduction" in *Textus Roffensis: Law, Language, and Libraries in Early Medieval England*, eds. Bruce O'Brien and Barbara Bombi (Turnhout: Brepols, 2015), 1–16.

¹⁰⁶ O'Brien, "Textus Roffensis," II: "This similarity is unlikely to have been a product of coincidence. It is worth considering whether the size of one part could have been determined the size of the other. I would argue that this is the case. Considering all of the laws which are missing, and the miscellaneous quality to many of the shorter codes added to fill folios, and considering the apparently comprehensive nature of the more regular sequence of charters, it seems reasonable to conclude that the size of part two determined the size of part one. The compilers knew the size of their

than the laws, which had the greater weight in the composers' planning.¹⁰⁷ Unsurprisingly, some of the charters copied in the cartulary show signs of improvement to stress land claims or shore up a reformed monastery in the time of Bishop Gundulf (1077–1108), a former sacrist of Bec.¹⁰⁸ Mostly, though, the cartulary's copies of earlier charters (both genuine and pseudo-originals) were fairly accurate. Overall, the intent was to associate them with law and royal authority. Both parts featured ancient texts (laws or charters) in Old English and texts from Cnut to Henry I, rendered in Latin, which may have been deemed more pertinent. Just as papal privileges at Saint-Denis were joined to a canon law collection, royal charters at Rochester were linked to royal law codes.

Associating charters (including forgeries) with laws in *Textus Roffensis* also had a larger purpose. As Nicholas Karn argued, *Textus Roffensis* was a "public book, which had much visibility through its presence at and its inclusion in the rituals and ceremonies of local politics and law in Kent."¹⁰⁹ In particular, he argued that the laws rendered in Latin (mainly the Anglo-Norman ones) had ritual uses, which are not easily traced but were nonetheless important:

In medieval usage, even the bible is not always cited precisely, but unattributed quotations and allusions appear instead. They are there to be recognized by the knowing reader, and show how material can be absorbed to the point where its form structures the thought of the user. Such practices would suggest thorough absorption through memorization and internalization.¹¹⁰

Thus, laws, like biblical passages, came to affect thought and behavior. I would argue that this same process functioned for charters associated with holy or legal texts: the point was to embed them in a context where they could be remembered and accepted. Forgers sought to use such patterns of association to gain credibility for their creations, in the hope that they

collection of charters recording grants made to Rochester and other records, and that, they may well have decided, determined the size of the accompanying volume of laws."

¹⁰⁷ O'Brien, "Textus Roffensis," 11: "I am not saying that the laws were irrelevant, but that the cathedral's charters, and the size of the manuscript needed to hold all of them, might have been uppermost in the mind of the compiler when he turned his attention to part one."

¹⁰⁸ Martin Brett, "Forgeries at Rochester" *FiM* 4(2):397–412, esp. 401–3.

¹⁰⁹ Nicholas Karn, "Textus Roffensis and Its Uses," in *Textus Roffensis*, eds. O'Brien and Bombi, 49–67 at 49.

¹¹⁰ Karn, "Textus Roffensis and Its Uses," 52–3; he later (55–61) developed this argument through the use of *formulae* and annotation in the laws.

would come to be regarded as authorities themselves. Persuasion came before proof, but issues of proof were always lurking, and so the more authority that could be gained by association, the better.

The tricks of forgers, especially their technical aspects, are fascinating from a methodological perspective. However, while means and opportunity were prerequisites to successful forgery, one also had to have the desire to forge. So, inevitably, any analysis of forgers' tricks must consider their motives. Modern historians of the Middle Ages have been quite concerned about forgers' motives, though usually for decoding what actually happened (or didn't) in the past. However, once inquiry is shifted to what forgers believed should have happened, forgeries can be rehabilitated as valid – and valuable – evidence of intention. The creation of counter-factual documents or plausible stories (as opposed to purely fictional ones) required a departure from previously validated records or valued traditions. At some point, someone chose to write differently about the past. Unfortunately, this very process of rewriting often concealed the nuances of thought which led to such decisions. Still, potential forgers had to anticipate resistance and exercise caution when testing the limits of credibility. To dare and fail was a disaster, so sometimes it was best not to forge at all.

RESISTING FORGERY: DETECTION AND PREVENTION

In addition to having the motive, means, and opportunity to forge successfully, any forger had to consider the level of scrutiny his work would have to overcome. Clever forgers knew the risks involved. Of course, uncritical audiences or authorities would be best. Indeed, the flowering of forgery from the eleventh to the early twelfth century might be viewed as a byproduct of (and evidence for) the proliferation of documents: once written records began to be trusted, creative rewriting became more advantageous. Learning to trust writing was a very complex development, as Michael Clanchy explained: "There was no straight and simple line of progress from memory to written record. People had to be persuaded – and it was difficult to do – that documentary proof was a sufficient improvement on existing methods to merit the extra expense and mastery of novel techniques which it demanded."¹¹¹ But of course, if written records were to be trustworthy, increased assurance about their reliability was required, and hence preventing and detecting forgeries became more important for medieval rulers. But how and when did they do so?

An obvious technology of authentication that came into broad use in northern Europe was sealing. Seals supplemented script and formulas as

¹¹¹ Clanchy, *From Memory to Written Record*, 295; see 318–28 on the relation of forgery to the spread of documentary culture.

physical means of authentication. An important stimulus to the use of seals on documents were papal decisions in the twelfth century about what kinds of evidence might be submitted to them. As we know from Guerno's confession, starting in the 1120s, the curia began to insist on better documentation of supposedly ancient monastic claims. By 1148 cardinal-legates had begun to refuse older privileges which were not sealed. Soon, these practices came to be the subject of a papal ruling. On September 1st in 1167, 1168, or 1169, Pope Alexander III sent a long letter (or probably two letters) containing responses to queries about law and procedure made by Bishop Roger of Worcester, a papal judge delegate (1164–1179).¹¹² In those years, as a result of the Becket dispute, Roger was in self-imposed exile at Tours, where he may have been improving his knowledge of law.¹¹³ This letter dealt mainly with procedure. Its final three responses concerned written grants, all related to monasteries. The last response addressed the issue of what documents would be acceptable as evidence in church courts. We do not have the letter itself, but its text exists in various versions in early canonical collections. One of the more influential was *Belverensis* (c. 1175), a group of decretals in a manuscript of letters of Bishop Gilbert Foliot, who had been a promoter of monastic forgeries as an abbot and in charge of judging forgers as bishop and papal judge delegate.¹¹⁴ The wording merits close attention:

It does not seem to us that original [or authentic] writings (*scripta autentica*) have any force if witnesses to their writing are deceased, unless by chance they were made by a public hand (*manum publicum*) or have an original [or authentic] seal (*sigillum autenticum*).¹¹⁵

Certain key features of this version are present in other early English canon law collections. For example, the *Wigorniensis altera* (c. 1173–4), included all three Latin phrases in parenthesis above, although its arrangement of the sentence was different.¹¹⁶

¹¹² *Meminimus nos ex* and *Super eo quod* edited together JL 2:328–9, no. 13162. Mary G. Cheney, *Roger, Bishop of Worcester, 1164–1179* (Oxford: Clarendon, 1980), 172–80 and “JL 13162 ‘Meminimus nos ex’: One Letter or Two?” *Bulletin of Medieval Canon Law* 63 (1974): 66–70.

¹¹³ Cheney, *Roger of Worcester*, 40.

¹¹⁴ As abbot of Gloucester (1139–48) and Bishop of Hereford and London (1148–87). Adrian Morey and C. N. L. Brooke, *Gilbert Foliot and His Letters* (Cambridge: Cambridge University Press, 1965), 124–46 and 230–44.

¹¹⁵ Oxford Bodleian MS E Musaeo 249, f. 123r, *Belverensis* I.10§o: “Scripta autentica, si testes inscripti decesserint, nisi forte per manum publicam fuerint facta, aut sigillum autenticum habuerint, non videri sibi alicuius firmitatis robur habere.”

¹¹⁶ BL Royal 11 B II, f. 98v–99r, *Wigorniensis altera* 5§e: “Scripta vero autentica si testes inscripti decesserint nisi forte per manum publicam [sic] facta fuerint ita quod

The complex textual tradition and the peculiar wording of Alexander's response should not conceal its revolutionary character. First of all, one must consider the meaning of the words at the time. Alexander's ruling meant that, if there were no living witnesses to a document (*scripta autentica*) – by which he may have meant merely “original” writings rather than “authentic” ones – it would have evidentiary value only if it met certain conditions.¹¹⁷ There were two possible ways: if it had been written by a public hand (*manum publicum*), that is, by a notary, or if it possessed an original (or authentic) seal (*sigillum autenticum*).¹¹⁸ This response neatly reflected the two main types of written records used in medieval western Europe: notarial records, which predominated around the Mediterranean, and sealed charters, more usual in northwest Europe.¹¹⁹ Notarial records were established as legitimate evidence following Roman law traditions. They became widely used in pleas and debates by increasingly professionalized advocates and judges from the 1140s and 1150s in both urban and papal courts in Rome.¹²⁰ The significant departure in the pope's response (and the one most relevant for Bishop Roger in England) was requiring documents to have an original seal (*sigillum autenticum*). Thus, Pope Alexander was proposing criteria for those presenting charters written in northern Europe as proof, reflecting current practice: only original, sealed charters would do.

One should appreciate how important Alexander's response and its wording were. Alexander, probably in consultation with learned legal advisors, chose his words carefully.¹²¹ They were not using prior decrees or

publica compareant aut sigillum autenticum habuerint per que possint probari non videntur nobis alicuius firmitatis robur habere.”

¹¹⁷ For “*aut(h)enticum*,” meaning “original,” Guyotjeannin, “Le vocabulaire de la diplomatique,” 128 and Guenée, “Authentique et approve,” 215–29.

¹¹⁸ *Manum publicum* was the standard phrase for a notarial act; Cheney, *Roger of Worcester*, 179 observed: “It would be interesting to know whether the pope or the bishop imported into the discussion the reference to the deed drawn up *per manum publicum*.”

¹¹⁹ Cheney, *Roger of Worcester*, 179: “The bishop had put his finger on a problem common throughout Europe, in this period of transition from Germanic to Roman, or romanized law.”

¹²⁰ Chris Wickham, “Getting Justice in Twelfth-Century Rome,” in *Zwischen Pragmatik und Performanz: Dimensionen Mittelalterliche Schriftkultur*, ed. Christoph Dartmann et al. (Turnhout: Brepols, 2011), 103–31 at 113–14 and 116–18, treated Rome's early use of Justinianic law and notaries.

¹²¹ Cheney, *Roger of Worcester*, 179: “The final section rules, in more cautious terms than usual, upon the evidential value of charters (*scripta autentica*) of which the witnesses are dead.” Anne J. Duggan, “Master of the Decretals: A Reassessment of Alexander III's Contribution to Canon Law,” in *Pope Alexander III (1159–81): The Art of Survival*, eds. Peter D. Clarke and Anne J. Duggan (Farnham: Ashgate, 2011), 366–8.

learned law directly, either Gratian or Roman Law, though these sources had been increasingly consulted by the curia from the 1150s onward.¹²² Instead, they may have drawn on canonists in southern France and Italy from the 1140s and 1150s, who had begun to find contemporary analogues for the Roman Law's notion of an *instrumentum publicum* in their treatments of procedure. The key move had been to stress that a document deemed authentic (*authenticus* – at first notarial records) could be deemed equivalent to *instrumenta publica* as proof.¹²³ Still, the pope was innovating by extending this equivalence to northern, sealed charters. As Brigitte Bedos-Rezak notes, Alexander's letter to Bishop Roger contains the first use of the phrase *sigillum authenticum*, which seems to have been invented for this response.¹²⁴ While Gratian and earlier legal treatises often considered written evidence and its credibility, they did not mention seals in this way.¹²⁵

So, while the papal chancery had been concerned with authenticating papal acts since the 1120s, Pope Alexander III shifted the focus to physical criteria. His ruling had at least two important features. First, the wording itself was oddly repetitive, using *authenticus* twice, as if trying to insist upon it. Second, although previous concerns about forgery had focused on beneficiaries – that is, on petitioners submitting forged documents and making untruthful requests – the pope focused on the physical aspects of the document (and its author) as guarantors of authenticity.¹²⁶ Further, as Bedos-Rezak argues: “the problem with this formulation is that it seeks to establish the seal as self-referential sign, as a sign that can signify absolutely, without reference to contextual parameters.”¹²⁷ This was a new and potentially problematic

¹²² For Gratian, Peter Landau, “Gratian and the *Decretum Gratiani*,” in *The History of Medieval Canon Law in the Classical Period, 1140–1234*, eds. Wilfried Hartmann and Kenneth Pennington (Washington: Catholic University of America Press, 2008), 22–54 at 48–9. For Roman law, Wickham, “Getting Justice,” 37, esp. n27 for bibliography.

¹²³ Franck Roumy, “Les origines canoniques de la notion moderne d’actes authentique ou public,” in *Der Einfluss der Kanonistik auf die europäische Rechtskultur 2: Öffentliches Recht*, ed. Franck Roumy et al. (Köln: Böhlau, 2011), 333–60, esp. 337–47.

¹²⁴ Brigitte Bedos-Rezak, “The Efficacy of Signs and the Matter of Authenticity in Canon Law 800–1250,” in *Zwischen Pragmatik und Performanz*, ed. Dartmann et al., 199–236 at 217: “Alexander III, however, was the first to coin the expression *sigillum authenticum* in a letter addressed (ca. 1167–1169) to Bishop Roger of Worcester.”

¹²⁵ Bedos-Rezak, “Efficacy of Signs,” 207 n23; Mariano Welber, *I sigilli nella storia del diritto medievale italiano*, vol. 3: *Sigillografia: Sigillo nella diplomatica, nel diritto, nella storia, nell’arte* (Milan: Guiffre, 1984), 97–107, 165–7. Seals were mentioned in contexts other than the authenticity of documents.

¹²⁶ Bedos-Rezak, “Efficacy of Signs,” 217: “In this construction, authenticity, just as authority, was distanced from the beneficiaries and situated in the hands of the author of the document.”

¹²⁷ Bedos-Rezak, “Efficacy of Signs,” 222.

view of seals, which had carried rich and heavily symbolic meanings until this point. Reducing the performative and ritual aspects of sealed charters to mere written records was a major shift. Unsurprisingly, this phrase was heavily glossed by canonists, seeking to establish a clearer meaning.¹²⁸ However, Pope Alexander's ruling was integrated in the *Compilatio Prima* around 1191, signaling its widespread acceptance as a legal principle, even if the details of practice had yet to be fully worked out.¹²⁹

One should consider why Alexander composed *Scripta autentica*. An important context was preventing or detecting forgeries. Of course, the response does not mention monastic forgery, but it would certainly have an effect on its practice: monastic forgers seeking to confirm ancient privileges would now need to produce a document with an *autenticum sigillum*, either an original seal or bull (which could be recycled on a rewritten charter) or a forged seal. Perhaps *Scripta autentica* was written with monastic activities in mind, as the two prior responses dealt with a chapter protesting a grant made by an abbot alone and a donor trying to revoke a conditional gift to a church. Also, one should consider the influence of the nascent canon law. The emergence of learned law was greatly stimulated by the compilation of the *Concordia discordantium canonum* ("The harmony of discordant canons"), commonly called the *Decreta* or *Decretum Gratiani* (c. 1125–41x48), and the recovery of Justinian's *Corpus iuris civilis* in the early twelfth century. By the late 1150s, the *Decretum* had become the major (though not the only) reference for canonical texts used in litigation and judgments.¹³⁰ However, the *Decretum* had no official standing as law. What was important was its method: the new dialectical technique used to harmonize different canons (hence its title). Meanwhile, learned arguments were increasingly brought to the papal court, and so mid-twelfth-century popes appointed more cardinals who had legal training.¹³¹ During Alexander III's pontificate, a standard legal shorthand for the arguments of cases was developing and bishops (and especially judge delegates) began to seek papal advice about legal issues, necessitating further definitions. As a result, teachers, lawyers, or judges started to collect such papal rulings for future

¹²⁸ Robert F. Berkhofer III, "Forgery and Pope Alexander III's Decretal on *Scripta Authentica*" in *Texts and Contexts in Legal History: Essays in Honor of Charles Donahue*, John Witte, Jr. et al. (Berkeley: University of California Press, 2016), 83–99.

¹²⁹ Roumy, "Les origines canoniques," 347: "Intégré vers 1190 dans la *Compilatio I*^a, il semble avoir acquis rapidement une valeur quasi légale."

¹³⁰ Anders Winroth, *The Making of Gratian's Decretum* (Cambridge: Cambridge University Press, 2007), 122–45.

¹³¹ James A. Brundage, *The Medieval Origins of the Legal Profession* (Chicago: University of Chicago Press, 2010), 131–2.

use in similar cases. This process is particularly well known for England in the 1160s and 1170s because certain English prelates (like Bishop Roger), who were frequent papal judge delegates, requested clarifications from Alexander III and placed his responses in their collections.¹³²

In some ways, *Scripta autentica* was a precocious and exceptional letter, but it also is a good example of ongoing legal change. It was one of the first “multiple subject” decretals north of the Alps, increasingly common after the 1170s, as popes and their judges delegate dealt with a burgeoning mass of cases. More importantly, very soon after it was sent to Roger of Worcester in 1167–1169, it was copied in the earliest canonical collections in England.¹³³ Consequently, *Scripta autentica* had a remarkably successful afterlife, being picked up in at least twelve canonical collections of the later twelfth and early thirteenth centuries.¹³⁴ Given the challenge of forgery and the innovative character of *Scripta autentica*, it makes sense that later canonists (notably Huguccio in his *Summa*, 1187–90) glossed Alexander’s words to develop criteria for detecting forgeries. Huguccio described procedures for detection, including consulting registers, scrutinizing internal documentary features such as style, and then examining external features of parchment, script (especially alterations), the bull and so on.¹³⁵ By 1234, a modified version of *Scripta autentica* was included in a section of the *Liber Extra* entitled *de fide instrumentorum*: “on the faithfulness of written instruments,” which dealt with the validity and admissibility of various forms of written evidence.¹³⁶ Thus, what had begun as a response to a query in the late 1160s was reified as law by sixty years of legal commentary. But sixty years is a long time, especially during a period of rapid shifts in literacy and law.

¹³² Charles Duggan, *Twelfth-Century Decretal Collections and their Importance in English History* (London: Athlone, 1963), 111–2 lists Bartholemew of Exeter, Roger of Worcester, Baldwin of Forde/Worcester/Canterbury, and Richard of Canterbury. One should add Gilbert Foliot.

¹³³ Cheney, *Roger of Worcester*, 179–80. Duggan, *Twelfth-Century Decretal Collections*, 69–73 and 152–9.

¹³⁴ See Walther Holtzmann’s card file, no. 649, under letter L, available digitally at the Stephan Kuttner Institute of Medieval Canon law, http://www.kuttner-institute.jura.uni-muenchen.de/holtzmann_formular_english.htm.

¹³⁵ Duggan, *Twelfth-Century Decretal Collections*, 39–42; Clanchy, *From Memory to Written Record*, 325–6; Bedos-Rezak, “Efficacy of Signs,” 217.

¹³⁶ X 2.22.2: “Scripta vero autentica, si testes inscripti decesserint, nisi forte per manum publicam facta fuerint, ita, quod appareant publica, aut authenticum sigillum habuerint, per quod possint probari, non videntur nobis alicuius firmitatis robur habere.”

To understand the wider significance of Alexander III's *Scripta autentica* one must return again to consider medieval notions of forgery as a crime. A *sigillum autenticum* (however understood) was part of, not distinct from, the charter which bore it. A sealed charter created meaning as an integrated set of signs, which should not be separated.¹³⁷ As explained in chapter one, the English legal treatise called *Glanvill* (1187–9) drew important distinctions about the *crimen falsi*, associating the counterfeiting of coins or seals with treason (with appropriately stern penalties), while distinguishing forgers of royal charters (sternly punished) from those who forged private charters (less severely punished). Although *Glanvill*'s categorization of crimes was not systematic, these passages indicate that the challenge of forgery led to refinements of legal ideas in England within a generation of Alexander's ruling.¹³⁸

Overall, it seems that counterfeiting coins and forging royal seals carried considerably greater risk for those intent on fraud, because their importance as graphic symbols of authority was regarded more highly than the texts of documents. Furthermore, it was recognized that the technology of replication itself (the seal matrix, the coin dies) could be used to spawn many fraudulent copies. Coin counterfeiters and forgers of royal seals in later medieval England continued to receive stern sentences.¹³⁹ Forging of ordinary charters (without seals) remained less serious. *Glanvill*'s distinctions seem to have had traces in canon law also. While Alexander's *Scripta autentica* was rephrased and placed in section two of the *Decretals of Gregory IX* (on *iudicium*, relating to issues of procedure and judgment), being a *falsarius* was still regarded harshly, and was placed under section five (on *crimen*, crimes).¹⁴⁰ Indeed, in Huguccio's opinion, a clerical *falsarius* caught forging seals/bulls or papal chancery style (or even episcopal letters) should be deprived of benefice and office, and perpetually imprisoned in a monastery; for laymen, the penalty was loss of possessions and exile (with slaves being put to death), which shows the influence of the harsh penalties of Roman law.¹⁴¹ Interestingly, an English gloss on Huguccio indicated that

¹³⁷ Bedos-Rezak, *When Ego Was Imago*, 26–31.

¹³⁸ John Hudson, *The Oxford History of the Laws of England: Volume 2, 871–1216* (Oxford: Oxford University Press, 2012), 712: "Overall, the picture is of a lack of universally applied, strictly defined categories."

¹³⁹ Woodbine and Thorne, eds., *Bracton de legibus et consuetudinibus Angliae* 2:337 (*crimen falsi*, mentioning both coins and seals, as *lèse-majesté*); 3:307 (case of forfeiture of property for forging king's seal). Henry Summerson, "Counterfeiters, Forgers and Felons," 105–16.

¹⁴⁰ *De Crimine Falsi*, X 5.20.4 and 5.

¹⁴¹ Duggan, *Twelfth-Century Decretal Collections*, 41, drawing on Huguccio's *Summa* in Pembroke College, Cambridge ms. 72, f. 128r–129r.

if a document was found to be “false” through lies, concealment, or in its statement of facts or law, it could be decided according to equity (that is, the relevant authority had discretion); however, if it was found to be defective in form (seal, thread, membrane, erasure, script, etc.) then it was to be rejected and the forger punished accordingly.¹⁴² This distinction indicates that forgery of text alone was still regarded less harshly.

Finally, one must consider the circumstances in which Alexander III’s response arose. It was no accident that Alexander was asked about the validity of documents by Bishop Roger, an English judge delegate. It has long been known that the growth of royal justice under King Henry II (1154–1189) – the rise of the English common law – and emerging canon law influenced each other’s development. Friction of two overlapping jurisdictions generated both contestation and creativity. Consequently, there was an early output of decretal collections in England, and the judges delegate who inspired them had a disproportionate role in shaping the development of church law.¹⁴³ *Scripta autentica* was an example of this ongoing, reciprocal influence.

In order to understand how monastic forgers’ tricks were detected and prevented, one also should understand charter production in lay chanceries. Because of survival bias, which favored monastic archives, the sophistication of lay documentary culture in tenth and eleventh centuries has often been downplayed, probably wrongly.¹⁴⁴ By the twelfth century, princely chanceries employed practices to make written instruments more reliable. The royal chancery in England, influenced by the press of business under Henry II, developed means of assuring trust in writing. Such practices included using rolls (adopted earlier) for recording business, including outgoing documents, and developing standards in dating, signing, and sealing documents.¹⁴⁵ Raising such technical barriers made forgery more difficult and so acted as a means of prevention and potential detection. These methods seem to have been somewhat effective because

¹⁴² Cambridge, Caius College, ms. 283 (676), f. 10r. Duggan, *Twelfth-Century Decretal Collections*, 42–3.

¹⁴³ Charles Duggan, *Twelfth-Century Decretal Collections*, 21–2 and “Papal Judges Delegate and the Making of the ‘New Law’ in the Twelfth Century,” in *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, ed. Thomas N. Bisson (Philadelphia: University of Pennsylvania Press, 1995), 172–99.

¹⁴⁴ Jean-François Nieuws et al., eds, *Les archives princières: XIIIe-XIVe siècles* (Arras: Presses universitaires d’Artois, 2016); Charles Insley, “Archives and Lay Documentary Practice in the Anglo-Saxon World,” in *Documentary Culture and the Laity in the Early Middle Ages*, ed. Warren Brown et al. (Cambridge: Cambridge University Press, 2013), 336–62.

¹⁴⁵ Clanchy, *From Memory to Written Record*, 131–46 and 300–18.

the percentage of forged charters of Henry II seems to have been relatively small, at least in comparison with the periods immediately before and after the Conquest and the Anarchy, when political conditions favored forgers more.¹⁴⁶ The development of royal law and the consequent proliferation of documentation meant that issues about writing (including forgery) became more pressing in later twelfth-century England.

Another means of detection was keeping registers of outgoing legitimate charters or letters. In England, this began to happen routinely under Hubert Walter starting in the mid-1190s, although there had been earlier attempts.¹⁴⁷ Indeed, English royal concern with documentary reliability had a long history: early English kings had used sealed letters quite early and returnable writs developed under Henry II became critical for reliability and legal practice.¹⁴⁸ Pope Innocent III implemented the use of registers soon after assuming office in 1198.¹⁴⁹ After the Lateran Council in 1215, bishops were meant to keep registers, but in England the earliest bishops' registers were kept as rolls, in imitation of royal chancery practice, rather than in books, which became the norm on the Continent and only later in England.¹⁵⁰ The kings of France also developed registers, notably under Philip Augustus after the loss of his household accounts at the battle of Fréteval in 1194.¹⁵¹ In contrast, the counts of Flanders, despite the development of urban chanceries and commercial notarial practices, did not develop registers and retained personal household governance relatively late.¹⁵²

¹⁴⁶ Richard Mortimer, "The Charters of Henry II: What Are the Criteria for Authenticity?" *ANS* 12 (1990): 119–34; Nicholas Vincent, *The Letters and Charters of Henry II King of England (1154–1189)*, 7 vols. (Oxford: Oxford University Press, 2017–2021) indicates the small percentage of forgeries under Henry II.

¹⁴⁷ Clanchy, *From Memory to Written Record*, 70 and 105–6.

¹⁴⁸ Clanchy, *From Memory to Written Record*, 93.

¹⁴⁹ Patrick Zutshi, "Innocent III and the Reform of the Papal Chancery" in *Innocenzo III Urbs et Orbis: Atti del Congresso Internazionale Roma, 9–15 settembre 1998*, ed. Andrea Sommerlechner (Rome: Società romana di storia patria, 2003), 84–101 at 94 noted the earliest mark on an original indicating it had been registered was 14 May 1198 and see chapter six.

¹⁵⁰ Clanchy, *From Memory to Written Record*, 76–7.

¹⁵¹ John W. Baldwin, *The Government of Philip Augustus: Foundations of French Royal Power in the Middle Ages* (Berkeley: University of California Press, 1986), 412–8.

¹⁵² Dirk Heirbaut, "The Quest for the Sources of a Non-Bureaucratic Feudalism: Flemish Feudalism during the High Middle Ages (1000–1300)" in *Le Vassal, le fief et l'écrit: Pratiques d'écriture et enjeux documentaires dans les champ de la féodalité (XIe–XVe s.)*, ed. Jean-François Nieuws (Louvain: Institut d'études médiévales de l'Université catholique de Louvain, 2007), 97–122. Walter Prevenier, "Urban Chanceries in the Low Countries from the Twelfth to the Fourteenth Centuries. The European

The intensification of lay pragmatic literacy in the long twelfth century, including notaries, clerks, merchants, and ever more professional lawyers, eroded the advantages eleventh-century monks had enjoyed as elite technomancers of literacy. Monastic forgers, like monastic writers generally, had to respond to changes in documentary culture which destabilized and eroded the control of writing and memory their predecessors had exploited in the eleventh century. New threats of detection and prevention came not just from monastic or clerical rivals, who fostered competing stories while sharing a pious outlook, but from lay scribes, who had different concerns and were armed with new techniques of writing and copying. The audience for forgeries was becoming more critical. The gap between forgers' skills and those of potential critics was narrowing. Furthermore, the providential truth assumed by eleventh-century monks, which demanded "faithful copying" to preserve or restore the perceived right order of things, was increasingly under pressure from lay documentary culture, in which written records (prized for their accuracy, among other features) were slowly replacing more mutable memory. Such pushback is a sign of the growing recognition of forgery as a problem of authority, which was itself being redefined in religious and political terms. Trusting writing was, in this sense, about trusting authority.

NEW TRICKS?

Increased scrutiny challenged forgers to develop new tricks. Of course, forgery and authentication existed in a dialectic. As the importance of signs of authenticity and validation (such as seals, monograms, special scripts, formulae, or layouts) grew in the twelfth century, so did forgers' desire to imitate them in pseudo-originals or, tellingly, even in mere cartulary copies. Ironically, as authorities became more consistent about their documents' format, they simultaneously provided clearer models to imitate. In general, copying techniques (coin dies, seal matrices, chirographs), once mastered, could be exploited by forgers. Forgers could even subvert authorized copies, whose avowed purpose was to create a valid, legal substitute, such as *vidimus* or *inspeximus* charters (as the names indicate, the originals were viewed or inspected before being copied accurately and officially). A new forgers' trick was to solicit legal copies of doctored documents, at which point they could retire them and simply use the new, authoritative replacement. Using his database of over 3500 Angevin royal acts, Nicholas Vincent traced the origins of the English royal *inspeximus*,

Context" in *City Culture and Urban Chanceries in an Era of Change*, ed. Rudolf Suntrup and Jan R. Veenstra (Frankfurt: Peter Lang, 2004), 3–13.

which flourished in the thirteenth century, in royal charters before 1200. Notably, the several early examples concern forgeries, especially monastic forgers presenting charters seeking exemption from their diocesan bishops.¹⁵³ The most infamous example involves the monks of Battle Abbey and the bishop of Chichester in 1175–9, an episode when Battle sought confirmation of a charter of liberties and exemption allegedly granted after the Conquest. The root of this controversy was an oral grant by William the Conqueror of the land on the site of the Battle of Hastings. Consequently, the monks lacked any written records of foundation and so undertook strenuous efforts to provide them, including narratives (the so-called Short and Long Chronicles of the Abbey) and charters (both genuine and forged).¹⁵⁴ These have proven a methodological morass for historians seeking to untangle the history of Battle. Ultimately, both the monks and the bishop produced documents which Henry II inspected. This dispute reveals how contests between monastic forgers and their critics could escalate to new levels of complexity.

Forgeries were increasingly layered. Another episode at Battle shows that the monks undertook elaborate fabrications to create a “paper trail” for their claims. One incident in the Battle Chronicle was a property dispute over Barnhorne in Sussex, allegedly granted in the time of Henry I. After a close textual analysis, Vincent concludes that at least three layers of fabrication existed: fake charters of privilege, fake chronicle entries, and fake confirmations.¹⁵⁵ Such layering demonstrates that forgers responded not just to the proliferation of documents, but also to the increased scrutiny of them. Likewise, the monks of Rochester doubled down on previous forgeries of confirmations in the later twelfth and thirteenth centuries by

¹⁵³ Vincent, “The Charters of King Henry II,” 97–120, esp. 113–8, where he argues (contrary to prior scholars) that two or three from the 1170s were genuine.

¹⁵⁴ BL Cotton Domitian A ii, ff. 8–21 (Short Chronicle) and ff. 22–130 (Long Chronicle); Eleanor Searle, ed. and trans., *The Chronicle of Battle Abbey* (Oxford: Clarendon, 1980). Nicholas Vincent, “King Henry II and the Monks of Battle: The Battle Chronicle Unmasked,” in *Belief and Culture in the Middle Ages*, eds. Richard Gameson and Henrietta Leyser (Oxford: Oxford University Press, 2001), 264–86, esp. 268–71. He viewed the Chronicle as composed of as many as four different *libelli* from 1170–1210.

¹⁵⁵ Vincent, “Henry II and the Monks of Battle,” 276: “If our suspicions here are justified, then the story of Barnhorne as recorded in the Battle Chronicle is shot through with forgery. Not only did the monks forge charters of their early benefactors and of Henry I, but the chronicler’s entire account of the confirmation supposedly supplied for these forgeries by Henry II is itself a further piece of myth-making, intended to supply a context and circumstantial support for charters of Henry II that were themselves manufactured by Battle monks.”

forging *inspeximuses* of them (and later *inspeximuses* of *inspeximuses*).¹⁵⁶ Another series exists at Bury St. Edmunds, where there was a similar compounding of *inspeximus* charters of fabricated pre-Conquest charters over the thirteenth to fifteenth centuries.¹⁵⁷ Thus, the rise of a new technique of authoritative copying, the *inspeximus*, designed to prevent forgery, was itself subverted by forgers. These episodes demonstrate two related trends. They show that as means of detection and prevention became more critical, increased scrutiny made forging more difficult and, one assumes, more dangerous. But at the same time, ironically, the rewards also became greater as written documents became accepted as an effective (even the predominant) means of making claims. So, forgery became more elaborate because the stakes were higher.

In the end, the confession of Guerno and the ensuing controversy foreshadowed many of the shifts which challenged forgers and their critics in the twelfth century. Before Guerno, monastic forgers could exploit substantial advantages they had as masters of scribal culture and memory to promote their own versions of events. At first, their main critics were other monks and clerics, as happened in the case of Guerno, who possessed similar training and shared a similar outlook. Thus, they were well equipped to judge (and maybe forgive) Guerno's actions in the 1120s. A judgment happened in the papal audience in 1131, with oral declarations and performative elements, but so far as we know it was not written down. But within two generations this decision was almost lost to human memory. So, Bishop Giles of Évreux used the (increasingly routine) tools of the new documentary culture to recall the judgment: a cover letter and written record of oral testimony, conjoined by his episcopal seal, and executed in accurate, triplicate copies. By the 1170s, *scripta autentica* were needed to support any case in the papal curia and he provided them. There was also increased scrutiny from others, including lay audiences, who were potentially more critical of monastic forgers. Ultimately, however, efforts to detect and prevent forgers' tricks did not mean an end to them, but rather that new tricks were necessary, which reflected the shifts in documentary culture.

¹⁵⁶ Martin Brett, "Forgery at Rochester" *FiM* 4(2):397–412; Vincent, "Henry II and the Monks of Battle," 276 noted that "Several of the charters of Henry II for Rochester belong to this pattern of forgery."

¹⁵⁷ Kathryn A. Lowe "Presenting, Representing, and Misrepresenting the Past: Cartulary Texts from Bury St Edmunds," (paper, International Medieval Congress, Leeds, July 2016) and "The Exchequer, the Chancery and the Abbey of Bury St Edmunds: *Inspeximus* Charters and Their Enrolments," *English Manuscript Studies, 1100–1700* 14 (2008): 1–26.