

Prelude to Forgery:

Baldwin of Bury meets Pope Alexander II*

The archive of Anglo-Saxon royal documents in the possession of the monastery of Bury St Edmunds in Suffolk was both impressive and riddled with forgeries. In common with many English religious houses of the late eleventh century, the rupture of the Norman Conquest presented both a challenge and opportunity to the monastic community of St Edmund. In the decades following 1066, the monks revisited their documentary past and reimagined it for the present, not so much restoring ancient titles imperilled by the new regime as creating, through forgery and falsification, an improved vision of a history replete with royal privilege. The Conquest had its losers, but Bury was not among them. By William I's death in 1087 it was one of the five wealthiest monasteries in the realm, and boasted a freedom from diocesan authority to be envied under the new Anglo-Norman order.¹ Much of this depended on its brilliant management under the long abbacy of Baldwin, who ruled over Bury across the reigns of four kings from 1065 until his death in 1097.² Bury's portfolio of Anglo-Saxon royal charters—re-edited, repurposed and outright falsified in the abbey's defence under Baldwin and his successors—has been given due attention elsewhere, and will receive a full exposition in a forthcoming volume of the British Academy's *Anglo-Saxon Charters* series.³ This article takes a step sideways from this well-attended royal corpus and instead focuses specifically on the earliest of the monastery's known post-Conquest acquisitions: a letter of privilege issued by Pope Alexander II, 27 October 1071, a document neither royal nor forged.⁴ This neglected and often misinterpreted charter—which sits outside the standard Anglo-Saxon documentary

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¹ E. Cownie, *Religious Patronage in Anglo-Norman England, 1066–1135* (London, 1999), pp. 66–79.

² A. Gransden, 'Baldwin, Abbot of Bury St Edmunds, 1065–1097', *Anglo-Norman Studies*, iv (1982), pp. 65–75.

³ S. Foot, 'The Abbey's Armoury of Charters', in T. Licence, ed., *Bury St Edmunds and the Norman Conquest* (Woodbridge, 2014), pp. 31–52; *Charters of Bury St Edmunds and St Benet's at Holme*, ed. K.A. Lowe and S. Foot (Oxford, forthcoming).

⁴ Listed in *Regesta pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, ed. P. Jaffé, rev. W. Wattenbach, S. Loewenfeld, F. Kaltenbrunner, P. Ewald (2 vols., Leipzig, 1885–8) [hereafter JE for documents dated 590–882, JL for 882–1198], 4692. An edition is provided at the end of this article.

canon in more ways than one—is not only of interest in its own right, but sheds important light on Bury’s wider archive and on post-Conquest attitudes to forgery and the use of documents more generally. It also illuminates the complex of relationships between Insular monastic and episcopal leaders and the ‘reform’ papacy in the mid- to later eleventh century.

Papal ‘privileges’ remained a loosely defined genre of legal instrument in the later eleventh century. It is important that we recognise that the well-oiled administrative machine of the later twelfth- and thirteenth-century papacy was still distant and unforeseeable, and that the clear-cut categories of the bureaucrats and canonists of later years are not useful for our present analysis. What we label eleventh-century papal privileges were simply documents issued by popes for individual persons or institutions—almost always ecclesiastical ones—which broadly granted some form of ‘special treatment’ to the recipient: in this sense they are distinct from what would later be called ‘decretals’ in that their provisions were to be applied only in these specific cases, not generally.⁵ These could, for example, take the form of a recipient’s ‘exemption’ from certain ecclesiastical authorities or ‘protection’ from certain powers (neither ever being easy to define);⁶ rights for the use of extraordinary liturgical garments; rights of appeal; rights of jurisdiction; or special provisions for the monastic life. Most often they concerned confirmations of property. They usually took the form of letters, issued, from the 1050s onwards, on parchment and sealed with a lead *bull*. Importantly, papal privileges appear to have been issued almost exclusively on request: that is, they required a petition, and in many cases it seems to have been necessary for the petitioner to come in person to Rome, as a supplicant to the pope at the Lateran palace. Issued close to St Peter’s own holy presence, privileges may have had a sacral character. Documents attributable to this broad genre can be traced in some form at least as far back as the early sixth century, and by the time of the Norman

⁵ For a general (and helpfully broad) definition, see L. Santifaller, ‘Die Verwendung des Liber Diurnus in den Privilegien der Päpste von den Anfängen bis zum Ende des 11. Jahrhunderts’, in id., *Liber Diurnus: Studien und Forschungen*, ed. H. Zimmermann (Stuttgart, 1976), pp. 22–33.

⁶ Precisely what constituted either ‘exemption’ or ‘protection’ from episcopal power in early medieval Europe has been the subject of protracted debate, and a full discussion is not possible here. The two surfaced as concrete canonical categories during the twelfth century: the controversy is over when the distinction between the two first emerged, and what their distinguishing features actually were. For two fair-minded historiographical overviews, see L. Falkenstein, *La Papauté et les abbayes françaises aux XI^e et XII^e siècles: Exemption et protection apostolique* (Paris, 1997), pp. 21–62 (for arguments that ‘exemption’ proper was a considerably later development than ‘protection’), and B.H. Rosenwein, *Negotiating Space: Power, Restraint and Privileges of Immunity in Early Medieval Europe* (Ithaca, NY, 1999), pp. 106–8 (for ‘exemption’ in some form emerging much earlier).

Conquest they could be found across modern-day Italy, France, Germany, northern Spain and—to a rather lesser extent, or so it seems—England. Rates of acquisition varied widely. Some institutions, such as the monasteries of Fulda and Montecassino, built up a formidable dossier across the centuries; others were less enthusiastic. From the 1050s onwards the number of such grants rose significantly, correlating with the sudden imposition of a new and proactive ‘reform’ party at Rome. Despite this increase, the content and form of the documents remained flexible throughout this period (notwithstanding the maintenance of certain ‘chancery’ norms). Their particular legal character is unclear to historians today, and may have been unclear at the time.⁷

I

Bury’s relationship with the papacy began with the appointment of the Norman cleric Arfast (d. 1084) to the diocese of East Anglia in 1070—one of numerous appointments made that year, as King William sought to purge senior ecclesiastics of the old regime from his newly inherited national church. A common problem for several of the new bishops was the unusually rural setting of many of the older English sees. Accustomed to a continental world in which dioceses were still typically run from urban centres, distant descendants of the late antique bishop’s *civitas*, they would have found English arrangements not only uncanonical, but—probably more disturbingly—economically inadequate. We may already see a sensitivity to this situation in the years leading up to the Conquest, in the translation around 1050 of the see of Devon from the *uillula* of Crediton to Exeter: a decision probably made by ecclesiastics with continental backgrounds.⁸ In 1070 East Anglia’s episcopal *uillula* was Thetford, about thirteen miles north of Bury, and, thanks to the charisma of St Edmund, very much in the monastery’s cultic and economic shadow. ‘Prowling around plotting’, in the words of the later Bury historian Herman (who was probably writing in the 1090s), Bishop Arfast began making arrangements to transfer his see to his diocese’s more famous

⁷ The problem of contemporary uncertainty is addressed in Falkenstein, *La Papauté*, pp. 63–91.

⁸ *Councils and Synods, with Other Documents Relating to the English Church*, I: A.D. 871–1204, D. Whitelock, M. Brett and C.N.L. Brooke (2 vols., Oxford, 1981) [hereafter *Councils*], i. 524–5, no. 70 (JL 4208). For the origins of those involved, see discussion further below.

monastic church, apparently claiming that long ago this had served as the bishop's *cathedra*.⁹ We should not dismiss this claim out of hand, as the Bury monks' firm control over their town's history makes it difficult to discern pre-Conquest realities.¹⁰ But the truth of the affair is not presently our concern. What matters is that Arfast was persistent in his claims, although, it seems, lacking the necessary documentation.¹¹

Abbot Baldwin moved quickly to counter Arfast's manoeuvres. He accompanied three other newly appointed prelates of 1070, Lanfranc of Canterbury (d. 1089), Thomas of York (d. 1100) and Remigius of Dorchester (d. 1092), on their journey to the papal court in 1071, an occasion well known to historians through accounts by Lanfranc himself and later the Canterbury monk Eadmer (d. in or after 1126).¹² Here Lanfranc and Thomas received their archiepiscopal *pallia* from Pope Alexander II, and here too the dispute over whether Canterbury held 'primacy' over the archiepiscopal province of York reared its head—a quarrel which Alexander was not willing to resolve, and which would endure well into the following century. Baldwin meanwhile collected his privilege for Bury. Addressed to the abbot and his successors, this commended the church of St Edmund into the 'protection' (*tutela et defensio*) of the *sancta Romana ecclesia*, and confirmed the request of Baldwin—and apparently also of King William—that it was to remain a strictly monastic foundation, and never to be turned into an episcopal see. It further confirmed 'by apostolic authority' that all things conferred or yet to be conferred on Bury, both properties and 'freedoms' by royal grant, were to remain, like the monks, undisturbed and free from the molestation of any king, duke, count, bishop, abbot or any other person (none of whom are named directly), upon pain of anathema. The privilege does not survive as a single-sheet original, only in later copies, but this is not unusual for papal documents in this period, particularly those sent to England. The authenticity of the text as it

⁹ Herman the Archdeacon, *Miracles of St Edmund*, 27, ed. and tr. T. Licence with L. Lockyer, in Herman the Archdeacon and Goscelin of Saint-Bertin, *Miracles of St Edmund* (Oxford, 2014), pp. 68–9.

¹⁰ For a rare non-Bury take on the story, see T. Licence, 'Herbert Losinga's Trip to Rome and the Bishopric of Bury St Edmunds', *Anglo-Norman Studies*, xxiv (2012), pp. 163–8.

¹¹ Herman, *Miracles*, 27, ed. Licence, pp. 68–9: 'none of his episcopal predecessors had left documents ... relying only on the deposition of a bunch of commoners ... he sickened the king's ears'.

¹² Ibid., pp. 68–71; John of Worcester, *The Chronicle of John of Worcester*, ed. P. McGurk and R.R. Darlington, tr. J. Bray and P. McGurk (vols. ii and iii of 3 to date, Oxford, 1995–), ii. 646–8; Lanfranc, *The Letters of Lanfranc, Archbishop of Canterbury*, 3, ed. H. Clover and M. Gibson (Oxford, 1979), pp. 42–5; Eadmer, *Historia novorum in Anglia, et opuscula duo de vita Sancti Anselmi et quibusdam miraculis ejus*, ed. Martin Rule, Rolls Series, lxxxi (1884), pp. 10–12.

survives is secure. There are no formulaic irregularities, and none of the exaggerated claims to title characteristic of forged or falsified diplomas. Its *eschatol*—the closing authenticating section—is unimpeachable,¹³ and mirrors almost exactly that found in surviving originals issued by Alexander II. Most promisingly, formulaic portions of the text are echoed in a small number of unrelated privileges sent to other corners of Europe that same month; we shall return to these shortly.

Payments and favours were rarely mentioned in papal privileges, which preferred a language of freely bestowed apostolic *largesse*. Nonetheless, if we are still probably some distance from the extortionate sums demanded for such documents from the early to the mid-twelfth century,¹⁴ we nonetheless remain in a murky world of widely negotiable gift-exchange, in a society in which neither party was likely to have expected any kind of generous concession without some sort of corresponding gratuity.¹⁵ Baldwin knew how to play the system. Herman informs us that, *en route* to Rome, the party stopped at Lucca in Tuscany, whereupon Baldwin distributed certain relics of St Edmund, ‘both to inculcate pious devotion and to ensure that the saint’s good reputation would grow in the opinion of the faithful’.¹⁶ This is supported by later liturgical evidence at Lucca, including a twelfth-century record that the cathedral canons possessed the saint’s own head.¹⁷ In fact, St Edmund’s head remained at Bury at this point; whether this misunderstanding was a result of Luccan or East Anglian mendacity remains an open question. What Herman does not tell us is that all this took place against the context of a major renovation

¹³ There is one minor discrepancy, in the date’s indiction. I attribute this to a simple scribal error; see below, after n. 58.

¹⁴ C. Wickham, *Medieval Rome: Stability and Crisis of a City, 900–1150* (Oxford, 2015), p. 164.

¹⁵ On unstable interpretations of gift-exchange in this period, see T. Reuter, ‘Gifts and Simony’, in E. Cohen and M. de Jong, eds., *Medieval Transformations: Texts, Power, and Gifts in Context* (Leiden, 2001), pp. 157–68; and, generally, W. Davies and P. Fouracre, eds., *The Languages of Gift in the Early Middle Ages* (Cambridge, 2010), with G. Algazi, ‘Introduction: Doing Things With Gifts’, in id., V. Groebner and B. Jussen, eds., *Negotiating the Gift: Pre-Modern Figurations of Exchange* (Göttingen, 2003), pp. 9–27. Earlier in the eleventh century a number of English bishops (probably led by Archbishop Wulfstan of York [d. 1023]) had complained of ‘simony’ at the papal court, an issue echoed in a letter of King Cnut from 1027: *Councils*, i. 447, 510, nos. 61, 65.

¹⁶ Herman, *Miracles*, 28, ed. Licence, pp. 80–83. Note also that in the β recension of William of Malmesbury’s *Gesta pontificum*, a passing reference to the privilege includes the observation that Baldwin acquired it ‘by many pains, and possibly also with gifts’ (‘multis laboribus incertum an et muneribus’): William of Malmesbury, *Gesta pontificum Anglorum/The History of the English Bishops*, i. 56, ed. and tr. M. Winterbottom with R.M. Thomson (2 vols., Oxford, 2007) [hereafter *GP*], vol. i, pp. 172–3.

¹⁷ T. Schmidt, *Alexander II. (1061–1073) und die römische Reformgruppe seiner Zeit* (Stuttgart, 1977), pp. 39–42; D.M. Webb, ‘The Holy Face of Lucca’, *Anglo-Norman Studies*, ix (1987), pp. 236–7; A. Gransden, ‘Abbo of Fleury’s “Passio Sancti Edmundi”’, *Revue Bénédictine*, cv (1995), pp. 75–8.

of the Luccan church, led by its bishop, Anselmo da Baggio, no less than the *alter ego* of the pluralist Pope Alexander II.¹⁸

The basic outline of this story has been told before, but a number of details deserve extra attention. The first is that the English party's calculated furnishing of the pontiff's Tuscan church returns a degree of agency to the long-reigning Alexander (1061–1073), who has sometimes been seen in the eyes of commentators—both modern and contemporary—as Hildebrand's tool.¹⁹ Certainly Archdeacon Hildebrand, the future Gregory VII (1073–1085), was well established as the most influential figure within the papal circle by this period.²⁰ 'If you wish to thrive at Rome', Peter Damian (d. 1072) remarked drily, 'say loud and clear, "I obey the pope's lord rather than the lord pope"'.²¹ Yet Baldwin's evident appeal to Alexander's interests in his home diocese shows that the Luccan pope nevertheless remained a figure to be won over, and it may well have been his decision that counted most in this instance.²² Secondly, everything that we know about both Baldwin's journey and this Lucca episode relies on sources from Bury. Lanfranc himself is silent about all this, and even when Eadmer mentions Baldwin's privilege in his *Historia novorum*—as an aside, late and out of chronological sequence—he neglects to say that it was acquired in the context of the archbishop's embassy.²³ Lastly, Baldwin's own history suggests that he may have been much more than simply an ambitious hanger-on. Before his appointment at Bury, Baldwin—a former monk of the West Frankish royal abbey of Saint-Denis—had been prior of the Alsatian monastery of Lièpvre (Leberau).²⁴ Although a Saint-Denis dependency, this was a formidable foundation in its own right, and already had a vivid—if probably somewhat fictionalised—tradition of papal and imperial

¹⁸ Schmidt, *Alexander II.*, pp. 35–67.

¹⁹ C. Morris, *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford, 1989), p. 95; H.E.J. Cowdrey, *Pope Gregory VII, 1073–1085* (Oxford, 1998), pp. 54–8.

²⁰ Cowdrey, *Pope Gregory VII*, pp. 27–74, is exhaustive.

²¹ Peter Damian, *Carmina sacra et preces*, ed. J.P. Migne, *Patrologia cursus completus, series latina* (221 vols., Paris, 1841–64) [hereafter *PL*], cxlv, col. 961.

²² It is interesting to consider how far the dual identity of Anselmo–Alexander might have been consciously exploited as a way of surreptitiously bypassing accusations of simony or bribery at Rome: that is, using gifts to the former *persona* in distant Lucca as a kind of 'tradesman's entrance' for securing favours with the more important *alter ego* at the Lateran—a location where there may have been a far greater sensitivity to ambiguous gift-exchanges (and certainly many more eyes watching). The early period of the 'reform' papacy was the first to see a number of non-Roman popes with pluralistic 'dual identities', and with this, various new strategies for circumnavigating taboos of financial and familial favour may well have presented themselves. I thank Dr Leyser for discussing this point with me, to which I intend to return in future.

²³ Eadmer, *Historia novorum*, ed. Rule, pp. 132–3.

²⁴ Herman, *Miracles*, 24, ed. Licence, pp. 60–61.

support, and an impressive armoury of relics, including those of St Alexander of Rome, possibly identifiable with Pope Alexander I.²⁵ In 1066 relics of St Alexander were translated on behalf of their living namesake to the church of Lucca, as part of its ongoing renovation project: these may have come from Lièpvre.²⁶ If on the date of translation Baldwin was already in Bury, it nevertheless remains probable that the initial negotiations and arrangements for this major occasion took place during his leadership of Lièpvre. There is, therefore, a strong possibility that Alexander knew Baldwin, and perhaps even held him in esteem as the donor of his most prized relics. For all Lanfranc's bluster about how well he knew the pope and his kinsmen—claims, of course, found in letters penned by Lanfranc himself²⁷—we should take seriously the possibility that on some level he needed Baldwin for his journey, and that behind the Canterbury stories of Lanfranc's charismatic negotiations at the papal court there stood Baldwin as a kind of international cultic broker, securing the pope's favour with St Alexander's relics in one decade and with those of St Edmund in the next.

Up to that point events seem to have gone in the abbot's favour. But Baldwin's privilege appears to have had little effect in terms of the defence of Bury. The next we hear of it is in November 1073, in a letter of complaint to Archbishop Lanfranc from the newly elected Gregory VII, asking why Arfast continued to hold his predecessor's rulings 'in contempt'.²⁸ Gregory reasserted that the monastery was now under apostolic protection (*tutela*) and suggested that, if Arfast continued to act against it, he should himself head to Rome to have his case determined. Evidently Baldwin's acquisition had not, in the event, proved particularly useful, and evidently he had sought to renew his petition upon Alexander's death. Nor was much achieved by Gregory's letter. Tellingly, its only near-contemporary survival is in a Roman archive—Gregory's own outgoing register—and it does not appear in Lanfranc's collection of

²⁵ See the saints, emperors and popes listed in the charters of Emperor Henry III (1056): *Die Urkunden Heinrichs III*, ed. H. Bresslau and P. Kehr, Monumenta Germaniae Historica [hereafter MGH], Diplomata regum et imperatorum Germaniae, V (Berlin, 1931), pp. 497–8, no. 365; and of Pope Nicholas II (1061): *Papsturkunden in Frankreich*, Neue Folge, IX: *Diözese Paris*, II: *Abtei Saint-Denis* ed. R. Grosse (Göttingen, 1998) [hereafter *PUU Saint-Denis*], pp. 113–16, no. 17 (JL 4456). For St Alexander, see 'Alessandro di Roma', and 'Alessandro I, papa', *Bibliotheca Sanctorum* (12 vols., Rome, 1961–70), vol. i, cols. 788–801. There were several martyred Alexanders associated with Rome in this period and there seems to have been some (perhaps not altogether unintentional) confusion between them.

²⁶ Gransden, 'Abbo', p. 77, n. 22.

²⁷ Lanfranc, *Letters*, 1, ed. Clover and Gibson, pp. 32–3.

²⁸ Gregory VII, *Registrum*, I. 31, ed. E. Caspar, MGH, Epistolae selectae, II (2 vols., Berlin, 1955), i. 51–2 (JL 4804).

correspondence. Bury sources make no reference to the letter until the late thirteenth century: it is possible that the monks of Baldwin's day never knew of it.²⁹ This is the last we hear for some time of Alexander's privilege—though not of the Arfast dispute, which would continue for another eight years before a final ruling in Baldwin's favour at a royal assembly held at Winchester at Easter 1081.³⁰ A single-sheet diploma, given in the king's name, survives from Bury records of this trial.³¹ The possibility that this was drawn up at the Bury scriptorium has hitherto caused some controversy, but this is beside the point: the text is contemporary, and confirmatory narratives of court settlements written by or in favour of a dispute's victor (known in Frankish contexts as *placita*) were normal in early medieval Europe.³² The text's *narratio* shows in brilliant detail Anglo-Saxon charters—or what was thought to pass for them—actually being put to use in a dispute. Arfast, it says, was 'eloquent' in his case, but 'empty' of any written record. Baldwin, in turn, wowed his audience with charter after charter—of Edmund, Cnut, Harthacnut, Edward—proving that his monastery was to be perpetually free of episcopal 'domination'.³³ Studies from the past three decades have shown that these charters would all appear to be forgeries, and the likelihood that they were crafted specifically for this occasion has received thorough discussion.³⁴ The diploma of 'Cnut', prominent in the narrative, still survives today as a spectacular single-sheet original: it would continue to fool scholars well into the twentieth century, and it is not hard to see why those gathered at Winchester were convinced.³⁵

²⁹ It appears twice in British Library, Add. MS 14,847, fos. 14, 85 (Bury's 'White Register'), and in Cambridge University Library, MS Mm. iv. 19, fos. 52–3 (the Bury 'Pinchbeck Register').

³⁰ Herman, *Miracles*, 27, ed. Licence, pp. 68–79.

³¹ *Regesta regum Anglo-Normannorum: The Acta of William I (1066–1087)*, ed. D. Bates (Oxford, 1998), pp. 201–9, no. 39. See also William's writ-charter for the judgement: *ibid.*, p. 210, no. 40.

³² W. Davies and P. Fouracre, eds., *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), pp. 23–7, 273.

³³ The main *narratio* of the text only refers to charters of Cnut and Edward, but the diploma concludes by referring also to rulings of Edmund and Harthacnut. These may be identifiable as P.H. Sawyer, *Anglo-Saxon Charters: An Annotated List and Bibliography* (London, 1968), rev. S.E. Kelly and R. Rushforth et al., *The Electronic Sawyer: Online Catalogue of Anglo-Saxon Charters*, available at <http://www.esawyer.org.uk> [hereafter S], 507 (Edmund), 980 (Cnut), 995 (Harthacnut), 1045 and 1046 (Edward).

³⁴ Gransden, 'Baldwin', pp. 70–71; Foot, 'Abbey's Armoury', pp. 32–50. Note that the text of the Harthacnut charter as it survives may well be even later. Recently there have been calls to re-evaluate the possibility that a genuine instrument underlies the Edmund charter, even though the dispositive clause at least cannot be authentic as it stands: see comments in S 507.

³⁵ King's Lynn Borough Archives, Corporation Manuscripts, Ae. 34; *Facsimiles of Anglo-Saxon Charters*, ed. S. Keynes (London, 1991), no. 33.

What is interesting is that, amid all these fakes, the only genuine charter for Bury, Alexander II's papal privilege, appears to have been totally ignored, and is not even referred to in passing. Its deployment at the Winchester assembly has hitherto been taken for granted in most modern scholarly literature.³⁶ In an influential article, Antonia Gransden identified it with a vague reference in Herman's later account of the trial to Baldwin additionally producing a 'canonical authority' ('canonicalem ... auctoritatem') before the assembly, 'to show that the liberty which that place had possessed for fifty-one years was inviolable'.³⁷ Yet it is difficult to link this with any confidence to Alexander's document. More recently, Tom Licence has suggested that this may be a reference to the so-called 'thirty-year rule' (*tricennalis lex*) of the seventeenth canon of the ancient Council of Chalcedon (451), which granted 'squatter's rights' to those who held ecclesiastical lands for three decades or more.³⁸ This seems more plausible, particularly in light of the reference in the Winchester diploma to the monastery lying undisturbed for fifty-three years. In fact, there are no known copies of the papal privilege contemporary with the dispute, and no references to it in these years of conflict beyond that found in Gregory's register. At Bury, the text finally surfaced in what is now British Library MS Harley 76, among a number of late eleventh-century additions to the back of an early eleventh-century gospel book, and later in Bodleian Library MS Bodley 297, as part of a longer narrative within a Bury recension of John of Worcester's *Chronicle*, written around 1140.³⁹ Beyond this the text lay dormant until its reappearance amid the plethora of later medieval cartularies and registers produced at the monastery from the thirteenth century onwards (although strangely it continued to appear

³⁶ Although not by J-F. Lemarignier, *Étude sur les privilèges d'exemption et de juridiction ecclésiastique des abbayes normandes depuis les origines jusqu'en 1140* (Paris, 1937), p. 152, who noted and understood the significance of the Winchester document's silence on Alexander's privilege. Yet Lemarignier (whose focus was not England, and whose arguments were ultimately directed at developments in the Norman church) did not see that the royal documents used at Winchester were forged, and that the resort to Anglo-Saxon forgery was prompted by the failure of the genuine papal document.

³⁷ Herman, *Miracles*, 27, ed. Licence, pp. 78–9; Gransden, 'Baldwin', pp. 70–71, 190 n. 72.

³⁸ 'The rural or country parishes of each church are to remain undisturbed under the bishops who possess them, especially if they have held or administered them for a thirty-year period without recourse to force. If, however, within the thirty years there has occurred or shall occur dispute over them, whose claim to have been wronged are permitted to raise the matter with the council of the province': *The Acts of the Council of Chalcedon*, tr. R. Price (3 vols., Liverpool, 2005), iii. 100. Licence, 'Herbert', pp. 158–60, suggests that Baldwin referred to this *lex* via the 'Pseudo-Isidore' canon law collection, where it is further addressed by a forged decretal of Pseudo-Gelasius: *Decretales Pseudo-Isidorianae et capitula Angilramni*, ed. Paulus Hinschius (Leipzig, 1863), pp. 286, 654. Note, however, that the principle of thirty-year possession was a legal provision not confined to canon law alone in the early medieval period, and may have had its origins in Roman 'vulgar law': Davies and Fouracre, eds., *Settlement*, p. 275.

³⁹ British Library, Harley MS 76, fos. 139–40; Bodleian Library, Oxford, MS Bodley 297, pp. 371–2. The Bury additions to Bodley 297 are printed in John of Worcester, *Chronicle*, ed. McGurk and Darlington, ii. 616–53.

in a number of manuscripts associated with Canterbury).⁴⁰ The privilege's recording in at least six of the later cartularies to emanate from Bury is no mean consideration, but we must bear in mind that the monastery produced more of these collections than any other English monastic house, and that within these collections themselves it is ultimately the forged royal charters of Edmund, Cnut and Edward which each outnumber any copies of the genuine 1071 acquisition.⁴¹ As for the papal privileges of the decades following Baldwin's visit, the series starts anew with a privilege of Pope Calixtus II of 1123.⁴² This makes no reference whatsoever to Alexander's document, and refers to William's royal ruling of 1081 as its sole authority. Future privileges acquired by Bury from the papacy would look back to this Calixtus document as their first precedent.⁴³ Alexander's ruling would never quite be forgotten, but in its immediate context it had failed to make its mark—except, perhaps, in the archives of Canterbury.⁴⁴ What happened?

II

Eadmer accounts for the privilege's early disappearance. Lanfranc, he says, had 'taken it badly' ('moleste accipiens'), seizing the privilege from Baldwin and only giving it up at the end of his life.⁴⁵ Certainly this might explain in part its absence from the 1081 trial (when the archbishop still had eight years to live), although it remains strange that there appears to have been little confrontation over the matter. Not only

⁴⁰ For a list of the MSS, see appendix below. British Library, Cotton MS Cleopatra E. i and Dean and Chapter of Canterbury [hereafter D&C], Register A are certainly from Canterbury, and this may also be the case with the badly damaged Cotton MS Otho A. xviii, which, like the Cleopatra MS, is an antiquarian 'composite' of various archival materials.

⁴¹ Foot, 'Abbey's Armoury', p. 32; see S 507, 980, 1045 and 1046 for lists of manuscripts.

⁴² *Papsturkunden in England*, ed. W. Holtzmann (3 vols., Berlin, 1930–52) [hereafter *PUU in England*], iii. 131–3, no. 8 (JL 7074).

⁴³ Almost forty individual papal documents for Bury survive from the period before the pontificate of Innocent III (up to 1198), including nine major privileges building upon Calixtus' grant: *PUU in England*, iii. 168–9, no. 44 (JL 8561), iii. 191–3, no. 64 (JL 9093), iii. 263–4, no. 121 (JL not listed), iii. 281–3, no. 140 (JL not listed), iii. 322–3, no. 187 (JL 12148), iii. 350–51, no. 217 (JL 12529), iii. 455–6, no. 347 (JL not listed), iii. 489–92, no. 382 (JL not listed), and iii. 503–4, no. 403 (JL not listed). See further the list, taken from three cartularies, *ibid.*, pp. 51–2. These tend to refer to each other and to royal grants but never to Alexander II nor to the proceedings of the 1070s. Although Bury received an unusually large number of papal documents in this period, the pattern of documentation is broadly the same across twelfth-century English houses: a confirmation and renewal of previous privileges upon each new pope's accession, with occasional specific rulings along the way, and a marked increase in documentary activity under Alexander III (1159–81).

⁴⁴ It is interesting that a later tradition would develop at Bury that, rather than Baldwin, it was his predecessor Leofstan (abbot 1044–65), who had travelled to Rome via Lucca and there obtained a papal privilege. Diana Webb, I think rightly, reads this as a later misremembering of the event, an attempt to grant it greater importance by placing it before the Conquest: Webb, 'Holy Face', pp. 235–6. The confusion of this later source again suggests that the original circumstances and purpose of Alexander's privilege may have been slipping from the community's collective consciousness.

⁴⁵ Eadmer, *Historia novorum*, ed. Rule, p. 133.

Baldwin, but also Archbishop Thomas of York and Bishop Remigius of Dorchester were, like Lanfranc, present at both the Winchester royal assembly and the papal reception in Rome ten years before, a reception that had gone ahead with the king's approval.⁴⁶ Yet no sources suggest that any of these parties made any effort to recollect this piece of evidence. Several historians have drawn attention to Eadmer's remark. What remains to be answered is why Lanfranc confiscated the document at all.⁴⁷ Firstly, there is no evidence that Lanfranc showed any favour for Arfast. Lanfranc's collection includes a stern letter of rebuke to the bishop for his conduct in the dispute (as well as his behaviour more generally: 'give up the dicing, to mention nothing worse'), suggesting that he leave the matter if he cannot find 'indisputable proof'.⁴⁸ A few decades later, a rare pro-episcopal account of the controversy, the so-called 'Norwich Narrative', would claim that the archbishop 'hated' Arfast, obstructing his claims on account of personal dislike, although it is unclear how far this should be taken seriously.⁴⁹ Secondly, it seems strange that Lanfranc, who was, as we have observed, so intimately involved in the circumstances of Baldwin's petition, had not already understood the abbot's aims: he would have been aware of Baldwin's dispute with Arfast and his intention of securing papal protection as they journeyed together to the papal court. Finally, the terms of the privilege—at least according to all modern interpretations—would hardly have been objectionable to the archbishop.

At this stage it is important to note that the text survives in two versions, subtly but fundamentally different. The earliest copy, in the Harley manuscript, states at the end of its dispositive section that the terms of the privilege have been granted 'salua primatis episcopi canonica reuerentia', that is, 'saving the

⁴⁶ All three are listed in the subscriptions to the Winchester diploma: the list itself may not be completely reliable, but it is nevertheless probable that they would have attended as significant an event as an Easter royal assembly. The diploma's *narratio* also claims that William took counsel with Lanfranc and Thomas (as well as his brother Odo) over the judgement. William's assent to Baldwin's papal petition is mentioned in both Alexander's privilege and Gregory's letter of 1073.

⁴⁷ Lemarignier's assertion (*Étude sur les privilèges*, pp. 149–52) that a previously co-operative Lanfranc confiscated the privilege as a direct riposte to Gregory's letter of 1073—taking offence at its apparently threatening tone ('Cette menace finale et, d'une façon plus générale, l'ensemble de la lettre durent causer à Lanfranc une impression désagréable') and ultimately using the Winchester council of 1081 as a definitive retaliation to it—is entirely conjectural and based on no contemporary evidence, only on assumptions about Lanfranc's temperament and personal attitude to Gregory. Besides, if Lanfranc's stance towards Alexander's ruling had been positive and co-operative as late as November 1073, why did Gregory have to write at all?

⁴⁸ Lanfranc, *Letters*, 47, ed. Clover and Gibson, pp. 150–53. The editors suggest that this may have been prompted by Gregory's letter of complaint to Lanfranc: there is nothing to support this in the text, and must remain speculation. But even if it were the case, it would therefore be of interest that the archbishop makes no reference at all to either Gregory or Alexander, writing as if acting of his own volition.

⁴⁹ Licence, 'Herbert', p. 167.

canonical reverence due to the primatial bishop’—in this case, Lanfranc. This has been unanimously accepted as the correct version of the text, and appears in six later manuscripts, including two of the text’s earliest witnesses from the twelfth century, one of which certainly originates from Canterbury.⁵⁰ In its second appearance, in the Bodley manuscript containing the Bury recension of John of Worcester, the text is changed to ‘salua apostolice sedis reuerentia’.⁵¹ The reverence has been upgraded to that of the apostolic see, and the monastery answers to Rome alone. All commentaries on this text and on the Baldwin–Arfast dispute have pointed out (where it has been noticed) that this must be a later interpolation.⁵² It has been seen as typical of the wishful thinking of a later monastic chronicler, particularly one writing in the fundamentally different world of papal authority of the 1140s,⁵³ and as apparently too radical to be conceivable for an institution in England in the 1070s. Besides, the Bury chronicle of John of Worcester is not in other respects a reliable account. Its version of the Arfast dispute is exaggerated and tangential, and culminates in Alexander performing some kind of quasi-episcopal investiture on Baldwin, bestowing upon him a ring and staff, and granting him a marble altar upon which masses might always be celebrated, even under conditions of excommunication or interdict.⁵⁴ Meanwhile, Eadmer’s reference to the privilege demonstrates that he had the version in the Harley manuscript in mind, describing it as freeing the monastery from episcopal ‘subjection’ whilst ‘saving obedience to the primate’ (‘salva primatis

⁵⁰ For details on the variations of this clause, see the edition in this article’s appendix, lemma *aa ... aa*.

⁵¹ John of Worcester, *Chronicle*, ed. McGurk and Darlington, ii. 647.

⁵² Thus Licence’s commentary to Herman, *Miracles*, pp. xxxiii and p. 70, n. 282; Foot, ‘Abbey’s Armoury’, pp. 48–9; R. Sharpe, ‘The Use of Writs in the Eleventh Century’, *Anglo-Saxon England*, xxxii (2003), p. 254, n. 19—ultimately drawing on Lemarignier, *Étude sur les privilèges*, pp. 147–8. The consensus may arise partly from the *primatis* clause being adopted in the text provided by Migne (*PL*, cxlvi, col. 1363), which indirectly uses the Cleopatra MS (from Canterbury) and is printed with errors. Note however that an early discussion of the privilege in D. Knowles, ‘The Growth of Monastic Exemption’, *Downside Review*, 1 (1932), p. 210, ignored the discrepancy between the two clauses and took for granted that the monastery was directly subject to papal authority. We must bear in mind that Knowles, himself the scion of an abbey that had recently acquired a hard-won papal exemption, was often inclined to ‘see’ direct papal support for early English monastic foundations, at the expense of more scrupulous enquiry: N. Vincent, ‘Arcadia Regained? David Knowles and *The Monastic Order in England*’, in D. Bellenger and S. Johnson, eds., *Keeping the Rule: David Knowles and the Writing of History* (Downside, 2014), pp. 71–7.

⁵³ The papal self-reservation clause *salua sedis apostolice auctoritate* would become a standard formula in privileges of ‘exemption’ from the pontificate of Alexander III (1159–81): Falkenstein, *La Papauté*, p. 176.

⁵⁴ John of Worcester, *Chronicle*, ed. McGurk and Darlington, ii. 646–7. As strange as the story is, it may be of interest that legends linking the granting of papal privileges with gifts of marble altars appear elsewhere in this period: according to William of Malmesbury’s *Gesta Pontificum* (completed 1126), Aldhelm, abbot of Malmesbury (d. 709/10) returned from Rome bearing not only a privilege of Pope Sergius I for his monastery (JE 2140) but also an *altare ex splendenti marmore*: *GP*, v. 222, vol. i, pp. 558–9. Note that there is further contemporary evidence for high-status, papally consecrated marble altars elsewhere in mainland Europe, *circa* 1100: see commentary, *ibid.*, ii. 275–6, and F. Terpack, ‘Pilgrimage or Migration? A Case Study of Artistic Movement in the Early Romanesque’, *Zeitschrift für Kunstgeschichte*, li (1988), pp. 414–15.

oboedentia’).⁵⁵ It is less clear which version Herman saw. Late in his narrative, reflecting on the exclusion of Arfast’s successor from the consecration of a new Bury church in 1094, he remarked that Alexander’s privilege ensured that the monastery ‘non debere eam subiugi sub dicione alicuius diocesani, nisi quo libuerit abbatem predicti loci, uel sub metropolitano Cantuarensi’.⁵⁶ Although Licence and Lockyer have now translated this as ‘should not be under the jurisdiction of any diocesan except by agreement of the abbot of the place or on the authority of the archbishop of Canterbury’, the *uel sub* in the final clause may refer back to first clause, rendering it as ‘not ... under the jurisdiction of any diocesan except by agreement of the abbot of the place, *nor* under the archbishop of Canterbury’. This may suggest that Herman had seen a text like that of the later Bodley manuscript, but it is impossible to be certain. Meanwhile, it is striking that we do not find this ‘Bodley clause’ in any further manuscripts. In some later medieval copies the line is excluded altogether, but in two cases this has been corrected by an even later hand to include the *primatis* clause.

An additional detail, hitherto unobserved, might also be thought to support the established scholarly view of the ordering of these two versions. Thus, if we turn to the Bodley manuscript, we find that the problematic *salua apostolice sedis reuerentia* passage is evidently a later addition. The ink is faintly—but still visibly—different; the baselines around the letters are missing and the parchment slightly distressed, suggesting an erasure; meanwhile the spacing is more generous than the rest of the text, covering an area that would have fitted the alternative clause more comfortably. A further observation: either the main Bodley text was copied from the earlier Harley manuscript, or they share a common exemplar. We see this in the simple but distinctive way in which the *rota*, the elaborate papal authentication symbol ending all papal privileges from 1049 onwards, was copied at the end of both texts: both retain, impressively, Alexander’s personal ‘motto’ (‘Deus nostrum refugium et uirtus/ magnus Dominus noster/ et magna uirtus eius’)⁵⁷ and arrange it around a simple cross in a basic—but identically crafted—imitation of the original

⁵⁵ Eadmer, *Historia novorum*, ed. Rule, p. 132; echoed by *GP*, i. 56 and ii. 74, vol. i, pp. 172–5, 248–9; Lemarignier, *Étude sur les privilèges*, p. 148, considers this the main evidence for the *primatis* clause being the original.

⁵⁶ Herman, *Miracles*, 40, ed. Licence, pp. 114–15.

⁵⁷ An amalgam of two passages from Psalms: Ps. 46 (45):1, 147 (146):5. The *rota* had originally featured a personal motto, changing with each pope; this was standardised from 1099 onwards with the formula ‘Petrus/Paulus/(name)/Papa’: T. Frenz,

document. The standardised way in which the two Bury scribes performed this unusual task makes it highly unlikely that both were copying independently from an original document.⁵⁸ This is supported by the fact that in the dating clause both texts give the indiction as the seventh, whereas the ninth is correct, according to contemporary papal reckoning, for October 1071. On the original document this would have been rendered in Roman numerals, and what we see is doubtless one Anglo-Norman scribe's simple misreading of 'viii' for 'vii', followed by the failure of a subsequent scribe to correct this minor error. Once again, we see that either Bodley is dependent on Harley, or both share a common exemplar. This final observation may be extended to the wider corpus of manuscripts, whether from Bury or Canterbury: all make the same error with the indiction, and it seems plausible that all may be traced back to a particular copy, and not the original single-sheet document from Rome.

All these points, taken together, could be thought to furnish conclusive evidence for the established reading of the *salua apostolice sedis reuerentia* clause as a later interpolation. But there is another possible reading. We could choose to turn this view on its head and argue for the *later* interpolation of an *original* clause. This proposition may be supported by seven considerations. Firstly, the nature of the papal 'chancery' in this period—the breadth of its outreach, and its use, albeit still relatively limited, of standardised formulas—allows us to cast our net far wider than William's England when considering the privilege's immediate context. As has been touched upon above, we know of two documents definitely issued in the week before the grant to Baldwin, and one, undated, possibly from the same time. All concern different ecclesiastical matters, but follow at times a strikingly similar formulation, and, where dating clauses survive, are signed off by the same authenticating *bibliothecarius*: one for the monastery of Charroux, near Vienne; and two for Aragon, for the monasteries of San Pedro de Loarre and San Victorián, Sobarbre, both arranged through the special intervention of King Sancho Ramirez (d. 1094) (who plays a

Papsturkunden des Mittelalters und der Neuzeit (2nd edn., Stuttgart, 2000), p. 22, and, in detail, J. Dahlhaus, 'Rota oder Unterschrift. Zur Unterfertigung päpstlicher Urkunden durch ihre Aussteller in der zweiten Hälfte des 11. Jahrhunderts', in I. Fees, A. Hedwig and F. Roberg, eds., *Papsturkunden des frühen und hohen Mittelalters. Äussere Merkmale—Konservierung—Restaurierung* (Leipzig, 2011), pp. 249–304, esp. 263–71 on Alexander II.

⁵⁸ We see this once more in the latest, post-medieval copy, British Library, Harley MS 4646, fo. 120v (belonging to John Jewel, bishop of Salisbury [1560–71] and dated by Dr Lowe [personal communication] to the third quarter of the sixteenth century), although other features of this MS show clearly that it is a direct copy of the documentary contents of Harley MS 76, and so this particular detail is unsurprising.

similar formulaic role in these Spanish documents to that of William I in Bury's privilege).⁵⁹ The latter of these Aragonese examples survives as an original, giving us at once a clear impression of what Bury's single-sheet would have looked like, free of copying errors and later tampering.⁶⁰ All three use a close variation of the *salua apostolice sedis reuerentia* clause.

Secondly, although the *apostolice sedis* clause occurs with increasing frequency throughout this period, we know of no other example beyond this particular text exists in which authority is reserved to the primatial bishop. We need to remember here that the concept itself of 'primates' and 'primacy' in the medieval Latin church—that is, of bishops with super-provincial powers, above archbishops and metropolitans—was a relative novelty and had not yet achieved wide acceptance. It had become popularised and given supposedly antique authority since the ninth century by the circulation of 'Pseudo-Isidore', a canon law collection which blended rulings of genuine councils and a number of authentic papal decretals with, crucially, a large number of forged decretals attributed to numerous late antique popes.⁶¹ This came late to England, only arriving with Lanfranc himself, whose personally annotated manuscript still survives:⁶² this, then, was probably the source of Lanfranc's preoccupation with Canterbury's primacy, a matter which had been of no concern to his Anglo-Saxon forebears but which would preoccupy the rest of Lanfranc's career and that of his immediate successors.⁶³ But the concept was still not a canonical commonplace, and we should not expect to find direct references to it generally circulated in papal documentation.

Nevertheless, and thirdly in our list of consideration, exceptional cases could of course occur, especially in the experimental atmosphere of the eleventh century. It might be argued that Alexander made

⁵⁹ *Chartes et documents pour servir a l'histoire de l'abbaye de Charroux*, ed. D.P. de Monsabert (Poitiers, 1910), pp. 75–8 (JL not listed); *Papsturkunden in Spanien: Vorarbeiten zur Hispania Pontificia*, ed. P. Kehr (4 vols., Berlin, 1926–8), ii. 260–62, no. 3 (JL not listed), and ii. 262–5, no. 4 (JL not listed).

⁶⁰ Madrid, Archivo Histórico Nacional, San Victoriano n. 460.

⁶¹ H. Fuhrmann, 'The Pseudo-Isidorian Forgeries', tr. T. Reuter, in D. Jasper and H. Fuhrmann, *Papal Letters in the Early Middle Ages* (Washington, DC, 2001), pp. 135–95.

⁶² Cambridge, Trinity College, MS B 16.44 (405), identified by Z.N. Brooke, *The English Church and the Papacy from the Conquest to the Reign of John* (Cambridge, 1931), pp. 57–83; Fuhrmann, 'Pseudo-Isidorian Forgeries', pp. 183–4.

⁶³ H.E.J. Cowdrey, *Lanfranc: Scholar, Monk, and Archbishop* (Oxford, 2003), pp. 87–103.

a special case for inserting the *primatis* clause into the Bury privilege on account of Lanfranc's situation. Yet we know that Alexander never recognised Lanfranc's primatial claims, something even Lanfranc's own self-celebratory letter collection can do little to hide. The subject flared up during the 1071 embassy to Rome, and Lanfranc later claimed that Alexander had (rather tactfully) refused to rule on the matter, referring the case back to England.⁶⁴ Later, Lanfranc would be rebuffed in his attempts to acquire a papal privilege of his own from Alexander confirming his primacy, receiving instead a probably unwelcome letter from Archdeacon Hildebrand inviting him back to Rome to present his case again.⁶⁵ This offer was not taken up. Alexander never yielded to Canterbury's primatial claims, and we cannot think that he would have suspended this principle for this single Bury document.

Fourthly, and with further regard to Canterbury's primatial preoccupations, there are considerable (if hitherto ignored) reasons to be wary about the context of at least one of the earliest manuscripts to feature the *primatis* clause. The early twelfth-century section of the antiquarian collection Cotton Cleopatra E. i,⁶⁶ which may be traced to Canterbury and includes the version of the Bury privilege ultimately published in Migne's *Patrologia latina*,⁶⁷ is no less than one of the main Christ Church Canterbury sources of the notorious 'primacy forgeries', debunked by Heinrich Boehmer over one hundred years ago.⁶⁸ While this inclusion does nothing to taint the Bury privilege *per se*, it should at least invite caution that the *primatis* version of the privilege (a document which was in every other respect entirely irrelevant to the archbishopric's interests) was not only still found in Canterbury well into Eadmer's later years, but enjoyed there a position of certain importance, specifically archived as a piece of rare 'proof' for the see's primatial claims.

⁶⁴ Lanfranc, *Letters*, 3, ed. Clover and Gibson, pp. 42–5.

⁶⁵ *Ibid.*, 4–6, pp. 48–59.

⁶⁶ British Library, Cotton MS Cleopatra E. i, fos. 56v–57v.

⁶⁷ *PL*, cxlvi, col. 1363, reprints with errors the text of *Bullarium privilegiorum ac diplomatum Romanorum pontificum amplissima collectio*, ed. Carlo Cocquelines (6 vols., Rome, 1739–62), ii. 15–16, itself a copy of that in Michael Alford, *Fides regia anglicana sive annales ecclesiae anglicanae* (4 vols., Liège, 1663), iv. 30–31, which in turn was taken from the edition provided in the appendix of Eadmer, *Historia novorum*, ed. John Selden (London, 1623), pp. 206–7, which cites as its source a 'Cottonian' MS identifiable as Cleopatra E. i. Lemarignier, *Étude sur les privilèges*, p. 147, n. 54, misidentifies this source as Harley 76.

⁶⁸ H. Boehmer, *Die Fälschungen Erzbischof Lanfranks von Canterbury* (Leipzig, 1902); for further bibliography, see below, n. 94.

There are further clues in the text itself. *Arengae*, or ‘proems’—the exhortatory preambles of medieval documents—meant a lot to contemporaries: they were far more than outbursts of pompous verbosity before the ‘real’ document began.⁶⁹ The substance of Alexander’s Bury *arenga* is more or less clear. All churches are equally under papal authority, it says, but some more than others: those which seek and receive special commendation to the apostolic see. In this context, the Bodley *apostolice sedis* interpolation works; the *primatis* clause, meanwhile, might be taken as contradictory.

This leads to our sixth and most simple point: in accordance with the *arenga*, Alexander states in the opening lines of the privilege’s dispositive clause that his decision is being made ‘saving indeed in all things the reverence of this holy see’ (‘salua quidem in omnibus huius sancte sedis reuerentia’). A shift to primatial reverence later on in the document jars with this statement.

Finally, we come back to the mystery of Lanfranc’s display of annoyance and subsequent confiscation of the privilege. Why would he have been so angry about a document that reserved all final authority to himself, and even did him the credit of referring to him as ‘primate’, a title which he was desperate to have bestowed, most of all by a pope? On the other hand, it requires little stretch of the imagination to see Lanfranc taking exception to the casual, yet total, bypassing of his authority in the *salua apostolice sedis reuerentia* clause.

Here is an interpretation of this alternative reading. Upon his and Lanfranc’s arrival in Rome, Baldwin’s petition may have amounted to little more than a fundamental wish to preserve the monastic character of his church, and avoid its conversion into an episcopal see. At no point did Lanfranc seem to hold any objection to this basic desire, and it is this that comprises the core substance of Alexander’s privilege. But—as Lanfranc and Baldwin could not have foreseen—the papacy had already issued the

⁶⁹ The classic study is H. Fichtenau, *Arenga. Spätantike und Mittelalter im Spiegel von Urkundenformeln* (Graz, 1957), esp. pp. 101–10 on ‘reform’-era papal documents.

previous week at least two or three privileges for unrelated monasteries in distant corners of France and Spain, granting them, amongst other things, direct rights in relation to Rome via a small but potentially powerful clause, including in one a florid *arenga* about the commendation of churches to papal protection. Perhaps, amid the busy to and fro of the papal court, Baldwin heard of these further details and sought to add them to his document. Or perhaps their inclusion was the decision of the privileges' authenticator and overseer Peter, 'presbiter cardinalis et bibliothecarius', particularly pleased with his recent work, or lacking inspiration and relying on recent drafts.⁷⁰ We do not know. Either way, a document in this style is what Baldwin took with him as he left the Lateran palace, and this is what Lanfranc confiscated. Only many years later, with Lanfranc dying and Baldwin now victorious regardless because of his forged Anglo-Saxon diplomas, was the old privilege, or a copy of it, dug up at Canterbury and returned to the Bury monks. There is every possibility that the text they received had one tiny, but crucial, 'improvement', confected in the primacy-obsessed atmosphere of the Christ Church scriptorium.⁷¹ The later, twelfth-century 'interpolation' of the *salua apostolica sedis reverentia* clause reflects an attempt to correct this anomaly.

III

If the reading offered here provides a solution to the problems surrounding the privilege's unusual textual history and its initial disappearance from the record, there remains the issue of the lack of interest in the document over the course of the late eleventh and early twelfth centuries and the wider implications of its apparent neglect. Why did Baldwin launch no further appeals for its implementation after 1073? And why did he invoke the royal authority of Anglo-Saxon charters alone in the following decade, so that by the time the privilege was returned to him it was ready to be forgotten?

⁷⁰ For Peter as effectively head of the papal writing office at this time, see P.F. Kehr, 'Scrinium und Palatium. Zur Geschichte des päpstlichen Kanzleiwesens im 11. Jahrhundert', *Mitteilungen des Instituts für Österreichische Geschichtsforschung. Ergänzungs-Band*, vi (1901), pp. 98–9, with L. Santifaller, *Saggio di un Elenco dei funzionari, impiegati e scrittori della Cancellaria Pontificia dall'inizio all'anno 1099* (2 vols., Rome, 1940), i. 183–9.

⁷¹ This may have been adjusted without Baldwin or Bury's knowledge, or it could have been part of a concession by the monastery in order to have the document finally released. Either way, this still would have been a Christ Church initiative using Christ Church vocabulary: the only difference concerns whether the change was a surreptitious or a negotiated one.

William's two decades of rule were transformative, of course, for both landholding and ecclesiastical organisation in England. Church lands and offices changed hands at an astonishing rate, and we might think that this time—if any—would have been when new papal privileges were sought, old copies dusted down and made presentable, and of course, previously non-existent ones forged into being. We see almost nothing of this. It may even be significant that Domesday is silent on the matter. Had they been at hand, the kinds of freedoms and privileges granted in certain papal documents elsewhere on the continent would presumably have been of interest to those subject to the Domesday inquest. Similarly, the fact that, elsewhere in Europe, those institutions holding papal privileges often rendered a yearly monetary tribute (*census*) to Rome would presumably have been a matter of concern to those investigating: no such thing is reported.⁷² It seems obvious to state that nowhere in Domesday does anyone claim papal privilege. But the unique nature of the inquest and, as a result, the lack of any parallel enquiries which might serve as useful comparisons means that there is no feature of Domesday that can simply be dismissed as 'obvious'.⁷³

We find a similar lacuna in the documentary record. The earliest phase of what historians customarily label the 'reform' papacy—usually dated from Emperor Henry III's Roman coup of 1046, and the subsequent translation of a string of external 'reform' bishops to the Roman see—seems to have inaugurated something of a late flourish in the number of papal privileges acquired by English individuals and institutions, reaching a scale not seen since the days of Bede. We must understand this as initially a small part of a much wider phenomenon. Across Europe we see a considerable increase in the acquisition of papal privileges in this period, beginning with the pontificate of Leo IX (1049–1054). An extraordinarily energetic Lotharingian bishop, his reforms of the papal writing office and the fact that he spent a great deal of his pontificate's early years itinerating across the Franco-Germanic regions closer to

⁷² Falkenstein, *La Papauté*, pp. 145–9; I.S. Robinson, *The Papacy, 1073–1198: Continuity and Innovation* (Cambridge, 1990), pp. 228–9. Considerably large payments of *census* would become characteristic of houses in more 'peripheral' European polities, including England, although no *census* is known to have been paid by English houses before the twelfth century: *ibid.*, pp. 269–74, with W.E. Lunt, *Financial Relations of the Papacy with England to 1327* (Cambridge, MA, 1939), pp. 85–92.

⁷³ The only reference to the *ecclesia Romana* in Domesday is the entry for Puriton, Somerset, which 'the Roman church of the blessed apostle Peter holds from the king. Queen Edith held it in the time of King Edward': *Domesday Book*, VIII: *Somerset*, ed. C. Thorn and F. Thorn (Chichester, 1980), 11: 1.

his homeland would have done much to familiarise the transalpine West with papal documentary output in the later eleventh century.⁷⁴ In England, where the surviving record suggests that documentary contact with the papacy was, if not totally negligible, then never as strong as in the rest of Latin Europe, we know of at least twelve genuine or plausibly authentic papal privileges acquired by bishops and abbots from 1049 to 1071:⁷⁵ by Insular standards, this is a lot. After 1071 this stops. The record does not properly resume—at least as far as the cartulary record suggests—until the pontificate of Calixtus II in the 1120s, whereupon they come thick and fast for the remainder of the century.⁷⁶ The reasons for this are no doubt complex, and for the later decades probably had much to do with the complications of the so-called ‘Investiture Contest’ and England’s own particular embroilment in that conflict during the reigns of William II and Henry I.⁷⁷ Nonetheless, compared to the increasing privileging of bishoprics and monasteries elsewhere in Europe,⁷⁸ this sudden caesura in the English record is striking, especially when it coincides with a period of such transformative change as Domesday England.

⁷⁴ For a complete catalogue of Leo’s activities, see now *Regesta Imperii*, III: *Salisches Haus, 1024–1125*, 5: *Papstregesten 1024–1058*, ed. K.A. Frech (2 vols., Cologne, 2006–11), ii. 71–629; on his documentary reform and output, see id., ‘Die Urkunde Leos IX.. Einige Beobachtungen’, in G. Bischoff and B-M. Tock, eds., *Léon IX et son temps* (Turnhout, 2006), pp. 161–86.

⁷⁵ In addition to Baldwin’s privilege, we have Leo IX for Crediton–Exeter (1049 x 1050), *Councils*, i. 524–5, no. 70 (JL 4208); Victor II for Chertsey (1055 x 1057), *PUU in England*, i. 221, no. 4, also *Councils*, i. 543–5, no. 74 (JL not listed); Victor II for Ely (1055 x 1057), *Councils*, i. 544–5, no. 75 (JL 4350); Nicholas II for Wells (1061), *PUU in England*, ii. 131–2, no. 1, also *Councils*, i. 548–50, no. 77 (JL 4457); Nicholas II for Dorchester (1061), *Councils*, i. 550–52, no. 78 (JL 4461); Nicholas II for York (1061), *The Historians of the Church of York and its Archbishops*, ed. James Raine, Rolls Series, lxxi (3 vols., London, 1879–1894), iii. 5–7, no. 2 (JL 4463); Alexander II for York (1071), *ibid.*, iii. 9–10, no. 3, new edition in H.E.J. Cowdrey, ‘Archbishop Thomas I of York and the *pallium*’, *Haskins Society Journal*, xi (2003), pp. 33–4 (JL 4693). There are also narrative references to plausibly authentic lost documents (*deperdita*): Leo IX and Alexander II for Ramsey (1049 and 1062 x 1065), *Chronicon abbatiae Rameseiensis a saec. X. usque ad an. circiter 1200*, ed. W.D. Macray (London, 1886), pp. 171 (JL *4178), 176 (JL not listed), and the same two popes for Canterbury (1049 or 1050, and 1061 x 1067–70), Goscelin, *De translatione sancti Augustini et aliorum sanctorum*, I. 3–6, ed. G. Henschen, D. Papenbroeck et al., *Acta Sanctorum Maii*, VI (Antwerp, 1688), p. 433 (JL not listed). Note that Alexander’s supposed confirmation of Christ Church, Canterbury’s privileges from 1070 x 73 (Eadmer, *Historia novorum*, ed. Rule, pp. 19–21 [JL 4761]), is now considered a later forgery: H. Clover, ‘Alexander II’s Letter “Accepimus a quibusdam” and its Relationship with the Canterbury Forgeries’, in *La Normandie bénédictine au temps de Guillaume le conquérant (XI^e siècle)* (Lille, 1967), pp. 417–42.

⁷⁶ Alongside certain documents from the same pope concerning the Canterbury primacy dispute, and a routine *pallium* grant for York, two exceptions—if they are genuine—might be the two privileges granted by Pope Paschal II in April 1102 to the episcopal churches of Coventry (*PL*, clxiii, col. 95 [JL 5912]) and Norwich (*ibid.*, col. 432, expanded in *PUU in England*, ii. 136–7, no. 3 [JL 6594]): in the case of the latter, apparently acquired by Arfast’s successor Herbert Losinga when in Rome on a royal errand, the East Anglian connection to Baldwin’s privilege is obvious and interesting. Herman, *Miracles*, 40, ed. Licence, pp. 114–15, implies that in the mid-1090s Herbert had been kept away from Bury in part by Alexander’s privilege: if so, he was probably more aware of the purpose and potential efficacy of such a legal instrument than most of his Anglo-Norman peers, and the 1102 acquisition may be a reflection of that. For the broader context of his visit, see Licence, ‘Herbert Losinga’s Trip’, p. 162.

⁷⁷ Despite later claims that appeals to Rome were unknown until the permanent legation of Henry of Winchester (1139–43), there were growing numbers in the later years of King Henry I (1100–1135): Robinson, *Papacy*, pp. 183–4.

⁷⁸ An overview of these continental-wide trends is impossible here, but will be clear from even a cursory glance at the documentary activity listed in Santifaller, ‘Verwendung’, pp. 135–50, and the relevant sections of JL.

It is tempting to see Baldwin in 1071 as not—or at least not yet—an adept operator of the new regime, but rather the last to try to play the game of an older, different order. Installed in Bury since 1065, Baldwin had once been Edward the Confessor's physician, and, as we have seen, had then gone on to serve as prior to Alsatian Lièpvre.⁷⁹ We have what purports to be an original single-sheet papal privilege of Nicholas II acquired for this monastery, presumably under Baldwin's auspices, from Easter 1061.⁸⁰ It presents two interesting possibilities. Despite its positive assessment in the most recent critical edition of this document, it is extremely difficult to accept as an 'original' papal production. The script is unusual, and it lacks all the standard authenticating signs which appear in genuine originals after 1049: the above-discussed *rota* and distinctive *Bene Valete* monogram are both missing, and there is no trace of a seal (*bullā*) ever having been attached.⁸¹ Nonetheless it does appear to be contemporary. On one hand, it may point to Baldwin already engaging in forgery twenty years ahead of his Winchester confrontation, and, significantly, doing so by means of imagined papal, rather than royal, authority.⁸² On the other, it could represent a poorly crafted copy of a lost original, or perhaps a reserve for a separate archive: Lièpvre was, after all, a dependency of Saint-Denis, and it is through the archive of the latter that the single-sheet now survives in Paris.

If the latter is the case, it is interesting that its date would place Baldwin in Rome in 1061—at the same time as an important and remarkably well documented English embassy there, led in part by the Lotharinga-born bishops Giso of Wells (d. 1088) and Walter of Hereford (d. 1079?).⁸³ This may be

⁷⁹ Herman, *Miracles*, 24, ed. Licence, pp. 60–61.

⁸⁰ Paris, Archives nationales, L 221 n. 1; *PUU Saint-Denis*, pp. 113–16, no. 17 (JL 4456).

⁸¹ Rolf Grosse, in his commentary to *PUU Saint-Denis*, p. 114, points out in defence of this document the substantial degree of 'chancery' irregularity in this period, and has elsewhere discussed the possibility of full beneficiary production (*Empfängerausfertigung*) of papal 'originals' at the Saint-Denis scriptorium: R. Grosse, 'Die beiden ältesten Papsturkunden für das Domkapitel von Paris (JL 3949 und 3951)', in id., ed., *L'Acte pontifical et sa critique* (Bonn, 2007), p. 19. Nonetheless, the irregularities of this document invite serious doubts: for further misgivings see Dahlhaus, 'Rota', p. 294, arguing that the document is probably an outright forgery, although I hesitate to go this far. More recently Professor Grosse (personal communication) has suggested that he is open to the possibility that the privilege is a copy of a lost original.

⁸² In the mid-eleventh century the monks of the mother house of Saint-Denis were engaging in an extensive project of papal forgery production, arguably similar in its broad aims and execution to the later forgery dossier at Bury: D. Bates, 'The Abbey and the Norman Conquest: an Unusual Case?', in Licence, ed., *Bury St Edmunds and the Norman Conquest*, pp. 16–18; T. Waldman, 'Charters and Influences from Saint-Denis, c.1000–1070,' *ibid.*, pp. 23–4. Crucially, however, Bury in 1081 did not make use of any papal documents, real or forged.

⁸³ *The Life of King Edward Who Rests at Westminster*, i. 5, ed. and tr. F. Barlow (2nd edn., Oxford, 1992), pp. 52–7; *The Anglo-Saxon Chronicle: a Revised Translation*, tr. D. Whitelock with D.C. Douglas and S.I. Tucker (London, 1961) [hereafter ASC],

nothing more than a coincidence. But it provides at least a hint that the younger, Alsace-based Baldwin's own engagement with both the papacy and England might be framed within the broader orbit of what Simon Keynes has memorably labelled the Lotharingian 'conspiracy' of the late Anglo-Saxon church.⁸⁴ That is to say, the sudden increase in Anglo-papal documentation in the two decades after 1049, an integral part of the initial impact of the 'early' reform papacy in England, may have relied on the shared Lotharingian heritage of sections of the papal court and the Anglo-Saxon ecclesiastical hierarchy at this time, perhaps accelerated by (now invisible) personal networks between them. A brief prosopographical detour will be sufficient to hint at these connections. Bishop Leofric of Crediton–Exeter (d. 1072) was probably educated in the cathedral school of Toul in Lotharingia.⁸⁵ If so, he would have been there under the episcopacy of Bruno (bishop from 1027), the son of an Alsatian count and the future Pope Leo IX, mentioned above.⁸⁶ This same Leo would later grant Leofric a privilege confirming the transfer of his see to Exeter, an arrangement mediated by a Crediton cleric named Landbert (not an English name), and probably granted during or close to the Council of Rheims (1049).⁸⁷ This council was also attended by the Lotharingian bishop of Wells, Duduc (d. 1061),⁸⁸ whose Lotharingian successor Giso, with Walter, also a Lotharingian, went, as we have seen, to Rome in 1061.⁸⁹ Here they met and were personally consecrated by Pope Nicholas II (1058–1061, *né* Gerhard), who may have been of Lotharingian origin:⁹⁰ the privileges he issued there for Giso, and perhaps also Baldwin, received their authentication from Humbert of Moyenmoutier (d. 1061), himself a major Lotharingian reformer.⁹¹ All this took place during a period in

1061 D, p. 135; William of Malmesbury, *Vita Wulfstani*, i. 10, ed. and tr. M. Winterbottom and R.M. Thomson, in William of Malmesbury, *Saints' Lives* (Oxford, 2002), pp. 40–43; John of Worcester, *Chronicle*, ed. McGurk and Darlington, ii. 586–9. See also the privileges granted on this occasion by Nicholas II, above, n. 75.

⁸⁴ S. Keynes, 'Giso, Bishop of Wells (1061–88)', *Anglo-Norman Studies*, xix (1997), pp. 205–12; see now also A. Bihrer, *Begegnungen zwischen dem ostfränkisch-deutschen Reich und England (850–1100). Kontakte—Konstellationen—Funktionalisierungen—Wirkungen* (Ostfildern, 2012), pp. 178, 182–95.

⁸⁵ GP ii. 94, vol. i, pp. 314–15; F. Barlow, 'Leofric (d. 1072)', *Oxford Dictionary of National Biography*, available at <http://www.oxforddnb.com/view/article/16471>.

⁸⁶ *Die Toulser Vita Leos IX.*, i. 1–13, ed. H-G. Krause, MGH, *Scriptores rerum Germanicarum*, LXX (Hanover, 2007), pp. 88–136.

⁸⁷ *The Leofric Missal*, ed. N. Orchard (2 vols., London, 2002), ii. 4; above, n. 75.

⁸⁸ ASC, 1046 E, pp. 111–12; John of Worcester, *Chronicle*, ed. McGurk and Darlington, ii. 586–7. Bihrer, *Begegnungen*, pp. 182–3, argues (against John of Worcester) for Duduc's ('Old') Saxon, not Lotharingian, origins.

⁸⁹ John of Worcester, *Chronicle*, ed. McGurk and Darlington, ii. 586–7; above, n. 83.

⁹⁰ D. Hägermann, 'Nikolaus II.', *Theologische Realenzyklopädie* (38 vols., Berlin, 1976–2007), xxiv. 540.

⁹¹ Above, nn. 75, 80; Humbert's origins were a matter of importance for at least Lanfranc, writing at some point in the 1060s. Following Berengar of Tours' assertion that Humbert was a 'most inept Burgundian', Lanfranc retorted first that he was 'not

which the key military power in the region around Rome was Count Godfrey of Lorraine (d. 1096), whose recently deceased brother, Frederick of Lorraine, had ended his career as Pope Stephen IX (1057–1058).⁹² Baldwin's first journey from Alsace to Rome, whether authentic or invented by a contemporary forger, fits neatly into this pattern. Ten years on, many of these figures were dead, the Lotharingian party at Rome was in decline, and Baldwin was making his way home to East Anglia with a privilege that was doomed to be ignored. In another ten years he had finally given up on papal documents altogether, and was busy forging an imagined, royal, Anglo-Saxon past.⁹³

IV

from Burgundy, but Lotharingia': Lanfranc, *De corpore et sanguine Domini adversus Berengarium Turonensem liber*, *PL*, cl, col. 409.

⁹² D. Hägermann, *Das Papsttum am Vorabend des Investiturstreits: Stephan IX. (1057–1058), Benedikt X. (1058) und Nikolaus II. (1058–1061)* (Stuttgart, 2008), pp. 12–13, 65, 145–6. Godfrey was also Marquis of Tuscany and in turn important for the ascendancy of a number of Tuscan figures at the papal court, including Alexander and Hildebrand (Nicholas had previously also been bishop of Florence): Wickham, *Medieval Rome*, p. 421.

⁹³ There were of course important Norman interactions with the papacy before and immediately following the Conquest: see Lemarignier, *Étude sur les privilèges*, pp. 138–40, and *Councils*, i. 563–84, nos. 85–88. Nevertheless, care needs to be taken with the still widely held belief that Alexander II gave his official approval in advance to the Conquest and provided William with the banner he held at Hastings: much of this is based on problematic post-Conquest evidence, and although such events were certainly possible, they cannot be put forward as evidence of Norman–papal relations in or before 1066 with certainty: see C. Morton, 'Pope Alexander II and the Norman Conquest', *Latomus*, xxxiv (1975), pp. 362–82, and the cautious remarks made by the editors of *Councils*, i. 563, no. 85. It must also be stressed that evidence for the acquiring of papal privileges in Normandy in this period is poorer than is usually assumed. Benedict VIII's privilege of 1016 for Duke Richard II's foundation at Fécamp (JL †4015)—cited by Lemarignier, *Étude sur les privilèges*, pp. 36–7, 143—has been dismissed by its most recent editor as a probable forgery: H. Zimmermann, ed., *Papsturkunden, 896–1046* (3 vols., Vienna, 1984–1989), vol. ii, no. †505. More importantly, there are serious reasons to doubt the authenticity of Alexander II's privilege for (the then abbot) Lanfranc at William's foundation of Saint-Etienne, Caen, usually dated by editors and commentators to 1068: *PL*, cxlvi, cols. 1339–41 (JL 4644). This document only 'survives' as a full *de verbo ad verbum* citation in a potentially bogus privilege of Honorius III, traditionally dated to 1222: *Beati Lanfranci Archiepiscopi Cantuariensis opera quae supersunt omnia*, ed. J.A. Giles (2 vols., Oxford, 1854), i. 381–2. Despite claims that this document of Honorius survives as an original single-sheet (Schmidt, *Alexander II.*, pp. 234–5; *Papsturkunden in Frankreich*, Neue Folge, II: *Normandie*, ed. J. Ramackers [Göttingen, 1937], p. 29), the manuscript modern authorities cite is in fact a document of 11 June 1221, more vaguely confirming (without full citation) a privilege of Alexander III (1158–81) for the monastery: Caen, Archives départementales du Calvados, H 1841 (printed in *PL*, cl, cols. 71–2). This original of 1221 also appears in Honorius III's outgoing register (*Regesta Honorii papae III*, ed. P. Pressutti [2 vols., Rome, 1885–95], no. 3454), whereas the undated and unauthenticated document supposedly citing JL 4644 (itself also undated and unauthenticated) does not, appearing only in later manuscripts. While it is true that not all outgoing letters and documents of Honorius III were registered (J.E. Sayers, *Papal Government and England during the Pontificate of Honorius III (1216–1227)* [Cambridge, 1984], p. 67), the fact that the thirteenth (not the eleventh) century saw a controversy arising at Caen concerning the jurisdiction of the bishop of Bayeux over the monastery (Schmidt, *Alexander II.*, p. 235, n. 73)—a situation that JL 4644 very directly addresses—should invite caution; as should the comments of 'Honorius' in the preamble of the *Mantelurkunde* that he is copying the text from Alexander II's register, the existence of which we have no evidence for beyond this text (*ibid.*, pp. 234–5); as should also the reports from the years 1220–25 of forgers of papal documents at large in Rome (Sayers, *Papal Government*, p. 124). A *priuilegium* of some kind for Caen is mentioned in a letter of Gregory VII to King William from April 1074, but there is no indication at all of what this concerned, nor who issued it: Gregory VII, *Registrum*, I, 70, ed. Caspar, pp. 100–102 (JL 4850).

We cannot be certain why there seems to have been so little recourse to papal privileges in late eleventh-century England. But it is hoped that the absence both of documentation and of interest in it, as sketched out above, might also shine a further light on the enduring problem of some of the fictively earliest English papal privileges, those forgeries and falsifications which are ascribed to the seventh and early eighth centuries. The long-running debates over the origins of the papal forgeries of Christ Church and St Augustine's Canterbury, respectively initiated by Heinrich Boehmer and Wilhelm Levison, are well known.⁹⁴ The crux of that controversy—that is, whether the documents were forged in the immediate aftermath of the Norman Conquest, or later, in the twelfth century, when we find their first manuscript appearances—is a question hanging over numerous other forged or falsified papal documents attributed to the same era, for Peterborough, St Paul's, Chertsey and Evesham.⁹⁵

If we think of papal privileges as petitioner-driven documents, generated almost solely by demand, then in many respects genuine acquisitions and forgeries reflect essentially the same process. Both creations rely on an initial motive; on the reasonable hope that their legal validity will be recognised (and, above all, recognised by the right people); and on the time, means and indeed wealth that allow them to be brought into being. From this perspective it is difficult to believe that in a period in which it appears genuine papal privileges were either ignored, obstructed or forgotten, as in Baldwin's case, or simply not sought at all, there would have been any powerful motivation to forge similar documents. Moreover, if we look a few decades forwards, it becomes clear that the chief function of such forgeries was not as legal instruments in their own right, brought forth for use in domestic English contests; rather, they were tools to be presented before the papal Curia to facilitate the acquisition of new, genuine papal confirmations that

⁹⁴ Boehmer, *Fälschungen*; W. Levison, *England and the Continent in the Eighth Century* (Oxford, 1946), pp. 178–223; R.W. Southern, 'The Canterbury Forgeries', *English Historical Review*, lxxiii (1958), pp. 193–226; Clover, 'Alexander II's Letter'; S. Kelly, 'Some Forgeries in the Archive of St Augustine's Abbey, Canterbury', in *Fälschungen im Mittelalter: Internationaler Kongress der MGH, München, 16.–19. September 1986*, IV: *Diplomatische Fälschungen (II)* (Hanover, 1988), pp. 347–69.

⁹⁵ Vitalian for *Medeshamstede*/Peterborough, *Charters of Peterborough Abbey*, ed. S.E. Kelly (Oxford, 2009), pp. 160–74, no. 2 (JE †2111); Agatho for St Paul's, *Cartularium Saxonicum: a Collection of Charters Relating to Anglo-Saxon History*, ed. W. de Gray Birch (3 vols., London, 1885–93) [hereafter BCS], i. 88–9, no. 55 (JE †2114); Agatho for Chertsey, *Charters of Chertsey Abbey*, ed. S.E. Kelly (Oxford, 2015), Appendix 1A, pp. 171–3 (JE †2115); Constantine I for Evesham, BCS, i. 189–90, no. 29 (JE †2149). There are grounds for viewing Agatho's Chertsey privilege as based on a genuine seventh-century document (see H.H. Anton, *Studien zu den Klosterprivilegien der Päpste im frühen Mittelalter* [Berlin, 1975], pp. 69–75, 91), but its surviving form points to heavy reworkings at a later date.

could then be taken home and put to use.⁹⁶ There is no evidence of such activity by English ecclesiastics in the post-Conquest decades. It was from the 1120s onwards, not the 1070s, that monastic houses from across England flocked to Rome to seek confirmation of their rights, and it is also in this context that we should think about forgery. In the turbulent days of Domesday England, it was the royal past, whether real or imagined, that mattered most urgently. In giving up on the authentic patronage of the ‘reform’ papacy and turning to an invented history of Anglo-Saxon kings, Baldwin had learned to adapt.

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Appendix I: Edition

⁹⁶ Thus we see the Christ Church, Canterbury forgeries being brought before the Curia in 1123, with humiliating results, in Hugh the Chanter, *The History of the Church of York, 1066–1127*, ed. and tr. C. Johnson, rev. M. Brett, C.N.L. Brooke and M. Winterbottom (Oxford, 1990), pp. 192–5; and similarly (but this time with success) what appears to be the forged Evesham privilege presented to, and examined by, a succession of twelfth-century popes from 1139 onwards, in return for new, genuine confirmations: J.E. Sayers, “‘Original’, Cartulary and Chronicle: the Case of the Abbey of Evesham’, in *Fälschungen im Mittelalter*, IV, pp. 378–81. We can detect a similar process in the citation and confirmation of the St Augustine’s, Canterbury forgeries in Calixtus II’s privilege for the monastery of 1120, *PUU in England*, i. 231–3, no. 10 (JL 6878), and of the Chertsey forgeries/reworkings in Eugenius III’s privilege of 1150 for that house, *ibid.*, i. 284–6, no. 46 (JL not listed).

Privilege of Pope Alexander II for Abbot Baldwin and the monastery of Bury St Edmunds, A.D. 1071 (27 October)

- C. British Library, Harley MS 76, fos. 139–40 (s. xi *ex*)
- D. British Library, Cotton MS Cleopatra E. i, fos. 56v–57v (s. xii *in*)
- E. British Library, Cotton MS Otho A. xviii, fo. 133r–v (s. xii *in*) (damaged by fire, fragmentary)
- F. Bodleian Library, MS Bodley 297, pp. 371–2 (1133 x 1143)
- G. Cambridge University Library, MS Mm. iv. 19, fos. 52–3 (s. xiii *in*)
- H. Cambridge University Library, MS Ff. ii. 33, fo. 11 (s. xiii *ex*)
- I. British Library, Add. MS 14,847, fo. 3 (s. xiii *ex*)
- J. Canterbury, Dean and Chapter's Library, Register A, fos. 10v–11 (s. xiv *in*)
- K. Cambridge University Library, MS Ee. iii. 60, fo. 1r–v (1333)
- L. Cambridge University Library, Add. MS 850, fos. 26–7 (s. xiv)
- M. Cambridge University Library, MS Gg. iv. 4, fo. 105 (s. xv)
- N. British Library, Harley MS 4626, fo. 120v (s. xvi)

Edited from F

Alexander episcopus seruus seruorum Dei, dilecto in Christo filio Baldoguino ^a abbati monasterii sancti Eadmundi^b, quod Badriceswurde^c nuncupatur in Anglia constituti, eiusque successoribus inperpetuum.

Quanquam ^d sedes apostolica uniuersalis mater et omnium ecclesiarum princeps uniuersas ecclesias communi iure et dispositione contineat, plereque tamen inueniuntur, que in singulare patrocinium sancte Romane ecclesie commendari ac proprie eius iuri applicari ac summitti cupiunt, quatinus singulari prouidentia et caritate^e sue matris amplexu^f usquequaque liberiores et munitiores existant, et ad excercenda diuine seruitutis^g obsequia, inde tranquillitatis et presidii munitiones accipiant, unde magisterium sacre traditionis expectant. Si igitur in eadem

apostolica sede presidenti hec^h sollicitudo et cura singularis incumbit, ut ex ipsa consideratione regiminis omnibus, tam in defensione et corroboratione diligentiam, quam in spiritaliⁱ speculatione et doctrina uigilantiam, quantum Deo auxiliante^j preualet circumferre debeat, ualde congruit, ut si quando ea que ad honorem et utilitatem ecclesiarum Dei pertinent ab eo postulantur benigna^k donatione^l concedat, et ad sinum matris, id est sancte Romane ecclesie domicilium, proprie commendationis deuotione fluentes egregia benignitate affectuque custodiendi suscipiat.

Nos itaque, dilectissime fili Baldoguine,^m in apostolatus administratione non nostris meritis sed diuina locati gratia, equitatem tue postulationis et commisse tibi congregationis necnon karissimi filii nostriⁿ Guillelmi^o regis benigna interpellationis uota attendentes, uidelicet ut predictum monasterium sancti Eadmundi,^p cui diuina dispositione^q preesse dinosceris,^r in tutelam et defensionem sancte Romane ecclesie susciperemus eiusque statum et attinentia bona apostolici priuilegii firmamento muniremus, cum omni beniuolentia et caritate uobis concedendum esse^s peruidimus. Quapropter in hac presenti^t sanctionis nostre pagina^t, salua quidem in omnibus huius sancte sedis reuerentia, concedimus et confirmamus tibi tuisque successoribus prefatum monasterium cum omnibus que nunc sibi iure pertinent aut in futurum Deo annuente ibi conferenda sunt, ut sine omni^u molestia et inquietudine illud in uestra^v gubernatione teneatis. Statuentes^w et apostolica auctoritate corroborantes, ut idem monasterium in hoc statu et monastico ordine perpetua stabilitate permaneat,^x nec aliqua potestas^y secularis aut ecclesiastica eundem uenerabilem locum ad episcopalem sedem mutare possit aut debeat,^z et quecunque donationes rerum aut libertatis eidem monasterio regiis statutis et preceptis tradite sunt aut in posterum pro Dei nomine conferende, ex nostra confirmatione rate illibateque permaneant, ^{aa}salua apostolice sedis reuerentia.^{aa} Igitur ad honorem Dei^{bb} et utilitatem predicti monasterii, cupientes hanc nostram^{cc} constitutionem sempiterna stabilitate teneri, sancimus et apostolica auctoritate firmamus ut nullus^{dd} rex, dux,^{ee} comes, episcopus, abbas, seu aliqua persona secularis aut ecclesiastica iam sepe fatum monasterium uel fratres ibi Deo seruientes

inquietare presumat, nec^{ff} aliquid eorum que nunc iure habet aut in futurum Deo concedente adquisierit cuiuscunque modi sint ab eo alienare aut inuadendo diripere, nec aliqua occasione uexare aut sine^{gg} licentia abbatis^{hh} tenere audeat.

Si quis autem temerario ausu hec nostra statuta contaminare presumserit aut infringere, anathematis laqueo se innodatum et iudicio superni iudicis plectendum esse cognoscat. Qui uero pie deuotionis intuitu huius nostre sanctionis custos et obseruator extiterit, et bona sua ad amplificationem eiusdem monasterii contuleritⁱⁱ aut conferre studuerit, apostolice benedictionis gratiam consequatur et eterne retributionis gloria repleatur. Bene ualete!

^{jj}[*Rota:*] Deus nostrum refugium et uirtus.

Magnus Dominus noster

et magna \oplus uirtus eius.^{jj}

Datum Lateranis vi Kalendas Nouembris per manus Petri sancte^{kk} Romane ecclesie presbiteri cardinalis ac bibliothecarii. Anno xi pontificatus domni^{ll} Alexandri secundi pape. Anno uidelicet dominice incarnationis^{mmm} millesimo septuagesimo primo.^{mmm nn} Indictione viiii.ⁿⁿ

^a Baldegwino D; Baldewyno H, I; Baldewino J, K, L, M

^b Edmundi D, I, J, K, L, M, N; Ædmundi G

^c Badriceshurde D, E, J; Beodricheuuorde G; Beodrichesworth H, K, M; Beodrichesworthe I; Badriceswrde L

^d Quandam C, N

^e karitate E

^f amplexetur M

^g uirtutis M

^h hoc *corrected by later hand to* hec G

ⁱ speciali *corrected by later hand to* spiritali I

^j ausiliante G

^k beniuola D, E, G, H, I, J, K, L, M

^l oratione E

^m Baldoguine D, J; Baldewyne H, I, K; Baldowine L; Baldewine M

ⁿ uestri C, N

-
- ^o Willelmi D, G, H, I, J, K, L, M
^p Edmundi D, I, J, K, L, M, N; Ædmundi G
^q dispoſione K
^r cognosceris M
^s *inserted above by later hand* I
^{t...t} pagina nostre sanctionis M
^u *inserted above by later hand* I
^v nostra H
^w *inserted above by later hand* I
^x *adds internal rubric* Ne locus iste ad episcopalem sedem possit permittari H
^y *erased* persona M
^z *adds internal rubric* Confirmacio omni impetratorum et impetrandorum H
^{aa ... aa} salua primatis episcopi canonica reuerentia C, D, E, J, L, N; *omitted* H, K, M; *omitted, inserted above by later hand:* salua primatis episcopi canonica reuerentia G, I
^{bb} diuinam N
^{cc} *erased* confirmationem M
^{dd} nullux K
^{ee} dus C
^{ff} uel H
^{gg} *inserted above by later hand* I
^{hh} *inserted above by later hand* G, I
ⁱⁱ contulit C, D, F, G, I, J, K, L, N
^{jj ... jj} *supplied in margin* G; *supplied after dating clause* E; *omitted* D, H, I, J, K, L, M
^{kk} *omitted* M
^{ll} dompni I; domini J
^{mm ... mm} 1071 N
^{nn ... nn} Indictione septima C, F, H, I, K, M; Indictione vii D, G, J, L; *omitted* N (See above, after n. 58, for my correction of this error. October 1071 fell in the ninth, not seventh indiction, according to the contemporary reckoning of the papal ‘chancery’: compare the privileges for Aragonese beneficiaries from the same month, cited in n. 59.

Appendix II: Translation

Alexander, bishop, servant of the servants of God, to his beloved son in Christ Baldwin, abbot of the monastery of Saint Edmund established in England, called Bury, and to his successors forever.

Although the apostolic see, universal mother and prince of all churches, holds in place every church by a common law and ordered plan, there are nevertheless

found many which desire to be commended to the sole protection of the holy Roman church, and be applied to and submit to its own particular authority,⁹⁷ so that they might thrive perpetually, more free and more fortified, in the singular providence and charity of their mother's embrace, and receive the safeguards of peace and protection for the performance of the offices of divine service, from that same source from which they await the guidance of holy tradition. If, therefore, a special care and attention is incumbent on the one who presides over this same apostolic see such that he ought, as the very idea of his authority implies, to lavish on all both labour in providing protection and fortification, and vigilance in spiritual scrutiny and doctrine, so far as is possible with God's aid, it is entirely fitting that, if sometimes things which pertain to the honour and utility of the churches of God are sought from him, he should assent by making a kindly concession, and that those who, with the devotion of their own commendation, flow to the bosom of the mother—that is, to the home of the holy Roman church—ought to be received into its protection with a special kindness and affection.

And so we, our most beloved son Baldwin, placed in the role of apostolic governance not through our own merits but by divine grace, in view of the reasonableness of what is asked by yourself and the congregation entrusted to you, and also of the kindly pleas of intercession of our dearest son King William, namely, that we might take the aforesaid monastery of Saint Edmund, over which you are known to preside by divine ordinance, under the protection of and to be defended by the holy Roman church, and fortify its condition and the properties acquired by it with the confirmation conferred by an apostolic privilege, decide with all benevolence and charity that your request should be granted. Therefore, in this present document

⁹⁷ *ius* may be translated here as 'law,' or more vaguely 'authority'—but 'property' or 'ownership' are arguably better, indicating the (not necessarily clear-cut) concept of the proprietorial rights of the Roman church over the monasteries commended to it. See (with caution) M. Rathsack, *Die Fuldaer Fälschungen. Eine rechthistorische Analyse der päpstlichen Privilegien des Klosters Fulda von 751 bis ca. 1158*, tr. P.K. Mogensen (2 vols., Stuttgart, 1989), i. 59–61.

conveying our decision, saving indeed in all things the reverence of this apostolic see, we grant and confirm to you and your successors the aforesaid monastery with everything which pertains to it now by law, or shall be granted to it in future times, God willing, so that you might hold it in your governance, without any molestation or disturbance. We state and confirm with apostolic authority that this same monastery shall remain with perpetual immutability in this state and in the monastic order, and that no power, whether worldly or ecclesiastical, might or should be able to turn that same venerable place into an episcopal see, and that any gifts of properties or freedoms granted to that same monastery by royal statutes or precepts, or those that shall be granted in the future in God's name, shall endure sound and unshaken because of our confirmation, saving reverence to the apostolic see. Therefore, desiring for the honour of God and the utility of the aforesaid monastery that this decision of ours should be held with eternal immutability, we state and confirm with apostolic authority, that no king, duke, count, bishop, abbot, or any person whatsoever, whether worldly or ecclesiastical, should presume to disturb the oft-mentioned monastery or the brothers serving God there, nor should they dare, by any method, to alienate from that place any of those things which it now holds by law or shall acquire in future, God granting, nor take away anything by violence, nor molest it on any pretext, nor hold it without the abbot's permission.

And if anyone should presume in reckless daring to corrupt or infringe this, our statute, let them know that they will be ensnared in the bonds of anathema and struck by the judgement of the heavenly Judge. But anyone who, in contemplation of pious devotion, should act as defender and observer of this, our decision, and grant or strive to grant their property to the increase of this same monastery, let them obtain the grace of apostolic blessing and be repaid with the glory of eternal reward. Farewell!

God, our refuge and strength.

Great is our Lord,

And great † is His strength.

Given at the Lateran, the 6th Kalends of November, by the hand of Peter, cardinal priest and librarian of the holy Roman church, in the 11th year of the pontificate of the lord Pope Alexander II, that is, in the 1071st year of the Lord's Incarnation, in the 9th indiction.