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10. The transformation of Norman charters in the twelfth century*

Daniel Power

The sealed charter is so familiar an artefact for the historian of the central middle ages that its emergence can easily be taken for granted. Yet it is a remarkable object, both as text and artefact. Although it had very venerable antecedents and parallels and was in use in western Europe long before 1100, it became the prevalent form of document there within a relatively short space of time, in the middle third of the twelfth century. Even allowing for the vagaries of survival and loss, the number of sealed charters being produced by 1200 far outnumbered those documents being written a century earlier. Although other types of document continued to be used, sealed acts of various types held sway as the most popular written records for a century and, of course, continued to be important for far longer.

The present chapter considers the sealed charter's rise to dominance in the twelfth and early thirteenth centuries in one of the most important areas for its development and use, the duchy of Normandy, under the rule of the Anglo-Norman and Angevin kings and their early Capetian successors. It seeks to trace and explain these developments within the broader context of written instruments in twelfth-century Normandy, and to discern whether they constitute a 'documentary transformation'. Its focus will be upon sealed charters as whole documents rather than just the seals, which have been the subject of extensive study on their own account.¹ The final

* The author is grateful to the conference organizers for the invitation to speak at Ariano Irpino in 2013, to the other participants at the conference for their comments, especially David Bates and Pierre Bauduin, and to Jean-François Nieuws for sending him an advance copy of his *Anglo-Norman Studies* article at a late stage in the preparation of the present chapter. The reflections here partly arise from the preparation of an edition of the charters of the constables of Normandy and from an investigation into the charters of the participants in the Albigensian crusade (see D. Power, 'Aristocratic *Acta* in Normandy and England, c.1150–c.1250: the charters and letters of the Du Hommet constables of Normandy', *ANS*, xxxv (2013), 259–86; D. Power, 'Who went on the Albigensian crusade?', *EHR*, cxxviii (2013), 1047–85).

The following abbreviations, specific to this article, are used: ADC = Caen, AD Calvados; ADSM = Rouen, AD Seine-Maritime.

part of the chapter considers the changes to Norman diplomatic in the aftermath of the Capetian conquest of the duchy in 1204. The proliferation and growing sophistication of written records in the twelfth century has been considered in detail for England, most notably in Michael Clanchy's classic work *From Memory to Written Record*, while Norman records up to the mid twelfth century have been the subject of a series of chapters by David Bates on which this article frequently draws.² However, taking the history of Norman documents up to the Capetian conquest and beyond contributes more broadly to the history of both texts and artefacts in the Norman world.

Documents, society and political structures

In recent years, the relationship between documents and their broader context has been closely scrutinized for the period from the late tenth to the early twelfth century, as aspects of what Dominique Barthélemy has dubbed a *mutation documentaire* – that is to say, a revolutionary transformation in documentary forms. Previous generations of historians had regarded the dramatic changes to eleventh-century documents, particularly in what is now France, as an indication of social and political collapse: the rigours of Carolingian diplomatic had given way to freer forms of documents such as notices, and since the new, more narrative forms allowed their clerical drafters to complain freely about lay sinfulness and 'violence' in order to explain and justify grants and restitutions of property, these sources can create an impression of widespread disorder, or even social collapse. However, Barthélemy has pointed out that the freer expression of the new types of document may be revealing pre-existing social conditions, rather than radical social and political change.³ Indeed, cultures of literacy have very complex associations with the societies that nurture them, and radical shifts in the forms of documents do not necessarily reflect social revolution. If we look back at Western society since World War II, most commentators would locate the most far-reaching social changes in the 1960s, an age of stable written records, but would place the greatest revolution in the technology of literacy and form of written texts in the digital revolution since the 1990s. The documentary revolution of our own day has certainly had a profound impact upon society, but social and political change had previously occurred

¹ See, most recently, *Seals and their Context in the Middle Ages*, ed. P. Schofield (Oxford and Philadelphia, Pa., 2015).

² M. Clanchy, *From Memory to Written Record: England 1066–1307* (3rd edn., Chichester, 2012). For the works of David Bates, see nn. 6, 10, 14, 22 below.

³ D. Barthélemy, *La mutation de l'an mil a-t-elle eu lieu?* (Paris, 1997). Typical is the statement (p. 51) that 'La «notice» n'est pas informe, mais plutôt informative'.

in a time of relative documentary stability. The relationship between social change and written records is therefore a complex one: radical shifts in the technology and forms of written instruments simultaneously respond to and influence broader evolutions in society, but there is no easy relationship between radical documentary and social or political change.

Modern parallels also highlight the fact that the external forms of documents easily transcend political and legal boundaries, but their internal content is much more likely to be shaped by local legal systems and linguistic cultures. The examination of a specific region therefore highlights particular problems. What is the relationship between political entities – and consequently legal structures – and cultural features such as the forms of documents used in those regions? Richard Sharpe's nuanced discussion of English royal charters before and after the Norman Conquest of England relates changes in the address clauses of royal charters to precise changes in the roles of shire courts, and to the emergence of royal justices. His article presupposes an exact correlation between developments in the English legal system and changes in the internal form of English royal charters.⁴ Yet the sealed charter became acceptable across many different polities and areas of customary law: both its internal and external features varied remarkably little across a wide area of Europe. Its ubiquity and the very standardized nature of its form mean that its success cannot be attributed to administrative developments in specific principalities. Such growth in popularity must have been in response to broader cultural changes which made these documents simultaneously acceptable across a great many jurisdictions. Furthermore, since the majority of acts before 1200 had ecclesiastical beneficiaries, parties or scribes, the concerns, demands and influence of the Catholic church also exercised a formative influence upon the evolution of documents. Twelfth-century charters served a number of functions and had to be acceptable to both customary and ecclesiastical law, and so their forms and uses had to suit both the demands of princely, seigneurial and ecclesiastical courts. Developments in documentary forms were therefore responses simultaneously to local, regional and international influences.

Influences upon Norman charters

What were the influences upon documentary developments in Normandy? First, there was the broader ecclesiastical context. The majority of documents

⁴ R. Sharpe, 'Address and delivery in Anglo-Norman royal charters', *Charters and Charter Scholarship in Britain and Ireland*, ed. M. T. Flanagan and J. A. Green (Basingstoke, 2005), pp. 32–52.

in the period were issued for religious houses and often drafted in their *scriptoria*: at the beginning of the twelfth century, these were dominated by a small number of Benedictine centres of production,⁵ but subsequently the emergence of new orders of monks, nuns, canons and knights created fertile ground for more common features to emerge across far-flung regions, especially as these orders were often more centralized than earlier religious institutions. Moreover, it was in the course of the twelfth century that documents emanating from the papal chancery became common in the duchy, and the bishoprics of northern France, including Normandy, developed their own chanceries and documentary practices.⁶

Normandy was also linked by dynastic rule, trade, landholding and ecclesiastical connections to the kingdom of England. The most significant link came from the focus of royal and ducal power upon a single princely household, from which documents were issued on, and sent to, both sides of the English Channel. Sealed royal charters had emerged in England in the reign of Edward the Confessor, and were continued in adapted form under the early Norman kings.⁷ Most historians have tended to assume that English diplomatic was more advanced and therefore influenced Normandy rather than the reverse, and certainly this was true for the use of writs, as we shall see; but Bates has pointed out that in the aftermath of the Norman conquest, English chirographs tended to be drafted in a French style, abandoning the separate traditions of Anglo-Saxon chirographs.⁸ Given the relative balance of power between the Normans and their new island subjects in the first few decades after 1066, it is hardly surprising that French forms should have been influencing English documents more than the reverse at this time, but it is worth emphasizing this point when

⁵ E.g. for Jumièges, see D. Bates, 'La "mutation documentaire" et le royaume anglo-normand (seconde moitié du XIe siècle – début du XIIe siècle)', in *Les actes comme expression du pouvoir au Haut Moyen Âge*, ed. M.-J. Gasse-Grandjean and B.-M. Tock (Turnhout, 2003), pp. 33–49, at pp. 36–9; for diplomatic practices at Fécamp across a longer period, see M. Bloche, 'La suscription dans les actes des abbés de Fécamp (XIe- début du XIVe siècle)', *Tabularia «Études»*, xii (2012), 1–28.

⁶ The forthcoming editions of the acts of Norman bishops in the ducal period by Grégory Combalbert, Richard Allen and Véronique Gazeau will reveal far more about the diplomatic and scribal relationships between Norman episcopal and lay acta. *Les actes des évêques de Coutances de 1048 à 1208*, ed. R. Allen (Caen, forthcoming), pp. 23–5, conjectures that the bishops of Coutances had their own chancery from the time of Bishop Algar (1132–51) onwards, and more certainly (on palaeographical grounds) by 1156–7 (no. 127), during the episcopate of Bishop Richard de Bohon (1151–79).

⁷ T. A. Heslop, 'English seals from the mid ninth century to 1100', *Journal of the British Archaeological Association*, cxxxiii (1980), 1–16; *Acts of William I*, pp. 102–5; J.-F. Nieuw, 'Early aristocratic seals: an Anglo-Norman success story', *ANS*, xxxviii (2016), 97–123.

⁸ Bates, 'La "mutation documentaire"', pp. 45–6, 49.

considering the possible exchanges between England and Normandy in the course of the following century. Nevertheless, a number of diplomatic forms, such as writs and final concords, found their way to Normandy from England in the course of the twelfth century.⁹ Bates has also observed that it is important to distinguish between the acts of rulers and those of their subjects: he has argued that the chanceries of the king-dukes proved more conservative in their diplomatic, ignoring many of the trends among their subjects, for example the recourse to notices and chirographs.¹⁰ Such forms were poor means of expressing the superiority and majesty of royal authority. It is striking from studies by Richard Mortimer and Jean-François Nieuws that the first Anglo-Norman landowners with seals used them for their Insular rather than their Norman property, although sometimes the beneficiary was a continental monastery.¹¹

Norman deeds should also be seen within their northern French context. By 1100 Norman houses such as Fécamp, Saint-Ouen and Le Bec had acquired property in Picardy, the Île-de-France and the Chartrain, while monasteries such as Saint-Denis and the great abbeys of the Loire valley held substantial property in the duchy; and the lands of many Norman landowners straddled the borders of the duchy. Consequently, many religious houses and lords were familiar with the documents from neighbouring parts of France, and the deeds of Norman priories or abbeys such as Saint-Florent de Saumur and Marmoutier must have been influenced by their mother communities. Yet some of the most distinctive features of twelfth-century French diplomatic were never adopted in Normandy. These include the monograms which adorned Capetian diplomas, inherited from the Carolingians and formed of the letters of the issuing monarch's name; while early in Louis VI's reign the list of witnesses in royal acts became a standardized list of household officers' *signa*, irrespective of whether they were actually present, and remained so even after the disappearance of the witness-list across most of northern France (including Normandy) in the early thirteenth century. Neither the fossilized list of *signa* nor the royal monogram had any influence upon ducal or other acts in Normandy.¹² It

⁹ D. Bates, 'The earliest Norman writs', *EHR*, c (1985), 266–84; D. Power, 'En quête de la sécurité juridique dans la Normandie angevine: concorde finale et inscription au rouleau', *Bibliothèque de l'École des Chartes*, clxviii (2011), 327–71.

¹⁰ Bates, 'La "mutation documentaire"', 42–3.

¹¹ R. Mortimer, 'Anglo-Norman lay charters, 1066–c.1100', *ANS*, xxv (2003), 153–75; Nieuws, 'Early aristocratic seals', pp. 98, 106.

¹² *Recueil des actes de Louis VI, roi de France (1108-1137)*, ed. J. Dufour (4 vols., Paris, 1992–4), iii (intro.), pp. 151–2, dates the change to 1114/15, one of the changes enacted under Stephen de Garlande's time as chancellor; cf. pp. 152–3 for Stephen's standardization of the phrase *in palatio nostro* in royal acts in 1106, late in Philip I's reign.

is true that these features were generally not adopted by other magnates in the Capetian *regnum*, either; they remained a preserve of French royal acts alone.

The developments in Norman charters also reflect strong indigenous creativity. Twelfth-century diplomatic practice rarely appears as inventive in Normandy as in England, but some developments were specific to the duchy. In the course of the century, especially in the reign of Henry II in Normandy between 1150 and 1189, autonomous institutions and legal procedures developed, namely the exchequer, assize courts, and permanent ducal officers such as the seneschal and *baillis*, all of which no doubt influenced the forms of pragmatic written records used in the duchy. Although many aspects of these developments reflected English influences and innovations, and were often executed by men from England, such as the great Norman seneschal William fitzRalph, there was nevertheless substantial indigenous creativity in the diplomatic practices of Angevin Normandy.

Forms of Norman documents in 1100

What were the main developments in Norman documents during the twelfth century? The next section will briefly describe the main changes, before considering their purpose and significance.

At the beginning of the twelfth century, several main types of document were used in Normandy. The writ had yet to find its way to Normandy from England, and the main types were the diploma, the *notice*, the *conventio*, and the *pancarte*. Bipartite chirographs were known, but rare; so, too, were sealed charters.

The diploma was formulated in the first person, and usually authenticated by *signa*, which were traditionally added by the witnesses themselves. This form of document had a very venerable pedigree dating back to the Carolingian monarchy and beyond. Outwardly, it represented grants as single transactions, although Bates has demonstrated that in reality it could be compiled over a long period, with autograph *signa* being collected on numerous occasions rather than at a single ceremony.¹³ Such acts were still commonly drafted during the reign of Henry I of England in Normandy (1106–35), and survived until the middle of the century.¹⁴ Henry himself

¹³ D. Bates, 'The prosopographical study of Anglo-Norman royal charters: some problems and perspectives', *Family Trees and the Roots of Politics: the Prosopography of Britain and France from the Tenth to the Twelfth Century*, ed. K. S. B. Keats-Rohan (Woodbridge, 1997), pp. 89–102.

¹⁴ E.g. a diploma of Count William of Ponthieu (c.1130), known from a transcript in the 13th-century cartulary of Montebourg Abbey, states that he and his eldest son Guy

continued to add his *signum* in time-honoured fashion to his barons' acts until late in his reign.¹⁵ A fine original is an act of Count William of Évreux (d. 1118) and his wife Countess Helwise, by which the donors granted 'all the parishioners of the *bourg* of Varaville' to the monks of Troarn; it bears the *signa* of Henry I of England and the count and countess.¹⁶

Another common form of document in early twelfth-century Normandy was the notice. A legacy of the eleventh-century *mutation documentaire*, it was usually phrased in the third person and typically narrated a grant, dispute or agreement. The notice bore no marks of authentication: it served merely as a record of an oral transaction and its witnesses. The notice continued to be used in Normandy until the mid twelfth century.¹⁷ A fine original tells how in the year 1105, in the presence of Archbishop William of Rouen, a man from the Norman Vexin called Ralph de Boury restored land at Gisors to the church of Notre-Dame de Rouen – in other words, the chapter of Rouen cathedral – in the presence of a large number of *ex parte* witnesses and 'a great many men from Gisors, Neaufles, Chaumont, Vesly, Dangu and Villers': in other words from either side of the River Epte that divided the Norman Vexin from the French Vexin. The notional border played no part in a document recording a transaction that transcended it.¹⁸ Alongside the notice we must consider the *conventio*, which recorded the resolution of a dispute, where similar principles apply.

(d. 1147) had added the sign of the cross to it (*et ut firmiter teneatur signum sancte crucis imprimimus ad faciendum hanc donationem*); this statement was followed by the *signa* of 10 men, beginning with the *dapifer* Hugh de Médavy: BnFr, MS. lat. 10087, p. 63 no. 133; *Recueil des actes des comtes de Pontieu (1026–1279)*, ed. C. Brunel (Paris, 1930), no. XXIIbis, pp. 661–2. For the Montebourg cartulary, see below, p. 203–4'

¹⁵ E.g. *RRAN*, ii, no. 1832.

¹⁶ ADC, H7760 (cf. *RRAN*, ii, no. 1020, no. LXXVIII, edited from a faulty transcript; c.1113?).

¹⁷ T. Roche, 'Les notices de conflit dans la Normandie ducale (milieu du XIe–milieu du XIIe siècle environ)', *Tabularia «Études»*, vii (2007), 51–73. It is difficult to know when unsealed notices ceased to be drafted as records of transactions. Many cartularies contain texts that resemble notices, but most of these were probably summaries of full charters rather than transcripts of original notices. E.g., T. Fujimoto, 'Le cartulaire de l'abbaye Saint-Étienne de Caen (XIIe siècle): essai d'archéologie documentaire', *Tabularia «Études»*, x (2010), 41–61, at pp. 53–4, shows that a four-line notice in the cartulary of S.-Étienne de Caen, written by its scribe C in the late 12th century, is actually a combined summary of two extant sealed originals, namely a chirograph dated 1171 and an undated charter (ADC, H1854, nos 6–7).

¹⁸ ADSM, G8740, ed. and reproduced in M. J. Crispin and K. Macary, *The Falaise Roll Recording Prominent Companions of William Duke of Normandy at the Conquest of England* (Frome, 1938), pp. 172–3. Both sides of the River Epte lay in the diocese of Rouen. Bates, 'La "mutation documentaire"', p. 39, calls this a 'traditional charter' rather than a notice.

A final form of document was the *pancarte*: a composite form, comprising lists of multiple grants (sometimes in the first person, sometimes in the third), often made over a long period of time. The subject of substantial recent study, the *pancarte* played an important role in the archival memorialization of the monasteries of western France above all.¹⁹ Bates emphasizes that the *pancarte* is distinguished from mere lists of grants by its attempt to replicate in part or in full the diplomatic of the original deeds on which it was based.²⁰ Both *pancartes* and general confirmatory acts permitted the record of grants by men and women who were otherwise too humble to be noted.

Developments in twelfth-century Normandy

Of these various types of document, the diploma had been in use in parts of France for centuries, whereas the notice, *conventio*, and *pancarte* were all offspring of eleventh-century *mutations documentaires*. Yet by the late twelfth century, all except the *conventio* had vanished from Normandy. The functions of the diploma with *signa* had passed to the sealed charter. The *pancarte* had largely been replaced by the general confirmation, whether issued by popes, dukes of Normandy, bishops or local magnates, although Bates has noted that the general confirmation had very different origins and purpose from the *pancarte*; while, as Michel Parisse's description of some *pancartes* as 'pré-cartulaires' implies, the recording instincts that created *pancartes* in the eleventh century were channelled into the compilation of cartularies in the twelfth.²¹ As for the notice, the narrative structure that characterized it largely disappeared, although it had some influence upon sealed charters and notifications. We can see this transition in an act containing a curious narrativity of a series of grants by a widowed heiress, Mary Bastard, and her uncle to the nuns of the Abbaye-Blanche in Mortain in 1162 and 1163.²² Most of the text is phrased as a traditional notice, giving a third-person account of procedures, distinguished chiefly by its exceptional detail; however, it ends as a sealed charter of Mary's lord, the Breton

¹⁹ See esp. *Pancartes monastiques des XIe et XIIIe siècles*, ed. M. Parisse, P. Pégeot, and B.-M. Tock (Turnhout, 1998). M. Parisse, 'Les pancartes. Étude d'un type d'acte diplomatique', in Parisse, Pégeot and Tock, *Pancartes monastiques*, pp. 11–62, outlines a wide variety of forms covered by the blanket term *pancarte*.

²⁰ *Acts of William I*, p. 22.

²¹ D. Bates, 'Les chartes de confirmation et les pancartes normandes du règne de Guillaume le Conquérant', in *Pancartes monastiques*, pp. 95–109, at p. 95; Parisse, 'Les pancartes', pp. 34–5.

²² Bibliothèque Municipale Rouen, Coll. Leber 5636, no. 4. It begins: Quod pro posteriorum nostrorum utilitatibus agimus, ad ipsorum notitiam peruenire preoptamus. The 'we' here must be the monks of Savigny or nuns of the Abbaye-Blanche de Mortain.

magnate Ralph de Fougères, although still phrased in the third person.²³ The legacy of the more narrative texts of the eleventh century can also be seen in a sealed charter of the Anglo-Norman baron Roger de Mortemer, issued in 1183 for the Benedictine nuns of Saint-Paul near Beauvais and concerning their priory of Sainte-Beuve in north-east Normandy. After Roger's opening address, his act becomes a narrative of family history, which begins: 'There was once a man distinguished for justice, pre-eminent in the honesty of his morals, named Ralph, my ancestor and grandfather, who had a sister called Agnes'. The act then narrated at length the gifts of those far-off relatives, before renouncing all claims to the property in question.²⁴ In its detailed recital of the family genealogy, the act may be compared to contemporary family chronicles by Lambert of Ardes and Gilbert of Mons,²⁵ and it prefigures the plea rolls of early thirteenth-century England. The narrative nature of the notice was therefore still apparent despite the tighter constraints of the new form.

Consequently, the types of document prevalent in 1100 gave way over the following century to forms that already existed but which had hitherto been quite rare, such as various forms of sealed charter and also the bipartite sealed chirograph. Moreover, whereas the forms used in Normandy in 1100 were found in most neighbouring parts of France at that time, by 1200, some forms of document used in Normandy were found nowhere else in the region.

²³ *Hec autem omnia quia presente Radulfo domino Filgeriarum et confirmante et donante acta sunt, ut uniuerse huius actionis tenor ad posterorum noticiam sullata [sic] omni reclamandi contradicendique occasione perueniret, ipse Radulfus dominus Filgeriarum presentium litterarum monimentum (sic) sua auctoritate, et sigilli sui impressione communiuit.* The grants of Mary and her family were also recorded as brief items in long confirmation acts of Henry II, the bishops of Avranches and the lords of Fougères, and also in more detailed specific acts of the bishops and Fougères family (see the present author's forthcoming article, 'The grants of Mary and Richard Bastard to the abbey of Savigny').

²⁴ Beauvais, AD, Oise, H 7657: *Ego Rogerus de Mortuo mari, tam his qui modo existunt quam illis qui futuri sunt in perpetuum. Fuit uir quidam iusticia insignis, honestate morum preclarus, nomine Radulfus, meus et predecessor et auus, qui habuit sororem que Agnes appellabatur ... Ego autem Rogerus Radulfi iam sepedicti tertius heres hanc ipsius honestam et utilem donationem iterum pro anima mea et intuitu pietatis, Hermengardi abbatisse totique sororum conuentui, nichil umquam contra ipsas uel earum successores, super re huiuscemodi [sic] reclamaturus: in perpetuum in elemosinam concedo.* The witness list has both English and Franco-Norman names. The descent presented in this act differs from the accepted Mortemer genealogy in making Roger II the grandson, not great-grandson, of Ralph I de Mortemer (cf. *Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom*, ed. V. Gibbs and others (13 vols. in 14, 1910–59), ix, pp. 266–73, esp. p. 269, n. 1), but the act appears authentic, and there are good grounds to believe that it is the accepted genealogy, not the charter, that is incorrect.

²⁵ Lambert of Ardes, *Chronique de Guines et d'Arde*, ed. D. C. Godefroy de Menilglaise (Paris, 1855); *La Chronique de Gislebert de Mons*, ed. L. Vanderkindere (Brussels, 1904).

The sealed charter gained remarkably in popularity in Normandy in a relatively short space of time, but it was, of course, not a complete novelty. Not all sealed acts had sealing clauses, but conversely, in the decades leading up to Henry I of England's takeover of the duchy in 1106, sealing clauses are found not only in acts of kings of England and dukes of Normandy but also those of landowners and prelates of varying ranks.²⁶ Jean-François Nieuws has shown that members of the Anglo-Norman aristocracy were starting to acquire their own seals well before the end of the eleventh century, imitating Anglo-Saxon landowners whose use of seals has been underestimated.²⁷ Nevertheless, the possession of a seal did not mean that all acts were sealed, or that possession of a seal was a requirement for legal activity. It was from the 1120s onwards that the sealed charter began to replace other forms of document. Early extant examples appear to have had no fold,²⁸ but the form known to diplomatic study as *sur double queue*, with a folded foot, quickly became popular; less common, but by no means unknown in Normandy, is the form *sur simple queue*, by which a seal was added to a tongue cut from the side of the charter.²⁹ The addition of seals may sometimes have been retrospective. A notice of Count William of Ponthieu in favour of the abbey of Troarn, concerning an agreement over his Norman lands, was dated Pentecost 1129 and bears no sealing clause. This does not indicate that it was unsealed, but the extant act carries a seal which is well-nigh identical to that of Count William's son and co-heir Count John of Sées; the suspicion arises that John added his seal to his father's act at a later date, perhaps even after he succeeded to his father's lands in Normandy and Maine in 1171. On the other hand, the similarity of its design to the equestrian side of Henry I's seal may mean that Count William's seal was designed before 1135, imitating the royal seal, and that the count's son modelled his own seal closely upon his father's.³⁰

²⁶ E. Z. Tabuteau, *Transfers of Property in Eleventh-century Norman law* (1988), pp. 220–1.

²⁷ Nieuws, 'Early aristocratic seals', p. 98.

²⁸ E.g. ADSM, 8H9, act of Countess Margaret of Eu for Foucarmont (c.1140 x 45; seal lost); Paris, Archives Nationales, S22382, no. 35, act of John, bishop of Sées (1124–44; dated 15 Feb.); S3221, no. 10 (William, count of Ponthieu, 1143 x 1171; seal lost). Richard Allen, who is preparing an edition of the acts of the bishops of Sées, proposes 1128 x 1131 as the likely date for the act of Bishop John.

²⁹ E.g. the writ of Amaury I, count of Évreux (below, n. 56).

³⁰ ADC, H7758 (*Recueil des actes des comtes de Pontieu*, no. XX and Plate I, no. 2; calendared in *RRAN*, ii, no. 1570); Count John I of Sées's seal survives as ADC, H6511, no. 12, and (in more damaged form) as AN, S5047A, liasse 14. Both the extant seal attributed to Count William and later drawings have lost their inscriptions, and a 17th-century copy of Count William's seal (reproduced in *Cartulaire de l'abbaye cistercienne de Perseigne*, ed. G. Fleury (Mamers, 1880), no. XXVII, at p. 72) is too stylized to reveal whether it is identical to

As so often with innovations, the seal initially doubled up with older forms of authentication.³¹ Hence we find two acts for the abbey of Aunay in the diocese of Bayeux with both seals and *signa*, from Gilbert de Say in 1151 and from Geoffrey (III) de Mandeville, earl of Essex, c.1160.³² The transition to sealed documents can be seen in the series of acts that William de Vernon issued for his patronal abbey of Montebourg between the 1130s and 1160s, transcribed in the abbey's late thirteenth-century cartulary. What was probably William's earliest act, dating from the 1130s or 1140s, bore only *signa*, with the clause *signo sancte crucis confirmo*.³³ Another act had two sets of witness lists with *signa*, representing two separate transactions.³⁴ Around 1150 William and his eldest son Richard de Vernon together issued another act with only *signa*,³⁵ but a third act of William's, dated 1152, contains a combined signing and sealing clause: *Et ut hec donatio in perpetuum sit rata et inconcussa sancte crucis + signo et sigillo meo presentem cartam uolui sigillari*.³⁶ We find an almost identical phrase in an undated act of William's wife Lucy de Tancarville, *alias* de Saint-Floxel,³⁷ as well as in an act of Earl Hugh II of Chester for the same abbey issued at Trévières in 1168, by which time *signa* were rare.³⁸ In 1166, however, one of the last acts that William de Vernon issued with his son Richard had no *signa* at all, but was authenticated by the seals of father and son and a witness-list.³⁹ Richard de Vernon's acts in the Montebourg cartulary were henceforth all said to be sealed and witnessed in the new way.

Count John's (although it does have a counterseal, which Count John's seals do not); but it is noticeable that William's eldest son Guy II of Ponthieu (d. 1147) used a seal that harked back to the design of Count Guy I (d. 1100) (which in turn imitated William the Conqueror's), not to the one attributed to his own father, which is in the same style as Henry I's (*Actes des comtes de Pontieu*, Plate I, no. 4). For the influence of Henry I's seal on baronial designs, see Nieuws, 'Early aristocratic seals', pp. 112–16.

³¹ Tabuteau, *Transfers of Property*, p. 221.

³² ADC, H1201 (Say), H727 (Mandeville, 1156 x 66). Such double authentication can be found in the acts of Philip I nearly a century earlier (*Recueil des actes de Philippe Ier, roi de France (1059–1108)*, ed. M. Prou (Paris, 1908)).

³³ BnFr, MS. lat. 10087, p. 69, no. 147.

³⁴ BnFr, MS. lat. 10087, p. 79, no. 184.

³⁵ BnFr, MS. lat. 10087, pp. 79–80, no. 186.

³⁶ BnFr, MS. lat. 10087, p. 68, no. 145. The act also contained a sealing clause of Richard, bishop of Coutances (phrased in the first person).

³⁷ BnFr, MS. lat. 10087, p. 72, no. 158. St-Floxel (Manche, cant. Montebourg) was Lucy's dowry.

³⁸ BnFr, MS. lat. 10087, p. 63, no. 134 (*The Charters of the Anglo-Norman Earls of Chester, c.1071–1237*, ed. G. Barraclough (Chester, 1988), no. 183).

³⁹ BnFr, MS. lat. 10087, p. 69, no. 148 (Néhou, 14 Jan. 1166, n.s.). It begins in the first person (first William, then Richard), but the sealing clause is in the third person. MS. lat. 10087, pp. 79–80 no. 186, appears to be a slightly different version (after Lucy's death), but has no sealing clause, only *signa*.

The popularity of the sealed chirograph is one of the most striking changes in the period under consideration. Although found before 1100, it saw its greatest use in the twelfth and early thirteenth centuries; its rise to prominence therefore formed one aspect of the more general spread of sealed acts. The form of the chirograph is particularly interesting when thinking about the relationship between text and artefact, between external form and internal content. *Signa* had a double function: the act of inscribing demonstrated participation in the act or, if added later, the acceptance of its terms, while the crosses thereafter served a visual function, as symbols in the midst of text. Seals, too, had a double function, first through the act of attaching the seal, and thereafter as a reminder of the sigillant, often displaying his or her power, authority and lineage. The form of the bipartite chirograph added a further pair of functions: the act of dividing the act, and the reminder through the inscription along the edge that that division had taken place. In England the cut edge was often indented and in Languedoc it was frequently wavy, but chirographs in northern France usually had straight edges, although there were some exceptions.

Why were sealed acts so successful?⁴⁰ It must have been much easier and cheaper to write a cross on a document than to attach a moulded seal, which required both an engraved metal matrix and a supply of wax and other substances; on the other hand, it was much harder to forge. Logically, the expense of sealing should have narrowed rather than broadened the social class issuing acts; but in fact, the sealed charter coincided with, and arguably helped to enable, the broadening of the social groups in whose name charters were issued. By the late twelfth century, they include burgesses and minor landowners such as vavassors, and the purposes of such acts had also multiplied. By the end of the century, lay contracts were increasingly being put in written form: the high number of known examples of lay contracts in Normandy has not been appreciated, especially because many of them are located in the collections and cartularies of monasteries, either because they were presumably deposited there for safe-keeping, or because the monasteries in question subsequently acquired the property conveyed in these lay contracts. No doubt most such lay acts were drafted by ecclesiastics. What is clear is that the sealed act was increasingly used for contracts between members of the laity, where previously no written instrument had been used. By the beginning of the thirteenth century these

⁴⁰ The numerous discussions of this issue include Clanchy, *From Memory to Written Record*, pp. 309–18, and Nieus, ‘Early aristocratic seals’; a more metaphysical approach can be found in B. M. Redos-Rezak, *When Ego was Imago: Signs of Identity in the Middle Ages* (Leiden and Boston, Mass., 2011).

included: enfeoffments;⁴¹ sales;⁴² inheritance arrangements;⁴³ testaments;⁴⁴ pledges of property;⁴⁵ standing surety;⁴⁶ arrangements for Jewish debts;⁴⁷ marriage agreements;⁴⁸ and missives as well as the more traditional grants to churches. Despite the greater costs and technological challenges, sealed charters were far more numerous, used by a broader social class, and employed for many more purposes than earlier forms of document.

Any explanation for the success of the sealed act must remain speculative. The changes described here were common across western Europe: this is nicely demonstrated by the collection of deeds issued for the abbey of Cîteaux in the late twelfth and thirteenth centuries, as mother of the Cistercian Order, now housed in the Archives de la Côte d'Or in Dijon, where charters of Anglo-Norman lords and prelates, Irish kings and Scottish abbots lie side by side with Hungarian, Leonese and Castilian grants.⁴⁹ Yet for the success of the sealed charter, we should look lower down the social scale. The advent of new orders drew their strength from the support of lesser landowners, who in turn were demonstrating greater assertiveness.⁵⁰ In other words, the 'rise' of the knights created a need for these members of society to have access to written records for their grants; it is not surprising, therefore, if they also began to demand written evidence for the grants which they received from their lords.

⁴¹ E.g. AD, Eure, H 571, grant by Henry de Ferrières to William de Capelle at Chamblac (near Bernay), in return for his homage and service (1201 x 1207).

⁴² E.g. AD, Orne, H 1418, Nicholas de Belautel sells all his land at Belautel (now Belhôtel, dépt. Orne, cant. Exmes, cne. Survie) to Earl William de Mandeville (1166 x 89).

⁴³ E.g. ADC, H 912, concord between William du Hommet and Adam de Port concerning the division of the Norman inheritance of Enguerrand and Gilbert de Say (c.1190).

⁴⁴ E.g. ADSM, G 8679 (sealed chirograph with King John), and Angers, AD, Maine-et-Loire, 100 H 55 (act of Eleanor of Aquitaine), for the testamentary arrangements of Joanna (of England), queen of Sicily and countess of Toulouse (1199).

⁴⁵ E.g. ADC, H912, William du Hommet, the king's constable, pledges Langrune-sur-Mer (dépt. Calvados, cant. Douvres-la-Délivrande) to William Poignard (1190 x 96).

⁴⁶ D. Power, *The Norman Frontier in the Twelfth and Early Thirteenth Centuries* (Cambridge, 2004), pp. 250–61.

⁴⁷ N. Golb, *The Jews in Medieval Normandy* (Cambridge, 1998), pp. 361–2, 374–7.

⁴⁸ E.g. ADC, H 6389 (Mondaye ctl.), fo. 71-v, no. XVII (Vitré – Paynel, c.1175). ADSM, 53, HP 32, no. 76 (Clermont-en-Beauvaisis and Oiry, 1188). For these marriage agreements, see Power, *Norman Frontier*, p. 240: both involved families with property both within and outside Normandy. Marriage agreements were sometimes worded as third-person summaries, e.g. *Cartulaire de l'église de la Sainte-Trinité de Beaumont-le-Roger*, ed. É. Déville (Paris, 1912), no. CL (Meulan-Fougères, 1189).

⁴⁹ Dijon, AD, Côte d'Or, 11 H 22–11 H 27. The acts of Donnchad, king of Thomond, and Aodh, king of Connacht (both 11 H 26), are published in *Irish Royal Charters: Texts and Contexts*, ed. M. T. Flanagan (Oxford, 2005), nos. 12–13.

⁵⁰ Cf. C. B. Bouchard, *Holy Entrepreneurs: Cistercians, Knights and Economic Exchange in Twelfth-Century Burgundy* (Ithaca, N.Y., 1991).

In Normandy, two particular factors helped to determine the growth in popularity of sealed acts. First, the tightening of princely administration in Normandy may have produced a need for more transactions to be set down in writing. Paul Hyams has argued that in England the development of Common Law procedures and royal courts actually served to undermine the efficacy of private charters;⁵¹ yet this did not reduce their numbers in England, and in Normandy, where ducal justice was rather less pervasive, the growing reliance upon writing in ducal administration may have served rather to encourage the use of charters. The Norman exchequer court became a popular place to have previously contracted chirographs and other records ‘heard’ to give them extra validity, for example.⁵² On the other hand, sealed charters became the standard forms of documents in areas of weak as well as effective government, and so the growth of ducal administration was only one factor in the rise of seals in Normandy. Broader cultural influences were also at work: the migration of Normans and other northern French to the Mediterranean also influenced the transmission of seals in the late eleventh and early twelfth centuries to southern Italy and Sicily, where hybrids formed under Byzantine influence, and after 1099 to the Latin settlements in the Levant.⁵³

What, then, was specific to Normandy compared to the rest of France, and why? In terms of general forms, the most obvious is the writ. David Bates has traced the appearance of ducal writs in Normandy in the reign of Henry I of England (1106–35): an early example is a sealed and witnessed writ from Henry I in 1106 or 1107, sending an order from Westminster to two of his barons, Gilbert de l’Aigle and William de Tancarville, concerning the rights of a whale (*craspois*) caught on the Norman coast.⁵⁴ It was only under the Angevin kings, from 1154 onwards, that the writ became a standard instrument of Norman government. By the early thirteenth century, a scribe at the leperhouse of Pont-Audemer could copy a set of standardized writs, of distinctively Norman type, into his house’s cartulary, and the earliest Norman customals also show the intrinsic role that writs then played in Norman administration. Yet as Bates notes, the writ did not at first spread down society: only two original baronial writs, from the counts of Évreux and Mortain respectively, have survived from the first half of the

⁵¹ P. R. Hyams, ‘The charter as a source for the early Common Law’, *Journal of Legal History*, xii (1991), 173–89.

⁵² Power, ‘En quête de la sécurité’, pp. 341–3.

⁵³ Nieuws, ‘Early aristocratic seals’, pp. 107–8.

⁵⁴ ADMS, 9 H 1224 (*RRAN*, ii, no. 842), dated at Quillebeuf. For discussion, see Bates, ‘Earliest Norman writs’, pp. 270–1, 277.

century.⁵⁵ It is significant that both these magnates had very far-flung lands; presumably the writ was less necessary for running smaller estates. Even in the second half of the century, when writs became an integral aspect of ducal government, non-ducal writs remained rare: one fine example is from Count William of Aumale addressed to his steward, ‘barons’ and officials of Aumale, instructing them to ensure that the nuns of Saint-Beuve received a grant made by two of his men. Although we might have presumed that the count, a great landowner in England, was sending orders from across the sea, the writ itself was issued at his estate at Arguel, just beyond the borders of Normandy in the diocese of Amiens.⁵⁶ This therefore hints at the development of a local comital administration for which the writ was a usable instrument, with the recourse to text and artefact even for orders across a short distance – and seeping into adjacent parts of *Francia*.

The writ was clearly an import from England. There, too, the sealed charter and sealed chirograph or indenture burgeoned in popularity in the course of the twelfth century, and indeed remained common there for centuries; for greater validity they were sometimes drawn up in assize courts before royal judges.⁵⁷ Yet just as the sealed chirograph was reaching its greatest popularity on both sides of the English Channel in the late twelfth century, a new form of chirograph, the unsealed final concord, emerged as a product of dispute resolution in the English royal courts. From the 1190s the final concord was usually tripartite, with the third part or ‘foot’ being retained by the royal officers. We therefore have a paradox: this unsealed English form emerged and rapidly became very common in England just at the point when the sealed act was becoming most popular there and in France.

The history of the final concord in Normandy suggests that the balance between the duchy and island kingdom had shifted away in England’s

⁵⁵ ADC, H 7761, Amaury I of Évreux to his *vicomte* of Varville and all his barons and their *prévôts* of the honour of Barentin, for the men of the abbey of Troarn (1118 x 1137; sealed *sur simple queue*). AD, Eure, H 10, Stephen, count of Mortain (the future king of England), addressed to the archbishop of Rouen and bishop of Avranches and all bishops, abbots, counts and all faithful of Normandy, confirming the grants of William Peverel of Dover to the abbey of Bec (calendared as *RRAN*, ii, no. 1547, suggesting a date of Sept. 1127; sealed with three seals, without a fold). Bates, ‘La “mutation documentaire”’, pp. 42–3 and n. 28.

⁵⁶ Beauvais, AD, Oise, H 7657, *Will(elmus) Comes Alb(emarlie) dapifero suo et omnibus baronibus suis et ministris Alb(emarlie) salutem ... valete apud Arguel* (Arguel, dépt. Somme, cant. Hornoy-le-Bourg). It confirms the grants of Hescelin and Thomas d’Auvilliers (dépt. Seine-Maritime, cant. Neufchâtel-en-Bray) to the nuns of Ste-Beuve. For writs of William and his father Count Stephen in England, see *Early Yorkshire Charters*, i–iii, ed. W. Farrer (Edinburgh, 1914–16), and iv–xii, ed. C. T. Clay (Yorks. Archaeological Soc., Record Soc., extra series, i–x, 1935–65), iii, nos. 1305–6, 1318, 1320.

⁵⁷ Power, ‘En quête de la sécurité’, p. 337.

favour. A century earlier, French-style chirographs had superseded their Anglo-Saxon equivalents in England. Now, an English form started to have some impact in Normandy. Almost immediately, Norman monasteries and landowners started to use final concords for their English properties.⁵⁸ But what about in Normandy? There are indications that the Norman exchequer was experimenting in unsealed final concords, although the method of princely preservation was enrolment rather than the retention of a third part of a tripartite fine.⁵⁹ We have glimpses of other experimentation, such as the unsealed but folded final concord between two magnates drawn up at the Norman exchequer in 1201.⁶⁰ The Normandy of the reign of King John appears as a place of experimentation and creativity.

The impact of the Capetian conquest of Normandy, 1204

It is clear that the standard forms of charters used in Normandy transcended the borders of the duchy, but that local specificities can also be found; those regional variations in both form and wording deserve much more investigation. However, in the opening years of the thirteenth century, the political bond between Normandy and England was abruptly severed, as King John lost control of his hereditary duchy to his lord and rival, Philip Augustus of France. Would the severing of ties from England and the tightening of ties with the Capetian realm have any impact upon the documents used in the duchy?

Outwardly the form of Norman acts changed little; any experimentation with unsealed chirographs on the English model ended immediately, but some other experiments were tried.⁶¹ There was apparently no attempt in Normandy to imitate the diplomatic of Capetian acta, even though Philip Augustus had been issuing acts for his Norman conquests since the early 1190s.⁶² Within a few years, however, their internal form altered

⁵⁸ Power, 'En quête de la sécurité', pp. 341, 362.

⁵⁹ Power, 'En quête de la sécurité', pp. 348–52.

⁶⁰ AD, Orne, H 3333, reproduced and edited in Power, 'En quête de la sécurité', pp. 366–71 (cf. pp. 357–62).

⁶¹ E.g. ADSM, G 4106, concerning Brachy (dépt. Seine-Maritime, cant. Bacqueville-en-Caux), includes a curious triple-sealed concord between the chapter of Rouen and two local knights, Nicholas de Montagny and Robert d'Autheuil, which was cut vertically with 'CYROGRAPHVM' down the left and right edges, and presumably tripartite (25 June 1210). The same *liasse* includes two examples of Norman indented chirographs, dated 1217 (with both halves extant) and 1218.

⁶² A possible exception includes an apparent attempt to imitate the outward form of elongated capitals in the first lines of Capetian acta, together with the phrase *in nomine sancte et individue Trinitatis* (Power, 'The end of Angevin Normandy: the revolt at Alençon (1203)', *HR*, lxxiv (2001), 444–64, at p. 463), an act of the Norman knight Roger de Caugé

dramatically. As elsewhere in France, Norman acts began to be dated far more often; twelfth-century acts had rarely been dated. At more or less the same time – and possibly linked to the reintroduction of dating – witness-lists disappeared except in the acts of quite humble issuers: this trend had already begun in Capetian lands before 1204, but it spread into Normandy very soon after the French subjugation of the duchy, and it is hard not to link the two developments.⁶³ After all, witness-lists continued to be standard in English charters; moreover, they remained a part of the diplomatic of southern France. Hence some Anglo-Norman landowners who managed to retain lands on both sides of the English Channel continued to issue acts with witness-lists in England and without them in Normandy;⁶⁴ while by the time of the Albigensian crusade the acts of its leader, Simon de Montfort, concerning his lands in northern France no longer recorded witnesses, but once he began issuing acts concerning his gains in Languedoc, these sometimes had witness-lists in accordance with local practice.⁶⁵ The changes to Norman diplomatic therefore seem to have formed part of a more general set of changes across northern France, and the Capetian conquest opened up the duchy more fully to those influences. In the course of the century, it became standard for very local acts to be witnessed ‘before the parish’ (*coram parrochia*), a phrase also found in adjacent regions.⁶⁶

In one important way, though, Norman acts remained much more conservative than some of their neighbours. Acts had long been written in the vernacular in Occitania, but they did not begin to appear in northern France until around 1220: one of the earliest, an act of William de Poissy

(May 1203), which needs to be considered alongside *Recueil des actes de Philippe Auguste, roi de France*, ed. H. Delaborde and others (6 vols., Paris, 1916–2005), v. 47–8, no. 1857, by which King Philip confirmed Roger’s act.

⁶³ M. Arnoux, ‘Essor et déclin d’un type diplomatique: les actes passés *coram parrochia* en Normandie (XIIe–XIIIe siècles)’, *Bibliothèque de l’École des Chartes*, cliv (1996), 323–57, at pp. 338–9.

⁶⁴ E.g. William II de Semilly (d. 1259 x 61), whose acts concerning Princes Risborough (Bucks.) were witnessed (The National Archives of the U.K., E 36/57 (earldom of Cornwall cartulary), fos. 19v–20r, nos. 68–68*bis*); in Normandy, his earliest acts, issued in favour of St-Lô de Rouen (Jan. 1222, n.s.), have witness-lists (L. de Glanville, *Histoire du prieuré de Saint-Lô de Rouen* (2 vols., Rouen, 1890), ii. 356–8), but thereafter his acts were unwitnessed. The Norman acts of Alice, countess of Eu and lady of Hastings and Tickhill, start to abandon witness-lists after 1204; they still appear occasionally as late as the 1220s, but not by the 1240s (e.g. *Cartulaire de l’abbaye de St-Michel du Tréport*, ed. P. Laffleur de Kermaingant (Paris, 1880), nos. CXXI, CXXV, CXXXII, CL, CLXXVII).

⁶⁵ See the acts edited in G. Lippiatt, ‘Simon V of Montfort: the exercise and aims of independent baronial power at home and on crusade, 1195–1218’ (unpublished University of Oxford DPhil thesis, 2015), pp. 317–41.

⁶⁶ Arnoux, ‘Essor et déclin’, pp. 323–57.

for the priory of Abbécourt near Mantes dated 3 May 1220, resembles contemporary Norman acts in most ways but was written in French, not Latin, and concerned Maisons-sur-Seine (Yvelines), only forty kilometres from the Norman border.⁶⁷ The *langue d'oïl* soon came to be used for many deeds across the northern part of the kingdom. Yet French did not start to be used for Norman charters before the 1240s, and only from the 1270s was it employed frequently in the duchy. Christophe Maneuvrier's study of this process underlines the role played by Franco-Norman families in spreading the use of the vernacular into Norman diplomatic practice.⁶⁸

Finally, we should note the evidence of forgery in Capetian Normandy of documents from before 1204. In the great English Benedictine monasteries, it was common practice to rework or even invent Anglo-Saxon diplomas in the century following the Norman Conquest, in order to preserve their liberties against the conquerors. Nicholas Vincent has argued that many thirteenth-century texts of twelfth-century ducal acts should be treated with similar suspicion.⁶⁹ In both instances falsification attests to a growing reliance upon the written word, ranging from outright invention to minor interpolations to genuine texts, resealing of forgeries with genuine seals, and so on. Two acts from the beginning and end of the career of the great Norman magnate Count Robert of Alençon reveal the forensic scrutiny that

⁶⁷ Versailles, AD, Yvelines, 46 H 5, no. 104 (act for the canons of Abbécourt (dioc. Chartres), 3 May 1220); the text is edited in *Abbécourt-en-Pinerais (monastère de l'Ordre de Prémontré)*, *Recueil de chartes et documents*, ed. J. Depoin, i (1180–1250) (Pontoise, 1913), no. 40.

⁶⁸ C. Maneuvrier, 'Remarques sur les premiers usages du français dans les chartes normandes du XIII^e siècle', *Annales de Normandie*, lxii (2012), 55–65 (including Gaucher de Châtillon, *jure uxoris* count of Mortain and lord of Domfront, and the Norman frontier lords the Crispins of Dangu); see also *Les plus anciennes chartes en langue française aux Archives de l'Oise*, ed. L. Carolus-Barré (Paris, 1964); H. Goebel, *Die Normandische Urkundensprache* (Vienna, 1970), pp. 52–3, 99–101. It is interesting to note that a letter of Stephen Langton, archbishop of Canterbury, concerning the election of the bishop of Rochester (20 or 28 Jan. 1215), appears in French in two transcripts, on the royal charter roll and a Rochester register respectively, while a corresponding letter of King John, also in French, is known from a Lambeth register (*Rotuli Chartarum in Turri Londinensi asservati*, ed. T. D. Hardy (1837), p. 209; *Acta Stephani Langton Cantuariensis Archiepiscopi, A.D. 1207–1228*, ed. K. Major (Oxford, 1950), pp. 19–21, 158–9). Taken together, these copies suggest that they were not merely vernacular drafts or translations of deeds originally written in Latin; Nicholas Vincent has argued that these were set down in French to avoid committing either party to the more formal – and consequently binding – language of Latin, at a time when relations between the king and archbishop over the see of Rochester were very strained (<http://magnacartaesearch.org/read/itinerary/John_and_Langton_negotiate_over_Rochester> [accessed 28 June 2016]).

⁶⁹ N. Vincent, 'La Grande Charte et la Normandie', unpublished paper given at the conference 'Origine et développement du droit normand et anglo-normand', Cerisy-la-Salle, May 2011.

charters could undergo. In the 1190s, an act of the count stated that one of his men had forged a charter that awarded him annual payments from the monks of Saint-André-en-Gouffern; the forger feared that the ducal justices would condemn him to death after the seneschal of Normandy examined the charter and exposed its falsity, but the monks intervened to secure the man's release.⁷⁰ In 1217, near the end of his life, the same count took an even more active role in condemning a charter, not as a forgery but as the record of an invalid transaction. The nuns of La Trinité de Caen complained that their abbess had made a detrimental agreement through a charter: as the most senior Norman layman present, Count Robert was invited to cut up the offending document before the Norman exchequer court.⁷¹

Conclusions

Returning to the questions raised at the beginning of this chapter, what do the documents discussed here reveal about the relationship between the changes in documentary forms and broader changes in Norman society and politics? Are the changes that we see in Norman documents merely a *mutation documentaire*, or are they symptoms of broader changes?

⁷⁰ ADC, H 6512, no. 4 (*Calendar of Documents preserved in France*, ed. J. H. Round (1899), no. 605): *Nouerit uniuersitas uestra quod Hernulfus de Ponte abiurauit monachis Sancti Andree in presentia mea duas acras terre quas de illis in territorio de Croceio tenebat, in qua terra nec ipse nec heredes ipsius in perpetuum aliquid clamare presument, nisi forte predicti monachi aliquam dispensationem et tantum per misericordiam illis facere uoluerint. Abiurauit etiam predictus Helnulfus memoratis monachis omnes illas consuetudines quas per auctoritatem cuiusdam false carte quam contra eos fecerat ab eisdem ausu temerario expetere presumebat, quam scilicet cartam W(i)ll(elmi) filius Radulfi senescallus Normannie propriis oculis uidit et omnino falsam esse comprobauit. Monachi uero liberauerunt supradictum Helnulfum de manu iusticiarii domini regis et mortis periculo quam occasionem predictae false carte incurrere formidabat.*

⁷¹ *Recueil des jugements de l'Échiquier de Normandie*, ed. L. Delisle (Paris, 1864), no. 205: *Judicatum est quod abbatissa Sancte Trinitatis de Cadomo non faciet excambium Radulfo de Tribus Montibus, militi, de undecim sextariis bladi quos idem Radulfus solebat habere in molendino de Guemaire predictae abbatisse, per cartam quam inde habebat factam sine assensu capituli sui, cum esset ad detrimentum domus, et quod carta illa non valeat, et quod debet dilaniari, et per iudicium in isto scacario dilaniata fuit; et idem Radulfus in misericordia pro falso clamore. Cf. BnFr, MS. lat. 5650, fo. 88v, quoted in *Recueil des jugements de l'Échiquier de Normandie*, no. 205, n. 1 (cartulary notice): *In scacario de termino Pasche, anno gracie mo cco septimo decimo, apud Falesiam, iudicatum fuit quod abbatissa Sancte Trinitatis Cadomi non faciet excambium Radulfo de Tribus Montibus, militi, de undecim sextariis bladi quos idem Radulfus habebat in molendino de Gaimare per cartam dicte abbatisse, quam idem Radulfus inde habebat factam sine assensu capituli sui, cum ipsa nichil possit dare alieni vel excambiare ita quod sit ad detrimentum domus sue. Judicatum etiam fuit quod carta illa non valebat et quod debebat dilacerari, et ibidem per iudicium dilacerata fuit coram domino Garino, Siluanectensi episcopo, domino Galtero, domini regis camerario, comite Roberto de Alencone, qui cartam illam dilacerauit, Roberto episcopo Baiocensi (and numerous other named witnesses).**

There certainly seems to be a relationship between Norman documents and the broader political situation of Normandy. At the beginning of the twelfth century, Normandy was in a dominant position in relation to its recent conquests in the British Isles, and this seems manifest in the adoption of French-style chirographs in England, for example. The undoubted shifts in the balance of power between the duchy and England seem evident in the developments of the twelfth century, as English-style writs became more established in Normandy, until they were becoming a means by which Norman nobles could govern their estates. Yet Normandy's continuing identity can be seen in other developments. The fact that English-style tripartite final concords were not adopted systematically in the duchy could be seen as a sign of the duchy's backwardness compared to England, but this would be to overlook the creativity of Norman administration at the turn of the twelfth and thirteenth centuries, as new ways were found to make contracts more robust: the 'hearing' of private chirographs in the exchequer court, the enrolment of final concords, and so on. The documents therefore seem to accord with recent research into Angevin Normandy: they attest not to the duchy's weakness or decline, as Charles Homer Haskins and Lucien Musset believed, but to its continuing vitality and distinctive identity.⁷² That distinctiveness would continue in modified form after the Capetian annexation of the duchy. Much of the creativity evident before 1204 would vanish and in some respects, such as the abandonment of the witness-list, Norman documents would be harmonized with the prevailing French culture; but the duchy's continuing administrative peculiarities and distinctive identity within the Capetian *regnum* were reflected in various unusual features of its documentary forms.

Such conclusions are very general; close scrutiny shows that the relationship between documents and the society which they serve defies easy explanation. Nevertheless, the consideration of twelfth-century Norman records as both texts and artefacts helps us to understand both specific regional change and the way that the history of that region fits into its broader European context: in this case, the rise to dominance across Europe of the sealed charter.

⁷² For challenges to Haskins's and Musset's views on decline in Norman government and power, see V. D. Moss, 'Normandy and England: the pipe roll evidence', *England and Normandy in the Middle Ages*, ed. D. Bates and A. Curry (1994), pp. 185–95; D. Power, 'Angevin Normandy', *Companion to the Anglo-Norman World*, ed. C. Harper-Bill and E. van Houts (Woodbridge, 2002), pp. 63–85, at pp. 63–4, 83–5.