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Redakce *Studíí o rukopisech* vyjadřuje potěšení nad tím, že může svým čtenářům nabídnout doslova z první ruky text, který reprezentuje důležitý výstup z širše koncipovaného projektu, který má v budoucnu zahrnout i materiál z českého prostředí. Jeho cílem je prostřednictvím komplexního historického rozboru vrcholně a pozdně středověkých liturgických kodexů s přihlédnutím k jejich uměleckohistorické a paleograficko-kodikologické stránce podat výklad liturgických zvyklostí a jejich prostřednictvím se dobrat detailního poznání vnitřního, zejména duchovního života příslušných komunit ve sledovaném období. Hlavními hybateli projektu jsou profesor středověkých kulturních dějin a dějin umění německého prostoru na Harvardově univerzitě Jeffrey F. Hamburger a Eva Schlotheuber, profesorka středověkých dějin na Univerzitě Heinricha Heina v Düsseldorfu. Na jejich předchozí *opus magnum*, které připravili před několika lety ve spolupráci se svými kolegy, na mohutnou dvousvazkovou edici rozbírající liturgické kodexy westfálského kláštera dominikánek v Paradiesu u významného hanzovního města Soest jsme upozornili ve *Studiích o rukopisech* 47, 2017, s. 299–305.

The liber ordinarius of Nivelles – A Manuscript tells a Story¹

“For what person, who lives in Europe, does not know the grandeur, name and place of this family?” This appeal to the reader opens the biography of

1 Two recent publications focus on MS Lat 422. *The Liber ordinarius of Nivelles: Liturgy as Interdisciplinary Intersection*, edited by Jeffrey F. Hamburger and Eva Schlotheuber (Tübingen 2020), is a volume of studies based on a 2016 workshop held at the Radcliffe Institute. Part of the *Studies in the Late Middle Ages, Humanism, and the Reformation (SMHR)* series, it includes 15 scholarly essays and an edition, with translation and commentary, of the important historical documents included in the manuscript. A full edition of the entire manuscript has also just been published by **Thomas Forrest Kelly**, Professor emeritus in Harvard's Department of Music, with the collaboration of **Martin Klöckener**: *The Liber ordinarius of the Abbey of Saint Gertrude of Nivelles, Harvard University Houghton Library MS Lat 422* (Münster 2020).

Gertrude of Nivelles, the *Vita sanctae Geretrudis*, written by an anonymous author around 670. For the foundation of the abbey of Nivelles by two women, Iduberga, the widow of Pepin of Landen and her daughter Gertrude, was also the origin of the history of the royal dynasty of the Carolingians.

It was not unusual for an aristocratic widow to found a monastery for women on her own property in seventh-century Gaul. Other common aspects were the high level of the women's education and the extent of their charitable activities, including catering to numerous pilgrims (*peregrini*), the infirm, the poor, widows and orphans. From its earliest days, Nivelles managed several hospitals, which operated for almost 1200 years until the dissolution of the community in the course of the French Revolution. Located between Brussels and Charleroi, the abbey was, through much of the Middle Ages, a strategically located centre closely associated in turn with the Merovingian, Carolingian, and Ottonian imperial houses.

Among extant manuscripts, the *Liber ordinarius* is the oldest known to survive from an institution that exercised tremendous power and influence over the course of many centuries. Acquired by Houghton Library in 2010, the *Liber ordinarius* served as a guide to the corporate prayer of the canonesses of the abbey of Saint-Gertrude in Nivelles in modern-day Belgium. Much like the script of a play, *Libri ordinarii* lay out the order of the liturgy, complete with instructions regarding its performance, props, staging and setting. They are therefore of great interest to a wide array of academic disciplines, not only the history of liturgy, but also of music, monasticism, art and architecture, and religion. Consisting of little more a seemingly endless series of cues, the contents of *Libri ordinarii* are by their nature skeletal in character. Yet they offer a wealth of information that has permitted those who used them in the past and those who study them in the present to flesh out that skeleton and lend it life. In addition to reflecting the formative beginnings of the monastery, the *Liber ordinarius* of Nivelles documents religious, political, and charitable functions into which both its female and male communities were integrated. The book permitted the community to structure its collective memory in terms defined by liturgy. It also reveals how ritual responded to changing political and social contexts. Rarely does a document provide such direct insight into the particularities that distinguished a female from a male community as well as the many ties that bound them together.

Read attentively, *Libri ordinarii* provide critical insight into the history of ideas, attitudes, and mentality as well as the relationships among the various groups that constituted a given community and the liturgical interactions

among them, all of which were freighted with social as well as religious significance. In the case of female monastic communities such as that at Nivelles, a *Liber ordinarius* also sheds light on constructions of gender in the social, political and religious spheres. Detailed descriptions of how ceremony unfolds in time and space, they permit at least a partial reconstruction of elements of historical experience that are otherwise inherently ephemeral. Among the most striking features of the manuscript are the incorporated rare documents that reveal a bitter struggle between the abbess and the chapter of Nivelles in late thirteenth century as well as many details of life within the convent. With the exception of two documents and the record of the opening of Gertrude's grave in 1292, the added documents contained in the manuscript are otherwise unknown. Together with a critical apparatus and a translation, they receive their first edition as an appendix in the volume of essays (*The Liber ordinarius of Nivelles: Liturgy as Interdisciplinary Intersection*, edited by Jeffrey F. Hamburger and Eva Schlotheuber, Tübingen: Mohr Siebeck, 2019).

One of the most distinctive features of Nivelles was its self-governing status, which led to its efforts during the High Middle Ages to preserve this influential position between the rival powers of France, the Holy Roman Empire and the Dukes of Brabant. Nivelles was directly subject to the Holy Roman Emperor or King, making its position dependent upon the strength or weakness of the monarch. In the High Middle Ages, the monastery developed into a *Stift* for noble women, with around 30 canons living alongside 42 aristocratic women under the direction of an abbess. Twice a year they held a collective chapter, the General Chapter. The unusually high number of canons was probably required to manage the three hospitals and eleven parishes which were associated with the abbey of Nivelles from the thirteenth century.

This brief institutional overview is necessary if we are to understand the context of the bitter struggle between the Chapter of Nivelles and the abbess which erupted in the thirteenth century. The documents appended into the *Liber Ordinarius* of Nivelles provide crucial testimony to this internal feud. They record the significant moments of the conflict and its outcomes, telling the remarkable story of this dispute from the perspective of the Chapter of Nivelles.

The divisions between the Chapter and abbess were also fundamental to the creation of this manuscript. This book was chained, indicating that it must have been in a publicly accessible location, such as in the nave or a side chapel.

This *Liber Ordinarius* must, therefore, have performed a special function within the complex social structures of Nivelles, extending far beyond the usual liturgical instructions alone. The documents that record this story also shed light onto the unique attributes of the *Liber Ordinarius* of Nivelles and its importance for the men and women of this community. What history does this unusual manuscript tell?

LITURGY AS A WEAPON AT NIVELLES

Our story opens with a bitter dispute within the community. The conflict between the Chapter and the abbess escalated over the abbey's political direction in the 1230s. Should the abbey fight to preserve its ancient rights and self-governing status, even though assistance from the Holy Roman Emperor was no longer likely? Or should they accept the protection and use of force (*Schutz- und Zwinggewalt*) of the Dukes of Brabant, who put heavy pressure on the abbey and increasingly sought to appropriate the abbey's extensive properties for themselves? The community was divided about its political future, raising a more fundamental question for all members: what – or more accurately – who, was the *ecclesia Nivelensis*, the 'church' of Nivelles? This question had legal implications, as well as being crucial economically. The division of the *mensa* – or maintenance – of the Chapter and of the abbess in the eleventh century was linked to the question of who was financially responsible for the abbey's outgoings. Who was obliged to pay for the restitution of its rights, for the maintenance of the buildings, and much more: the Chapter or the abbess?

It was not unusual that the production or commissioning of *Libri ordinarii* was the result of inner conflicts. But seldom they are so telling as this manuscript, since the documents appended into the *Liber Ordinarius* of Nivelles shed light onto how the Chapter employed certain liturgical rituals against their abbess during this dispute.

In the early thirteenth century, the lords of Brabant, and in particular their unscrupulous ministerial Arnould II von Wezemaal, already ruled or claimed numerous properties and rights from Nivelles. In an attempt resist these claims, in 1235 Nivelles turned to a drastic strategy, the *Humiliatio reliquiarum*. This could involve removing crucifixes, gospel books, images and relics from the altar and placing them upon the ground, and occasionally covering the altar with a haircloth. The bells rang for a long time, and the church doors were barricaded with thorn bushes. The humiliation of relics

was a recognised liturgical response in dire circumstances. This obstruction to worship was a form of excommunication with a local character. In 1274, the second Council of Lyon strictly prohibited the practice of the *Humiliatio reliquiarum* as an abuse, although prior to this it was employed at Nivelles as an important strategy against regional powers.

By appealing to their patron, St Gertrude, through this threat, together with long negotiations, around 1240 the Chapter succeeded in persuading the dukes of Brabant to relent. Yet it appears that their own abbess, Oda von Leez, refused to go along with this arrangement. Strikingly, she is not mentioned at all in the settlement with the Duke. Shortly afterwards, the Chapter, incensed, placed their own abbess under a *Cessatio a divinis*, a form of interdict, under which they refused to sing with her and simply remained silent for four whole years! The *Cessatio a divinis* was like declaring a spiritual feud.

The disagreements between the abbess and the Chapter flared up over the so-called prebends of Brabant, that is, monastic properties in nearby Lennick that had been appropriated by the lords of von Wezemaal. The Chapter argued that abbess Oda von Leez ought to recover the property and force the lords of von Wezemaal to return the incomes from them. Oda von Leez, however, argued that this was not her responsibility and that the Chapter did not have the right to demand anything from her. As the abbess refused to accept responsibility for the recovery of these estates, the Chapter drew on the abbey's history to assert its position. A settlement agreement from 1241 records that for 60 years and indeed 'well past living memory', all abbesses had tried at the Chapter's request to recover the properties alienated from the monastery at their own expense and to return them to the ownership of the church of Nivelles. In the beginning, they argued, abbess Oda von Leez had acted in this way, but now she had refused to do so for four years.

The canonesses of Nivelles apparently commissioned a new *Liber ordinarius* in the course of the 'liturgical war' that raged at Nivelles, culminating in the Chapter's 'silent protest' in refusing to sing the liturgy. In this version, the abbess' role was relegated to the background. Moreover, the west choir, where the abbesses were commemorated and where they held court sessions, is not mentioned at all. Did the canons and canonesses of Nivelles in 1241 simply overlook the 'memory' of the abbess' rights and obligations or did they now decide to affirm the Chapter's status in writing in the *Liber ordinarius*? In any case the decisions of the General Chapter, made during the course of this dispute and the most important legal positions of each party were also added as a documentary into the *Liber ordinarius*.

INTERNAL CONFLICTS AND POLITICAL DIFFERENCES

Among the repeated demands in the *Liber Ordinarius* was that the abbess ought to endeavour to ensure that the abbey received the *regalia*, the symbol of its self-governing status, from the Empire. Is it possible that Oda von Leez no longer saw any point in the incessant, costly, and nerve-wracking fight against the dukes of Brabant and their knights to protect this ancient privilege? The Chapter did not want to relinquish self-governing status and their traditional rights and liberties, even though these claims had long since lost any political reality. Did abbess Oda von Leez, and her successor Elisabeth de Bierbais, seek to benefit from this difference, to turn the current oppressors into protectors of the abbey? There were struggles on many fronts. The city of Nivelles also rose against the abbey as its overlord. In 1260 the citizens entered into a sworn commune and issued their own seal, marking the beginnings of civic liberty. The citizens of Nivelles fought with all means available against the abbess; they also forced their way into the closed church and took off with the church doors.

The conflict with the Chapter escalated to new levels under abbess Elisabeth de Bierbais (1278–293). Already on 7 September 1278 the Chapter of Nivelles caused the newly elected abbess to be excommunicated because she had granted too many concessions to the citizens of Nivelles. The Chapter again placed the abbess under a *Cessatio a divinis* as the monastery and dormitory were badly in need of repair and the church was not adequately guarded. The fight over the abbey's property holdings led to an economic decline. The Chapter of Nivelles experienced this first hand, leading them to document in great detail how the prebends were to be provided, for example, how the abbess was to distribute meat or fish to the canons and canonesses. The quantity of small sausages, the method of seasoning and in particular the mandated size of a top quality well-cooked piece of meat or a piece of salmon were entered into the manuscript in red, so that this could be checked against the measure in coloured ink on the left wooden cover, perhaps to enable quicker access. Alas, the original fourteenth century binding is now lost.

Mediation was now essential. The canons and canonesses each elected three representatives to represent them in negotiations. Based on the statutes and customs of Nivelles, the mediators concluded that it was the abbess' duty to ensure the monastic buildings and dormitory were in good repair and to provide suitable guards and church wardens for the church of Nivelles. So, after a 30-year struggle, the Chapter could enforce its legal claims. Yet nothing

changed. The abbess failed to establish a judge or *villicus* in the city of Nivelles, which reportedly soon resulted in stabbings, theft, robbery and other excesses.

In 1286 the canons and canonesses of Nivelles involved the imperial notary Egidius de Honeff in their General Chapter. Their list of grievances arguably documented the lowest point in the long history of Nivelles. The notary was to ensure that the abbess received a copy of the Chapter's grievances, thus providing legal grounds for a renewed *Cessatio a divinis*.

Meanwhile, the abbess evidently cultivated her own *collegium* or party. The Chapter claimed to act to preserve the ancient liberties and privileges of Nivelles:

'against you, lady abbess, and your accomplices, whoever they may be, and above all against each and every one of your Collegium, who opposes us, the Chapter, openly or secretly, regarding the abovementioned matters, just like opponents of the rights of the freedom and the old and approved customs of our church [. . .]'²

It is clear here that both parties, the Chapter and the abbess, held opposing views on the question as to who determined the political leadership of the abbey – the abbess or the Chapter?

The notarial document described a parlous state of affairs at Nivelles: the church was unguarded so that wild animals, pigs and vagabonds wandered in. Prostitutes loitered day and night, yet the abbess had failed to remove them or the rabble that had gathered there. The large church bells were broken, and the dormitory and unless the abbess acted immediately the convent buildings would be at the point of collapse. Ducal retainers exercised jurisdiction in the city of Nivelles while the duke's advocate claimed the ducal jurisdiction for himself. The abbess had allowed the canal that flowed through her land and drove the abbey's mill to deteriorate so that the flour for the prebends of the Chapter could no longer be ground. All requests from the Chapter to Elisabeth de Bierbais 'fell upon deaf ears'.

Was this a battle of attrition? Did Abbess Elisabeth de Bierbais simply refuse to acknowledge the duties of her office when the Chapter left her no scope for political manoeuvre?

2 Jeffrey F. Hamburger – Eva Schlotheuber, *The Liber ordinarius of Nivelles. Liturgy as Interdisciplinary Intersection (Spätmittelalter, Humanismus, Reformation 111)*, Tübingen 2020, p. 83.

One event was the straw that broke the camel's back. In other circumstances this would scarcely rate a mention: a small barrel of wine was spilt in a street controlled by the abbess. The Templars from Vallaimpont claimed that the wine was theirs and held the abbess to account. But before the case was even resolved, Elisabeth de Bierbais replaced the barrel of wine from her own stock. The Chapter thought she acted too quickly, 'frightened by vain and arrogant fear, anxious where there was no danger'. More importantly, while great breaches of the law against the abbey remained unpunished they lamented that 'we have been abandoned by you through pain and sorrow'. Considering that the Chapter had refused to sing, if the abbess was present, for years, this is understandable.

The Chapter's legal action together with the threat of a renewed *Cessatio a divinis* appear to have been successful. On 5 October 1287 the Chapter reached a settlement with their abbess. The wording of this agreement appears in the *Liber Ordinarius* as an important victory for the Chapter. They succeeded in forcing the abbess to fulfil the duties of her office. She would provide suitable guards for the church, repair the refectory, dormitory, chapter house and maintain the abbey's buildings. She also accepted the responsibility to maintain the canal in good condition so that the water could power the mill. The abbess was also forced to accept responsibility for the recovery of the alienated properties and incomes from tolls. A separate section is devoted to the prebends of Brabant. The internal power relations within Nivelles are evident here, in that the abbess could be legitimately summoned before the Chapter, so that she could be compelled to take action personally over the prebends, even if this was 'hard and troublesome work'. If the prebends remained outstanding, she was required to compensate the Chapter.

This settlement seems to have been achieved after several previous attempts, as the new duke, John von Brabant, was persuaded to recognise the rights of the abbey and this settlement in January 1290. This was also recorded in the *Liber Ordinarius* of Nivelles. It is worth noting here that even the son and brother of duke John of Brabant and leading ministerial families, including the von Wezemaals, were also parties to this settlement. This agreement removed any support for potential political action by the abbess against the Chapter. It is likely, therefore, that two distinct parties prompted the divisions in the community of Nivelles, each pursuing different political strategies in their contest for the status of the great lordship of Nivelles. This arrangement enhanced the position of Chapter of Nivelles within the abbey's internal power relations, as it implemented the constitutional lordship of the abbess.

After decades of struggle, the Chapter of Nivelles succeeded in imposing decisive limitations on the scope of the abbess' authority. She represented the abbey and all its members, but was obliged to fulfil the duties of her office in specific ways and was accountable to the Chapter. The abbess' obligations were determined by the canons and canonesses when they met as the General Chapter and were documented in writing in the *Liber Ordinarius* of Nivelles. The Chapter, therefore, drew the political line of the abbey.

How did this rebalancing of the complex social structures within Nivelles affect the liturgical memory of St Gertrude as the first abbess of Nivelles? As Margot Fassler has shown, the liturgy for the major feasts of St Gertrude deal with the danger of arrogance that can accompany high office. The canonesses of Nivelles reshaped the image of their abbess to reflect the new political realities and aspirations of the shift in internal power.

INVESTITURE OF THE ABBESS

It was appropriate then, that at the very end of her time in office and after the settlement with the Chapter and the duke, abbess Elisabeth de Bierbais in August 1292 received the *regalia* from the Holy Roman King Adolf von Nassau. The important act of investiture occurred in the presence of the canonesses, canons, the magistrates and vassals of Nivelles. The abbess performed homage to the king, who was represented by a knight, giving him the kiss of homage, at which he presented her with a ring, as a symbol of the *regalia*, all fiefs and rights, which she held from the empire. The investiture of the abbess with the ring is quite surprising, as the giving of a ring by a layperson during investiture had been prohibited since the Investiture Controversy; no comparable examples from the late Middle Ages are known.

The knight also took Elisabeth von Bierbais' hand and held it while she swore her oath of allegiance to the king. The abbess then waved her hand around the church of St Gertrude and promised to protect and preserve it to the best of her ability. This reflected the duty of a vassal, but in view of recent events, in which she had refused to protect the Chapter and church of Nivelles, the description of this act of homage in the *Liber Ordinarius* reads like a final act and a reconciliation. The conflict over the self-governing of Nivelles did not end here. In 1294 abbess Yolande von Stein sought a smooth confirmation of self-governing status and investiture with the *regalia* from King Adolf von Nassau. However, Duke Johann III stepped in, as Yolande had dared to take possession of the abbey's estates, and he forced her to

compensate him for the loss. This shows just how much personal courage an abbeß of Nivelles required if she actually sought to assert the abbey's ancient rights.

This huge internal ordeal played out in favour of the Chapter of Nivelles. When the Chapter assumed political responsibility they needed an independent bureaucracy and an archive, as written records of their collective decisions provided the necessary basis for future actions. The *Liber Ordinarius*, Houghton Library Ms 422, thus demonstrates the origins of the Chapter's independent administrative action. By documenting their statutes and the internal decisions of the General Chapter, the canons and canonesses took an important step towards assuming collective responsibility for the complex spiritual structures of Nivelles. They already used their own seal. So it is not surprising that as late as the fifteenth century this manuscript appears as a chained book, probably in the nave of the church of St Gertrude, in any case fixed in a place where it was visible and accessible to all members of the community. It was served as a witness for later generations of canons and canonesses to their harsh but ultimately successful fight. Through its successful efforts to preserve the ancient liberty and self-governing status of the abbey in the decisive decades of the thirteenth century, the Chapter also answered the open question: 'Who' is the church of Nivelles? There was no doubt: it was the Chapter, the community of canonesses and canons of Nivelles.

Eva Schlottheuber / Jeffrey Hamburger