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The Liber ordinarius of Nivelles
(Houghton Library, MS Lat 422)

Liturgy as Interdisciplinary Intersection

Edited by
Jeffrey F. Hamburger and Eva Schlotheuber

Mohr Siebeck
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Pilgrims, the Poor, and the Powerful
The Long History of the Women of Nivelles

EVA SCHLOTHEUBER

Writing around 670, in the Prologue of the Vita sanctae Geretrudis the anonymous author appealed to the reader: "For what person, who lives in Europe, does not know the grandeur, name and place of this family?" Stressing that the origins of St Gertrude, the first abbess of Nivelles, were of critical importance, he makes clear his concern is not simply the saint but also the ascendance of an entire dynasty. The Vita sanctae Geretrudis, its later continuations and the Additamentum Nivialense preserve the memoria of her ancestors, and represent the origins of Carolingian panegyric.

Together with the documents and notices appended to it, the Liber Ordinarivius of Nivelles reflects and recounts the genesis of this exceptionally important monastery and the religious, political, and charitable activities that occupied its female and male communities. In order to understand the genesis of the Liber Ordinarivius and, in particular, the additional documents within it, it is necessary to locate the manuscript within the history of Nivelles. To provide this context, this Chapter examines the manuscript's central themes: first, the circumstances of the foundations of Nivelles and Fosse; second, the care of the poor and infirm at Nivelles; and third, the legal status of the abbey within the Holy Roman Empire and the conflict between the abbess and Chapter of Nivelles, which escalated remarkably during the thirteenth century.

Over its long and impressive history, the powerful female community at Nivelles exhibits many characteristic, but also numerous distinctive features. In the context of seventh-century Gaul, among the former are its foundation as a convent of women by an aristocratic widow who, under the influence of an Irish monk and a missionary bishop from Aquitaine, St Amand (d. 676), used her own property for the purpose. Also typical were the monastery's adoption of a fixed rule and enclosure as well as its location some distance from a center of settle-

1 I warmly thank Julie Hotchin (Canberra) for the translation of this essay.
2 Vita sanctae Geretrudis A, ed. Krusch (1888), 454: Quomodo in Europam habitata, hujus progenie altitudinem, nomina ignorat et locum. Column B of this edition also offers a parallel version that was probably reshaped in eleventh century, see below, 60, n. 142. For a literary appraisal of the Vita sanctae Geretrudis, see Berschin, Biographie 2 (1988), 19–20. I warmly thank Philipp Sennig, Düsseldorf, for many helpful conversations and his advice in the preparation of this essay.
ment or episcopal seat. The high standard of education among the women was also not unusual. Representative of communities of its kind was the importance of charitable activities, such as the care of pilgrims, the poor, widows and orphans, which profoundly shaped the history of Nivelles.

In contrast, among the distinctive aspects of Nivelles were its ability to assert its proximity to royal power, as well as its capacity to maintain an influential position between rival powers in France and, later, between the Holy Roman Empire, Lotharingia, and the Dukes of Brabant. When the women’s community was dissolved in 1798 during the French Revolution, it looked back on a history of around 1150 years. No less unusual was the internal structure of the community. From the High Middle Ages, Nivelles included an uncommonly large number of thirty canons who assisted the community of aristocratic canosesses. The community held extensive ecclesiastical rights of lordship, including rights as patron over eleven parish churches and several hospitals. Moreover, the abbess of Nivelles was self-governing under the Empire, a position of considerable influence, which, for example, enabled her to assume a prominent role at the Synod of Liège, to which she was invited in 1288.

I. The Foundation of Nivelles and Fosse

Nivelles formed part of the familial lands of the Pippinids, located in the so-called “Coal Forest” that stretched to the south and east of modern-day Brussells. Around 613 Pepin of Landen (c. 580–640) rose to prominence in Austrasia (the Frankish territory between the Vosges, Ardennes, and the region around Brussels and the Rhine) when he, together with Arnulf, later bishop of Metz († c. 640), backed king Clothar II against his rivals. In 623 Clothar divided his kingdom and appointed his young son Dagobert I, who was then about 15 years old, king of Austrasia. Pepin became tutor and advisor to the young king. Pepin’s growing influence extended when, in 624/625, Clothar II appointed him mayor of the palace (maior domus) of Austrasia, or manager of his royal household, an office with extensive political and administrative power.

Around this time, the Vita Geretrudis relates that Pepin invited the young King Dagobert to his house for a “lordly meal” (nobilium prandium). The Vita

3 Vita sanctae Geretrudis A. ed. Krusch (1888), ch. 1, 454. Dum Pippinus, genitor suus, regem Dagobertum domui suo ad nobilium prandium invitatet, adventavit ibidem unus pestifer homo, filius duces Austrasorum, qui a roge et a parentibus puellae postulavit, ut sibi utra puella in matrimonium fisset promissa secundum marem sacrum proprii terrarum ambitionem et mutua amicitiam. On these events see also Fox, Power (2015), 179–180.


5 Not without political ambition, four monasteries were founded by the Pippinids in these years: Cugnon (646/647), Stablo-Malmedy (647/648), Nivelles, and Fosse (651); Petrauschla, Frankscher Adel (1999), 40; Fox, Power (2014), 89–93.

6 Schieffer, Karolinger (2006), 16.


records that an unnamed “son of a Duke of Austrasia,” having the king’s consent, sought the hand of Pepin’s daughter Gertrude “according to the custom of the world for the sake of his lordly ambition and mutual friendship (amicitia).” The young Gertrude refused this offer from the duke’s son, who we learn was richly “arrayed in gold and silver.” This anecdote illustrates how the court of Pepin of Landen functioned as a key site of political and social action within the realm. It also suggests that Pepin carefully maintained his independence in relation to the king, for, without the support of her parents, it was highly unlikely that Gertrude could have rejected this offer of marriage.

This situation must have presented difficulties for the powerful mayor of the palace. The reasons for his decision must lie in the conflicts among the Austrasia nobility, although the details remain unknown. The circle around Pepin of Landen and the powerful Arnulf of Metz evidently favoured the ascetic, charitable mission characteristic of Irish monasticism, represented by the spiritual activities of the Irish monk Columban (d. 615). In 629 Arnulf of Metz resigned as bishop and retired from politics to the Vosges, possibly against his will. Here his friend Romaric (d. 653) had founded a monastery inspired by Hiberno-Frankish monastic ideals, later named Remiremont (Romarti Moni) after him. In the same year, 629, Pepin lost his position of influence alongside Dagobert I when the latter succeeded his father as king of the entire Frankish kingdom. After Dagobert I’s death in 639, Pepin, through shrewd political manoeuvring, secured the independence and crown of Austrasia for his son, Sigibert III, who was still a minor. Pepin of Landen died the following year, in 640. Moreover, the marriage of Gertrude’s sister Begga to Arnulf’s son Ansegisgil united perhaps the two most powerful families of Austrasia, a union that would lead to the later Carolingian dynasty.

Pepin of Landen had held a prominent position within the unstable power structures of Austrasia, which contributed to the difficult circumstances his Aquitanian widow Iduberga (Itta) faced after his death. On the advice of the missionary bishop St Amand, also from Aquitaine and just as strongly influenced by Hiberno-Frankish monasticism, Iduberga and her daughter Gertrude founded a women’s monastery on their familial estates (Hausgut). They may have been

3 Vita sanctae Geretrudis A. ed. Krusch (1888), ch. 3, 457. According to Muscholz, Fumula Dei (1994), 42–43, the foundation of Nivelles was part of the third phase of female religious life in Gaul, which “formed part of the implementation of the Hiberno-Frankish monastic rules and the enclosure that marginalized the women living as Deo sacratissi in the world.”

4 The number of prebends for canons was usually between six and eight, eleven at most; see the essay in this volume by Klaus Gerson Beuckers, 287.

5 For women’s communities as patrons of parish churches, see Rückelein, Frauenstifte (2009).

motivated primarily to secure their joint inheritance, as widows and unmarried daughters could both inherit and manage property after their "retirement from the world."12 Iudberga appointed Gertrude as the first abbess of Nivelles, which, as a spiritual foundation, served as a secure centre for the family.13 Iudberga and Gertrude's religious and spiritual aspirations are evident in the dual influences of Irish and the Rome-affiliated Benedictine monasticism that shaped their foundation at Nivelles. These spiritual ideals were reinforced through the acquisition of the relics and "holy books" from Rome and the British isles with which the new monastery was furnished: "With the greatest eagerness she exercised pastoral care towards the implements of ecclesiastical study, and through God's inspiration she deservedly obtained through her envoy, men of good reputation, relics of the saints and holy books from Rome, and from the regions across the sea [Britain or Ireland]."14 The Irish influence was strengthened when Iudberga, Gertrude, and her brother Grimold received abbot Foillan (d. 655/656) and his brother Ullan in Nivelles. Ullan had been banished from Neustria by Erchinoald, the powerful Frankish mayor of the palace in Neustria, for reasons unknown. These details are mentioned in the contemporary account in the Additamentum Nivalensense.15

In 652 Iudberga, Gertrude and Grimold founded the monastery of Fosse on the river Bebrona (Biesme) as a new home for these Irish missionaries. From its foundation Fosse offered refuge for peregrini in a hospitium for "pilgrims": "Not much later than this they [Foillan and Ullan] were expelled by the patricius [Erchinoald], who despised the pilgrims, but they were honourably received by the most religious handmaiden of God, Iudberga, also named Itta, and her daughter, the sacred virgin of Christ, Geretrud. With Grimold himself pleased, protecting the same holy men, and making arrangements, he built a monastery of religious monks in a villa which is named Bebrona from the river flowing through it, with the above mentioned handmaiden of God providing all necessary things."16 Close ties, therefore, bound Fosse and Nivelles together from the beginning.

13 The charter of King Otto I refers to the possessions of Nivelles as the "inheritance of Gertrude". DO 1, nr. 318 (January 24, 966), 432–433, here 433 (hereditas sancte Gertrudis sita in pago Tausindria [...]).
15 Vita sanctae Gertrudis A, ed. Krusch (1902), 409–410 [...]. desipiente expulsi sunt, sed a religiosis missae doms fæmale Iudberga cognominato Bona eisque filia sacrae Christi virginis Gertrudis honorifice suscepsi sunt, ipse etiam Grimoaldii praestid eiusdem sancti congratulatis viris, eisque
16 Close ties, therefore, bound Fosse and Nivelles together from the beginning.
17 The foundation of Nivelles progressed in several identifiable stages. First, the initiative of the missionary bishop, Amandus of Aquitaine, around 646/647; then the foundation of a female religious community at Nivelles, with Iudberga's daughter Gertrude as its first abbess; and finally, after the arrival of abbot Foillan and the Irish monks, the women's community was affiliated with a male convent, thus constituting a double monastery under the direction of an abess following the Irish model.18 For this reason, the Virtutum sanctae Gertrudis depicts the first Abbesse Gertrude as aubernatis famularum famularumque Christi.18 The Vita sanctae Gertrudis, composed around 670, and the accounts of the miracles that occurred after her death, written about thirty years later (De virtutibus, qua facta sunt post discursum beatae Gertrudis abbatissae, around 700) and their continuation (Virtutum sanctae Gertrudis continuati, after 783) are more or less contemporaneous.19 These works are widely regarded by scholars as valuable and reliable accounts of the circumstances of the foundation of Nivelles.20 The Additamentum Nivalensense de Foillano, copied in the seventh century, is an important addition to the events of the foundation period. It recounts the death of the Irish martyr Foillan and the foundation of the monastery at Fosse by Iudberga, Grimold, and her daughter Gertrude.21

Over time the female monastery at Nivelles developed into an important political, economic and social centre for the Pippinids. After a powerful struggle following his death, Gertrude's brother Grimold eventually succeeded their father in 642/643 as mayor of the palace of Austrasia. Grimold used his influential position to promote Hiberno-Frankish monastic ideals. He was instrumental in appointing Remaduc, a monk from the Columban foundation of Luxeuil, to lead the double abbey of Stablo-Malmey.22 Grimold's position of power alongside King Sigibert III led to a crisis in the second half of the seventh century. Grimold succeeded in persuading the king to adopt his son Childebert, although
he denied any claim to throne.24 It was quite a surprise, then, when Sigibert III sired another son, Dagobert II, shortly before his death in 652. A few years later, in 656, Grimoald devised a plan to depose the young king, which has become known as Grimoald’s coup d’État. Grimoald met with bishop Dido (Desiderius) of Poitiers to progress the scheme at Nivelles in February 656, where a plactus or judicial court was being held.25 Those present at the plactus agreed to oust the young Dagobert II and send him as a monk to Ireland, accompanied by bishop Dido.26 The Irish monks apparently played a significant role in these events, as Foillan and his companions had taken part in this plactus. The extreme political sensitivity of these events manifested itself in their having been murdered and buried in a pig sty on their journey to Fosse, a deed that was, as much as possible, hushed up.27 Through this scheme Grimoald hoped to see his own son Childebert (III) adopted by Sigibert III, assume the throne and, at the same time, protect the independence of Austria.

Grimoald’s plan does not appear to have been a coup in the strict definition of the term, as the sources appear indifferent to Childebert’s succession to the throne, and the Austrasian nobility very likely offered solid backing for Childebert too.28 As Hamann has shown convincingly, Austrasian independence appears to have been threatened by Clovis II of Neustria, so the young Dagobert II was sent to Ireland probably to prevent him becoming Clovis’s puppet.29 Sigibert’s brother, Clovis II of Neustria, however, was unwilling to watch Grimoald extend his power at the expense of his own kin, the Merovingian royal family, without acting. He took drastic steps; in 656 or 657 Grimoald was ambushed, taken prisoner and executed in Paris.

Grimoald’s overthrow placed the women at Nivelles in a precarious position. He died without an heir and the family had to withstand the ensuing power struggle without a male representative.29 Nivelles was now the most important safe haven for the family. In these dire circumstances, Gertrude designated her niece Wulftrud, Grimoald’s daughter, as her successor. Wulftrud became the second abbess of Nivelles after Gertrude’s death in 659. According to the Vita Gertrudis, the new abbess faced considerable opposition that threatened the abbey’s existence: “Kings, queens and bishops wanted to remove her from office.

31 Vita sanctae Gertrudis A. ed. Krusch (1888), ch. 6, 460: Contiguit autem ex odio paterno, ut reges, reginae etiam sacerdotes per invidiam diaboli illam de suo loco primum per suasionem, postmodum vellent per vim trahere, et res dei, quibus beneficia puella praeserat, iniquiter possiderent.
35 Migne PL 100 (1863) cols. 235–236; here 235 (Letter of Alcuin to Archbishop Arno of Salzburg, August 797): Liutgardis et infantes [...] quia illae turiones sunt ad Nivelas, ut ibi missam sanctae Mariæ agent.
36 See Pauly, Hospitäl (2007), 13–18. Pauly argues that the decisive criterion is that the care of the poor and infirm is manifest in a dedicated architectural structure, indicating, therefore, that it has been institutionalised. See the recent work by Schneider, Armenforschung (2017), 81–105. The foundational studies remain Boshof, Armenforschung (1946); Mollat, Études (1974) and Rouche, La matricule (1974).
of the poor and infirm at Nivelles and Fosse is actually quite extensive, especially when compared with the survival of sources in general. The early traditions of hospital practice at Nivelles have attracted little scholarly attention, in contrast to more extensive research into the hospital at Fosse. Charitable activities appear to have significantly influenced the foundation of both monasteries from the outset, likely prompted by the Benedictine ideal of hospitalitas and early Irish monasticism.

The Additamentum Nivialense draws a direct connection between institutional care of the poor, infirm, and pilgrims, manifested in the building of guesthouses (tectum hospitalis praebens) and the fabula dei Iduberga and her community of women. The account of Foillan and his martyr’s death makes this connection clear: “It happened here, that, after the above mentioned handmaid of God [Iduberga/Idita] departed for the realms above, having dispensed many fruits of alms throughout many places, having comforted many paupers, having received many pilgrims with every kindness, feeding the hungry, clothing the cold, offering a roof to guests, providing much money for the sacred altar vessels, and strengthening the army of holy virgins with the above-mentioned noble lady in the Lord, Foillan, the man of the Lord, concerning whom we have made mention above, undertook a journey for the benefit of the flock entrusted to him. He sang the solemnities of Mass on the day of the vigils of the most holy martyr Quintin in the church of Nivelles […]” Foillan had been entrusted with the spiritual care of the nuns of Nivelles (pro utilitate gregis sibi commissi), as we learn from this account that he was murdered on his return from Nivelles after having fulfilled his religious obligations to the women.

The Vita sanctae Geretrudis emphasises the central theme of the “care for the poor and provision for pilgrims, the infirm, and the elderly” by its first abess Gertrude. The Vita thereby affirms the account in the Additamentum Nivialenses. According to the Vita, Gertrude “constructed the churches of the saints and other buildings from their foundations and she provided orphans, widows, the imprisoned and pilgrims with their daily needs with all generosity.” Under

37 Sternberg, Orientalium more secutus (1991), 275. The foremost study is Delatre, L’hôpital (1963), 7–57.
38 Additamentum Nivialense, ed. Krusch (1902), 450: Contigit hic, postquam predicta dei famula, multis elemosinarum fructibus per diversa loca dispensatus multisquaque pauperibus consoletis, multis etiam peregrinis cum omni humanitate suscepit, eurientes refectis, algidos vestivit, tectum hospitalis praebens, immensa quoque munera divinis ministeriis exhibens sanctarum virginum agmen cum supradicta nobili in domino confirmans, ad superna commingavit regna, vir dominum Foillam, de quo supra memoraminus, pro utilitati gregis sibi commissi iter agiodiens […]”. English translation from Late Merovingian France, ed. Pouracre (1996), 327–328.

Gertrude’s leadership at Nivelles became a place of retirement for (noble) widows and their children, for orphans and peregrinata, or female pilgrims, as we learn from the Virtutum sanctae Geretrudis. Her niece Wolfrud, raised from her infirmity in Nivelles, also distinguished herself by her service to the poor, proving her worth to succeed to the office of abbess. Gertrude distributed “in [her] usual custom” generous alms to the poor and destitute (solito more per pauperes et egenos largos elemosinas tribuit) until her death, modelling the Benedictine ideal of hospitality. Her charitable activities contributed in large part to Gertrude’s later authority as a holy woman.

Hospitals and guesthouses associated with Benedictine monasteries usually separated people according to social status: missionary monks and religious from secular guests, clerical dignitaries, and high-ranking guests from the poor. It was likely that guests, the poor, and pilgrims were separated by sex as well as social status, as is apparent in the Virtutes sanctae Geretrudis, as we will soon see. Not long after Gertrude’s death Nivelles appears to have acquired a central role for the care of the ill and the provision of medical treatment. The Virtutes sanctae Geretrudis recounts how the parents of an almost completely blind girl travelled to Nivelles because they “could at least find a physician there who could heal her.” After their arrival, St Gertrude appeared to the girl during the night and ordered her to go into the church of the Apostle Paul where the bed of the former abbes, now venerated as a relic, was located. The girl would be healed of all her physical infirmity here. It is revealing that St Gertrude’s bed was considered her most important relic and was always used to heal severe illness. Another anecdote in the Virtutes describes how a man brought his blind wife to Nivelles. When she entered the church a lamp extinguished above her, causing the warm wax to pour onto her, restoring her sight.

41 For the monastic entrance of widows and their particular vows, see Muschiel, Pamula Dei (1994), 44–47.
42 Vita sanctae Geretrudis A, ed. Krusch (1888) ch. 6, 460.
45 De virtutibus, ed. Krusch (1888), ch. 5, 466–467: Tunc parentes illius puellae tulissent eam et secum ducerent ad monasterium Nivialum, ut saltem ibi inveniret aliquos medicos, qui eam curarent potuisse. Tunc in ipsa nocte apparsit ei sancta Geretrudis per visum et dixit ad eam: ‘Puell, nee dubitare, sed crede in divino lexu Christo et vade ad lectum, que est positus in eclesiis [sic] beati Pauli apostoli, ubi Geretrudis requiescere solebat. Ibi accepta est sanitatem de omni tribulatione, que in corpore tuae patris.’ The Vita sanctae Geretrudis relates a further, quite similar story of the healing of a girl who was born blind, see Vita sanctae Geretrudis A, ed. Krusch (1888), Virtutum sanctae Geretrudis continuatio, ch. 1, 471–472. Schneider, Armenfürsorge (2017), 104, points out that classical medical knowledge was preserved in the monasteries and developed into “a form of monastic medicine (Klostermedizin).”
This anecdote also hints at the kind of healing activity or method of healing practiced at Nivelles. Further insight into the nature of the healing activities practiced at Nivelles is provided by a detailed account about the wealthy matrona Adula, most likely a widow, who came to Nivelles together with her young son. The Vita identifies her as a religiosa femina and ancilla Christi, characteristic terms to refer to women who withdrew into a monastery and received the widow's veil after the death of their husband. It is also clear from this account that Adula continued to manage her apparently substantial inheritance independently while she was at Nivelles. The Virtutes present a favourable image of Adula as a woman who displayed humility and performed considerable charitable activities. The author of the Vita, however, is critical of her for failing to demonstrate due veneration for St Gertrude. One day a dispute arose, initially in jest, between Adula and one of the consecrated virgins (puellas) about how the feast of St Gertrude was to be celebrated in the Lenten period. The Virtutes present quite an abrupt account of the basis of this dispute, noting that the matrona Adula refused to contribute to the increase in the prebends or the distribution of food to the sisters, for the feast of St Gertrude, celebrated on the anniversary of her death, 17 March. This controversy concerned whether the anniversary of Gertrude’s death was celebrated as a high feast, that is, whether she was officially venerated as a saint or not. The women were only permitted to break the Lenten fast on such occasions. Feasts of the saints of lesser importance that fell during Lent were, as a rule, held over until a later date. Adula’s refusal reportedly prompted the nuns to respond that “if that woman [Gertrude] could achieve something through God, then we will establish such a feast in her honour, so that you, whether you want to or not, will endow a commemorative meal (caritatis) for this day.”

This account preserves the special licence granted to the community to breach the period of Lenten fasting as well as the origins of the special benefits due to them on the feast of St Gertrude. When the 17th of March dawned the monachi and the virgines Christi commenced the feast day together with due reverence in Nivelles, offering further evidence of the close connection between the communities of Fosse and Nivelles: “After the celebration of the Mass was finished they turned to food and drink, during which they rejoiced gratefully for the food which they were permitted to eat during the fasting period; it was the matrona alone who did not dine on this day.” In contrast to the nuns of Nivelles, therefore, the widow Adula refused to break the rules of the Lenten fast as she did not consider Gertrude to be a recognised, official saint. Meanwhile, she permitted her beloved son to play wherever he liked, and as a result he fell into a well, unnoticed by any of the others. When, after their meal, the nuns discovered what had happened, they searched for and found the dead boy. Deeply saddened, they laid him next to St Gertrude’s bed, upon which he miraculously returned to life. According to the Virtutes, Adula then “provided the donation that she had previously refused to make, out of love for her kin.” The next day a Mass was celebrated in honour of St Gertrude and the matrona Adula shared the celebratory meal, which she may have endowed herself, together with all of the sisters. Moreover, in gratitude for the recovery of her son, Adula also commissioned the decoration of the Gertrude reliquary, the bed of the saint, with gold and precious stones.

According to the Virtutes, sick women and children, and widows with their infant children journeyed to Nivelles for a cure. Although Nivelles was mentioned as a residence only for women and children, St Gertrude also aided a youth, who had been seized by robbers, to flee, and another who had been entangled in many crimes. It is likely, therefore, that the female community at Nivelles cared for infirm women and provided relief for poor women and pilgrims, whereas men in need of aid were accommodated at Fosse. A corresponding division of duties was later stipulated for women’s religious institutions in the Institutio sanctimonialium of the Synod of Aachen in 816, in that hospitals for the poor were to be located outside the cloister walls while widows and poor women (pauperulae) were to be housed within the enclosure where they could be received and cared for.

Abbes Gertrude divided the various duties required to provide spiritual and material care between the women and men of Nivelles. The Vita sanctae Ger-

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47 Machiel, Famula Dei (1994), 44–47.
50 Ibid.: ‘Et post expleta solemnitate missarum, tunc sumerunt cibum potamque cum gratiarum actione gaudientes ex omnibus eccl., quibus licuit, fuit quadragesimae tempore comedere; sola autem matrona ea die non commedit.’
52 For the important function of the laity at Nivelles, see Chantimine, Quelque questions (2015), 9.
53 Institutio sanctimonialium, ed. Werminghoff (1906) ch. 28 (Ut hospitale pauperum extra monasterium sit puellarum), 455–456: Sit etiam intra monasterium receptaculum, ubi viduae et pauperulae tauto modo recipiuntur et alentur, et si non possint alia, sollem quadragesimae tempestas sancti dominii adiumenta pecuniae solum laetum pedes […].
tridus emphasises that the first abbess assigned the services outside the cloister walls to the brothers and those within the monastery to the religious sisters. In 594 Gregory the Great advised that only religious men (religiosi) who, preferably, were worthy in their manner of living, morals, and zeal for this office, were to direct the xenodochia or hospitals. He claimed that because clerics were not subject to secular jurisdiction their appointment would guarantee greater security for the hospital’s assets. Accordingly, Iloburga, Gertrude, and the women of Nivelle founded a community of monks nearby who could perform the duties of pastoral and charitable care and oversight of the women of Nivelle.

Two further anecdotes preserved in the Continuatio virgutdom, composed around 80 years after the Virtutes, show how far the cult of St Gertrude had spread. These tales also reveal that Nivelles had developed a particular specialisation for healing eye complaints during this period. The first incident occurred during the abbacy of Egburg, who probably served as the monastery’s fifth abbess. This account concerns a woman, Adalperga, who was blind from birth and lived on the coast in what is now the Département Somme. When she was twenty-two years old, Adalperga had a vision in which a virgin robed in white garments appeared and directed her to seek out the tomb of St Gertrude, where she would be healed. Incidentally, we learn at the end of this account that pilgrims and the infirm came in droves to Nivelle to pray for a cure. Oil reportedly flowed forth by the grace of God from the marble covering Gertrude’s tomb, bringing a cure to the many blind and infirm, like the “heavenly wax light” which constantly illuminated the tomb. The healing power of the warm wax was also mentioned in the Virtutes. St Radegund (d. 587) similarly treated skin complaints, especially inflamed nails, ‘in the manner of the Gospel’ (more evangeli) by pouring oil over them. The bishop used consecrated oil in the Roman Catholic liturgy on Maundy Thursday, which may have developed into the practice of anointing the infirm with oil (oleum infirmorum) as described here.

The use of healing baths and medicine is also recorded at other hospitals associated with women’s monasteries. Venantius Fortunatus praised Radegund as a skilled caregiver and medical practitioner. Gregory of Tours reported that the widow Monegundis (d. 570) founded a women’s monastery in Tours primarily to care for the infirm. Miraculous healing occurred there too, as Abbess Monegundis received the infirm with a prayer for spiritual strength, and distributed “healing medicines” to the sick. It is, therefore, quite possible that the tales about miraculous healing at Nivelles reflect the widespread use of healing oil or salves, especially for eye complaints, in the region and beyond.

The practice of anointing the infirm with oil at Nivelles drew upon famous models, such as the hospital of St Peter in Rome. In 700 Bonitus, the former chancellor ofSigibert III, made a pilgrimage to Rome where he became familiar with this hospital, in which the infirm were treated with consecrated oil from St Peter’s tomb. As Sternberg has noted, Bonitus observed a hospital with therapeutic activities while in Rome. The final miracle account in the Continuatio virgutdom speaks of “heavenly medicine,” which, as we will see, God dispensed to a sick girl through St Gertrude. We might interpret this expression as an exaggeration of the spiritual efficacy of the medical practices offered at Nivelles, as suggested by the presence of physicians at the monastery.

The final anecdote in the Continuatio virgutudom is of particular interest because it alludes to the status of Nivelles in relation to the Carolingian court.

472: Per eius locum, quia caput sancti maiori, nec nobis siue siue, per se crematula incausaque in cae, sanctam corpus reipublica.


478: Vita Boniti, ed. Krusch (1913), 132–133: Cuique post hoc [after a blind woman had asked him for help] ex omnim inflamiationbus subito quaesueque aestimulare, sed ille lactantium victu cae, ubi quamque potius, semet ipsum oposito trabeat et infringm ex oleo, quod ex beati Petri sepulcro beneficio benevole persequatur, ungi praepositum; mosse sanctitatis gudium incommodi perceptra. […]


480: See below, 49, n. 75.

481: The laudatory prayer preceding this anecdote, which refers to Orta de patre existio, regali
In 782/783 a poor girl, crippled from birth, was brought to Queen Hildegard at Charlemagne’s court, who received and cared for her as an act of charity.\textsuperscript{[5]} It was customary for monasteries, as well as the royal court and episcopal sees to provide regular meals for the poor. The queen, however, eventually decided to send the infirm girl to Nivelles, where, with the queen’s material support (elemosina) and through the mercy of St Gertrude, she could live with the “handmaids of Christ” (cum ills ancillis dei). The girl, therefore, apparently lived at Nivelles, most likely with those religious women and widows who had not yet professed their vows as nuns.\textsuperscript{[51]}

The girl, who depended upon others for assistance, was so unhappy at her separation from the actual convent that, as the Continuatio virtutum relates, she could not sleep. While the nuns sang the office of the Virgin, St Gertrude appeared to the girl in a vision and asked after her. Hearing of the girl’s complaints, the holy woman ordered the convent to allow the lame girl to live within the cloister where she could be cared for, just as Gertrude, too, had been raised at the feet of her mother Iduberga.\textsuperscript{[52]} After the girl received a second vision the nuns followed the saint’s command, arranging for a peregrina to tend to the infirm girl and to teach her to read and write.

Incidentally, the story reveals that peregrinae, female pilgrims, lived at Nivelles. In this instance the woman was probably a religiosa, as she must have acquired a learned education. Mastering the skills of reading and writing was an important prerequisite to later being accepted as a choir nun.\textsuperscript{[53]} St Gertrude appeared to the puella paupercula for a third time, after which the girl recovered. Therefore the community agreed to her suscipio and that she was accepted into the convent of nuns.\textsuperscript{[54]} God, so the account concludes, ministered to the poor girl through the “heavenly medicine of his handmaiden Gertrude.”\textsuperscript{[55]} In this account Nivelles appears as an “extended arm” of the queen’s duty of care for the (female) poor and infirm. Not surprisingly, the female community at Nivelles served as a place of retreat for widows and the infirm, female pilgrims, women and children. A further “spiritual pilgrim” at Nivelles is mentioned in connection with Gertrude’s death, as she reportedly wanted to be covered after her death with a piece of an old cloth that a peregrina sanctimonialis had given her as a gift.\textsuperscript{[56]}

These miracle accounts allow us to distinguish between the accommodation provided for noble women, poor women, peregrinae, and the nuns, who in the eighth century lived in physical separation from the sisters. Thomas Sternberg, in his foundational study on the “Räume und Institutionen der Caritas des 5. bis 7. Jahrhunderts in Gallien,” claimed that references to xenodochien in other sources offer far more tangible descriptions about the reception of the infirm, poor and pilgrims than those to be found in the Vita sanctae Gertrudis. He concluded that: “The Vita offers little evidence for the assumption of an almshouse in the monastery of St Gertrude in Nivelles.”\textsuperscript{[77]} Yet, in arriving at this conclusion, Sternberg failed to take into account either the Virtutes or the Continuatio virtutum. In contrast, the provision of care for infirm women, children and pilgrims at Nivelles appears to have been a cornerstone, or at least a motive for the foundation, of the institution. In addition, the highly regarded Irish monks at the new foundation of Fosse were responsible for the pastoral care of the female community, and, no doubt, for the care of poor and infirm men, and the reception of male pilgrims (peregrina). Fosse formed part of the hospitalia Scottorum, which later were widely recognised by the Carolingian synods as well established institutions.\textsuperscript{[78]}

II.1 Merovingian Female Monasteries and Care of the Infirm

The widow Iduberga and the women of Nivelles were not unique in founding a monastery oriented towards care for the poor and infirm. Several other contemporary women offered important models for this practice. Queen Rudegund established a hospice in the royal villa in Athens, in which the sick and the poor were treated with special therapies, baths, and medications.\textsuperscript{[79]} She also sponsored charitable activities in the hospitals in Sax and in her monastic foundation in Poitiers, where Radegund had appointed her foster-daughter, Agnes, as its first abbes. When Rudegund joined the female community in Poitiers, she  

\[75\] Vita sanctae Gertrudis A, ed. Krusch (1888), Virutum sanctae Gertrudis continuatio, ch. 3, 473. In this prayer Gertrude is already presented as the holy ancestress of the Carolingian royal family.


\[53\] Ibid.


\[55\] Vita sanctae Gertrudis A, ed. Krusch (1888), Virutum sanctae Gertrudis continuatio, ch. 4, 474: Conlaudabit et glorificabit dominum, qui dignatus fui per suam ancellam Gertrudem dure ipso paello paupere ac dolore medicinam.


\[77\] Sternberg, Orientalium more secutus (1991), 275, esp. 302–303.

\[78\] Boshof, Armonfursorge (1984), 163; Bonenfant, Origine des Hopitaux (1965), 9–46.

null, together with his friend Romaric, was also eager to provide care for the poor and infirm in Remiremont. The Vita sancti Romarici confessoris describes how nuns who were afflicted with leprosy at Remiremont were cared for within its walls. 88

The Vita of the politically astute Queen Balthildis (d. 680) is particularly revealing in this context. Balthildis entered the monastery at Chelles, which she is described as having renewed “like the lowest little maid out of humility” (ut vilissima ancilla ex sancta devotione). 89 When the abbess of Chelles asked her how to improve the monastery’s image and its public perception, Balthildis suggested the monastery should adopt the cura pauperum and establish a hospital to enhance its reputation, advice which the abbess implemented. 90 Effective care for the poor and the foundation of a hospital appears to have been essential for the good reputation of a female monastery. This is also apparent in the slightly later example of the monastery at Hohenburg in Alsace, founded by St Olde (c. 662–c. 720). The daughter of Duke Attich, Odile, was blind from birth and reportedly only gained her sight as the result of her baptism. The Vita Odilieae relates how the abbess complained that very few poor and vulnerable people could reach the monastery because the path to ascend the mountain was steep and difficult, even for those who were healthy. Odile proposed to build a hospital for pilgrims, the poor, and the weak in the valley at the base of the mountain, for those who were unable to make their way up the path. 91 With the convent’s consent, a church

88 Vita sancti Romarici confessoris, ed. Krusch (1902), 223–226; Detnique, aduanatiss quibusdam pustulis laposis, infra monasterium seuorum non alia eca causa nisi proprium cceorum refectionem et infirmitatem cellarum fecit; nam frequenter eae vel habitatur in medio congregations non prohibuit. Squident una ex ipsa sanctum exspecta consilium, balneus quo vis de abbatis est evertum aquam nuprion, membros sua perpulit, ac deinde, subsequente medicae, paulatim lepna ex corpore eius discessit, quae usque hodie incoluntur eamtime celeberrimis Alis viae persequeret, non amitteret, vel simul semper in affecto caritatis cum omnibus amicis atque validulis in deo nomine permaneret in dicilico [...]; et praecepit paupertas curam et opitum cum summo studios pro misericordi et dilectione in ipsam semper impendim, pro Christi amoreque salutis montis sancta ipsa mater monasterii audita alisci ac uto animo adimplehat omnia.

89 Vita Odilieae Abbatiassenae. Leipzig (1903), 44–45; Monasterium vero, quod venerabilis abbatisa gubernabat, scitum tam praeliebivm in ecclesio monite etrum constructum, et uicerico non uolum debiles et infirn, sed etiam integritatem corporis habentes cum magna difficultate illuc ascendebant. Tunc sancta dei femula dolens, eae propter difficultatem iuniores raro ad uos veniit. eae uocem, cum esset hospitabilitate praecipva, convocavit omnem congregacionem, quam sub sua habebat regimine, uti eamque velens consilio, dicta ad eis: ‘Carissimi, dilectissimae sororae, quod asperitas iuniorum magnum laborum ascendendsi pergeprimis et debibitis conferat, et ideam pacii nos adeunt. Ego uolo iubere, si vestrae placuerit sanctitati, in inferiori lateo istius montis ascellificare hospitale ad recipientum christianorum’. Sternberg, Orientalium more secutus (1991), 279–229; for more (precise) detail see also Pauly, Hospitale (2007), 64.
and a small monasterium (then known as Niedermünster), housing several of the sisters, were erected there.

These contemporaneous examples from the sixth to the eighth centuries demonstrate the central role of women’s religious communities in providing charitable activities for the poor, infirm, and pilgrims. The sisters appear to have regarded these activities as their particular obligation. The accounts from Nivelles suggest that the separation of the monastery’s charitable institutions for men (Fosse) and women (Nivelles) occurred from quite an early date. The separation of men and women may have been a common practice. In any event, separation of the sexes was later stipulated in the Institutio sanctonuntialium as a requirement for women’s religious communities. The religious women who served in these charitable institutions were frequently affiliated with a male monastery so as to adhere to Pope Gregory I’s direction that institutions of this kind were to be placed under the authority of religious.92 The monks provided the pastoral care of the nuns, and also supervised the hospitals located outside the monastery’s walls. This requirement may have motivated female foundresses in early Carolingian circles to seek close ties with the Irish monks. Monks (fratres seniores) from Fosse also evidently lived at Nivelles, as abbot Flolan is reported to have spoken with them there shortly before his death.93

Nivelles, along with Fosse, appears to have been established quite early as a center for the care of the infirm, with charitable institutions for the poor and Irish peregrini. Over time, the distance between the two monasteries possibly proved to be a problem. As Nivelles increasingly adopted the character of a collegiate institution of canoneses during the ninth and tenth centuries, a community of canons was established there, based in the church of St Paul. The unusually high number of 30 canons at Nivelles, therefore, probably reflects the multiple obligations of the office associated with the various charitable institutions and their spiritual endowments.94 The overall number of canons corresponds to the numerous donations which the community received until the High Middle Ages, bound with their associated obligations to provide commemorative prayer.95

92 See above, 46.
93 Adscriptamentum Nivialense, ed. Kersch (1902), 450 (die vigilarum sanctissimi martyris Quentini misarum sollemnia in Nivialensi ecclesia deuantur, senioribus supplicationis fratibus [...]).
94 See for the number of canons, usually between six or seven and twelve, in Essen unusual high number of twenty, Röckelt, “dominum nostrum cum canonicis” (forthcoming); also Schäfer, Die Kanonisensitten (1907).
95 For the internal organisation of the hospitals see Bonenfant, Origine des Hôpitaux (1965), 29–31.

II.2 Matriculum, xenodochium, Hospital: Other Charitable Institutions at Nivelles

The earliest surviving charters from Nivelles date only from the late ninth century. The first extant charter from 897 refers to a hospital (xenodochium) and an almshouse (matriculum). It records that Zwemtibold (d. 900), king of Lotharingia, renewed the distribution of monastic property between the convent and the abbess originally determined by Charles the Bald. At the time, his niece Gisela (d. 907), the daughter of Lothar II, ruled both convents at Nivelles and Fosse as abbess. At Gisela’s request, Zwemtibold assigned extensive estates to the “brothers and sisters who lived here.” This included three mones for the lights in the church and the almshouse.96 The same charter also mentions several villae, who donated tithes for the almshouse. The references to the almshouse at Nivelles suggest that it was an established institution. The mention of the matriculum and the hospital or xenodochium together in this charter is characteristic of late Carolingian sources. Both institutions appear to be closely related at this time, although they served different purposes.97 The donations of tithes also reflect the legal requirement for charitable institutions to support the poor, as the Institutio sanctonuntialium stipulated in 816 for collegiate communities of canonesses.98

In late sixth century Gaul the matriculum was an institution for poor relief, which provided for a community of eligible poor.99 The names of the people accepted as eligible to receive support were recorded in lists of the so-called “registered” poor (matricula). Funds to provide their maintenance were distributed directly from the donations of the faithful or from the tithes due from the estates of the churches affiliated with the matriculum. Matricula were established at episcopal centres, pilgrimage sites, and at monasteries. These institutions were established for both men and women; the term also designated the building which housed the poor, which was often located near the entrance to the church.100 The matricularia or matriculariae were lay men and women who, from an early date, performed simple services for the church. Sternberg notes that these communities always accepted a fixed and relatively small, limited number, between twelve and up to forty persons, often fewer. Originally intended to maintain the privileged poor, the character of these institutions altered in the later Carolingian period. The matricularia and matriculariae developed into lay ser-

96 D’Zven, op. 16 (December 28, 897), 45–47.
97 For the joint naming of matricula and hospital or xenodochium in the Carolingian sources see Sternberg, Orientalium more secutos (1991), 192–193; Irigler, Matriculae (2008), 332–339.
99 Rouche, La matricule (1974), 83–110; Boshef, Armenfuresze (1984). For the question of which persons were entitled to claim this support see Schneider, Armenfuresze (2017), 59–63 (Exklusion und Exklusion).
100 Sternberg, Orientalium more secutos (1991), 105–143.
vants who received prebends in return for providing certain functions, such as cleaning, washing or lighting the church.101

This shift in character evidently also occurred at Nivelles. In 1270 "registered poor" were recorded at Nivelles and Fosse.102 Three matricularii were regular officers of the principal church.103 The ams were only to be distributed to the female servants (matriculariae) once a year by the consensus of the Chapter recorded the LON in 1277. By recording this provision in the LON in the presence of the people who were subject to it, it was preserved in writing as a legally valid custom and confirmed by oath by all those present.104 One of the matricularii assisted the treasurer, another was responsible for the bell-ringing, and others helped during the Easter plays.105 The Chapter of Nivelles stipulated that the abbess was to maintain a sufficient number of matricularii for the church of Nivelles.106 The matricularii also helped to maintain the connection with Fosse, as they obtained the crost of Foillan at Pentecost and returned it on the Saturday after Pentecost. The matricularii of Nivelles also dined with their counterparts at Fosse at Pentecost.107

These charitable institutions for the poor next appear in the documentary record of Nivelles in a charter dated 1040. This records that Abbess Richeza sought the restitution of certain properties of Nivelles from Emperor Henry III, then in Stablo. The arenga of the charter cites the care of the poor at Nivelles as the most important reason for the monastery’s existence, so it should not be isolated in the midst of its enemies.108 At no time, the charter stresses here, should one overlook “their poor” because only the nuns’ labors and compassion addressed their concerns.

The charitable institutions are mentioned again in a (falsified) charter of Emperor Henry IV dated 1059, in which he confirmed the threefold division of the abbey’s revenues: a third of the income was to be distributed to the xenodochium, a third to the abbess, and the final third between the seventy-two prebends of the brothers (fratres) and the nuns (sanctimoniales) for their use. Of this number, forty prebends were paid to the noble women and thirty to the non-noble community of canons.109 The two remaining prebends were the prerogative of the

duke and the king, who could confer them upon either a canon or a canoness. These latter two prebends formed part of the so-called “Prebend of Brabant.” By 972, the extent of the estates held by Nivelles was already 14,000 mansas, providing enormous resources for poor relief.110 By the High Middle Ages Nivelles was the largest lordship in the region.

This charter describes the threefold distribution of revenue as “established from a long time ago.”111 The estate at Monstreux, with its church and the tithes from all its properties, was designated to sustain the xenodochium. The incomes for the xenodochium, the charter cautioned, were to be used exclusively for the pilgrims and the poor. Once again we see here the central significance of the care of the poor and infirm at Nivelles. In 1136 Emperor Lothar III again confirmed the threefold distribution of the abbey’s income.112 Bonenfant has drawn attention to the fact that the privilege granted by Henry IV in 1059 refers to an institution for the “pilgrims and poor,” while the privilege of Lothar III employs almost exactly the same wording, referring to a xenodochium for pilgrims, the infirm and the poor.113 This distinction is characteristic for the period, as from the twelfth century the infirm were increasingly referred to explicitly as a distinct group among the poor and destitute. Lothar III’s privilege is the last time the former xenodochium at Nivelles is mentioned.

The charitable institutions and the hospitals at Nivelles continued in the subsequent years, although the relationship or continuity between the xenodochium mentioned in 1136 and the later hospitals at Nivelles remains unclear. Chantinne assumed that the former xenodochium, which appears to have been outgrown during the eleventh century, was located directly near the abbess’s lodging (maisons de l’abbesse).114 In the twelfth century it was replaced by two institutions: the Hospital Saint-Séphirle, subject to the Chapter of Nivelles, is first recorded in 1204, and the Hospital Saint-Nicolas, under the authority of the abbess, is mentioned in 1217. Both institutions continued until the dissolution of the abbey in

102 Cf. the essay in this volume by Thomas F. Kelly, 351.
103 Ibid.
104 LON, f. 96v (Document CC).
105 See the essay in this volume by Thomas F. Kelly, 351.
107 For the remuneration of the matricularii see the essay in this volume by Thomas F. Kelly.
108 DH II, no. 52 (Stablo, 1040 Juni 5), 67: Nivelensii ergo abbaie vel ecclesia quantis fluctuantibus ut quisuis, quantis confirmata et ipsius dominii innotuit remunerationibus; nec enim aliudique obliviscitur pauperum suorum, quia solus laborem et dolorem considerat eorum.
109 DH IV, no. 49 (Aachen, 1059 March 2), 61–65, here 64: Res ipse in tres portiones divise
110 DO II, no. 21 (Rome, 972 April 14), 28–30 (Nivelles, quattuordecim milibus ex pertinencia
111 num beas).
112 DH IV, no. 49 (Aachen, 1059 March 2), 61–65, here 64: Ad xenodochium Mosteris cum ecclesia et ovnis dominicalibus decime tam praediorum nostrorum quam beneficiorum comitis. Ebeo ergo et eum esse volo, ut divisiones hic et antiquitatis sunt constituta in distincte perma-
113 neur, ne pars violentior in res partis inferioris transferat. Nisi agat congregatio de rebus abbatisse nisi in suo, nisi assumat sih abbatisse de rebus congregations nisi in natus. Xenodochium quoque non aliena commodi sed peregriorum et pauperum famulaux frigoris.
114 Chantinne, Quelque questions (2015), 2.
1977. This development occurred in the context of the growth and expansion of a town at Nivelles. In the ninth century Nivelles was simply a vicus, a village, by the eleventh century it had become a burgus, and in the twelfth century it had grown into a fortified town.\textsuperscript{116}

This significant growth in population led to a new distribution of the former parish of Nivelles in 1231. The new abbess, Oda of Leez (1230–1265), sought to divide the old parish into eleven sub-parishes, including the churches affiliated with the hospitals. She secured support and permission for this redistribution from Rome, which was obtained by Jean d’Eppes, bishop of Liège, through the cardinal legate Otto.\textsuperscript{117} The new parish structure and the relationship of the new parish churches to the mother church are outlined in a charter dated May 1231; these provisions are also found among the documents in the LON (Documents GG and HH). The charter emphasises that "the population of the parish of Nivelles has grown so much" that a new division was now inevitable.\textsuperscript{118} The charter names the new parishes, starting with Notre-Dame, previously the main parish, followed by Saint Jean l’Evangeliste, Saint-André, Saint-Nicolas (the hospital), Saint-Maurice, Saint-Georges, Saint-Syr (Cyr), Saint-Sépulcre (the hospital), Saint-Jacques, au Faubourg de Mons, Gouthal, and Thines. By this date the Hospitals of Saint-Nicolas and Saint-Sépulcre were already operating in place of the former xenodochium. The Chapter of Nivelles stood to benefit from this restructure of provision of care for the poor and infirm.

As the result of the parochial redistribution, Abbess Oda of Leez became entangled in a bitter dispute with the vicar (plebanus) Iwan, who, together with the investitus, Adam, and a second plebanus, Bernardus, had presided over the original larger parish.\textsuperscript{119} Iwan refused to consent to the reduction in his prebends resulting from the redistribution, and the dispute was brought to arbitration, led by Henry, an archdeacon from Liège.\textsuperscript{120} A further charter specified the details of who was to provide the wax candles for the commemoration of the dead in the Hospitals of Saint-Sépulcre and Saint-Nicolas, for the deceased brothers and sisters, and also for those who died in the hospitals.\textsuperscript{121}

115 Delattre, La fondation (1965), 595.
118 Balau, L’organisation (1902), Appendix of Charters (n. 1, 75 cum in parochia Nivel- lensis in tantum plebano exscretit). For the legation of the Cardinal Legate Otto see Schirrmacher, Mission (1868), 45–58.
119 Balau, L’organisation (1902), Appendix of Charters nr. 6 (July 1231), 82–83. [from earlier version. The significance of the hospitals was recognised by the family van Looz. Count Louis I (1142–1171) himself founded a hospital where he also chose to be buried].
120 Ibid, 82.
121 Balau, L’organisation (1902), Appendix of charters nr. 7 (July 1231), 85.

In view of this curative tradition, it is, therefore, quite understandable that Nivelles developed into a centre for the care of the ill on a wider scale and attracted charitable activities of the laity and semi-religious, as Walter Simons has examined in detail.\textsuperscript{122} For example, the Vita of Marie d’Oignies (written by Jacques de Vitry shortly after Marie’s death in 1213) provides the first mention of a leper house at Willambroux, together with a chapel dedicated to Mary Magdalene, which in the thirteenth century was served by a single chaplain. Another leper house de la Taille Vœu, was located in the forest of Nivelles on the road to Oignies.\textsuperscript{123} A few decades later a hospice known as Goutisiaux, administered by beguines, was established at the church of Notre Dame in Gouthal, not far from Saint-Sépulcre, and another hospice dedicated to St Elizabeth, also managed by beguines, was located in the parish of Saint-Syr.\textsuperscript{124}

III. The Self-governing Status of Nivelles (Reichsmitterbarkeit) and Conflict between the Abbess and the Chapter

The documents inserted into the Liber Ordinarium of Nivelles address the central theme of the protection of the rights of the Chapter and the church of Nivelles. A controversy appears to have raged in the thirteenth century over the question of who was responsible for asserting the rights of the abbey, the Chapter or the abess? These documents are drawn from quite diverse sources and make the position of the Chapter of canoneses and canons of Nivelles quite clear: Also, it is the use (usuos), or rule (ius) or the custom (consuetudines) of the church of Nivelles that the abbess who presided at the time ought to recover, at her own expense, the allod [she] alienated and its incomes seized by her from the aforesaid church and return it into the possession of the church.\textsuperscript{125} The documents inserted into the LON exhibit a thoroughly normative character. A small number are copies of charters, and the majority preserve textual records of customary law, authorized and given effect by the decisions of the Chapter.\textsuperscript{126} To outline the significance

\textsuperscript{123} See the contribution to this volume by Walter Simons, 101. Delattre, La fondation (1965), 595–599.
\textsuperscript{124} See the essay in this volume by Walter Simons, 116, and the map, 117.
\textsuperscript{125} LON, f. 94v (Document AA, Appendix, 408, ll. 319–221). Item, est unus sive tue sive consuetudo ecclesie Nivelensis, quod abbasissa Nivelensis, que fuerit pro tempore, tenant a domino pecunia et usuos sive benevolentiam sive benedictionem, quod fuerit pro tempore, tenetur alioquin rebus.
\textsuperscript{126} See the overview of the documents and the essay in this volume by Rowan Dorin, 145–148.
of these additional documents for the wider context of the controversies of the thirteenth and fourteenth centuries, it is necessary to examine in more detail the status of Nivelles within the politics of the empire and the emerging duchy of Brabant (III.1), the conflicts between the abbess and the Chapter, the duke, the nobility of Brabant and the city of Nivelles (III.2), and to consider the "strategies of escalation and resolution" that Abbess Elizabeth de Bierbaiz employed (III.3).

III.1 Royal Abbey and imperial Monastery: the Legal Status of Nivelles within the Holy Roman Empire

Gertrude quickly acquired the status as a "dynastic saint" (Hausheilige) of the Carolingians. Pepin of Herstal (d. 768) was crowned king of Francia in the eighth century and the family eventually attained the imperial title through Charlemagne. As a result, Nivelles became an abbey royale, a royal abbey. The central question of whether Nivelles was subject to the Dukes of Brabant or enjoyed self-governing status (Reichsunmittelbarkeit) was examined by Hoebanx at length half a century ago. His conclusions now merit reconsideration in light of the evidence that since has become available. Hoebanx was unaware of the Liber Ordinarius and naturally unfamiliar with the later research about the charters relating to Nivelles, in particular, whether they were forged or falsified. As most of the charters are preserved only in the fifteenth-century cartulary of Nivelles, assessing the authenticity of the documentary record is often very difficult. The nature of this transmission also requires us to account for how it shapes - or more accurately reshapes - how we approach the history of the monastery. It is necessary, therefore, as a first step towards identifying its legal status within the empire, to examine the legal foundations and historical developments of the abbey.

Nivelles repeatedly had to ward off claims by local barons to the privileges, estates, and towns under its lordship, turning primarily to the written word (with and without authorization) to defend its interests. Located in the territory and sphere of influence of the Counts of Louvain, later the Dukes of Brabant, Nivelles relied upon the protection of the Holy Roman king or Emperor and the pope to assert its position. The protection of the Holy Roman king or Emperor, however, could be a double-edged sword. If the empire relied upon the support of the Dukes of Brabant during a conflict, there was always a risk that Nivelles, as a lucrative imperial fief, could be awarded to the duke in return for his support. The abbesses of Nivelles continually strove to ensure that the abbey's regalia (secular rights of lordship) were bestowed by the Emperor rather than the Dukes of Brabant.

127 Hoebanx, Nivelles (1963), 361–396.
128 See the discussion by Rowan Dorin in his contribution to this volume, 145–148.

Nivelles was not unique in its struggle to retain its self-governing status; Remiremont offers an instructive parallel. The female community at Remiremont attained self-governing status in 1070 and was granted papal protection by Urban II in 1088. The Dukes of Lotharingia were the most important local power brokers in this region; they also held office as the monastery's advocates. At the beginning of the fourteenth century, the nuns installed a bas-relief depicting Abbess Clementia d'Oiselay (c. 1305–1322) standing between King Albert I and Pope Clement V on the north portal of the church in Remiremont. The sculptural portraits the Holy Roman King Albert investing the abbess with the regalia through the sceptre, while Pope Clement V presents her with a sealed charter representing the papal privilege of protection granted to the abbey. The abbey's privileged status, protected by pope and king, was displayed impressively here to all who entered the church from the north. Nivelles, too, may have adopted similar strategies of political communication within public space in the later Middle Ages. The likelihood of such a symbol of status surviving, however, was limited, as, from the fifteenth century, the Dukes of Brabant largely had succeeded in incorporating the abbey into their territory.

When Lothar II's empire was divided at Meerssen in 870, Nivelles was awarded to Charles the Bald. Gisela, Lothar's daughter, was abbess at the time. As a result of further political shifts, by the tenth century Nivelles was subject to the rule of the Ottonians. The fragmentary documentary record makes it difficult to identify the monastery's ties to Carolingian rulers, although evidence shows that a special relationship between queens and the female convent at Nivelles existed under the Ottonians. Adelheid, wife of Otto I, intervened in favour of Abbess Adalberina of Nivelles (966–980) when her husband confirmed the monastery's rights in 966. Six years later, in 972, Nivelles was transferred to Theophanu, wife of Emperor Otto II, as part of her dowry. Abbess Adalberina also had appealed to Empress Theophanu in 978, when Otto II awarded the market rights at Lennick, about thirty-five to forty kilometers from Nivelles, to the monastery. In 1220, Lennick, which came to be known as the "prebend of Brabant" in Nivelles, formed part of the lordship of the ducal ministerial Arnould II von Wezemael

130 For general discussion of this see Zotta, Bedeutung (2006), 155–168.
131 The relief was destroyed in the French Revolution, it is known from a sketch completed around the middle of the seventeenth century; Häwitschka, Studien (1963), 7.
133 See now Vanderputten, Nunneries (2018).
134 DO I, no. 318 (Maastricht, January 24, 966), 432–433 (die noctuae deo sanctaque Ger- trudis fratibus et sororibus fonsanantibus).
135 DO II, no. 21 (Rome, April 14, 972) 28–30.
(1205–1260/65). The "prendet of Brabant" became one of the greatest points of contention between the abbess and Chapter, as from this date the monastery was paid no duties or revenues. Difficulties between the abbey and its advocates can be discerned for the first time in a charter dated 980. This document records that Empress Theophanu intervened to prevent any count or advocate (nulis comes nisi advocatus) from exercising jurisdiction in Spiesant and Yerseke, both of which Otto II had donated to Nivelles. After Theophanu’s death in 991, Adelheid, Otto I’s widow, intervened to secure his gift of fifteen manors (Hagen) to Nivelles, to augment the prebends of the nun. Strikingly, the queen’s personal interventions on behalf of Nivelles ceased when Henry II (1002–1024) assumed power. The abbey’s close relationship with the royal house was re-established only under the Saxon Henry III. He insisted on being present at the consecration of the new church of Nivelles in 1046 so that he personally could take part in the translation of St Gertrude’s relics. At the consecration ritual, Henry III bore Gertrude’s relics on his shoulders into the new church, an impressive feat through which he publicly demonstrated his close connection to the saint. The Gesta beate Gertrudis (Version B), a reworking of the Vita Gertrudis, could have been written on the occasion of the dedication of the new church and the translation of the relics. The manuscripts can be dated, not as in the preface to the edition, in the ninth century, but rather in the eleventh century and were adapted to the customs of the community, as Marieke Neuburg was able to demonstrate.

In a charter issued at Stablo in 1040, Henry III reinstated to Abbess Richesa the abbey’s rights to levy tolls and to mint coins which had been alienated by the advocates, the counts of Louvain. The emperor expressly confirmed the liberty of the advocacy to the abbess: "No person, including no count, shall exercise the authority of the advocate at Nivelles, except if he has been appointed to that authority by the abbess. Neither advocate nor count ought to demand any legal judgement or placitum, except if he has been invited to do so by the abbess or

the provost. [Nivelles] is to be free from all oppressions and from any lordship by a count or an advocate unless they have been invited to act by legal cause." Enforcing the liberty granted by Henry III, however, proved to be more of a challenge. The abbess and the Chapter of Nivelles repeatedly had to assert the rights and powers set out in this charter. Lambert II (known as Baldricus) of Louvain (d. 1054), advocate of Nivelles, resisted this royal decree, generating a dispute that concluded in a settlement. In return for renouncing the lordship over Nivelles, Lambert II was compensated with considerable benefits from the monastery’s properties. This settlement is thought to have prompted a new charter to be issued in the following year, 1041, in which the gens ferris et durae cervicis ("fierce people of stiff necks") is given as the reason for the king’s intervention. This time, Henry III specified the provisions of this immunity more precisely, stating that three general courts (placita) were to be held, at which only the advocate or a delegate (munitus), whom the abbess selected from among her knights, ought to appear. The final sentence, as a minimum, about the tria placita, seems to have been interpolated.

At Nivelles, as in many other monasteries in the eleventh and twelfth centuries, the pen was employed as a potent weapon against opponents. Several charters purporting to affirm the monastery’s privileges were forged, in whole or part, during this period. Nivelles, like Remiremont, also sought papal protection. The original charter recording this privilege was falsified. This charter, issued by Pope Clement II and dated 1047, contains very similar phrases to the forged imperial privilege of Henry III of 1041. Both documents appear to be quite closely related to one another. In 1047 Abbess Richena may have travelled in person to Cologne to secure confirmation of the privilege attributed to Pope Clement II from his successor, Pope Leo IX. Leo IX did indeed confirm the falsified privilege because in the same year, Leo IX granted relics of St Gertrude to his family monastery at Altdorf. It is quite conceivable that he acquired these relics from Abbess Richena in Cologne in 1047. This text of Leo IX’s charter is of particular interest because it describes the "burgus Nivelles" as a "den of thiev¬es," which was restored again to the rule of the virgin Gertrude by papal author¬
ity.148 The dispute between the abbey and the burgo Nivelles mentioned here alludes to the actions of the advocates, which may have been the reason for the abbey’s efforts to secure Leo IX’s authority for the falsified papal privilege.149

Henry IV followed his father in confirming privileges for Nivelles. A charter issued by Emperor Henry IV ten years later also contains elements that were falsified, although the dispositive clauses are considered to be authentic. This document confirmed the property and the threefold division of the incomes of Nivelles mentioned above. Henry refers to the “greatest calamities” (per maximas calamitates) that beset Nivelles and now, mindful of the love which his father Henry III had shown for the abbey, he declares that these ought to be remedied.150 In 1136 in Aachen Emperor Lothar III also confirmed these privileges granted to Nivelles at the request of Abbess Oda (1126–1158).151 In 1191 Nivelles appealed once again to Rome to confirm and renew its papal protection, whereby Celestine III received Nivelles “into our protection and [that] of St Peter,” making reference to an earlier privilege granted by Frederick Barbarossa.152

Nivelles was also bound to the Staufers through close ties of kinship. Abbess Bertha of Nivelles (d. 1214/18) was a niece of Emperor Frederick Barbarossa (dilectam nupta nostrae), although her precise relationship to the Staufers cannot be more closely identified.153 In 1182 Bertha personally attended the Diet (Hof tag) in Mainz, where she presented both the genuine and the falsified papal and royal privileges for Nivelles to the emperor and the princes. She had brought these documents with her, Bertha declared impressively to all those assembled: “through the attrition of the body and mind and the grave damage and the intolerable injustice that the abbey had to endure.”154 Abbess Bertha’s personal mission to protect the liberties of the monastery presented a model and an ideal against which the Chapter may have measured later abbeys.

149 Papsturkunden 2, ed. Ramackers (1934), nr. 1, 85 (Preface). The forgeries of the eleventh century were – perhaps with the exception of the papal charter of Clement II – based on genuine charters; Boffa, L’abbaye (2016), 76.
150 See the essay in this volume by Klaus Gereon Beuckers.
151 DI. III. nr. 79, 122–124.
152 Papsturkunden 2, ed. Ramackers (1934), nr. 329, 471–472 (sub beati Petri et nostri protectione susceptum). Schieffer, Barbarossa (2007), 587 points out that the name Bertha, which was also the name of one of Barbarossa’s sisters, is common for the Staufer dynasty, although this niece cannot be more closely identified among the emperor’s kin.
153 DI. 1, nr. 826 (Mainz, May 23, 1182), 31–33, here 32: [... quod dilectis nuptis nostris et nobis Berta Nivelensis obbatisus ad presentre nostri maioratem accedens obtulit nobis in facie princi pum nostri et urbs privilegia eccliesiae usque ad divis regibus atque augusta imperatoribus collatis nec non praepetit apostolorum patrum Clementis videlicet atque Leonis confirmata cum multa corporis et mentis attitione damna gravissima et intolerabiles in iurias nobis proponenti [...].] In this charter Pope Celestine III refers to the liberty of the abbey in his confirmation, Papsturkunden 2, ed. Ramackers (1934), nr. 329, 471–472.

The background to the dispute evident here was the attempt of the burgo or the city of Nivelles, together with other places such as Genappe, to shake off the abbey’s lordship. The citizens of Nivelles sought to relocate the market to remove it from the jurisdiction of the abbey.155 In 1182 the monastery appealed to Rudolf of Zähringen (1167–1191), bishop of Liége, who prohibited the market of Nivelles or individual stalls to be set up without the knowledge of the abbes, under the threat of excommunication, until full compensation had been made to the abbey.156 The dispute was still unresolved nine years later, which led to the “silencing” of the church of Nivelles in 1191. The “silencing” required the performance of Mass to be suspended, representing the abbey’s threatened situation. A charter of the bishop-elect of Liége in 1191 described how, in connection with the unrest in the city, these conflicts threatened to reduce the abbey to ruin and poverty.157

This bishop-elect in fact was Albert of Louvain, the brother of Duke Henry I of Brabant (1165–1235). Albert had been elected bishop of Liége by part of the Chapter after the death of Rudolf of Zähringen in 1191. Albert’s election heralded a considerable extension of power for the Dukes of Brabant, with significant implications for Nivelles, as the bishop of Liége traditionally had been the abbey’s closest ally in the region. Emperor Henry VI was wary of the growing influence of the Dukes of Brabant proceeding unchecked, which threatened the balance of power in this prospering region. He thus rejected Albert of Louvain’s election in favour of another candidate. But Albert appealed to the curia in Rome for support, and Pope Celestine III confirmed his election as valid. Albert was able to secure his consecration as bishop of Liége in Reims on 20 September 1192. His term, however, was cut dramatically short, when, only a few days later, he was murdered by German knights near Reims, it is thought by imperial command.158 That Henry VI himself did not flinch from such drastic measures demonstrates how important the power relations in Brabant were for the empire. Ni-

155 For a similarly motivated conflict see Ench. Topographie (2015), 23–34.
156 DE Lorigine, ed. Wauters (1869), 51 (1182–1191); Nostro ergo auctoritate precipimus ne quis aliquid de rebus predictis invocare vel ibi usurpare aut aliquod detrimentum ingerere, aut a praeceptis illam immutare presumat, nec mercatum aut loca mercata, staciones et venandationes rerum veniendum deputatas ad alium locum quam in eo quo nunc sint, sine assensu abbatis et ecclesiae, audiat transire. Boffa, L’abbaye (2016), 76. notes in error that in 1184 the burghers of Nivelles submitted to the authority of the Duke of Brabant and recognised him as sovereign ruler and advocate. The charter is reproduced in Analectes archéologiques, ed. Schaes (1852), 81, who notes rather that it concerns the dispute between 1282–1286; see below 80–85.
157 DE Lorigine, ed. Wauters (1869), 52 (around 1191). Charter of the bishop-elect of Liége, which is identified by Sigl A in the edition as by Albert of Liége (Brabant): Nobilis illa et honesta Nivellensis ecclesiae, silencii sui tandem pudore devicto, incumbente rerum difficilii necessitate, intersectionis suo propositionis nobis apparuit, simul urbis sue tribulationem, iam septimis annis sustinere persicacionem iurium, eclesiasticum ruinarum et expensarum indigentiam.
velles lay at the geographic heart of these conflicts, and was, therefore, fiercely contested during these decades of political realignment.

The twelfth century brought further economic and political changes to Nivelles. The abbey discontinued estate management based on the manorial system and adopted the practice of rent based lordship, as was the custom elsewhere. Many old and important institutions that managed manorial estates through the former "villication" system, such as the powerful abbey of Cluny, fell into significant economic difficulties in the twelfth century. Moreover, as we have seen, the abbey faced conflict with the growing city of Nivelles and their advocates, the counts of Louvain, later Dukes of Brabant, who sought to wrest the lordship and rights from the abbey to further consolidate and extend their territories. All these factors contributed to the clash between the Chapter and the abbess about the distribution of prebends.

In 1183 Emperor Frederick Barbarossa had elevated Brabant to a duchy. Henry, first Duke of Brabant, had been count of Brussels since 1179 and margrave of Antwerp since 1190. The creation of the duchy fundamentally altered the power dynamics within the region. By this time Henry I had established a powerful position, bolstered by the considerable support of his ministerial Arnoul of Wesemaal, which threatened Nivelles. As we have seen, Emperor Henry VI, son of Frederick Barbarossa, apparently viewed the increasing power of the Dukes of Brabant with great concern. He sought to restore the balance of power within the region. In 1190 he convened a Diet (Hofdag) in Schwäbisch Hall, at which he elevated one of Duke Henry’s regional rivals, Baldwin V, count of Flanders and Hainault, to the princely rank of margrave of Namur. Duke Henry I protested against the promotion of his rival, regarding it as an infringement of his ducal rights.

The Diet at Schwäbisch Hall, therefore, determined the scope of the political influence of the Dukes of Brabant. Henry I of Brabant was forced to accept a settlement with serious consequences, as he was unable to prove any rights of lordship that extended beyond his immediate sphere of influence. The royal edict of 1190, therefore, limited the duchy of Brabant to Henry’s own comital lands and to his own fiefs. According to Gislebert de Mons, at the diet Henry I of Brabant nominated the counties of Louvain, Nivelles, and Aarschot as his allies and Gelders, Clevens, and Loos (Loon) as his fiefs. The power base of the dukes of Brabant was thus restricted to these relatively limited territories, explaining why the lordship of Nivelles came to assume such importance for them. The counts

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of Loos, moreover, objected to the claim that their comital lands were controlled by the Duke of Brabant and instead asserted that the bishop of Liége remained their overlord. The counts of Loos were successful in asserting this connection at the diet in Schwäbisch Hall, maintaining that their lands were fiefs subject to the bishop of Liége. In the context of these power struggles, it is hardly surprising that Henry I of Brabant was so keen to secure the bishopric of Liége for his brother Albert.

In 1194 Nivelles was entangled once again in the war over the diocese of Liége. Baldwin V of Hainault, count of Flanders since 1191, supported by his relatives the Count of Loos countered the aspirations of Henry III of Limbourg (d. 1221), who had his sights on the bishopric of Liége for his son, Simon. Henry III of Limbourg was acting, at least in part, in support for his overlord, Duke Henry I of Brabant. Nivelles was besieged during the conflict in 1194 and appears to have been close to being taken. Heavy rain prevented the abbey from being captured, leading the chronicler Gislebert de Mons to attribute its rescue from the hands of its enemies to St Gertrude, the "domina of this land," and her merits. Henry III of Limbourg together with Duke Henry I of Brabant were forced to surrender at the battle of Noville at the beginning of August 1194.

This review of the struggles for power already shows clearly, how, without imperial support, the status of Nivelles could not be guaranteed. Abbess Oda of Leez was well placed to secure this support for Nivelles. She had familial ties to Henry II de Leez, a bishop of Liége (1145–1164), and influential supporter of Frederick Barbarossa, who often accompanied the emperor on his Italian campaigns. But times were changing, and in later years Nivelles could not expect

159 Boffa, L’abbaye (2016), 66.
161 La chronique de Gislebert de Mons, ed. Vanderkindere (1904), 252–253. For the county of Loos (Loon) see Baerten, Het graafschap (1969).
to receive similar support from the empire. Emperor Henry VI died in Sicily in 1197 while struggling with the rebellious Sicilian nobility. Nevertheless, even if tangible assistance was unlikely to be forthcoming, continued imperial legal protection against rival regional powers and for the abbey’s claim to self-governing status were imperative for Nivelles.

Serious new dangers threatened the stability of the empire in the beginning of the thirteenth century. When Duke Henry I of Brabant shifted allegiance in favour of Philip of Swabia in 1204 during the dispute over the throne, the latter rewarded the duke by granting him the abbey of Nivelles as a fief.167 In 1209 Abbess Berthe protested vigorously to Otto IV, the rival Welf candidate for the throne, against the enfeoffment of the monastery. This eventually led the opposing claimant, Philip of Swabia, to revoke the alienation of Nivelles from the empire at the assembly of princes in Speyer and to confirm Frederick Barbarossa’s privileges for the monastery.168 Following Otto IV’s removal from power in 1211, and his early death in 1218, Nivelles once again gained recognition by the Staufer dynasty as an imperial possession.

This period of uncertainty over the legal status of the abbey presented an opportunity for Duke Henry I of Brabant to install his own bailli or advocate (a dedicated representative with legal jurisdiction) at Nivelles in 1223. The duke sought to repeatedly gain a foothold over the judicial powers of the city of Nivelles, as a means to provoke disputes between the abbey and the civic authorities.169 The abbey appealed again to the emperor for assistance. At the diet in Aachen in 1227, Frederick’s son Henry (VII) confirmed the privileges and lordship of Abbess Huburgis over the burgus Nivelles, including its markets, tolls and coinage.170 He apparently was aware that the abbey was in dire need of the empire’s unconditional support. In July 1230 Henry (VII) sought to protect Nivelles from the effects of the renewed war between Flanders and Brabant.171 Interestingly, in this charter he referred to the monastery as “founded by our predecessors” (eclesia a nostra progenitoribus est fundata). In the same year Henry (VII) also personally invested Oda of Leez (concanonica Nivelensis), who had been elected unanimously as abbess by the Chapter of canonsesses in Nivelles, with the regalia at the diet (Reichstag) in Nuremberg.172 This act had lasting significance, as for the first time the abbess was titled “Princess of the Holy Roman Empire”

167 RI V, 11 n. 87 (Koblenz, November 12,1204). Hoebane, Nivelles (1963), 372–372.
168 RI V, 11 n. 284 (Speyer, June 16, 1209).
169 Hoebane, L’Abbaye de Nivelles (1922), 245.
170 Historia diplomatica Friderici, ed. Huillard-Breholles (1852), 312–314.
171 De Tortagine, ed. Wauters (1869), 116 (June 1230).
172 Historia diplomatica Friderici, ed. Huillard-Breholles (1852), 417–418: [...] quattuor pridie abbatizae quosque invemtinam regibalis pleno iure de omnibus inicitiis et rationibus suis intendatis et obediatis ad plenum tonquam diletcte principi nostro, fidelitatem et homogia et illa iure in quibus teneamus eodem impendentes.
ties of the parishes are recorded in a charter issued in May 1231, which also provides the basis for the documents added into LON (Document GG): “These are the obligations of the parochial churches of Nivelles to which they who are invested with the parochial churches of the town of Nivelles must swear obedience.” This charter also legally enshrines the obligation for the vicar to be resident, mentioned in the entry in the LON, as well as his right to be buried in the church of Nivelles.

The document also stipulates that the subordinate parishes were required to follow the mother church if it was “silenced,” that is if a cessatio a divinis was imposed. The cessatio a divinis was a form of local excommunication prohibiting the celebration of divine service at a specified place, imposed primarily for offences against church property. The Second Council of Lyon in 1274 dealt with this practice. The synod decreed that the grounds for a cessatio a divinis were to be announced beforehand in an instrumentum publicum and in a document sealed publicly, and that these grounds were to be made known to the antagonists. The threat implied by the cessatio a divinis thus was interpreted as akin to the declaration of a spiritual feud.

The document GG in the LON mentioned above uses the same wording as the charter of 1231, which records the context and details of the legal negotiations of the conflict over the parochial restructure. The entry in the LON (Document GG) opens with the general provisions about the new parochial obligations, followed by entries that record specific events which, from the Charter’s point of view, had made these explicit regulations necessary. In 1282 the Chapter of Nivelles had once again imposed a cessatio a divinis upon the abbess. But Peter, the vicar of Saint-Sépulcre (dominus Petrus investitus de Sepulcro), who owed obedience to the Chapter of Nivelles, failed to conform to the main church by continuing to celebrate divine service. The vicar was summoned to the Chapter where he was forced to admit that he had erred in acting contrary to the Chapter and “that he had celebrated (divine service) against the statutes and the cus-

177 Balau, L’Organisation (1902), 75–77.
178 LON, f.99v (Document GG, Appendix, 424, II, 555–559); Hec sunt onera ecclesiarum parochiarum Nivelensis, quae inter tenentur illi, quibus ecclesie parochiales ville Nivelensis conferuntur.
180 Balau, L’Organisation (1902), 76: [...] et si maior ecclesia cessabit a divinis, profite ec-

clesiae tamquam membra eiusdem cessabit simuliter quando fuerint a maioris ecclesiae requirite.
See LON, f.100ra (Document GG, Appendix, 426, II, 595–597); Et si maior ecclesiae cessabit a
divinis, rectores predictarum ecclesiarum tamquam membra eiusdem cessabit simuliter quando fuerint a maioris ecclesiae requirite. For the Cessatio a divinis, see most recently Jaser, Ecclesia
181 Concilium oecumenicum generalissem decreta 2,1, ed. Garcia y Garcia (2013),
ch. 16, 339–337.
182 LON, f.106vb (Document HH, Appendix, 428); Recognitio parochianorum quod
di quando capitulum cessat a divinis cessare debent.

183 For the codification of the liturgy and normative claims of the libri ordinarii, see Popp,
Ut nulla femina (2018), 325, and the essay in this volume by Margot Fasler.
184 Cf. The essay in this volume by Albert Deroez.
185 Note the concessio nostrae cum canoniciis (forthcoming).
186 See the essay in this volume by Andreas Odenthal.
The west choir might also in Nivelles have been the abbess's space for exercising her secular power. In the fourteenth century, the abbess of the 'Damestift' in Vreden exercised her secular authority from a throne placed in the westwork. In the documents, the chaplain, who had a benefice attached to the altar of St Michael in the western part of the church of St Felicitas at Vreden, appears as the abbess's witness.

The Liber Ordinarium of Nivelles and the documents preserved within it are, therefore, central to understanding the internal conflict within Nivelles. Hoebax dedicated several pages in his monograph to this conflict. Without however, knowing the documents of the LON. Above all else, he represents the conflict within the community as being unrelated to external disputes between the monastery and the duke, and the city of Nivelles. To understand fully the dynamics of the conflict that unfolded at Nivelles in the thirteenth century, however, one needs to analyse the internal relations of the abbey in the context of the complex power relations in thirteenth-century Brabant, which prevented the abbess and Chapter from acting in a unified manner. The dissonance between the abbess and Chapter arose largely in response to the shifting political and power structures in the region, in which the community was implicated, not least because the canoneses and the abbess were drawn from local noble families.

In 1235, a drastic action was taken at Nivelles to counter the encroachments of the Brabant nobility, the humiliiatio reliquiaria. By this date, the Brabant ministerialis Arnold II of Wzemalbea already controlled numerous properties owned by Nivelles. Supported by Duke Henry I of Brabant, Arnould had usurped monastic properties in Wambeck (Wambeek), Ternat, Saint-Katharines in Brabant, Gooik and Lennick, over which he eventually won out in spite of fierce opposition from Nivelles. During the humiliiatio，“crucifixes, gospel books, images, and relics were laid upon the floor, sometimes the altar was also covered with sackcloth, the bells pealed for a long time, and the church doors were barred with thorny bushes.” The humiliiatio reliquiaria was a recognised liturgical practice performed at times of emergency. This spiritual appeal was intended to demonstrate the solidarity of the saint or saints with the threatened church and to invoke divine intervention through symbolic gesture. By obstructing the agenda of the saint, the rite enacted a form of excommunication, albeit with a local character. The Second Council of Lyon in 1274 considered the humiliiatio reliquiaria in connection with the cessatio a divinis. While the cessatio a divinis was regulated by canon law, the council strictly prohibited the practice of the humiliiatio reliquiaria, deeming it an abuse.

At Nivelles, performing the humiliiatio reliquiaria had been an important strategy in the abbey's struggle against its territorial rivals prior to 1274. In September 1235 Duke Henry I of Brabant died on his return from England where he had been negotiating a marriage for Emperor Frederick II. In October of the same year, the Chapter of Nivelles apparently saw a political opportunity to open new peace talks with his son and successor, Duke Henry II (1235–1248). It is worth noting that the forma pacis resulting from these efforts to reach a settlement fails to mention the abbess of Nivelles at all. The participants included Arnold of Louvain (c. 1240–1248), the well-known abbis of the Cistercian monastery Villers-la-Ville. Arnold II of Wzemalbea, magister Hugo of Celles, and Duke Henry II of Brabant, who debated the particular reasons for the humiliiatio reliquiaria with the Chapter of Nivelles.

The settlement primarily concerned the abbey's estates at Gooik, seized by Arnold of Wzemalbea, its properties at Bergen op Zoom, as well as the dispute with Engelbert II, Lord of Herghien (1208–1237). Henry II of Brabant undertook to return the manors at Gooik to Nivelles and to compensate the abbey for the outstanding revenue from the church tithes, provided that an investigation into the proprietary rights claimed by Nivelles over Gooik confirmed the Abbey's claims unambiguously. Henry II also promised to restore the church in Bergen op Zoom to the monastery. This church was claimed by Robert de Béthune, advocatus of Arras, a great Flemish nobleman who was serving as guardian of the young son of Geoffrey III of Breda (died around 1228) and Robert's sister Mathilde. Arnold II of Wzemalbea was not directly involved in this dispute, although he was married to Beatrice of Breda, whose father, Geoffrey III, styled himself the Lord of Breda and Bergen op Zoom. The settlement also specified

187. Röcklein, "dominicae nostrae cum canonicis" (forthcoming). On December 21, 1341, the rector of the St Michaels altar sealed the charters; see Schmitt, Urkunden (1902), 119, p. 249.
188. Hoenbaex, L'abbe de Nivelles (1952), 271–278.
189. For a general discussion of these issues, see Patzold, Konflikte im Kloster (2000). For the internal contours of conflict within the Damenstift, see Röcklein, "dominicae nostrae cum canonicis" (forthcoming).
190. For the humiliiatio of the relics at Nivelles, see Hoeaex, Un aspect (1961), 129–161; Gorissen, Le compte (1952), 107–133. Hoenbaex assumes that a humiliiatio of the relics was practiced twice at Nivelles, and Gorissen three times.
194. The following practices were forbidden at the Second Council of Lyon in 1274: Ceterum deestabliben abusum horrendae indenationis illium, qui cruxis, beate Virginis aliorum sanc
torum imaginis, seu statutas, irreverentius auxus tractantiae, eas in aggravationem cessationis huissimuli prorsum in terram, articul spatium suppugant, penitus repellantur; aliquid talis de e	ento fari districtio prophikem, Conciliorum occuminescorion generalisqu inconegito decreta 2,1, ed. Garcia y Garcia (2013), ch. 16, 337–338.
197. Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), no. 977 (October 25, 1235), 225. The connection with the "first request" (primicias peticiens) of the duke is not fully clear from the text. For this peace settlement see Tit-Dieudonne, Un exemple (1958), 349–350.
that if the duke and his vassals failed to uphold the agreement, the church at Nivelles would once again impose a *humiliatio religiarius* and would not cease the "sentence of excommunication and damnation" (*vindicia excommunicationis et maledictionis*), like that previously given against the advocate Robert de Béthune (but not against the duke). 198

Duke Henry I always had provided strong backing to his *ministeriales*, notably Arnould II of Wezemael. Would his son Henry II now adopt a different strategy against the increasingly powerful Brabantine *ministeriales*? In any event, it is clear that the strong position of the Brabant nobility, especially the Wezemael, the lords of Breda or the Lords of Enghien, threatened the rights and possessions of the monastery on many fronts. This peace agreement was entered into in the church at Nivelles on 25 October 1235, after which the relics of Nivelles were elevated once again (*Relevatio reliquarium*) to celebrate the new truce symbolically on this solemn occasion. 199

Did Oda of Leez support the peace treaty reached in 1235? Her views on this treaty are unknown, but in any event, the abbess of Nivelles implemented these arrangements in a very different manner to what the Chapter had expected or hoped. About two years later, incensed, the Chapter imposed a *cessatio a divinis* against their own abbess, laying upon her, as it were, a form of excommunication. In March 1241 both parties, the abbess and the Chapter, met in Huy to reach an agreement under the direction of Robert de Thourouette, bishop of Liége (1240–1246). 200 On 26 November 1241, more than four years after the Chapter had placed the penalty of "silence" upon their abbess, Oda and the Chapter of Nivelles reached a negotiated settlement. 201 This agreement also makes it clear that when the documents in the LON refer to the "Chapter," they mean the General Chapter of Nivelles, comprising the canons and the community of canonsesses, which usually assembled twice a year.

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198 Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n°. 977 (October 25, 1235), 225. [...] quod si non factet iterum humiliaret religiis, sicut prius, et interim non cessabit ecclesia exerceere vindictam excommunicationis et maledictionem, sicut fecit usque modo contra praedictum avocatum, non contra dicent.


200 Schoelsteeners, Les regestes (1900), n°. 2, 87–88. Cum propter querelas que vertebantur inter abbatisationem Nivelicensem ex una parte et capitulum Nivelicense ex altera parte convocassamus cerum nobis ad tractandum de pace et ad faciendum pacem fercet VId ante dominicae qua cantatar "Ibi sunt dies" constitutae cerum nobis predicta abbatisation et Gerardo de Hodekeris canonico Nivelicense qui ex parte capituli Niveliensis mandatum habebat ad tractandum de pace et faciendum pacem tandem cum duixis fuitis laborationem solvantis partium in his resolvi quod de quibus quia inuicem habeabant secundum quod in litteris sigillo nostro sigillatis continetur in nos compromissurum.

201 Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n°. 990 (November 26, 1241), 248–253, here 249. *Capitulium Nivelicense casuisti contra eam per quatuor annos et stipulis [...]*. The disputes between the abbess and the Chapter, as described in the settlement, centred on who was responsible for recovering the allods alienated from the monastery and at whose expense. The Chapter argued unequivocally that this was the responsibility and duty of the abbess. This responsibility is recorded specifically in the LON in the case about the prebend from Brabant, and also was stipulated in general terms elsewhere in the manuscript. 202 Abbess Oda of Leez, for her part, asserted that she was not responsible for recovering the alienated lands and, further, that the Chapter was not authorised to demand that she do so. 203 Interestingly, the charter lists the positions of the abbess and the Chapter separately, according to the specific disputes over Gooik, Bergen op Zoom and the *burgo* of Nivelles. The Chapter referred to the terms of the settlement in 1235, complaining bitterly that the abbess had not recovered the monastery's allod in Bergen op Zoom, whether in person or through a representative, despite the willingness of Duke Henry II of Brabant to assist the monastery to reclaim it. 204 Moreover, the rights and properties that had been appropriated by Arnould II von Wezemael were yet to be restituted fully as promised in 1235, although the abbess had received some income derived from these, which she had not passed on to the Chapter. 205 The chapter had asked her on several occasions to go to Bergen op Zoom to take legal possession (saisir) of the specified properties, but she refused, and so the Chapter "maintained the silence laid upon her." 206 The abbess's attitude is astounding, as prior to her election she herself had been a member of the Chapter of canonesesses and so must have been familiar with their point of view. It seems she was unwilling to act against the Brabant nobles and ministeriales, above all Arnould of Wezemael.

As Oda von Leez refused to accept that the restitution of the abbey's properties was her responsibility, the Chapter was forced to draw on historical precedent to justify their legal position. In the charter recording the settlement reached in 1241, the Chapter regretted the absence of such documentation. As it is put here,
every abbess for the previous sixty years and more, "beyond living memory," had endeavoured, at the request of the Chapter, to recover the alienated allotodial properties at her own expense and to return them to the jurisdiction of the church of Nivelles. Because Abbess Oda of Leez had done this initially, the chapter records, she therefore accepted the restitution of the properties as the abbess's responsibility. Now, however, after only four years, she refused to continue to do so.\textsuperscript{207}

The Chapter outlined its position in this record of settlement in wording identical to that recorded in LON (Document AA).\textsuperscript{208} It is worth noting here that the Liber Ordinarius of Nivelles, together with the so-called "additional documents," assembled and preserved the decisions of the Chapter and important legal decisions. The Chapter of Nivelles, therefore, chose the Liber Ordinarius to preserve their textual memory, as in 1241 they had sorely missed being able to have recourse to a historical record of this kind. This historical record was sorely missed in 1241, when the conflict escalated for the first time. The combination of a Liber Ordinarius and internal legal records preserved in a single codex was apparently a common practice among contemporaries. The Cistercian monastery at Heisterbach maintained a Cistercian Liber Ordinarius, copied around 1350, which was extended over time to include the statutes and privileges of the order, decisions of the General Chapter, and also internal directives such as for the care of the infirm during a period of interdict.\textsuperscript{209}

The accusations levelled at the abbess by the canons and canonesses of Nivelles specifically concerned the claim that she had appropriated properties belonging to the Chapter. These complaints related to the monastery's legal jurisdiction over the city of Nivelles, where Duke Henry I had ordered the arrest of three burgurers in 1234.\textsuperscript{210} The abbess, according to the Chapter, had "invited" the duke to sit in judgment over the burgurers, thereby infringing the abbey's legal rights over the city.\textsuperscript{211} The "invitation" to the duke to exercise jurisdiction in

\textsuperscript{207} Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), no. 990 (November 26, 1241), 250–251: Item dicit caputum quid omnes abbatis, quae fuerunt in ecclesia Nivellesia infra LX annos et ultra vel a tempore ex quo non existit memoria, quando a capitulo fuerunt requisiti, procuraverunt alludia ex aliis Nivellesia distracta, alienata vel ab aliqua videlicet detenta suis sunt impetibus ad ius et proprietatem ecclesie Nivellesia revocati et domina Oda nonc abbatissa quae dam de tabulis alludis ad requisitionem capituli procuravit suis impetibus a tempore quo fuit abbatissa usque ad tempus consecussionis, de quo nonc agitare, ad ius et proprietatem ecclesie revocari quodam non in praesidium eisdem capituli facere comradicit [...].


\textsuperscript{209} Düsedorf, Universitäts- und Landesbibliothek, Ms. G 34 (Statuta, liber ordinarius et privilegia ordinis Cisterciensis, Heisterbach after 1350 with additions made into the sixteenth century). This quarto manuscript quite possibly was the personal copy used by the abbot, prior or other officials over many generations, as suggested by the sixteenth-century descriptions of the duties of the abbot, priors, subprior, cantor, and novice master at the start of the manuscript.

\textsuperscript{210} Hoebaux, L'Abbaye de Nivelles (1952), 271.

\textsuperscript{211} Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), no. 990 (November 26, 1241), 251.

Nivelles echoed the phrasing of the privilege granted by Henry III in June 1041, which stated that the abbess held the legal right to act in this manner.\textsuperscript{212} But did the wording from a charter that is preserved only in the late fifteenth-century cartulary of Nivelles in fact date back to the middle of the eleventh century, or is the paragraph the result of this controversy as a result of the abbess's attempt to reiterate her legal position?

As the record of settlement reached in 1241 has only partially survived, it is not possible to identify who was party to this agreement.\textsuperscript{213} Nevertheless, those present asserted Abbess Oda of Leez from most of the accusations and financial claims raised by the Chapter, and they also dismissed the compensation payment the Chapter demanded from the abbess. It appears that this settlement was primarily intended to resolve the matter of huge reciprocal financial claims between abbess and Chapter.\textsuperscript{214} It did not, however, resolve their respective legal disputes.\textsuperscript{215} The canonesses and canons of Nivelles also had good reason to restate their position during this dispute, choosing, as we have seen, to record the decisions of their General Chapter in writing in the locus of their "textual memory," the Liber ordinarius. Both parties must have reached some form of consensus by 1241, as Abbess Oda and the Chapter managed to work together against Henry IV of Breda, with whom they reached an agreement about Bergen op Zoom in 1246.\textsuperscript{216}

Oda of Leez ruled as abbess for thirty-five years. In view of later developments, it is doubtful whether these internal controversies could be resolved while she was in office. The Chapter of Nivelles meanwhile doggedly pursued their claims against later abbesses, and in so doing inflamed old disputes. Moreover, the contests were not due to — or not only to — any personal weakness of the women involved. This raises a question about the extent to which the respective accusations of both parties actually differed in principle, and which political strategies were most likely to succeed financially as well as to promote the rights of the affected parties.

One of the requirements stipulated repeatedly in the LON is that the abbess ought to ensure that she was invested with the regalia of the abbey from the

\textsuperscript{212} See above, 54–55, n. 109.

\textsuperscript{213} In March 1241 canon Gerard de Hodeberes represented the Chapter in the first efforts to reach agreement, led by Bishop Robert de Thourot (see above, 72, n. 200).

\textsuperscript{214} Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), no. 990 (November 26, 1241), 252 (non dictum abbatissam ab impetitione capituli absumvit).

\textsuperscript{215} In 1248 Bishop Robert of Liège had to admonish the Guardian and the Friars Minor of Nivelles to observe the excommunication imposed by the abbey of St Gertrude. The Franciscans may have sought to circumvent the excommunication the Chapter had imposed upon the city. De Forginge, ed. Wauters (1869), 156 (May 1244).

\textsuperscript{216} Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), no. 1003 (August 18, 1246), 283–284.
Is it possible that Oda of Leez no longer saw any point in protecting— or rather fighting—for the abbey’s self-governing status in the relentless, expensive and fraught struggle against the duke and the Brabantine nobility, primarily the powerful Wezemaels? For their part, the Chapter resisted any attempt to relinquish the abbey’s self-governing status and its traditional rights and liberties, under any circumstances, despite the fact that this position had failed to reflect reality for quite some time. It seems likely that Abbess Oda of Leez, and possibly also the later Abbess Elizabeth de Bierbais (Bierbeck/Bierbeek, 1278–1292), sought to work more closely with the regional lords whose growing influence had, in effect, become inescapable.

The internal dissension within Nivelles sharpened in the following years when Arnould II of Wezemael and his sons rebelled against the lordship of the Duke of Brabant. Although this contest broke out several years earlier, it escalated after the death of Duke Henry III (1248–1261), when his widow, Adelheid of Burgundy, ruled as regent during the minority of their sons Henry IV and Jean. The ambitious lords of Wezemael may have viewed the death of the duke as their moment to act. Arnould II had married into the ducal family in 1251 when he took Alia of Louvain, a daughter of Duke Henry I, as his second wife. The Wezemaels now resided in Louvain, formerly the principle city of the dukes and an important mercantile centre for the duchy of Brabant. The widowed Adelheid of Burgundy decided in favour of her second-born son, Jean, to succeed to the dukedom over the descendants of her elder son Henry IV, who appeared to be unsuitable mentally as well as physically to rule. Her decision was influenced by the counsel of leading nobles, primarily Walter VII Berthout (d. 1268 in the battle of Woringen), the Lord of Mechelen.

Arnould III of Wezemael (1264–1269/1270), the ducal marshal from 1253, on the other hand, and his brothers Godefroy, Lord of Perck and Gérard, Lord of Bergen op Zoom, championed the cause of the first-born Henry IV of Brabant. They accused Walter VII Berthout and duchess Adelheid of intriguing against the elder son, whom they regarded as the legitimate heir. The lords of Wezemael had appropriated rights and properties from Nivelles, and also from numerous other monasteries and towns, and also generated conflict with the Chapter of Liége. It is likely that the family’s support for Henry IV of Brabant was a strategy to legitimise the lordships and rights they had annexed over the years. By making the young and ambitious elder son of Henry III dependent upon them they could hope to extend their influence.

The violent conflicts reached their zenith in 1265 and 1266, such that the ducal family required an escort to travel through their territory. Arnould III was excommunicated in 1266 after he, together with his brothers, had seized the properties of Walter VII Berthout. The Wezemaels suffered a serious defeat during the hostilities and the brothers Godefroy and Gérard were imprisoned. The rebellion had failed. Arnould III was forced to surrender at the Council of Kortenberg in 1267. As a result, he lost not only his alots but also his political influence, and the family fell into serious financial difficulties. Now, in the absence of opposition, the young Henry IV of Brabant voluntarily renounced his rights in favour of his younger brother Jean and retired to the abbey of Saint-Bénigne in Dijon. During 1268/1270 Arnould III of Wezemaal managed to regain favour with the ducal family. He transferred the lordship of Wezemaal and the hereditary office of marshal to his brother Godefroy and joined the Knights Templar sometime between August 1269 and January 1270. The Brabantine marshals Arnould II and Arnould III initially had pressured the wealthy abbey of Nivelles and usurped its estates to extend their power; now perhaps they were forced out of necessity to insist upon the revenues from the estates and rights they claimed.

The clashes between the noble factions during the ducal regency and the internal conflict between the abbess and Chapter of Nivelles emboldened the citizen of Nivelles to shake off the abbey as the city’s overlord. Around 1240, as part of their attempt at emancipation, the inhabitants of Nivelles are thought to have banded together into a sworn commune. The situation had already turned violent, with inhabitants of the city breaking into the houses of the clerics and attacking their familia. The “rebels,” moreover, prevented the payments due...
were at last forced to hand over the charters concerning the foundation of their sworn commune and their alliances with other cities in Brabant, together with the seal of the commune, to the judicial vicar of the bishop of Liège, Baudouin de Rosoux, so that these symbols of civic independence could be destroyed. In compensation for the damage to the church, the burghers provided new wooden doors fitted with locks to replace those destroyed at St Gertrude. They were also required to endow a chapel in the collegiate church. Nivelles also suffered financial losses as Arnould IV of Waremme could no longer afford to meet the cost of his lease payments to the Chapter, and was therefore excommunicated. Abbess Oda of Leez’s rule ended as it had begun, in conflict. She did not bestow an easy legacy to her successor, Isabelle de Brugesle (1267–1277).

The Chapter of Nivelles had further occasion to inscribe the decisions of the “General Chapter” into the Liber Ordinarius as so-called “memories” (recordationes) (LON, Document D, I, 98), 1273: recordatum fuit per capitulum Nivelenses, irrespective of whether these collective decisions referred specifically to the prebends, that is the distributions of meat and fish, or to the rights of the abbess. The role this manuscript performed as a material repository of memory for the Chapter can be seen in its descriptions of the specific amounts of the distributions of meat and fish permitted to each of the individual canons and canonesses. The abbess was responsible to ensure these were provided. The required size of a suitably good piece of cooked meat was entered in color on the left of the wooden book cover, perhaps to make it easier to locate. The reference to this practice in the LON (Document D) probably refers to the original manuscript or to a fourteenth-century binding of extant manuscript that no longer exists. After it was rebound, the LON was placed on a lectern as a chained book, in a location (perhaps in the church of St Gertrude) where it was easily accessible to both the canons and canonesses alike.

There is no comparable example of a Liber ordinarius bound as a chained book, as they usually were kept in the sacristry. This fact underscores that MS Lat 422 acquired a very particular purpose. Firstly, the statutes and revenues of the sacristy of Nivelles were documented in it because the distribution and

\[\text{stipitata, quod etiam eorum temporariis et aliarum quacumque inauditum portam eius, immo beato Gertrudis virginis eorum patronae, frugantia ait vivendi aportandum et alia multis intollabili adversus dictum abbatissas et eius ecclesiast coemurrent.}\]

\[\begin{align*}
\text{Catalogue des actes, ed. Delescluse (1900), n°. 128 (July 19, 1265), 371–376.} \\
\text{Hoebans, L'Abbaye de Nivelles (1952), 282.} \\
\text{Catalogue des actes, ed. Delescluse (1900), n°. 129 (July 19, 1265), 377: Cum actusia factum est, ut opifciis de Nivalia modestiam abscississe et superbia curredm erigenes contra dominam suam abbatismass Nivaliensam et ecclisiast eius, multa delicta gravia perpeturant, nam sigillum commune, quod namquam habuerunt, fabricasse, communitionem inter se et colligationem seu confectionem ad ubi alias ulla oppida Brabantiae inserunt contra principum in-}
\end{align*}\]

\[\text{Stithoer/Quinell, Spaces (forthcoming).}\]
of settlement reached in 1241. Moreover, the Chapter once again imposed a cessatio a divinis upon the Abbess Elisabeth de Bierbais because the monastery and dormitory were badly in need of repair and the church lacked suitable protection.

The canons and canonesses each chose three representatives to represent them at the settlement negotiations. These amicales compositores were authorised to reach an agreement with the abbess. The deaconess, and later abbess, Yolande de Stein, and the preposita Emma de Turre acted on behalf of the canonesses. The bishop of Liége, John of Flanders (1282–1292), once again with the abbots of Villers-la-Ville and the archdeacon Jacques Castance from the Chapter of Liége, witnessed the proceedings. The abbess or her legal advisor might have attempted to evade the impending process or to suppress it as unlawful, by referring to the canon law provision: "In mulierum singularum tanquam in arbitrariciem compromitt non potest." According to this provision a woman could not take part in an arbitration proceeding. Yet in the LON it is specifically mentioned that both parties reached an agreement, demonstrating that the abbess was not restricted by this provision in this case. By virtue of her office, the abbess exercised legal jurisdiction and was thus fully authorised to conclude a settlement.

After reviewing the statutes and customs of Nivelles, the mediators concluded that the abbess was responsible for the repair of the monastery’s buildings and dormitory; and she was to provide for an adequate number of guards and church assistants (matriculari) for the church of Nivelles. A forestier was also necessary to manage the forests of Nivelles. This settlement also contained a new stipulation to banish Lombard usurers from the city of Nivelles, as well as the familiar obligation of the abbess to reclaim the monastery’s alienated property. The well-established position of the Chapter, that the abbess was obliged to recover the alienated estates according to the law and rights of the church of Nivelles, was expressed in the same terms as those in the settlement agreement of 1241. The Chapter, therefore, had strengthened its legal position in the intervening years.

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239 See the additional documents (A, B, l. M, N, O, P, Q, and R) in the LON concerning the need for candles.
241 LON, f. 96rb (Document CC, Appendix, 410, II, 327–330): Item abbatisa Nivelensis que fuerit pro tempore tenetur sobre omnes procuratris episcoporum et legatarum seulis apostolica et omnium prelatorum pro ecclesia Nivelensi.
242 Hœbanten, L’Abbaye de Nivelles (1952), 283.
243 LON, f. 96rb (Document CC, II, 406–410): Insaeur debet eadem abbatisa custodiam sufficientem poner in ecclesia Nivelensi qui faciat as que pertinent ad custodiolum. Si autem dicta abbatissae esset in defecta facienda premisa vel alia as que tenetur ecclesia Nivelensi, ecclesia potest cessare a divinis contra ipsum quosque voluerit usque ad supplementum defectuum promissorum.
244 Wautelet, Le Duc Jean Ier (1853), 232–233: "Chacun de ces statuts [which Abbess Elisabeth de Bierbais had reformulated for Nivelles], dont l’utilité ne paraît pas contestable, devient l’objet des réclamations des chanoinesses, qui semblent avoir adopté pour principe constant de ne tolérer aucune innovation, fut-elle profitable au suprême degré. L’abbaye tenait bon, le chapitre, par un abîme injustifiable des lois canoniales, lança contre elle une sentence d’interdiction."

245 See above, 72–73.
This settlement stipulates the abbess’s obligation to recover the abbey’s prerogatives, especially the jurisdiction over the city of Nivelles, more precisely: And when it comes to the church and great farms, expenses, advice and assistance (constitum et auxilia) are required against the magnates, "we declare that she [the abbess] bona fide will take care of it at her own expense in order to return these prerogatives into the law and the property of the church of Nivelles."252

At the heart of this matter was the prebend of Brabant (Lennick), from which, as we saw earlier, the monastery had not received income since 1220, and those of Gooik, which remained under the control of the Wezemael family. The settlement appears to have had little effect. In 1284 the canonsesses and canons of Nivelles assembled once again in a General Chapter (in pleno capitulo), where the senior members made a particular decree or recordatio, that if the prebends of Brabant had not been restored, the abbess was to travel to Lennick and remain there until the prebends were returned to her.253 This, too, seems to have made little difference.

The messy situation directly threatened how Nivelles governed its estates, and the burghers of Nivelles seized the opportunity offered by this state of affairs. An undated charter, probably issued in connection with this conflict between 1281 and 1286, records that the governance of the city of Nivelles was in such a parlous state that the magistrates and prudentiores finally had decided to take the jurisdiction into their own hands.254 The abbess had failed to appoint a vicarius in Nivelles, so that the city was now afflicted by stabbings, theft, robbery and other excesses, and even the violation of women.255 Accordingly, the civic leaders had summoned the Duke of Brabant "as, so to say, the highest lord of the city and advocate" and requested his counsel in confidence.256 The duke, therefore, had

This should have occurred salvo iure dominus abbatis Nivelensis. For the development of the city of Nivelles see Delanoe, Histoire (1944). Bohi’s claim that these events took place at the end of the twelfth century is mistaken; Bohi, L’abbaye, (1976). This dating is questionable based on the chronology of events, and also factually, as this document is not evidence that the city “explicitly” placed themselves under the authority of the duke.

252 LON, 97v (Document DD, Appendix, 414, II, 403–407): […] videlicet de alibus dictis et alienatis per ipsum ad ius et proprietatem ecclesiae Nivelensis reducendis, et de iustitiae Nivelensibus cum sint ardua et contra magnates et magni indigent labore, sumpta, consilio et auxilio, pronunciarnus quod bona fide tuis sumptibus procurasti ad ius et proprietatem ecclesiae Nivelensis revocare.


254 See LON, 100va–102ra (Document II, Appendix, 430–438) for the vicarius of Abbesse Elizabeth de Bierenais.

255 The text is preserved without its protocol and exchotol in the cartulary of Nivelles, Analectes archeologiques, ed. Schayes (1852), 83 (De advocatiis et Nivelensibus villas): Sciant omnes hoc scriptum videntes, quod scabitini et prudentiores de Nivela videntes villam Nivelensem esse in malo statu propter deficiunt iustitiae eam enim villam suppabit abutita, malefactores cultelis quandam percurserunt, fortis, et aliis excessuus plurima villam predicem vastaverunt, raptas mulierem commiserunt.

256 Analectes archeologiques, ed. Schayes (1852), 81: Cum autem propter tales excessus et tantum iustitiae deficiunt timorasti prudentes oppidi destructionem, dominium ducom, tansquam summun dominum ville et advocatum, vocaverant, istime supplicantes, quod ipsis consulerent.

mediated a peace within the city. This may also have presented the opportunity for the duke to establish his own prison within the city and to place leg-irons in the chapel of Nivelles.257

Further light on these events is offered by a notarial instrument dated 19 April 1286, prepared by the imperial notary Egidius de Hommel, who was summoned by the General Chapter of Nivelles expressly for this purpose.258 This document enumerates the chapter’s complaints against the abbess, representing a real low point in the long history of Nivelles. The notary had to ensure that the abbess was informed of the complaints against her recorded in the document and to announce to her the legally valid grounds by which the Chapter imposed a new cessaatio a divinis. So, at Nivelles in 1286, we see that the new legal requirements prescribed by the Second Council of Lyons in 1274 were observed, namely, that the reasons for a cessaatio a divinis had to be announced beforehand in an instrumentum publicum and in a publicly sealed document, and made known to the antagonist.259

We learn from this notarial document that the abbess, for her part, had established her own party within the community of Nivelles. By its own admission, the Chapter acted to protect the liberties and privileges of Nivelles “from you, lady abbess, and your accomplices, whoever they are, and above all against each and every member of your collegium who oppose us, the aforesaid Chapter, in public or in secret, in respect to the foregoing matters, rather than against the enemies of the liberties, rights, and the ancient and approved customs of our church […]”260 As this wording makes clear, both parties, the Chapter and the abbess, confronted one another with conflicting legal arguments about to whom the political leadership of the abbey belonged, the abbess or the Chapter. There must have been two political camps or parties, as the notarial instrument refers elsewhere to the relatives of the abbess (cognati vestri) and others, who entered and left her domus and made threats to “persons of our church.”261 Moreover, on
her frequent travels into Brabant, the abbess used the revenues from the estates of the guesthouse of Saint-Sépulcre, which belonged to the Chapter. 

The family de Bierbais was one of the oldest noble families in the duchy of Brabant. But a rift occurred within the de Bierbais family in the 1260s. Dietrich II de Bierbais, who served as standard-bearer around 1254, was among the elite of the Brabant nobility. Dietrich was mentioned for the last time in 1265, although he probably died more than ten years later, after 1276. His son Henry V de Bierbais fought as a simple knight for Duke Jean I in the battle of Worringen in 1288. It is possible, therefore, that the Bierbais family backed the Wezemaal during the rebellion against the regency of Adelheid of Burgundy.

The two families had close ties, as Ida de Bierbais (d. after 1309) married Arnould IV of Wezemain (d. 1302). Their son, Arnould V, was heir to the lordship of Wezemain. Abbess Elizabeth de Bierbais may have been a sister to Ida and Henry V de Bierbais, and so a member of that generation after the rebellion, who must have sought to make amends for the heavy setbacks and to salvage what they could for the family. Moreover, the enforcement of the rights of Nivelles over locations such as Bergen op Zoom, Gooik or Wambeek, which had long been subject to the Wezemaal, could easily flare into a conflict of loyalties.

It is quite conceivable, therefore, that Abbess Elizabeth de Bierbais felt herself bound to support her own family, whereas the Chapter of Nivelles fought tooth and nail to preserve the self-governing status of the abbey.

The notarial document of 1286 drawn up for the Chapter of Nivelles lists their grievances against the abbess by item. Firstly, the Chapter requested sufficient guards to protect the church, into which wild animals, pigs and vagabonds intruded. Although this matter had been brought to the abbess’s attention on multiple occasions, they added, she had not removed the whores, who hung around the church day and night, or the rabble, which had settled themselves here with their ovens. As a result of her negligence and the insufficient number of

matricularii, the great bells of the church had been broken, and no one had been brought to account or paid compensation for the damage. The documents in the LON mention two bells named Scielete and St Gertrude. The church of Nivelles, therefore, now remained mute and lacked the due and customary solemnity of pealing bells. The buildings of the dormitory and the convent remained, as before, in a lamentable condition, because the abbess had not or would not maintain them. There was no oversight of the monastery’s woods, so that timber and trees were chopped and sold, and the holdings were dissipated and torn asunder. There was also an old dispute about the forest rights, as the duke had installed his own forest officials. In May 1290 the duke promised in writing that he would no longer alienate the ancient forest of Nivelles, and in August he purchased part of the forest from the Templars in Vallaimont. These accusations did not fail to mention the ancient, familiar demand to recover the allod belonging to the church, or that the Duke of Brabant, his advocate and his vassals had arrogated to themselves the exercise of the rights over the city of Nivelles, which were the abbey’s by law.

This list of grievances also specifically takes up the abuses mentioned in the charter of the city of Nivelles discussed above, when, through necessity, the city had called upon the duke for assistance. The monastery’s labourers had been taken prisoner in the city and escorted to prisons outside the city. The duke’s retainers had broken into the abbey’s prison where they seized the prisoners held by the abbess, doing as they wished. The duke’s men lived and dined in the houses of the burghers of Nivelles, made proclamations in the city and exercised jusdicton. Moreover, the abbess had lent them her support by consenting to the assizes being convened in the city of Nivelles, which had already taken place since 1272/1273, while the duke’s advocate claimed the dual jurisdiction for himself. Further, the Chapter complained bitterly that the abbess had failed to ensure that the canal, which ran through her lands and powered the mill that ground flour to supply the prebends for the Chapter, flowed unhindered, so that the mill was now still and as good as useless. Elizabeth de Bierbais also had broken or refused to uphold the peace arranged previously between her and the
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Chapter, probably a reference to the first accord of 1282. Moreover, all requests from the Chapter were met with a "sober mind and deaf ears" (mente sopita et aure surda). This list of complaints suggests that abbess and Chapter were engaged in a war of attrition. Is it possible that Abbess Elizabeth de Biebors refused outright to observe the duties of her office when the Chapter left her no further room to maneuver politically?

The notarial document records one particular episode that appears to have been the straw that broke the camel’s back. It clearly demonstrates just how deeply outraged the Chapter of Nivelles had become. The abbess had stood by and watched these dire circumstances and legal violations without acting the whole time, effectively allowing them to occur. Yet a recent incident in the Nuestra Señora de Caracena of Nivelles, which was under her jurisdiction and authority, did not fail to rouse her. Compared with other events, this incident was barely worth a mention. A small cask of wine was spilled, which the Templars from Vaillamont (near Nivelles) claimed was theirs, and they threatened to bring the abbess to account before their procurators. But before the case could be determined, Elizabeth de Biebors replaced the cask of wine at her own expense. The Chapter thought she was "shocked out of a vain and conceited fear, fearful where there was no danger," and that, while in other places the greatest breaches of law remained unpunished and without redress, "we in fact have been left in anguish and sadness by you." The reference to the Templars here is also of interest, as Arnould III of Wezemael, as mentioned above, entered the Order of the Templars in 1269/1270. Duke Henry I formerly had been a strong sponsor of the Templars of Vaillamont, and they provided political backing for Arnould III of Wezemael in his struggle over power in the Duchy of Brabant as he sought to af

277 Analectes archéologiques, ed. Schayes (1852), 86.
278 I thank Walter Simons for this detail. See Hamon de Louvet, Contribution (1948), 83–85.
279 For the foundation of the Templars in Vaillamont, see Tafelny-Kempf, Rapport (1789), xxi.
280 Analectes archéologiques, ed. Schayes (1852), 83: [...] sed in loco qui dictur Nueverue, sub vestrâ jurisdictione et domino, dolum vini quodad, quod igitur propter vestrâ voluntatem et extra bonum vestrum vendaruntur, effusion, propter hoc a vobis, iustia in media, secundum quod alias pluries ibidem factum fuit in causâ similis, Tempiarius de Vaillamont, qui dicabant dictum vinum fuisse suam et in eorum previdicium et iniuriam effusion, et ob hoc vobis carum non conservatoribus trassentur in causam cum non finitum, vos varius factum perterritis, torpidiores ubi non erat timor, dolum vini de domo vestrâ ad locum ubi effusion dictum dolum fuit, deduci facientes, de dicto dolo eiusdem restitutionem faciunt, in vestrâ jurisdictionis previdicium et ecclesie nostrâ laesionem, lux vestrâ et ecclesie nostre a vobis obidicando, penam dilapidationem minime
281 See above, 84.
282 Tafelny/Wouters, Geographie (1873), 4.
283 LON, F. 96va–96r (Document EE). This peace agreement is also preserved in the Cartulaire de l’Abbaye de Nivelles f. 409r. Cf. Hoebants, L’Abbaye de Nivelles (1952), 277.
284 Cf. above, 54, n. 109.
were to ensure that the complaints of both parties were addressed. To secure the agreement, this new settlement also was sealed by John of Flanders (1282–1292), bishop of Liège, along with the provost, deacon, archdeacon and the Chapter of Saint-Lambert in Liège.

Through this agreement, the Chapter of Nivelles realised a new internal power balance for the ancient abbey of Nivelles, namely a constitutional rule by the abbess. This new distribution of power was of great importance to all involved and even had an impact on the liturgical memory of St Gertrude as the first abbess of Nivelles. In the Vita sanctae Gertrudis, Gertrude resigned the duties of office to devote herself to preparing for her death.286 This attribute was accentuated with a new valance in later liturgical commemoration. The first responsory and the third nocturn for the celebration of her feast (matins of February 10 and March 17 feasts), both of which were based on the Vita, address the danger of arrogance that could accompany high office: "Therefore, the most holy virgin Gertrude, fearing that perchance she might fall into the boasting of pride, after many exercises of virtues, resigned the burdens of pastoral leadership."287 As Margot Fassler has highlighted in her study of the liturgy, "The Gertrude encountered in the offices sung at Nivelles, is never praised in her role as an abbess, but rather as a nun who gave up her regalia for greater time at prayer."

The Easter ritual of the foot washing on Maundy Thursday provided one of the critical moments at which the relationship between the abbess and the community was negotiated.288 One of the preeminent duties of the men and women who led religious communities was to wash the feet of selected members of the community on Maundy Thursday in emulation of Christ. At Nivelles, the abbess washed the hands of the canoneses and afterwards gave a coin to each member of the convent.289 The leading members of the Chapter of Nivelles then washed the feet of the abbess, indicating that the canons were present also at this ceremony. In this ritual hand washing has the same meaning as foot washing.290 The abbess, however, was unable to fully perform a ritual integral to establishing her authority through hand washing alone. The detailed descriptions regarding the character and dimensions of the banquet, the wine, and the necessary remunerations in money (LON, Documents I, L and W), and the abbess’s obligations in this regard, on which the documents insist, underscore the great importance of the washing of hands and feet on Maundy Thursday as a sign of the abbess’s respect and the self-esteem of the canoneses and the entire community.291 It is in this context that the LON indicates the width and length of the piece of salmon (Document K) and the nature of the remuneration that the abbess must pay.292 Measures painted in red pigment, which refer in concrete terms to the size of the ration of fish for the canoneses, also occur in the context of the banquets for Maundy Thursday. All of these entries probably came into being primarily between 1282 and 1286, when the relationship between the abbess and the canoneses was apparently in a very bad state. The women thought it necessary to stipulate that the abbess could not force them to participate in a common meal: "And if the ladies and the abbess agree and wish to come to eat together in the refectory on Maundy Thursday, they can do that, but my lady cannot require them to do so, nor can she prohibit them from going if they want to."293 During this long conflict, the Chapter of Nivelles succeeded in introducing a decisive limitation to the authority of the office of abbess: she represented the abbey and all of its members, but she was obliged to fulfill the duties of her office in certain ways and was accountable to the Chapter. The canons and canoneses of Nivelles set out the scope of the abbess’s duties when they assembled as a General Chapter. The Chapter, therefore, determined the political direction of the abbey.

This second peace agreement achieved a breakthrough, as it also incorporated the Duke of Brabant and his vassals into the Chapter’s political strategy. The "second peace of the abbess" is recorded in the LON in connection with the "peace with the Duke of Brabant" (document FF, La lettre des paix de duc de Brabant).294 Duke John I of Brabant (1252/1253–1294) emerged victorious from the battle of Worringen in 1288, after which the duchy of Limbourg and the protective lordship over the diocese of Liège were incorporated into the duchy of Brabant. Accordingly, Jean I styled himself "by the Grace of God, Duke of Lotharingia, Brabant and Limbourg."295 The wording of this second peace agreement, concluded on 15 January 1290, is also preserved in the cartulary of Nivelles.296

In choosing to preserve this version in the Liber Ordinariorum, the Chapter of Nivelles was evidently aware that this was a decisive moment in their existen-
tial struggle. Of interest to us here is that the settlement between the Chapter of Nivelles and Abbess Elizabeth de Bierbais also incorporated his son Jean II, his brother Godfrey of Brabant, the ministerial families, the lords of Diest and von Walhain[296], and, most importantly, the lords of Wezemaal. Through this agreement the abbess lost any political backing for potential maneuvering against the Chapter. This aspect reinforces the likelihood that two parties were behind the split within the community, each of which pursued different political strategies, fighting fiercely to claim the extensive lordship of Nivelles and its influence within the power structures of Brabant.

These participants were witness to the veracity and compliance of the peace agreement, sealed with the seals of Dukes Jean I and Jean II. The duke conceded jurisdiction over the city of Nivelles to the abbess, which she could exercise according to her prerogatives, unless a magistrate of Nivelles determined a judgment against her and imposed a penalty. If the magistrate gave judgment against her, the advocate ought to demand the penalty without further question. The advocate, however, ought not to interfere in debt recovery within the abbess’s jurisdiction. Duke Jean now undertook to remove the prison and the leg-irons near the chapel of Nivelles, as well as from elsewhere within the abbess’s jurisdiction. In addition, the burgheurs of Nivelles should not be ordered to travel further than Genappe without permission. Finally, the ducal advocates, his officials and foresters were not subject to the civic laws of Nivelles but to the ducal court, although if they incurred debts, they could be arrested.[297]

This second agreement between the Chapter and the abbess, together with the settlement between the duke and the Brabant lords, was a decisive breakthrough for the Chapter of Nivelles. The LON records the success of the party that had fought for the ancient liberties and the abbey’s self-governing status (Reichsunmitelbarkeit) through the peace with the duke and his vassals. The oath, which Abbess Yolanda of Stein was compelled to swear in 1293 and which was intended to serve as an exemplar for future elections, included the promise that “I (the oath is written in the first person) maintenirai le prince de Nivelles, that is, she would protect its status self-governing status.[298] This victory was obviously the prerequisite for Abbess Elizabeth de Bierbais receiving the regalia from the

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296 The families of Wezemaal, of Rotseal and of Walhain all formed part of the Brabantine ministerials; Van Ermen, De familie Wezemaal (1985), 47.
297 See document LON, f. 92v/rb (Document L, Appendix, 392, II, 160–163), in which all lay people of the city of Nivelles whose duties obliged to serve the abbey are named, the aldermen (eschevins), the mayor, the lawmen and the foresters: […] eschevins de la ville de Nivelles a chacun une chandelle prouvenus et un siewlins pour leur feme. Et ausi doibt il a maerue une prouvenus et un siewlins. Et astrecies chandelles doient avoir li ius et li foresters. They are here denominated by a gift of a coin and a candle.
298 LON, f. 101ra (Document J, I, 756), prncet reflects the Latin title of the abbess as principe imperii, see above, 76, n. 219.
Bierbaiz’s investiture was surprised that Nivelles made only one payment for the act of investiture, an amount of 50 Livres tournois, rather than the customary annual payment of this sum. This detail also was noted carefully in the LON. In 1294 the son of Jean I, Jean II (d. 1312) succeeded to the duchy of Brabant, which gave rise to an opportunity to reformulate the ducal adventus at Nivelles. A brief, most likely older, entry about the ducal adventus here was already preserved in the LON (Document S). The recent accord struck between the duke and the abbey appears to have prompted the Chapter of Nivelles to record how the solemn ceremonial reception of the duke was observed on this occasion in the LON (Document MM) (f. 102va: *Nota quando duos Brabaniones venit naviter apud Niveliam [...]*). The great bells ought to peal while the canoneses and canons in silk capes, and the deacon and the hebdomarian in their robes of office, processed towards the duke. As they entered the church the canons intoned the responsory *Honor virtut et potestas et imperium.* A chair for the duke was prepared in the middle of the church. It is clear that the duke accorded great significance to the event, as he was accompanied by his wife, Margaret, the daughter of the English King Edward I. As was customary on such occasions, Duke Jean II presented a precious textile to the abbey, and the city of Nivelles gave him a gift of natural produce, yet the Liber Ordinarius records that the Chapter made no offering. The abbess however, it records, could offer something if she wished.

In February 1288 the bishop of Liège, John of Flanders (1282–1292), organised a three-day provincial synod, at which the oldest surviving diocesan legislation for Liège was promulgated. The Chapter recorded elsewhere in the Liber Ordinarius of Nivelles (Document CC) that the abbess, by virtue of her office, participated in the episcopal synods. In doing so, she was fulfilling her representative duty on behalf of the community of Nivelles. As the incumbent of a prelature the abbess was obliged to participate in the synod in the same way that the abbesses of collegiate foundations (Stifte) in the diocese of Strassburg took part in an episcopal synod in 1264.

Elizabethe de Bierbaiz received the invitation from the bishop of Liège for the three-day synod, to be held in St Lambert’s church from 24 February 1288. This momentous occasion is described in considerable detail in the final additional document in the LON (NN and OO). The synod was opened by Philippe, abbot of Lobbes (1288–1290), arrayed in his pontifical robes, with crosier, mitre, and a pluviale of silk brocade. He blessed the participants and read the Gospel text for the Octave after Easter (John 20, 19–31: *Cum vero esset die illo.* Seated to his right was the abbot of Saint-Pierre d’Hély, and seated to his left and right were the Liégeois archdeacons of Campine, Hesbaye, Brabant, Hainault, Condroz, Famenne, and Ardenne, also robed in pluviales of silk brocade. The abbess of Nivelles, robed in a superpellicia to signify her status as a spiritual participant of the synod, was seated to the left, next to the archdeacons. The LON stresses that no other woman was seated above her; the canoneses (domicelle) and canons were seated at her feet. The clerics of Nivelles wore surcoats (tabards) or breastplates (gardecoirs), that is recognisably secular clothing indicating they were present as part of the abbess’s entourage rather than as spiritual participants in the synod.

The bishop of Liège arrived at the synod on the following day, when he addressed the assembly. On the third day the bishop presented the statutes to the synod, which were adopted by the synodal assembly. The abbots with the privilege wore their pontifical insignia of a silk mantle and mitre. They also carried their crosiers and were seated on folding chairs. The abbess of Nivelles, on the other hand, was seated in an armchair, in the same manner as the archdeacons to the left and right of the bishop. The deacons, seated behind the abbots, wore alb and stoles, clearly identifying them as spiritual participants in the synod, in contrast to the canons from Nivelles. Whereas the other participants in the synod departed after the conclusion of proceedings, the deans remained, so that they could receive an authorised copy of the synodal statutes.

The abbess’s participation in the synod was recorded in the LON as a precedent. This event is mentioned in a additional document (OO), where it is emphasized by a red initial. “The church of Nivelles,” it states, “sends no person other than the abbess, even if [the canons] are to be invited to the synod, because there is no obligation for the canons to attend the synod, but the abbess alone by virtue of her prelature and the deacon too by virtue of his prelature (...). And this was done at the synod in 1288 in Liège in St Lambert’s Church described above.”

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[301] LON, f. 102vb (Document KK, Appendix, 438).
[303] LON, f. 94vb (Document S, Appendix, 400).
[305] CANTUS 0006870.
[306] See the edition of the Statutes, Les statuts synodaux, ed. Avril (1996). I am indebted to Philipp Sennig, Düsseldorf, for his assistance with numerous details, especially concerning this text.
[307] LON, f. 99vb (Document CC, Appendix, 410, II, 330–331); Debet etiam dicta abbatissa synodum episcopalem et generalem tum pro se quam pro ecclesis Nivellensis et personas eiusdem [attendere].
[311] For the hierarchy of the Liégeois clerics, see the introductory remarks to Les statuts synodaux, ed. Avril (1996), 20–21, and ch. XVI, 157–166, for the duties of the archdeacons and deacons.
[312] Les statuts synodaux, ed. Avril (1996), 97, ch. 1 De synodo: Item, precipium quod [...]
deam invitantam recantat, habent omnem constitutiones presentis synodi scriptum, et eas legant et intelligant, et ut super aliquas hebetinentur vel dubitant, petant et requirant eae nos vel officiam nostrum sibi exponi antequam recantat a synodo.
[314] 1282 according to the manuscript, following the Easter-dating used in the archdiocese of Cologne.
The abbess and Chapter appear to have reached an enduring consensus in the period following the peace settlements. They now worked together, as we see, for example, at the Synod of Liège but also when they decided to open the tomb of the foundress of the abbey, St Gertrude. Abbess Elisabeth de Bierbais, together with representatives of the Chapter of Nivelles, opened the tomb on the feast of St Kylian, 8 July 1292. The tomb was opened at “the command and direction of the Chapter of Nivelles” (ad praeceptum et ordinationem capituli Nivellensis). Abbess Elisabeth de Bierbais seems to have complied with the Chapter’s instruction.

In later centuries Abbess Elizabeth’s involvement in the opening of St Gertrude’s tomb became the stuff of legend at Nivelles. In 1637 Joseph Geldof van Ryckel recorded in his Historia S. Gertrudis principis virginis the tale that Abbess Elizabeth had died only several weeks after the opening of the tomb, relating that her death was thought to be punishment for disturbing the saint’s resting place. Elizabeth, however, died in August or September of 1293, over a year later. As Walter Simons argues in his analysis of the date of the tomb opening, there is nothing to suggest that the rumours of a curse having been placed on Elizabeth, as reported by van Ryckel, actually circulated among contemporaries.

Closer analysis of how this story about the tomb opening was transmitted, though, is of interest as it enables us to draw some conclusions about the likely exempla for the LON. Van Ryckel’s account of the tomb opening gives the date as 1292, together with the intriguing comment that his source was an “old manuscript codex from the church of Nivelles” (ex antiquo m[anu] s[cripto] Codice Nivellensis ecclesie). Van Ryckel based his account of the tomb opening from a “book chained to one of the canonsess’s choir stools.” It is tempting to ask whether Van Ryckel used the account preserved in the LON, which he may have found still in place near the choir stools of the canonsesses.

Closer examination reveals further differences between the wording of the entry (Y) LON and van Ryckel’s account. The LON records ante divisionem Apostolorum rather than in divisione, the magister is named Theodoricus de Ulmo and not de Ulmus, and the LON records Emma de la Tour as praeposita and not Wilhelmina de la Tour, who may have been Emma’s biological sister. Van Ryckel’s published version makes no mention of the canons (canonicis et canonice, LON f. 95rb) and the year was moved to the beginning of his account. The number and nature of these textual differences make it unlikely that Van Rijkel based his account on the entry in the LON. Of note, too, is the evidence that manuscripts for shared use evidently were chained then as lecture books in the canonsesses’ choir at St Gertrude, perhaps counting the LON among their number.

The textual similarities between the entry in the LON and the version published by the Bollandists in the Acta sanctorum (March, vol. II) in 1668 strongly suggest that both versions were taken from the same manuscript or its exemplar. The wording of the entry opened with a charter formulary Noverint universi […] and is thought to offer the better text in contrast to the variants published by Van Rijkel. The text in the LON also mentions that the relics were displayed all day and into the night (dicta die aec nocte). The final sentence also has been rephrased.

The manuscript used by the Bollandists as the exempla for the account of the tomb opening is thought to have been the same as the one from which the entry in the LON was taken. This manuscript also preserved a record of the miracles that occurred later at St Gertrude’s tomb. Of particular interest here is that the year of 1292 was embedded into the historical tradition of the tomb opening from an early date. These events must still have been remembered vividly around 1300, and even associated with the death of Abbess Elisabeth de Bierbais in 1293.

The additional documents in the Liber Ordinaris conclude with the account of the Synod of Liège. Yet the conflict over the self-governing status of Nivelles did not end there. It remained alive, too, when Abbess Yolande of Stein succeeded in obtaining confirmation of the abbey’s self-governing status and her investiture with the regalia from the Holy Roman King Adolph of Nassau in 1294. The king was represented at the conferal of the regalia by a relative of the abbess, Count Arnoud III of Louvoz. The abbess’s difficulties did not finish there. Duke Jean III made the abbess pay when she dared to take possession of the monas-tery’s estates, forcing her to compensate him for this loss. This incident under-
lines just how much personal courage the abbesses of Nivelles required if they were to assert their traditional rights effectively. The self-governing status of Nivelles was contested yet again by Emperor Charles IV in his early years during a period of political instability.25

The Chapter of Nivelles had fought an important battle and preserved the testamentary memory of their success in the LON for their later use. The community of the canons and the canonesses had acquired political responsibility from the beginning of the thirteenth century at the latest, and, as they sought to assert this authority, they required a documentary record of their collective decisions as a basis for future action. The Liber Ordinarius, Houghton Library, Ms. Lat 422, thus represents the beginning of an independent administrative activity by the Chapter. There appears to have been no established form in which to record the "memory of a community," so the Chapter chose to use the Liber Ordinarius in which to preserve instructions for how the abbess, canonesses and canonesses were to work together. As stated before the Chapter very likely commissioned or produced the manuscript and the copy as which Ms Lat 422 appears themselves. The statutes for the protection of the church of St Gertrude, which the Chapter – not the abbess – established and recorded here, also originated from these circumstances.

In documenting these provisions the Chapter made an important step towards assuming full responsibility for the complex spiritual arrangements within Nivelles. So it is not surprising that the manuscript was a chained book as late as the fifteenth century, perhaps in the church of St Gertrude where the General Chapter were held, in any case in a location visible to everyone, making it accessible to all of the community. This manuscript served as a witness for later generations of the Chapter to the harsh, but ultimately successful, struggle of the canons and canonesses of Nivelles; they had asserted their claims to preserve the abbey's ancient liberties and its self-governing status during the decisive decades of the thirteenth century. In doing so they also answered the question open for debate at the beginning of the century: "Who is the church of Nivelles?" The answer was now clear: the Chapter, the community of the canonesses and canonesses of Nivelles.

25 Constituciones 9, ed. Kühn (1974–1983), n. 179 and n. 180, charter of King Charles IV (27 February, 1349), 139: Emperor Charles IV repealed his ruling confirming the self-governing status of Nivelles and required the abbess and convent of Nivelles to accept the regalia from the Duke of Brabant. Nivelles refused to do so, and in 1351 Charles IV again directed the abbess of Nivelles to accept the regalia only from Duke Jean of Lothringia, Brabant and Limburg, Constituciones 10, ed. Kühn (1979–1991), n. 359 (26 November, 1351). In 1354, when Charles IV held the throne more securely, he repealed this decision. In a charter issued in Luxembourg on 14 March, 1354, he permitted the abbess of Nivelles to be invested and receive the regalia of the Empire from Duke Jean of Brabant, acting as his representative, Constituaciones 11, ed. Fritz (1978–1992) n. 98, 66. See Rowan Dorin's essay in this volume, 147–148.