

Spätmittelalter, Humanismus, Reformation

Studies in the Late Middle Ages,
Humanism, and the Reformation

edited by Volker Leppin (Tübingen)

in association with

Amy Nelson Burnett (Lincoln, NE), Johannes Helmrath (Berlin),
Matthias Pohlig (Berlin), Eva Schlotheuber (Düsseldorf)

111



The Liber ordinarius
of Nivelles

(Houghton Library, MS Lat 422)

Liturgy as Interdisciplinary Intersection

Edited by

Jeffrey F. Hamburger and Eva Schlotheuber

Mohr Siebeck

Jeffrey F. Hamburger is Kuno Francke Professor of German Art & Culture at Harvard University MA, USA.
orcid.org/0000-0002-1103-1692

Eva Schlotheuber is Full Professor for Medieval History at the University of Düsseldorf.
orcid.org/0000-0003-3762-2818

Acknowledgments

The editors are deeply grateful to the Radcliffe Institute of Advanced Study for having sponsored the exploratory seminar at which the contributors to the volume were first convened. Two days of intensive discussion and debate at Radcliffe laid the groundwork for this volume. We also owe a great debt of thanks to William Stoneman, then director of the Houghton Library, who with his characteristic good will regarding both the research and teaching missions of the University responded with alacrity and determination to Professor Hamburger's suggestion that the Library seek to acquire so extraordinary and unique a witness to the history of such an important institution. Essays originally written in German were translated into English by Jeffrey F. Hamburger and, in the case of that by Eva Schlotheuber, by Julie Hotchin (Canberra), whom we thank for her careful, conscientious translation. Last, not least, we wish to thank the Houghton Library for having made possible the acquisition and, no less, for having made the manuscript available to us and our colleagues on more occasions than we care to count.

ISBN 978-3-16-158242-4 / eISBN 978-3-16-158243-1
DOI 10.1628/978-3-16-158243-1
ISSN 1865-2840 / eISSN 2569-4391 (Spätmittelalter, Humanismus, Reformation)

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available at <http://dnb.dnb.de> abrufbar.

© 2020 Mohr Siebeck Tübingen, Germany. www.mohrsiebeck.com

This book may not be reproduced, in whole or in part, in any form (beyond that permitted by copyright law) without the publisher's written permission. This applies particularly to reproductions, translations and storage and processing in electronic systems.

The book was typeset by epline in Böblingen using Minion typeface, printed on non-aging paper by Gulde-Druck in Tübingen, and bound by Spinner in Ottersweier.

Printed in Germany.

Table of Contents

Acknowledgments	V
Introduction	1
The Manuscript	
<i>Jeffrey F. Hamburger</i>	
Description of the <i>Liber ordinarius</i> of Nivelles, Houghton Library, MS Lat 422 and the Date of its Decoration	11
<i>Albert Derolez</i>	
Codicology and Paleography of the Nivelles <i>Liber ordinarius</i>	15
The Context	
<i>Eva Schlotheuber</i>	
Pilgrims, the Poor, and the Powerful: The Long History of the Women of Nivelles	35
<i>Walter Simons</i>	
Worlds Apart? Beguine Communities of Nivelles and the Abbey of St Gertrude, from Marie d'Oignies (d. 1213) to the <i>Liber ordinarius</i> (c. 1300)	97
<i>Rowan Dorin</i>	
Order and Disorder: The Documentary Additions to the <i>Liber ordinarius</i> of Nivelles	133
The Cult	
<i>Bonnie Effros</i>	
Elizabeth de Bierbais and the Relics of Gertrude of Nivelles	153

<i>Alison I. Beach</i>	
<i>Placet nobis electio</i> : The Election and Investiture of the Abbess at Fourteenth-Century Nivelles	165
<i>Margot Fassler</i>	
Liturgical History and Hagiography as Reflected in the Ordinal of Nivelles, with Emphasis on the Cult of St Gertrude	175
The Liturgy	
<i>Louis van Tongeren</i>	
Holy Week in Nivelles	239
<i>Charles Caspers</i>	
On the Road: The Processions of the Canonesses of Nivelles and their Attitude towards the Outside World (c. 1350)	255
The Architecture	
<i>Klaus-Gereon Beuckers</i>	
The Abbey Church of St Gertrude in Nivelles: Observations regarding its Architectural Disposition	279
<i>Andreas Odenthal</i>	
<i>Maiorem ecclesiam esse matrem omnium ecclesiarum totius villae</i> : On the Sacral Topography of Nivelles based on the <i>Liber ordinarius</i>	313
The Documents – Edition, Commentary, and Translation	
<i>Thomas Forrest Kelly</i>	
Personnel of the Church of Nivelles as seen in the <i>Liber ordinarius</i>	341
<i>Virginie Greene</i>	
The French of Nivelles: A Vernacular Legalese in the Making	359
<i>Hannah Weaver</i>	
Note on the Language of the Documents Pertaining to the Abbey of Nivelles	379
<i>Eva Schlotheuber and Jeffrey F. Hamburger</i>	
Document Edition and Translation	380

Abbreviations	447
Bibliography	449
Color Plates	485
Index of Names	503
Index of Places	509

Pilgrims, the Poor, and the Powerful
The Long History of the Women of Nivelles¹

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.²

Together with the documents and notices appended to it, the *Liber Ordinarius* 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 Ordinarius* 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: *Quisnam in Europpa habitans, huius progenie altitudinem, nomina ignorat et loca?* 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 Stenzig, 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.³ 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 canonesses.⁴ The community held extensive ecclesiastical rights of lordship, including rights as patron over eleven parish churches⁵ 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 Brussels. 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.⁶ 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" (*nobilem prandium*). The *Vita*

³ *Vita sanctae Geretrudis A*, ed. Krusch (1888), ch. 3, 457. According to Muschiol, *Famula 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 sacratae* 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 Gereon Beuckers, 287.

⁵ For women's communities as patrons of parish churches, see Röckelein, *Frauenstifte* (2009).

⁶ Schieffer, *Karolinger* (2006), 14.

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."⁷ 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.⁸

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 Austrasian 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).⁹ 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 (*Romarici Mons*) after him.¹⁰ 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 Ansegisel 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 Amand¹¹, 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

⁷ *Vita sanctae Geretrudis A*, ed. Krusch (1888), ch. 1, 454: *Dum Pippinus, genitor suus, regem Dagobertum domui sue ad nobilem prandium invitasset, adveniens ibidem unus pestifer homo, filius ducis Austrasiorum, qui a rege et a parentibus puellae postulasset, ut sibi ipsa puella in matrimonium fuisset promissa secundum morem saeculi propter terrenam ambitionem et mutuum amicitiam*. On these events see also Fox, *Power* (2014), 179–180.

⁸ Fox, *Power* (2014), 179–180.

⁹ Not without political ambition, four monasteries were founded by the Pippinids in these years: Cugnon (646/547), Stablo-Malmedy (647/648), Nivelles, and Fosse (651); Petraschka, *Fränkischer Adel* (1999), 40; Fox, *Power* (2014), 89–93.

¹⁰ Schieffer, *Karolinger* (2006), 16.

¹¹ Dierkens, *Saint Amand* (1986), 225–234.

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 Iduberga appointed Gertrude as the first abbess of Nivelles, which, as a spiritual foundation, served as a secure centre for the family.¹³

Iduberga 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 envoys, 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 Iduberga, Gertrude, and her brother Grimoald received abbot Foillan (d. 655/656) and his brother Ultan in Nivelles. Ultan 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 Nivialense*.¹⁵

In 652 Iduberga, Gertrude and Grimoald 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 Ultan] were expelled by the *patricius* [Erchinoald], who despised the pilgrims, but they were honourably received by the most religious handmaiden of God, Iduberga, also named Itta, and her daughter, the sacred virgin of Christ, Geretrud. With Grimoald 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.

¹² Muschiol, *Famula Dei* (1994), 36.

¹³ The charter of King Otto I refers to the possessions of Nivelles as the "inheritance of Gertrude": DO I, n°. 318 (January 24, 966), 432–433, here 433 (*hereditas sancte Gertrudis sita in pago Tessandria [...]*).

¹⁴ *Vita sanctae Geretrudis A*, ed. Krusch, ch. 2, 457: *Erga ecclesiastica studia vasa summo studio pastorem habet curam, et per suos nuntios, boni testimonii viros sanctorum patrocinia vel sancta volumina de urbe Roma et de transmarinis regionibus gignaros [sic] homines ad docendum divini legis carmina, sibi et suis meditandum, deo inspirante, meruisset habere*. Translation in *Sainted Women*, ed. MacNamara/Halborg et al. (1992), 231. See also Petraschka, *Fränkischer Adel* (1999).

¹⁵ *Additamentum Nivialense*, ed. Krusch (1902), 449–451.

¹⁶ *Additamentum Nivialense*, ed. Krusch (1902), 450: [...] *despiciente expulsi sunt, sed a religiosissima dei famula Idobergane cognominatae Itane eiusque filia sacra Christi virgine Geretrude honorifice suscepti sunt, ipso etiam Grimoaldo praeside eisdem sanctis congratulante viris, atque*

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 Iduberga'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 abbess following the Irish model.¹⁷ For this reason, the *Virtutes sanctae Geretrudis* depicts the first Abbess Gertrude as *gubernatrix famulorum famularumque Christi*.¹⁸

The *Vita sanctae Geretrudis*, composed around 670, and the accounts of the miracles that occurred after her death, written about thirty years later (*De virtutibus, quae facta sunt post discessum beatae Geretrudis abbatisse*, around 700) and their continuation (*Virtutum sanctae Geretrudis 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 Nivialense de Fuilano*, 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 Iduberga, Grimoald, and her daughter Gertrude.²¹

Over time the female monastery at Nivelles developed into an important political, economic and social centre for the Pippinids.²² After a power struggle following his death, Gertrude's brother Grimoald eventually succeeded their father in 642/643 as mayor of the palace of Austrasia. Grimoald used his influential position to promote Hiberno-Frankish monastic ideals. He was instrumental in appointing Remaclus, a monk from the Columban foundation of Luxeuil, to lead the double abbey of Stablo-Malmedy.²³ Grimoald's position of power alongside King Sigibert III led to a crisis in the second half of the seventh century. Grimoald succeeded in persuading the king to adopt his son Childebert, although

in villa, quae ex nomine fluminis decurrentis nuncupatur Bebrona ordinate monasterium religiosorum construxit monachorum [...]. Translation in *Late Merovingian France*, ed. Fouracre (1996), 322. This account highlights the political dimensions of the exile of the Irish missionary by Erchinoald, the Austrasian mayor of the palace, and Ultan's honourable reception by Gertrude and Iduberga. Sternberg, *Orientalium more secutus* (1991), 276.

¹⁷ Dierkens, *Saint Amand* (1986), 331; Angenendt, *Frühmittelalter* (1995), 217–218; Angenendt, *Heilige* (2007), 205–208; Petraschka, *Fränkischer Adel* (1999), 44.

¹⁸ *Vita sanctae Geretrudis A*, ed. Krusch (1888), *De virtutibus*, ch. 1, 465.

¹⁹ *Vita sanctae Geretrudis A*, ed. Krusch (1888), 447–474. For the discussion of authorship, see Stocq, *Vie critique* (1931), 13; 28–31, and *Late Merovingian France*, ed. Fouracre (1996), 305–306. Petraschka, *Fränkischer Adel* (1999), 53, argues for different authors of the *Vita* and the *Virtutes*. McKitterick, *Women and Literacy* (1994), 26–27, discusses the possibility of a female author.

²⁰ *Late Merovingian France*, ed. Fouracre (1996), 309.

²¹ *Additamentum Nivialense*, ed. Krusch (1902), 449–451.

²² Prinz, *Frühes Mönchtum* (1988), 185–191. Schieffer, *Karolinger* (2006), 18.

²³ Schieffer, *Karolinger* (2006), 19.

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'Etat. Grimoald met with bishop Dido (Desiderius) of Poitiers to progress the scheme at Nivelles in February 656, where a *placitum* or judicial court was being held.²⁵ Those present at the *placitum* agreed to tonsure 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 *placitum*. The extreme political sensitivity of these events manifested itself in their having been murdered and buried in a pigsty 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 Austrasia.

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.³⁰ Nivelles was now the most important safe haven for the family. In these dire circumstances, Gertrude designated her niece Wulfetrud, Grimoald's daughter, as her successor. Wulfetrud became the second abbess of Nivelles after Gertrude's death in 659. According to the *Vita Geretrudis*, the new abbess faced considerable opposition that threatened the abbey's existence: "Kings, queens and bishops wanted to remove her from office

²⁴ Hamann, *Chronologie* (2003), 54–58.

²⁵ *Additamentum Nivalense*, ed. Krusch (1902), 450–451; Ewig, *Staatsstreich* (1975), 576. Becher, *Staatsstreich* (1994), 119–147, and most recently Hamann, *Chronologie* (2003), 62–64.

²⁶ Hamann, *Chronologie* (2003), 62.

²⁷ *Additamentum Nivalense*, ed. Krusch (1902), 451: *Et res sic* [the murder of Foillan and his companions] *multis latuit diebus, quia eorum vestimenta et caballus et quicquid habebant foras transmittentes longe habitantibus vendiderunt. Sed cum ad dictum placitum minime pervenissent, commoti fratres caritatis sollicitudine, eumquaque ubi et ubi denunciantes quaesierunt.*

²⁸ Becher, *Staatsstreich* (1994), 121–124.

²⁹ Hamann, *Chronologie* (2003), 83–84, 87–90.

³⁰ Schieffer, *Karolinger* (2006), 19–20.

out of hatred of her father, first by persuasion and then by force, so as to seize the possessions of God, over which the virgin presided, illegally for themselves."³¹ Although this attempt failed, it clearly demonstrates the role of Nivelles as the dynastic centre of the family, a status that would prove crucial in later events.

The foundation of women's monasteries became a successful dynastic strategy for the Pippinids from the seventh century, when Gertrude's sister Begga also established a monastery towards the end of her life. The Pippinids owed their restoration to their former position of power to Begga.³² Her marriage with Ansegisel produced Pepin of Herstal (Pepin II), whose son Charles Martel in turn acquired quasi-royal status in Austrasia. In 691/692 Begga turned to the women's community in Nivelles for support for her monastic foundation at Andenne. Agnes, who had succeeded Wulfetrud as third abbess of Nivelles, assisted Begga by providing liturgical books and relics, including a piece of St Gertrude's bed.³³ Nivelles and Andenne, together with Oeren near Trier, formed part of a wider family network of women's religious communities that accompanied and supported the rise of the Carolingians.³⁴ Nivelles stood out as an important retreat for female members of the Carolingian royal family, especially for the celebration of major liturgical feasts. For example, in 797 Alcuin reported to archbishop Anno of Salzburg that Queen Luitgard spent the feast of the Assumption with her children at Nivelles.³⁵

II. Care for the Poor and Infirm at Nivelles: *Matriculum, xenodochium, and Hospitals*

Hospitals and other institutions providing poor relief are difficult to identify in the textual record. The actual functions of hospitals, *xenodochia* (a form of hospice or hospital usually for pilgrims) and guesthouses for pilgrims are impossible to distinguish solely by the terms used to refer to them.³⁶ Evidence for care

³¹ *Vita sanctae Geretrudis A*, ed. Krusch (1888), ch. 6, 460: *Contigit 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 benedicta puella praeerat, iniquiter possiderent.*

³² Prinz, *Frühes Mönchtum* (1988), 190. See also Hoebanx, *L'Abbaye de Nivelles* (1952).

³³ *Vita sanctae Geretrudis A*, ed. Krusch (1888), ch. 10, 499.

³⁴ Prinz, *Frühes Mönchtum* (1988), 186–194.

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 iturae sunt ad Nivella, ut ibi missam sanctae Mariae agant.*

³⁶ See Pauly, *Hospitaler* (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, *Armenfursorge* (2017), 81–105. The foundational studies remain Boshof, *Armenfursorge* (1984); Mollat, *Etudes* (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.³⁷ 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 guest-houses (*tectum hospitibus praebens*) and the *famula 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 handmaiden of God [Iduberga/Itta] 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 [...]."³⁸ 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 abbess Gertrude. The *Vita* thereby affirms the account in the *Additamentum Nivialense*.³⁹ 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."⁴⁰ Under

³⁷ Sternberg, *Orientalium more secutus* (1991), 275. The foremost study is Delattre, *L'Hôpital* (1963), 7–17.

³⁸ *Additamentum Nivialense*, ed. Krusch (1902), 450: *Contigit hic, postquam predicta dei famula, multis elemosinarum fructibus per diversa loqua dispensatis multisque pauperibus consolatis, multis etiam peregrinis cum omni humanitate susceptis, esurientes reficiens, algidos vestiens, tectum hospitibus praebens, immensa quoque munera divinis ministeriis exhibens sanctarum virginum agmen cum supradicta nobili in domino confirmans, ad superna commigravit regna, vir domini Foillanus, de quo supra memoravimus, pro utilitati grege sibi commissi iter aggreddiens [...].* English translation from Late Merovingian France, ed. Fouracre (1996), 327–328.

³⁹ *Vita sanctae Geretrudis* A, ed. Krusch (1888) ch. 2, 456 (*curis pauperum et peregrinorum provida, infirmis et senibus pia*).

⁴⁰ *Vita sanctae Geretrudis* A, ed. Krusch (1888) ch. 3, 458: *Item sanctorum ecclesias et alia praecipua aedificia ex fundamentis construxit et orfanis, viduis, captivis, peregrinis alimonia cotidiana cum omni largitate ministravit.* For the close connection between charitable activities and Benedictine hospitality, see Schuler, *Gastlichkeit* (1983), 21–36.

Gertrude's leadership Nivelles became a place of retirement for (noble) widows and their children, for orphans and *peregrinae*, or female pilgrims, as we learn from the *Virtutes sanctae Geretrudis*.⁴¹ Her niece Wulfetrud, raised from her infancy in Nivelles, also distinguished herself by her service to the poor, proving her worth to succeed to the office of abbess.⁴² Gertrude distributed "in [her] usual custom" generous alms to the poor and destitute (*solito more per pauperes et egenos largas elemosinas tribuit*) until her death, modelling the Benedictine ideal of hospitality.⁴³ 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.⁴⁴ 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."⁴⁵ 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 abbess, 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 Muschiol, *Famula Dei* (1994), 44–47.

⁴² *Vita sanctae Geretrudis* A, ed. Krusch (1888) ch. 6, 460.

⁴³ *Vita sanctae Geretrudis* A, ed. Krusch (1888) ch. 6, 461; see in general *Gastfreundschaft*, ed. Peyer (1983).

⁴⁴ Schuler, *Gastlichkeit* (1983), 26–28.

⁴⁵ *De virtutibus*, ed. Krusch (1888), ch. 5, 466–467: *Tunc parentes illius puelle tulerunt eam et secum duxerunt ad monasterium Nivialae, ut saltim ibi invenirent aliquos medicos, qui eam curare potuissent. Tunc in ipsa nocte apparuit ei sancta Geretrudis per visum et dixit ad eam: 'Puel-la, noli dubitare, sed crede in domino Iesu Christo et vade ad lectum, que est positus in ecclesia [sic] beati Pauli apostoli, ubi Geretrudis requiescere solebat. Ibi acceptura eris sanitatem de omni tribulatione, que in corpore tuo pateris.'* 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.⁴⁶

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.⁴⁷ 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 (*puella*)⁴⁸ 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.⁴⁹ 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 (*caritas*) for this day."⁵⁰

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 com-

⁴⁶ *Vita sanctae Geretrudis A*, ed. Krusch (1888), De virtutibus, ch. 7, 468.

⁴⁷ Muschiol, *Famula Dei* (1994), 44–47.

⁴⁸ Muschiol, *Famula Dei* (1994), 47–63 (*virgines/puella*).

⁴⁹ *Vita sanctae Geretrudis A*, ed. Krusch (1888), De virtutibus, ch. 5, 470: *Unde contigit, ut contentio inde exoriretur, sic tamen quasi per ioco [sic] inter predictam matronam et unam famulam dei ibi in monasterio. Quadam autem die interrogabat eam matrona, dicens: 'Quale die erit ista festivitas sanctae Geretrude?' Illa autem respondens dixit: 'Quinta ebdomada in quadragesima in sexta feria.' At illa dixit: 'Absit hoc a me, ut hac solemnitate aliquid extra solito penso servitudinis nostre augere voluero in refectioe.'*

⁵⁰ *Vita sanctae Geretrudis A*, ed. Krusch (1888), De virtutibus, ch. 7, 470: *Ipsa autem puella respondens, dixit: 'Si autem ipsa aliquid apud deum impetrare poterit, faciat tibi, ut die eodem volente nolenteque facias caritatem.'*

munities 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."⁵¹ 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."⁵² 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.⁵³ 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.⁵⁴

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

⁵¹ *Ibid.*: *Et post expleta solemnitate missarum, tunc sumserunt cibum potumque cum gratiarum actione gaudentes ex omnibus escis, quibus licitum fuit quadragesimo tempore comedere; sola autem matrona ea die non comedit.*

⁵² *Vita sanctae Geretrudis A*, ed. Krusch (1888), De virtutibus, ch. 5, 471: *Eadem vero hora convocans universam familiam suam, implevit postea, quod ante negavit de caritate, et in crastinum missam celebravit in honore virginis Christi Geretrude et cum omnibus sororibus refectioem habuit.*

⁵³ For the important function of the laity at Nivelles, see Chantinne, *Quelque questions* (2015), 9.

⁵⁴ *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 tantummodo recipiantur et alantur, et si non possint alio, saltem quadragesimae tempore sancti domini adimplentes praeceptum earum lavent pedes [...].*

trudis emphasises that the first abbess assigned the services outside the cloister walls⁵⁵ to the brothers and those within the monastery to the religious sisters.⁵⁶ 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.⁵⁷ Accordingly, Iduberga, Gertrude, and the women of Nivelles founded a community of monks nearby who could perform the duties of pastoral and charitable care and oversight of the women of Nivelles.⁵⁸

Two further anecdotes preserved in the *Continuatio virtutum*, 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.⁵⁹ Incidentally, we learn at the end of this account that pilgrims and the infirm came in droves to Nivelles 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.⁶⁰ The healing power of the warm wax was also

⁵⁵ Cloister walls at Nivelles are first mentioned shortly after the death of Gertrude, when a fire broke out in the monastery (*foras murum extra monasterium*); Vita sanctae Geretrudis A, ed. Krusch (1888), De virtutibus, ch. 3, 466.

⁵⁶ Vita S. Geretrudis A, ed. Krusch (1888), ch. 3, 466: *Bonis ac fidelibus dispensatoribus foris de fratribus, infra vero septa monasterii spiritualibus sororibus curam familiarem commendavit.*

⁵⁷ Sancti Gregorii Magni Registrum IV, ed. Norberg (1982), 24 (594), 242: *Quod quia tua hactenus fertur caritas neglexisse, hortamur ut, sicut dictum est, singulis quibuscumque temporibus rationes suas xenodochi, qui in eis sunt vel fuerint constituti, subtiliter ponant. Atque tales in eis qui praesint ordinentur, qui vita, moribus atque industria inveniantur esse dignissimi, religiosi dumtaxat, quos vexandi iudices non habeant potestatem, ne, si tales personae fuerint quas in suo possint evocare iudicio, vastandarum rerum debiliis qui illic reiacent praebeatur occasio.* Sternberg, *Orientalium more secutus* (1991), 160: "Die Aufgabenübertragung innerhalb der verschiedenen Xenodochienformen an 'Religiosi' hat jedoch den Wandel [d. h. die Tendenz, Fürsorgeanstalten zunehmend im monastischen Bereich anzusiedeln] entscheidend vorbereitet und eigene Gruppen von Mönchen hervorgebracht, die sich ausschließlich der Caritas in Fürsorgeeinrichtungen widmeten."

⁵⁸ Sternberg also thought this was possible, although he remained undecided; Sternberg, *Orientalium more secutus* (1991), 276: "Hatten Ita und Gertrud hier [in Fosse] eine Armenstiftung im Blick, an der sie die hilfeschenden Mönche zur Versorgung und Verwaltung einsetzen? Dann wäre Fosse die eigentliche Xenodochienstiftung der Gertrud."

⁵⁹ Vita S. Geretrudis A, ed. Krusch (1888), *Virtutum sanctae Geretrudis continuatio*, ch. 1, 471–472.

⁶⁰ Vita S. Geretrudis A, ed. Krusch (1888), *Virtutum sanctae Geretrudis continuatio*, ch. 1,

mentioned in the *Virtutes*.⁶¹ St Radegund (d. 587) similarly treated skin complaints, especially inflamed nails, 'in the manner of the Gospel' (*more evangelico*) by pouring oil over them.⁶² 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.⁶³

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.⁶⁴ 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.⁶⁵ 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 of Sigibert 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.⁶⁶ As Sternberg has noted, Bonitus observed a hospital with therapeutic activities while in Rome.⁶⁷ The final miracle account in the *Continuatio virtutum* speaks of "heavenly medicine,"⁶⁸ 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 virtutum* is of particular interest because it alludes to the status of Nivelles in relation to the Carolingian court.⁶⁹

472: *Per huius liquoris hunctionem multi caeci et infirmi sanitatem recipiunt, nec non assidue caelestes cereos inluminasse in circuito sepulchri, ubi sanctum corpus requiescit.*

⁶¹ Vita sanctae Geretrudis A, ed. Krusch (1888) 'De virtutibus,' ch. 7, 468.

⁶² Sternberg, *Orientalium more secutus* (1991), 223. See Hofmeister, *Die Heiligen Öle* (1946).

⁶³ Maier, *Die Feier* (1990).

⁶⁴ Venantius Fortunatus, *Vita Radegundis*, ed. Krusch (1888), ch. 20, 371; Sternberg, *Orientalium more secutus* (1991), 224–226 (Poitiers).

⁶⁵ Gregorii episcopi Turonensis miracula, ed. Krusch (1885), ch. 19, 288: *Ibique in dei laudibus degens, multis infirmis, oratione facta, salutaria inperiebat medicamenta.* Sternberg, *Orientalium more secutus* (1991), 210–211.

⁶⁶ Vita Boniti, ed. Krusch (1913), 132–133: *Cumque post hec [after a blind woman had asked him for help] eum infirmantium turba ubique prosequeretur, sed ille iactantiae vicium cavens, ubicumque potuisset, semet ipsum ospitiolo trudebat et infirmos ex oleo, quod ex beati Petri sepulcro benedictione levare iusserat, ungi praecipiebat; moxque sanitatis gaudium incommodi percepta [...].*

⁶⁷ Sternberg, *Orientalium more secutus* (1991), 302.

⁶⁸ See below, 49, n. 75.

⁶⁹ The laudatory prayer preceding this anecdote, which refers to *Orta de patre eximio, 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.⁷⁰ 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 "handmaidens of Christ" (*cum illis 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.⁷¹

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.⁷² 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.⁷³ St Gertrude appeared to the *puella pauperula* for a third time, after which the girl recovered. Therefore the community agreed to her *susceptio* and that she was accepted into the convent of nuns.⁷⁴ God, so the account concludes, ministered to the poor girl

progenie clara, is of interest here too: *Vita sanctae Geretrudis A*, ed. Krusch (1888), *Virtutum sanctae Geretrudis continuatio*, ch. 3, 473. In this prayer Gertrude is already presented as the holy ancestor of the Carolingian royal family.

⁷⁰ *Vita sanctae Geretrudis A*, ed. Krusch (1888), *Virtutum sanctae Geretrudis continuatio*, ch. 4, 473.

⁷¹ *Vita sanctae Geretrudis A*, ed. Krusch (1888), *Virtutum sanctae Geretrudis continuatio*, ch. 4, 473: *Post aliquod autem tempore venit in cogitatione domnae reginae, ut ad honorem sanctae Geretrudae virginis ipsam parvulam direxisset ad Niviolla monasterio, ut sua elemosina et beatae Geretrudae misericordia cum illis ancillis dei, quae in ordine et conversatione Christi servitute stare videbantur, vivere debuisset.*

⁷² *Vita sanctae Geretrudis A*, ed. Krusch (1888), *Virtutum sanctae Geretrudis continuatio*, ch. 4, 474: *Die autem crastina ipsa puella et portata est in habitationem domus, ubi Christi virgo Geretrudis secus pedes beatae Idubergane sive Ittane genetricis suae spiritualiter nutrita, crescebat, in sancto exemplo gradiens, feliciter vixit in iuventute.*

⁷³ *Ibid.*

⁷⁴ *Vita sanctae Geretrudis A*, ed. Krusch (1888), *Virtutum sanctae Geretrudis continuatio*, ch. 4, 474: *Susceperunt autem ipsam puellulam, cum reverentia duxerunt in ecclesiam [sic] beati Petri apostoli ad sepulchrum beatae Geretrudae virginis Christi.* For the practice of *susceptio* see Schlotheuber, *Klostereintritt* (2004), 127–133.

through the "heavenly medicine of his handmaiden Gertrude."⁷⁵ 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.⁷⁶

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 Geretrudis*. He concluded that: "The *Vita* offers little evidence for the assumption of an almshouse in the monastery of St Gertrude in Nivelles."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 (*peregrini*). Fosse formed part of the *hospitalia Scottorum*, which later were widely recognised by the Carolingian synods as well established institutions.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 Rade-gund established a hospice in the royal villa in Athies, in which the sick and the poor were treated with special therapies, baths, and medications.⁷⁹ She also sponsored caritative activities in the hospitals in Saix and in her monastic foundation in Poitiers, where Radegund had appointed her foster-daughter, Agnes, as its first abbess. When Radegund joined the female community in Poitiers, she

⁷⁵ *Vita sanctae Geretrudis A*, ed. Krusch (1888), *Virtutum sanctae Geretrudis continuatio*, ch. 4, 474: *Conlaudabant et glorificabant dominum, qui dignatus fuit per suam ancillam Geretrudem dare ipsae puellae pauperulae caelestem medicinam.*

⁷⁶ *Vita sanctae Geretrudis A*, ed. Krusch (1888), ch. 7, 462.

⁷⁷ Sternberg, *Orientalium more secutus* (1991), 275, esp. 302–303.

⁷⁸ Boshof, *Armenfürsorge* (1984), 163; Bonenfant, *Origine des Hôpitaux* (1965), 9–46.

⁷⁹ Berschin, *Biographie 2* (1988), 14–16.

was, therefore, subject to her daughter's authority.⁸⁰ As an abbess who retired to the monastery she founded, under her daughter's direction, Radegund may have provided Iduberga with a model for her own actions. Queen Brunichilde also founded a female monastery and a *xenodochium* or hospital in the episcopal city of Autun sometime before 602.⁸¹ The provision of care through the *xenodochium* appears to have been the primary reason for establishing a *monasterium ancillarum* here.⁸² Ulthrogota, the wife of King Childebert, was specifically named as the patron of her foundation, the *xenodochium* dedicated to the Virgin Mary, in Lyon. This hospital was connected with two religious communities, the monastery of St Paul for monks and St Eulalia for nuns.⁸³

The region around Trier and the Alsace offers further examples of aristocratic women's charitable foundations. The widow Irmina, second abbess of the monastery of Oeren in Trier, maintained close ties with Willibrord, the missionary monk from Northumbria, who provided pastoral and monastic instruction to the religious women in Oeren. Together with Basin, bishop of Trier, and with the consent of her convent, in 697/698 Irmina donated extensive estates in Echternach to Willibrord, where he had founded a male Benedictine abbey. While Irmina's own role in the actual foundation of the male abbey at Echternach cannot be identified with certainty,⁸⁴ she did establish a small monastery (*monasteriolum*) there for Irish *peregrini* and the poor, where they could live and beg for alms.⁸⁵ Echternach became known primarily for ministering to the poor and providing poor relief, so that by the tenth century the monastery had developed into a "hospital for nobles and the poor."⁸⁶

The convent of Remiremont, where Arnulf of Metz, the father-in-law of Gertrude's sister Begga, lived in seclusion after his exile from court, maintained close personal ties to Nivelles. Gertrude's cousin, the nun Modesta, was a member of the convent at Remiremont. She later became the first abbess of Irmina's foundation at Oeren, in Trier.⁸⁷ As at Nivelles, the female community at Remiremont, built upon a mountain, was supported by a community of monks located a short distance away, at its base. Remiremont served as a place of retirement for noble widows, like Nivelles. After the death of King Lothar II in 869, his mistress Waldrada retired from public life to Remiremont, where she later died. Bishop Ar-

⁸⁰ Sternberg, *Orientalium more secutus* (1991), 220–224.

⁸¹ Sternberg, *Orientalium more secutus* (1991), 227–234.

⁸² *Ibid.*, 231.

⁸³ Sternberg, *Orientalium more secutus* (1991), 203–207.

⁸⁴ Schneider, *Erzbischof Hinkmar* (2010), provides the most recent evaluation of the very complicated transmission of the sources and the circumstances of the foundation, 150–156, 171–180.

⁸⁵ Bonenfant, *Origine des Hôpitaux* (1965), 9.

⁸⁶ Bonenfant, *Origine des Hôpitaux* (1965), 12.

⁸⁷ Hlawitschka, *Studien* (1963), 26; Prinz, *Frühes Mönchtum* (1988), 141–142 und 187–188; Schneider, *Erzbischof Hinkmar* (2010), 171–180.

nulf, 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 ancillula 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 Hohenbourg in Alsace, founded by St Odile (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 Odiliae* 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), 223–224: *Denique, adunatis quibusdam puellis leprosis, infra monasterium seorsum non alia ex causa nisi propter earum refocilandam infirmitatem cellulam fecit; nam frequentare eas vel habitare in medio congregationis non prohibuit. Siquidem una ex ipsis sanctum adeptam consilium, balneo quo vir dei ablutus est furtim aquam rapiens, membra sua perdidit, ac deinde, subsequente medela, paulatim lepra ex corpore eius discessit, quae usque hodie incolomis famulatrix Christi in medio sororum superstes cernitur.* One of the sisters was healed by a bath and lived within the community without further affliction, according to the account in the *Vita*.

⁸⁹ *Vita domnae Balthildis reginae*, ed. Krusch (1888), ch. 11, 497.

⁹⁰ *Vita domnae Balthildis reginae*, ed. Krusch (1888), ch. 12, 498: *Et conferens saepe cum matre monasterii [...], ut ipsa domus dei bonam famam, quam coeperat, non amitteret, sed amplius semper in affectu caritatis cum omnibus amicis atque validius in dei nomine permaneret in dilectione [...] et precipue pauperum curam et ospitum cum summo studio pro misericordia et dilectione in ipsis semper impendi, pro Christi amoreque salutis monita sancta ipsa mater monasterii audita alacri ac leto animo adimplebat omnia.*

⁹¹ *Vita Odiliae Abbatissae*, ed. Levison (1913), 44–45: *Monasterium vero, quod venerabilis abbatissa gubernabat, sicut iam praelibavimus, in excelso monte erat constructum, et idcirco non solum debiles et infirmi, sed etiam integritatem corporis habentes cum magna difficultate illuc ascendebant. Tunc sancta dei famula dolens, eos propter difficultatem itineris raro ad suum venire coenobium, cum esset hospitalitate praecipua, convocavit omnem congregationem, quam sub suo habebat regimine, uti earum volens consilio, dixit ad eas: 'Cernitis, dilectissimae sorores, quod asperitas itineris magnum laborem ascenditibus peregrinis et debilibus confert, et ideo pauci nos adeunt. Ego volo iubere, si vestrae placuerit sanctitati, in inferiori latere istius montis aedificare hospitale ad recipiendum christianos.'* Sternberg, *Orientalium more secutus* (1991), 279–220; for more (precise) detail see also Pauly, *Hospitaler* (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 caritative 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 sanctimonialium* 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 *religiosi*.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 founders in early Carolingian circles to seek close ties with the Irish monks. Monks (*fratres seniores*) from Fosse also evidently lived at Nivelles, as abbot Foillan 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 canonesses 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 caritative 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 Additamentum Nivalense, ed. Krusch (1902), 450 (*die vigilarum sanctissimi martyris Quintini missarum sollempnia in Nivalensi ecclesia decantans, senioribus supplicans fratribus* [...]).

⁹⁴ See for the number of canons, usually between six or seven and twelve, in Essen unusual high number of twenty, Röckelein, "dominae nostre cum canonicis" (forthcoming); also Schäfer, *Die Kanonissenstifter* (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 (*matricula*). It records that Zwentibold (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, Zwentibold assigned extensive estates to the "brothers and sisters who lived here." This included three *manses* 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 *matricula* 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 sanctimonialium* stipulated in 816 for collegiate communities of canonesses.⁹⁸

In late sixth century Gaul the *matricula* 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*. *Matriculae* 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 *matricularii* 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 *matricularii* and *matriculariae* developed into lay ser-

⁹⁶ DZwen, n°. 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 secutus* (1991), 192–193; Irsigler, *Matriculae* (2008), 323–339.

⁹⁸ *Institutio sanctimonialium*, ed. Werminghoff (1906) ch. 28, 455: *Sed de oblationibus, quae a fidelibus sanctimonialibus deferuntur, decimae dentur ad eorumdem sustentationem pauperum.*

⁹⁹ Rouche, *La matricule* (1974), 83–110; Boshof, *Armenfürsorge* (1984). For the question of which persons were entitled to claim this support see Schneider, *Armenfürsorge* (2017), 59–63 (Inklusion und Exklusion).

¹⁰⁰ Sternberg, *Orientalium more secutus* (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 alms were only to be distributed to the female servants (*matricularie*) 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 cross 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’s 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

¹⁰¹ Rouche, *La matricule* (1974), 83–110; Sternberg, *Orientalium more secutus* (1991), 141.

¹⁰² Cf. the essay in this volume by Thomas F. Kelly, 351.

¹⁰³ *Ibid.*

¹⁰⁴ LON, f. 96rb (Document CC).

¹⁰⁵ See the essay in this volume by Thomas F. Kelly, 351.

¹⁰⁶ LON, f. 97rb (Document DD, ll. 397–398): [...] *matricularios sufficientes ponere in ecclesia Nivellesensi.*

¹⁰⁷ For the remuneration of the *matricularii* see the essay in this volume by Thomas F. Kelly.

¹⁰⁸ DH II, n° 52 (Stablo, 1040 Juni 5), 67: *Nivalensis ergo abbacia vel ecclesia quantis fluctuationibus sit quassata, quantis calamitatibus attrita, est dolendum fidelibus et ipsius domini innotuit miseracionibus; nec enim aliquando obliviscitur pauperum suorum, quia solus laborem et dolorem considerat eorum.*

¹⁰⁹ DH IV, n° 49 (Aachen, 1059 March 2), 61–65, here 64: *Res ipse in tres portiones divide*

duke and the king, who could confer them upon either a canon or 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 *manses*, 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 (*maison de l’abbesse*).¹¹⁴ In the twelfth century it was replaced by two institutions: the Hospital Saint-Sépulchre, 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

existunt: in xenodochium, in beneficium abbatissae, in prebendam fratrum seu sanctimonialium LXXII^m. For the property of Nivelles sees Hoebanx, *L’Abbaye de Nivelles* (1952), 86–94; for the development of the *mensa conventualis*, 184–196.

¹¹⁰ DO II, n° 21 (Rome, 972 April 14), 28–30 (*Nivelle, quatuordecim milibus eo pertinentibus mansis*).

¹¹¹ DH IV, n° 49 (Aachen, 1059 March 2), 61–65, here 64: *Ad xenodochium Mosterels cum ecclesia et omnes dominicales decime tam prediorum nostrorum quam beneficiorum comitis. Iubeo ergo et ratum esse volo, ut divisiones iste sicut antiquitus sunt constitute ita distincte permanent, ne pars violentior in res partis inferioris transsiliat. Nil agat congregatio de rebus abbatissae nisi iussa, nil assumat sibi abbatissa de rebus congregationis nisi invitata. Xenodochium quoque non alienis commodis sed peregrinorum et pauperum famuletur refrigeriis.*

¹¹² DLo III, n° 79 (Aachen 1136), 122–124.

¹¹³ DLo III., n° 79, 122–124; Bonenfant, *Origine des Hôpitaux* (1965), 18. This accords with a general differentiation in the terminology of the “Hôpitaux pour Malades,” which is used interchangeably in twelfth-century sources.

¹¹⁴ Chantinne, *Quelque questions* (2015), 2.

1797.¹¹⁵ 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.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'Épès, bishop of Liège, through the cardinal legate Otto.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.¹¹⁸ The charter names the new parishes, starting with Notre-Dame, previously the main parish, followed by Saint Jean-l'Évangéliste, 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 re-structure 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*, Bernerus, had presided over the original larger parish.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.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.¹²¹

¹¹⁵ Delattre, *La fondation* (1965), 595.

¹¹⁶ Boffa, *L'abbaye* (2016), 61–78.

¹¹⁷ Balau, *L'Organisation* (1902), 60–63. The abbess is erroneously referred to as Oda von Looz here; see Hoebanx, *Abbaye* (1964), 269–303, 287–288.

¹¹⁸ Balau, *L'Organisation* (1902), Appendix of Charters, n° 1, 75 (*cum in parochia Nivelensi in tantum plebs excreverit*). For the legation of the Cardinal Legate Otto see Schirmmacher, *Mission* (1868), 45–58.

¹¹⁹ Balau, *L'Organisation* (1902), Appendix of Charters n° 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 n° 7 (July 1231), 85.

In view of this caritative 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.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 Magdalen, which in the thirteenth century was served by a single chaplain. Another leper house *de la Taillie Voie*, was located in the forest of Nivelles on the road to Oignies.¹²³ A few decades later a hospice known as Goutissiaux, 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.¹²⁴

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

The documents inserted into the *Liber Ordinarius* 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 abbess? These documents are drawn from quite diverse sources and make the position of the Chapter of canonesses and canons of Nivelles quite clear: ‘Also, it is the use (*usus*), or rule (*ius*) or the custom (*consuetudo*) of the church of Nivelles that the abbess who presides 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.’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, authorised and given effect by the decisions of the Chapter.¹²⁶ To outline the significance

¹²² See Walter Simons's essay in this volume, 98–103; and Van Engen, *Religious Women* (2017), 339–366. I warmly thank Walter Simons for his numerous valuable suggestions. Bonenfant, *Origine des Hôpitaux* (1965), 16. In LON, ff. 94va–94vb) the *hospitaux dou Gotal* (Document O, Appendix, 398, l. 231), *hospitaux dou Sepuchre* (Document P, Appendix, 400, l. 237), and *hospitaux de saint Nicholai* (Document Q, Appendix, 400, l. 242) are mentioned.

¹²³ See the contribution to this volume by Walter Simons, 101. Delattre, *La fondation* (1965), 595–599.

¹²⁴ See the essay in this volume by Walter Simons, 116, and the map, 117.

¹²⁵ LON, f. 96va (Document AA, Appendix, 408, ll. 319–321): *Item, est usus sive ius sive consuetudo ecclesie Nivelensis, quod abbatissa Nivelensis, que fuerit pro tempore, tenetur alodia predictae ecclesie alienata et distracta suis sumptibus ad ius et proprietatem ecclesie revocare.*

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 abess 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 Bierbais 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 *abbaye 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.¹²⁷ 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.¹²⁸ 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.¹²⁹ 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.¹³⁰ 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.¹³¹ The sculpture portrays 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.¹³² 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.¹³³ Adelheid, wife of Otto I, intervened in favour of Abbess Adalberina of Nivelles (966–980) when her husband confirmed the monastery’s rights in 966.¹³⁴ Six years later, in 972, Nivelles was transferred to Theophanu, wife of Emperor Otto II, as part of her dower.¹³⁵ 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 Wezemaal

¹²⁹ Hlawitschka, Studien (1963), 26.

¹³⁰ For general discussion of this see Zotz, 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; Hlawitschka, Studien (1963), 7.

¹³² Capitularia 2, ed. Boretius/Krause (1897), Divisio regni Hlotharii II, n° 251 (August 8, 870), 193–195, here 195.

¹³³ See now Vanderputten, Nunneries (2018).

¹³⁴ DO I, n° 318 (Maastricht, January 24, 966), 432–433 (*die noctuque deo sancteque Gertrudi fratribus ac sororibus famulantibus*).

¹³⁵ DO II, n° 21 (Rome, April 14, 972) 28–30.

(1205–1260/65).¹³⁶ The “prebend of Brabant” became one of the greatest points of contention between the abess and Chapter, as from this date the monastery was paid no duties or revenues.¹³⁷

Difficulties between the abbey and its advocates can be discerned for the first time in a charter dated 980.¹³⁸ This document records that Empress Theophanu intervened to prevent any count or advocate (*nullus 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 (*Hufen*) to Nivelles, to augment the prebends of the nuns.¹³⁹

Strikingly, the queens’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 Salian 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.¹⁴⁰ 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 indicated in the preface to the edition, in the ninth century,¹⁴¹ but rather in the eleventh century and were adapted to the customs of the community, as Marieke Neuburg was able to demonstrate.¹⁴²

In a charter issued at Stablo in 1040, Henry III reinstated to Abbess Richeza the abbey’s rights to levy tolls and to mint coins,¹⁴³ 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

¹³⁶ Van Ermen, *De familie van Wezemaal* (1985), 52; Van Ermen, *Verhoudingen* (1989). Tits-Dieuaide, *Un exemple* (1958), 349.

¹³⁷ Hoebanx, *L’Abbaye de Nivelles* (1952), 274.

¹³⁸ DO II, n° 222 (Nimwegen, July 27, 980), 251–252.

¹³⁹ DO II, n° 91 (Aachen, April 8, 992), 501–502.

¹⁴⁰ See the essay in this volume by Klaus Gereon Beuckers.

¹⁴¹ *Vita sanctae Gertrudis*, ed. Krusch (1888), Vorwort, 450.

¹⁴² The manuscripts in question are B 1: Paris, Bibliothèque nationale de France, MS Lat. 5593 and B 2: Brussels, Bibliothèque royale, MS 7882. Neuburg, *Heilige Frauen* (forthcoming).

¹⁴³ For the right of the abbey of Nivelles to mint coins, see Steinbach, *Geld* (2006), 111–113. The earliest coin goes back to the Carolingian times. Coins (*denarius*) preserved from about 1057 bear the inscription on the front side “S GERTRUDIS VIRGO” and on the back “S NIVIELLA PRUDENS,” cf. 112.

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.”¹⁴⁴

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 Balderich) 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 ferox 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 (*nuntius*), 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.¹⁴⁵

At Nivelles, as in many other monasteries in the eleventh and twelfth centuries, the pen was employed as a potent weapon against opponents.¹⁴⁶ 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 1041.¹⁴⁷ Both documents appear to be quite closely related to one another. In 1047 Abbess Richenza 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 Richenza 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 thieves,” which was restored again to the rule of the virgin Gertrude by papal author-

¹⁴⁴ DH III, n° 52 (Stablo, 5 June 1040), 66–68: *Non sit ibi advocatus quisquam vel comes, nisi quem abbatissa elegerit; nec requirat ipse advocatus vel comes aliquod iudicium vel placitum, nisi invitetur ab abbatissa vel preposito; sit ab omnibus oppressionibus et ab omni potestate comitis vel advocati ulterius libera, nisi invitentur iusticie causa.* See for the struggles of Stavelot-Malmédy in this time, Schroeder, *Imperial Abbacy* (2017), 29–48.

¹⁴⁵ DH III, n° 80 (Aachen, June 3, 1041), 104–105, interpolated text: *Nullam potestatem ibi ultra exerceat comes vel advocatus, nisi ab abbatissa fuerit invitatus; ad tria placita veniat non alter quam ipse advocatus vel nuntius talis quem elegerit abbatissa in suis militibus.*

¹⁴⁶ Fälschungen, ed. Fuhrmann (1988), vol. 3: *Diplomatische Fälschungen.*

¹⁴⁷ *Papsturkunden* 2, ed. Ramackers (1934), n° 1, 85–86. (The document was forged, probably at the end of the eleventh century), *Privilege of Pope Clement II. 1047 at the request of Emperor Henry III (miserrime perditae rabie indomite gentis).*

ity.¹⁴⁸ The dispute between the abbey and the *burgus* 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" (*permaximas 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 Berthe of Nivelles (d. 1214/18) was a niece of Emperor Frederick Barbarossa (*dilecta neptis nostra*), although her precise relationship to the Staufers cannot be more closely identified.¹⁵³ In 1182 Berthe personally attended the Diet (*Hoftag*) 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, Berthe 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 Berthe's personal mission to protect the liberties of the monastery presented a model and an ideal against which the Chapter may have measured later abbesses.

¹⁴⁸ Papsturkunden 2, ed. Ramackers (1934), n° 1, 86 (*que hactenus fuerat spelunca latro-num*, Math 21,13).

¹⁴⁹ Papsturkunden 2, ed. Ramackers (1934), n° 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 DL III. n° 79, 122–124.

¹⁵² Papsturkunden 2, ed. Ramackers (1934), n° 329, 471–472 (*sub beati Petri et nostra protectione suscipimus*).

¹⁵³ 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.

¹⁵⁴ DFr I, n° 826 (Mainz, May 23, 1182), 31–33, here 32: [...] *quod dilecta neptis nostra Berta Nivelensis abbatissa ad presentie nostre maiestatem accedens obtulit nobis in facie principum nostrorum privilegia ecclesie sue a divis regibus atque augustis imperatoribus collata nec non preceptis apostolicorum patrum Clementis videlicet atque Leonis confirmata cum multa corporis et mentis attritione dampna gravissima et intolerabiles iniurias nobis proponens* [...]. In this charter Pope Celestine III refers to the liberty of the abbey in his confirmation, Papsturkunden 2, ed. Ramackers (1934), n° 329, 471–472.

The background to the dispute evident here was the attempt of the *burgus* 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 Liège, who prohibited the market of Nivelles or individual stalls to be set up without the knowledge of the abbess, 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 Liège 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 Liège 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 Liège 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 Liège 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 Esch, *Topographie* (2015), 23–34.

¹⁵⁶ De l'origine, ed. Wauters (1869), 51 (1182–1191): *Nostra ergo auctoritate precipimus ne quis aliquid de rebus predictis invadere vel sibi usurpare aut aliquod detrimentum ingerere, aut a presenti statu immutare presumat, nec mercatum aut loca mercati, staciones et venundationi rerum venalium deputatas ad alium locum quam in eo in quo nunc sint, sine assensu abbatisse et ecclesie, audeat transferre*. 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. Schayes (1852), 81, who notes rather that it concerns the dispute between 1282–1286; see below 80–85.

¹⁵⁷ De l'origine, ed. Wauters (1869), 52 (around 1191), Charter of the bishop-elect of Liège, which is identified by Sigle A in the edition as by Albert of Liège (Brabant): *Nobilis illa et honesta Nivelensis ecclesia, silentii sui tandem pudore devicto, incumbente rerum difficili necessitate, internectionis sue propositum nobis aperuit, simul urbis sue tribulationem, iam septimi anni sustinere persecutionem immuens, ecclesieque ruinam et expensarum indigentiam*.

¹⁵⁸ Kaemmerer, *Albert von Löwen* (1953), 129.

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.¹⁵⁹ 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 abess 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 Arnould of Wezemaal, 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 (*Hoftag*) 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.¹⁶⁰ 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 Aarshot as his allods and Gelders, Cleves, and Looz (Loon) as his fiefs.¹⁶¹ 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

¹⁵⁹ Boffa, *L’abbaye* (2016), 66.

¹⁶⁰ RI n°. 137 (September 23, 1190). La chronique de Gislebert de Mons, ed. Vanderkindere (1904), 250. For the complicated circumstances of the conflict in the region of Lower Lorraine see: De Waha, *La marche impériale* (1994), 91–159.

¹⁶¹ La chronique de Gislebert de Mons, ed. Vanderkindere (1904), 252–253. For the county of Looz (Loon) see Baerten, *Het graafschap* (1969).

of Looz, moreover, objected to the claim that their comital lands were controlled by the Duke of Brabant and instead asserted that the bishop of Liège remained their overlord. The counts of Looz were successful in asserting this connection at the diet in Schwäbisch Hall, maintaining that their lands were fiefs subject to the bishops of Liège.¹⁶² In the context of these power struggles, it is hardly surprising that Henry I of Brabant was so keen to secure the bishopric of Liège for his brother Albert.

In 1194 Nivelles was entangled once again in the war over the diocese of Liège. Balduin V of Hainault, count of Flanders since 1191, supported by his relatives the Count of Looz countered the aspirations of Henry III of Limbourg (d. 1221), who had his sights on the bishopric of Liège for his son, Simon. Henry III of Limbourg was acting, at least in part, in support for his overlord, Duke Henry I of Brabant.¹⁶³ 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.¹⁶⁴ Henry III of Limburg 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 Liège (1145–1164)¹⁶⁵, and influential supporter of Frederick Barbarossa, who often accompanied the emperor on his Italian campaigns.¹⁶⁶ But times were changing, and in later years Nivelles could not expect

¹⁶² La chronique de Gislebert de Mons, ed. Vanderkindere (1904), 253: *Ad hoc* [the mention of the County of Looz among a list of the ducal fiefs] *Gerardus comes de Loz viriliter respondens, duci dixit: Domine dux, ego comitatem de Loz a domino episcopo Leodiensi teneo. Quod autem conductum per terram meam habetis, hoc ex eo habetis, quod antecessor meus antecessorem vestrum occidit et in concordia facta conductum per terram suam ei concessit.*

¹⁶³ Smets, Henri I^{er} (1908); for the Duchy of of Looz see Vanderkindere, *Formation* (1902), 133–140. For the manifold dimensions of this power struggle see De Waha, *La marche impériale* (1994), 111–116.

¹⁶⁴ La chronique de Gislebert de Mons, ed. Vanderkindere (1904), 291: *Coadunatis igitur tot hominibus, dominus comes Nivellam obsidere proposuit, in qua comes de Loz, comitis Flandrensis et Hanoniensis consanguineus et ducis Lovaniensis homo, cum multis militibus et hominibus bellicosus erat [...]. Dum autem apud Archennam cum suo exercitu magno pernoctaret dominus comes, et in crastino Nivellem tantos insultus facere proposuisset, quo eam per vires exercitus sui capere speraret, tanta supervenit pluvia, quod homines vel equi vix sustinere poterant. [...] Sicque dominus comes, licet invitus, retrocessit. [...] Quod igitur dominus comes ab insultibus Nivellem inferendis retrocessit, ex defectu suorum hominum et auxiliatorum, divino miraculo meritis et precibus gloriose virginis Gertrudis, ipsius fundi domine, prevenienti prorsus ascribebatur.*

¹⁶⁵ Kupper, Liège (1981), n. 149 and n. 151.

¹⁶⁶ For the changes in the episcopal chancellery, and the ‘discovery’ of the ‘bishop’s bull,’ which is strongly oriented towards the papal bull, see, Kupper, *Le diocèse* (2017), 98–99. Henry II de Leez intensified the relations between the diocese of Liège and Rome and the Empire.

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, Phillip 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 gain was recognised 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 repeatedly to gain a foothold over the judicial powers of the city of Nivelles as a means to provoke disputes between the abbess 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 Hiburgis 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" (*ecclesia a nostra progenitoribus est fundata*). In the same year Henry (VII) also personally invested Oda of Leez (*concanonica Nivellensis*), who had been elected unanimously as abbess by the Chapter of canonesses 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, 1,1 n° 87 (Koblenz, November 12, 1204). Hoebanx, Nivelles (1963), 372–372.

¹⁶⁸ RI V, 1,1 n° 284 (Speyer, June 16, 1209).

¹⁶⁹ Hoebanx, L'Abbaye de Nivelles (1952), 245.

¹⁷⁰ Historia diplomatica Friderici 3, ed. Huillard-Bréholles (1852), 312–314.

¹⁷¹ De l'origine, ed. Wauters (1869), 116 (11. June 1230).

¹⁷² Historia diplomatica Friderici 3, ed. Huillard-Bréholles (1852), 417–418: [...] *quatenus prelibate abbatisse quam investimus regalibus pleno iure de omnibus iusticiis et rationibus suis intendatis et obediatis ad plenum tanquam dilecte principi nostre, fidelitatem et homagia et alia iura in quibus teneamini eidem impendentes.*

(*dilecta princeps nostra*), a title that the abbesses of Nivelles retained until the end of the *Ancien Regime*.¹⁷³

Conferring this title, however, was a signal of the empire's factual weakness. The imperial princes did everything effectively within their power to protect Nivelles, its properties and rights by issuing a series of charters at the *Reichstag* in Nuremberg. Henry (VII) proclaimed that Nivelles was under the special protection of the empire and that any attack against its rights would be punished harshly.¹⁷⁴ To counter any doubts, the bishop of Bamberg, Ekbert of Andechs-Meranien, recorded expressly that he was present personally at the proceedings in the *aula regi* in Nuremberg when the case of Nivelles was negotiated. He summoned all those present to *unitas*, claiming that the negligence of his predecessors had led to the violation of the privileges of the church of Nivelles. Furthermore, as legal acts were now in effect, all existing encroachments upon the prerogatives of Nivelles were illegal.¹⁷⁵ Apparently, the newly elected Abbess Oda of Leez had prepared herself for difficult times. Events would prove this to be the case.

III.2 Bitter Enemies: the Abbess, the Chapter, the Duke, and the City of Nivelles

Although the Second Lateran Council of 1139 had restricted the ability of the abbess to act in sacramental and liturgical matters, it did not limit her power of jurisdiction over the institution and, especially, the clerics. In fact, during the following period, the Roman Curia actually strengthened the leadership position of several abbesses, for example of Herford, Quedlinburg, and Gandersheim, in order to compensate for disadvantages that had accrued with regard to sacramental actions such as excommunication.¹⁷⁶ The problems Nivelles faced in the thirteenth century were not unusual but rather characteristic, especially for the old 'Damenstifte.' At Nivelles, Oda of Leez made an impact as abbess from the moment she took office. As we have seen, in the year after her election she secured papal approval for a new parochial structure, through which she reorganised the former single parish of Nivelles into eleven parishes. The rights and du-

¹⁷³ Historia diplomatica Friderici, ed. Huillard-Bréholles (1852), 418. See also Schröder-Stapper, Fürstäbtissinnen (2015), 387. The abbesses of Essen received the same title from Heinrich (VII) in 1230; see Gerchow, Äbtissinnen (2004), 76.

¹⁷⁴ Historia diplomatica Friderici 3, ed. Huillard-Bréholles (1852), 418–419.

¹⁷⁵ Historia diplomatica Friderici 3, ed. Huillard-Bréholles (1852), 419: [...] *abbatisse Nivellensi quod spectet ad ecclesiam vel abbatiam Nivellensem, quo omnia sunt sub tuitione dextere regalis, ad unitatem revocavit. Si etiam per negligentiam dictorum antecessorum suorum privilegiis dicte ecclesie vel abbacie fuerit derogatum in aliquo, ipsum irritum decernens privilegia et libertates ipsius ab antecessoribus suis collatas approbavit.*

¹⁷⁶ CIC, X. 1.33.12, Liber Extra (ed. Friedberg, vol. 2, 1879, col. 201). See Röckelein, "dominae nostre cum canonicis" (forthcoming) for the privilege of exemption of Pope Innocent III. (June 22, 1206) for the abbess and the convent of Gandersheim; CIC, X. 2.30.4, Liber Extra (ed. Friedberg, vol. 2, 1879, cols. 445–446). For the abbess of Herford, see Freiherr von Fürstenberg, "Ordinaria loci" (1995), with many examples from Spain, Italy, Germany, and France.

ties of the parishes are recorded in a charter issued in May 1231¹⁷⁷, 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.”¹⁷⁸ 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.¹⁷⁹

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.¹⁸⁰ 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 antagonist.¹⁸¹ 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 Chapter’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 Sepulchro*), who owed obedience to the Chapter of Nivelles, failed to conform to the main church by continuing to celebrate divine service.¹⁸² 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. 99va (Document GG, Appendix, 424, ll. 558–559): *Hec sunt onera ecclesiarum parochialium Nivellesium, que iurare tenentur illi, quibus ecclesie parochiales ville Nivellesis conferuntur.*

¹⁷⁹ LON, f. 99va (Document GG, Appendix, 424, ll. 560–563).

¹⁸⁰ Balau, *L’Organisation* (1902), 76: [...] *et si maior ecclesia cessabit a divinis, prefate ecclesie tamquam membra eiusdem cessabunt similiter quando fuerint a maiori ecclesia requisita.* See LON, f. 100ra (Document GG, Appendix, 426, ll. 595–597): *Et si maior ecclesia cessabit a divinis, rectores predictarum ecclesiarum tanquam membra eiusdem cessabunt similiter quando fuerint a maiori ecclesia requisita.* For the *Cessatio a divinis*, see most recently Jaser, *Ecclesia maledicens* (2013), 80; Clarke, *Interdict* (2007).

¹⁸¹ *Conciliorum oecumenicorum generaliumque decreta 2,1*, ed. García y García (2013), ch. 16, 335–337.

¹⁸² LON, f. 100rb (Document HH, Appendix, 428): *Recognitio parrochianorum quod quando capitulum cessat a divinis cessare debent.*

tom of the church” (*contra statutum et consuetudinem ipsius ecclesie celebravit*). In future, he was to promise and make oath before witnesses to observe the legal status of the church. Of interest, too, is that the LON records further instances in which the Chapter forced a vicar, who was subject to the authority of the abbess, to accept their provisions, for example John, the vicar of Saint-Nicolas, and Radulf, the vicar of Saint-Jacques in Nivelles. In 1300 John, the vicar of Goutalle, also swore to observe these same provisions in the presence of witnesses.

When Abbess Oda of Leez obtained the determination of the rights and duties of the vicar of Nivelles from the papal legate Otto in 1231, she could scarcely have anticipated that this shortly would be used against her. The conflict between the Chapter of canons and canonesses of Nivelles and the abbess escalated not long after Oda assumed office. The fundamental question facing all members from this division within the community was what – or more accurately – who precisely is the *ecclesia Nivellesis*, “the church” of Nivelles? This question was crucial, having legal, as well as significant economic, implications. As we have seen, the material maintenance for the abbess and Chapter had been determined at least in the eleventh century, raising the question of who was financially responsible for meeting the monastery’s general expenses. Who was obliged to pay for the revocation of the rights, for the investiture with the regalia, for the maintenance of the buildings and much else besides?

The documents inserted into the LON are rooted in this controversy and the increasing division within the community that resulted. The entries in the manuscript, now preserved as Harvard, Houghton Library, Ms. Lat 422, clearly represent the position of the Chapter of Nivelles. It is obvious, therefore, that the Chapter commissioned the *Liber Ordinarius Nivellesis* at the end of the thirteenth century, as this manuscript owes its genesis to this conflict.¹⁸³ Ms. Lat 422 probably is a copy of this today lost manuscript.¹⁸⁴ It was not unusual for *Libri Ordinarii* to be commissioned or created as the result of internal disputes within religious institutions. These books reflected, even defined, how the canons, canonesses and the abbess, as well as the vicars subject to Nivelles, were to interact during liturgical performance. They defined in the end the relationship between the different groups within the community.¹⁸⁵ The proposition that the Chapter of Nivelles initiated this compilation to consolidate their position is supported by the fact that the manuscript makes no mention at all of the west choir in a liturgical context. If, as Andreas Odenthal has proposed, the west choir at Nivelles was the memorial site of the abbesses, this explains why this area is not mentioned in the *Liber Ordinarius*: because the Chapter had no claim over this space.¹⁸⁶

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 Fassler.

¹⁸⁴ Cf. the essay in this volume by Albert Derolez.

¹⁸⁵ Röckelein, “dominae nostrae cum canonicis” (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 'Damenstift' 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.¹⁸⁷

The *Liber Ordinarius* of Nivelles and the documents preserved within it are, therefore, central to understanding the internal conflict within Nivelles. Hoebanx dedicated several pages in his monograph to this conflict,¹⁸⁸ 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 dissension between the abbess and Chapter arose largely in response to the shifting political and power structures in the region,¹⁸⁹ in which the community was implicated, not least because the canonesses 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 *humiliatio reliquiarum*.¹⁹⁰ By this date, the Brabant *ministerialis* Arnould II of Wezemaal already controlled numerous properties owned by Nivelles. Supported by Duke Henry I of Brabant, Arnould had usurped monastic properties in Wambeek (Wambeek), Ternat, Saint-Katharine-Lombeek, Gooik and Lennick, over which he eventually won out in spite of fierce opposition from Nivelles.¹⁹¹ During the *humiliatio* "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 barricaded with thorny bushes."¹⁹² The *humiliatio reliquiarum* 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

¹⁸⁷ Röckelein, "dominae nostre cum canonicis" (forthcoming). On December 21, 1341, the rector of the St Michaels altar sealed the charters; see Schmitz, *Urkunden* (1902), 119*, n°. 249.

¹⁸⁸ Hoebanx, *L'Abbaye 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 *Damenstiften*, see Röckelein, "dominae nostre cum canonicis" (forthcoming).

¹⁹⁰ For the *humiliatio* of the relics at Nivelles, see Hoebanx, *Un aspect* (1961), 129–161; Gorissen, *Le compte* (1952), 107–133. Hoebanx assumes that a *humiliatio* of the relics was practiced twice at Nivelles, and Gorissen three times.

¹⁹¹ Van Ermen, *De familie van Wezemaal* (1985), 52. For a detailed study of the struggle of the abbey of Nivelles over Gooik, see Van Ermen, *De landelijke bezittingen* (1982), 60, 78, 91–92.

¹⁹² Jaser, *Ecclesia maledicens* (2013), 80. Miedema, *Rompilgerführer* (2003), 366.

and to invoke divine intervention through symbolic gesture. By obstructing the veneration of the saint, the rite enacted a form of excommunication, albeit with a local character.¹⁹³ The Second Council of Lyon in 1274 considered the *humiliatio reliquiarum* 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 *humiliatio reliquiarum*, deeming it an abuse.¹⁹⁴

At Nivelles, performing the *humiliatio reliquiarum* 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 Arnulf of Louvain (c. 1240–1248), the well-known abbot of the Cistercian monastery Villers-la-Ville,¹⁹⁵ Arnould II of Wezemaal, *magister* Hugo of Celles, and Duke Henry II of Brabant, who debated the particular reasons for the *humiliatio reliquiarum* with the Chapter of Nivelles.¹⁹⁶

The settlement primarily concerned the abbey's estates at Gooik, seized by Arnould of Wezemaal, its properties at Bergen op Zoom, as well as the dispute with Engelbert II, Lord of Enghien (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.¹⁹⁷ Arnould II of Wezemaal 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

¹⁹³ Jaser, *Ecclesia maledicens* (2013), 80–81.

¹⁹⁴ The following practices were forbidden at the Second Council of Lyon in 1274: *Ceterum detestabilem abusum horrendae indevotionis illorum, qui crucis, beatae Virginis aliorumve sanctorum imagines, seu statuas, irreverenti ausu tractantes, eas in aggravationem cessationis huiusmodi prosternunt in terram, urticis spinisque supponunt, penitus reprobantes; aliquid tale de cetero fieri districtius prohibemus*. *Conciliorum oecumenicorum generaliumque decreta* 2,1, ed. García y García (2013), ch. 16, 337–338.

¹⁹⁵ Brouette, *Abbaye de Villers* (1964), 341–406, 374–375.

¹⁹⁶ *Oorkondenboek van Noord-Brabant* 2, ed. Camps (2000), n°. 977 (October 25, 1235), 223–226.

¹⁹⁷ *Oorkondenboek van Noord-Brabant* 2, ed. Camps (2000), n°. 977 (October 25, 1235), 225. The connection with the "first request" (*primicias petitionis*) of the duke is not fully clear from the text. For this peace settlement see Tits-Dieuaide, *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 reliquiarum* and would not cease the “sentence of excommunication and damnation” (*vindicta 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 Wezemaal. 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 Wezemaals, 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 Thourotte, bishop of Liège (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 canonesses, which usually assembled twice a year.

¹⁹⁸ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n° 977 (October 25, 1235), 225: [...] *quod si non faceret iterum humiliaret reliquias, sicut prius, et interim non cessabit ecclesia exercere vindictam excommunicationis et maledictionis, sicut fecit usque modo contra predictum avocatum, non contra ducem.*

¹⁹⁹ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n° 977 (October 25, 1235), 226: *Actum sollempniter in relevacione reliquiarum ecclesie Nivellensis.*

²⁰⁰ Schoolmasters, Les regests (1906), n° 2, 87–88: *Cum propter querelas que vertebantur inter abbatissam Niuellensem ex una parte et capitulum Niuellense ex altera parte convocassemus coram nobis ad tractandum de pace et ad faciendum pacem feria VI^a ante dominicam qua cantatur ‘Isti sunt dies’ constituta coram nobis predicta abbatissa et Gerardo de Hodeberes canonico Niuellense qui ex parte capituli Niuellensis mandatam habebat ad tractandum de pace et faciendum pacem tandem cum diutius fuisset laboratum uoluntas partium in hoc resedit quod de que-relis quas inuicem habebant secundum quod in litteris sigillo nostro sigillatis continetur in nos compromiserunt.*

²⁰¹ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n° 990 (November 26, 1241), 248–253, here 249: *Capitulum Nivellense cessavit contra eam per quattuor annos et amplius [...].*

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 *burgus* 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 Wezemaal 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 (*saisiret*) 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 canonesses and so must have been familiar with their point of view. It seems she was unwilling to act against the Brabant nobles and ministerials, above all Arnould of Wezemaal.

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,

²⁰² LON, f. 96va (Document AA, Appendix, 408, ll. 319–321): *Item est usus sive consuetudo ecclesie Nivellensis quod abbatissa Nivellensis que fuerit pro tempore tenetur allodia predictae ecclesie alienata et distracta suis sumptibus ad ius et proprietatem ecclesie revocare.*

²⁰³ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n° 990 (November 26, 1241), 249: [...] *cum abbatissa semper dicitur et adhuc dicat se non teneri ad revocationem predictam et ius non esse capitulo requirendi ab ea, ut allodia a quocumque alienata vel distracta revocet ad ius ecclesie suis sumptibus [...].*

²⁰⁴ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n° 990 (November 26, 1241), 250. This document makes clear that the abbess had at her disposal a personal chaplain whose election and confirmation are recorded in LON; see LON, f. 100va (Document II, 430: The chaplain of the abbess).

²⁰⁵ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n° 990 (November 26, 1241), 250; Tits-Dieuaide, Un exemple (1958), 349.

²⁰⁶ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n° 990 (November 26, 1241), 250: [...] *eadem abbatissa pluries requisita a capitulo, ut illic iret et predicta bona saisiret [...] hec facere recusavit et propter hoc etiam idem capitulum cessavit contra ipsam.*

every abess for the previous sixty years and more, “beyond living memory,” had endeavoured, at the request of the Chapter, to recover the alienated allodial 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 charter 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.²⁰⁷

The Chapter outlined its position in this record of settlement in wording identical to that recorded in LON (Document AA).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.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 burghers in 1234.²¹⁰ The abbess, according to the Chapter, had “invited” the duke to sit in judgment over the burghers, thereby infringing the abbey’s legal rights over the city.²¹¹ The “invitation” to the duke to exercise jurisdiction in

²⁰⁷ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n°. 990 (November 26, 1241), 250–251: *Item dicit capitulum quod omnes abbatisse, que fuerunt in ecclesia Nivellensi infra LX annos et ultra vel a tempore ex quo non existit memoria, quando a capitulo fuerunt requisite, procuraverunt allodia ecclesie Nivellensi distracta, alienata vel ab aliquo violenter detenta suis sumptibus ad ius et proprietatem ecclesie Nivellensi revocari et domina Oda nunc abbatissa quedam de talibus allodiis ad requisitionem capituli procuravit suis sumptibus a tempore quo fuit abbatissa usque ad tempus cessationis, de qua nunc agitur, ad ius et proprietatem ecclesie revocari quidem nunc in preiudicium eiusdem capituli facere contradicit [...].*

²⁰⁸ LON, f. 95va (Document AA, Appendix, 408). See note above, 73, n. 202.

²⁰⁹ Düsseldorf, Universitäts- und Landesbibliothek Ms. C 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, prior, subprior, cantor, and novice master at the start of the manuscript.

²¹⁰ Hoebanx, *L'Abbaye de Nivelles* (1952), 271.

²¹¹ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n°. 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.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 relitigate 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.²¹³ Nevertheless, those present absolved 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.²¹⁴ It did not, however, resolve their respective legal disputes.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 1246.²¹⁶

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 Em-

²¹² See above, 54–55, n. 109.

²¹³ In March 1241 canon Gerard de Hodeberes represented the Chapter in the first efforts to reach agreement, led by Bishop Robert de Thourrott; see above, 72, n. 200.

²¹⁴ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n°. 990 (November 26, 1241), 252 (*nos dictam abbatissam ab impetitione capituli absolvimus*).

²¹⁵ In 1244 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 l’origine, ed. Wauters (1869), 156 (May 1244).

²¹⁶ Oorkondenboek van Noord-Brabant 2, ed. Camps (2000), n°. 1003 (August 18, 1246), 283–284.

pire.²¹⁷ 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 Wezemaals? 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 Wezemaal and his sons rebelled against the lordship of the Dukes 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 Wezemaal 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 Alix of Louvain, a daughter of Duke Henry I, as his second wife.²¹⁸ The Wezemaals 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.²¹⁹ Her decision was influenced by the counsel of leading nobles, primarily Walter VII Berthout (d. 1288 in the battle of Worringen), the Lord of Mechelen.

Arnould III of Wezemaal (1264–1269/1270), the ducal marshal from 1253,²²⁰ 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.²²¹ The lords of Weze-

²¹⁷ The documents that probably refer to the oldest layer are: LON, Document U, Appendix, 402 (ff. 94vb–95ra), Document JJ, Appendix, 430–438 (ff. 101va–101vb), and Document KK, Appendix, 438 (ff. 102va–102vb). In her essay in this volume, Alison I. Beach discusses this aspect in detail.

²¹⁸ Van Ermen, *De familie van Wezemaal* (1985), 50.

²¹⁹ See *Selecta iuris*, ed. König (1748), n°. 9, 146–148, the diploma of King Richard I of Cornwall (June 3, 1267), with which he commanded that John, his second-born son, be granted the *ius possidendi Brabantiam*. *Ex fide dignorum relatione didicimus, quod illustris sive spectabilis Henricus, tunc dux Brabantie appellatus, nature donis sit usque adeo destitutus, utpote corpore imbellicis existens, et virtutibus animi, solertia, providentia quoque ita deficiens, quod nequaquam sit aptus seu habilis, ut existat in tanto culmine dignitatis et quod velut princeps imperii ducatus honore refulgeat, nec servitium nostre maiestati debitum nobis et imperio valeat exhibere.*

²²⁰ Van Ermen, *De familie van Wezemaal* (1985), 54.

²²¹ Wauters, *Le duc Jean Ier* (1853), I, IV, 45.

maal had appropriated rights and properties from Nivelles, and also from numerous other monasteries and towns, and also generated conflict with the Chapter of Liège.²²² 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 unambitious 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 Wezemaals suffered a serious defeat during the hostilities and the brothers Godefroy and Gérard were imprisoned.²²³ The rebellion had failed. Arnould III was forced to surrender at the Council of Kortenberg in 1267.²²⁴ As a result, he lost not only his allods but also his political influence, and the family fell into serious financial difficulties.²²⁵ 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 1270.²²⁶ 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 citizens 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*.²²⁷ The “rebels,” moreover, prevented the payments due

²²² Wauters, *Le duc Jean Ier* (1853), I, IV, 45.

²²³ Van Ermen, *De familie van Wezemaal* (1985), 54.

²²⁴ For the Council of Kortenberg, see Gorissen, *Het parlement* (1956).

²²⁵ Van Ermen, *De familie van Wezemaal* (1985), 54.

²²⁶ Wauters, *Le duc Jean Ier* (1853), I, IV, 44–50. Arnould III. von Wezemaal is attested in Barletta in 1271 and 1274, where he played an important role once more. Van Ermen, *De familie van Wezemaal* (1985), 55.

²²⁷ *De l’origine*, ed. Wauters (1869), 45 (around 1184): *Multorum relatu accepimus in opido vestro esse iuratam communionem, in qua quedam iusticie contraria [...] statuta sunt [...]. Asseritur autem quod oppidani Nivellenses violenta usurpatione in domos et familias clericorum contra ius ecclesiasticum, consuetudines vel malas suas exercent, et fideles christianos a consuetudinariis fructibus quos parochialibus sacerdotibus debent detestabili prohibitione retrahunt.* In contrast to the chronological range suggested by Wauters, Hoebanx, *L’Abbaye de Nivelles*

from the parochial churches from being made to the abbey.²²⁸ In 1252/1253 Nivelles appealed for aid to the papal legate Hugh of Saint-Cher (d. 1263). He placed the entire city, with the exception of unbaptised children, under the ban of excommunication.²²⁹

The burghers of Nivelles then formed alliances with several other cities in the duchy of Brabant in 1259–1266 during the course of these struggles.²³⁰ The opposition during this period escalated into open revolt against the traditional rulers in Nivelles as well as in Louvain, who no doubt provided the opposition with their full backing. Following these events, in 1257 Abbess Oda of Leez appealed for assistance to King Richard of Cornwall, the Holy Roman Emperor elect. On 5 July 1262 King Richard instructed the bishop of Liège, Henry of Guelders, to resolve the dispute between the burghers and the abbey by legal means.²³¹

In September 1263 the bishop then ordered the burghers, under the pain of excommunication, to dissolve their sworn commune and to compensate for the damages suffered by the abbess and the church of Nivelles.²³² The burghers of Nivelles had united as a sworn commune, elected their own representative of the corporation and moulded their own seal. During an attempt by the abbey of St Gertrude to assert its municipal sovereignty over the city's leaders, they apparently forced their way into the closed church, breaking the church door in the process and then taking it with them.²³³ In July 1265, the citizens of Nivelles

(1952), 279–283, dates the charter and these events with greater accuracy to the years 1251 to 1253.

²²⁸ De l'origine, ed. Wauters (1869), 45.

²²⁹ De l'origine, ed. Wauters (1869), 45–46. I thank Walter Simons for mentioning that the charter must postdate the division of the original parish in 1231, since it refers to multiple [parish] priests. The activities of Hugues [=Ugo] de St-Cher, cardinal-priest and papal legate in the Brabant-Liège region during 1251–1253 are well known and well-documented, see Schoolmeesters, *Les actes* (1907), 150–166, 172–176 and Schoolmeesters, *Le cardinal* (1912), 60–63. Walter Simons confirms (personal correspondence) that “granted, the formal aspects of this letter by U. do not conform with the dated charters by Hugues, but on the other hand, the cardinal-legate's document about the events at Nivelles refers explicitly to a sworn commune (*in opido uestro esse iuratam communionem*), which must place us after 1240 rather than in the twelfth century. For all of these reasons, we may assume this document refers to the sworn commune of c. 1240–1265, and that it dates from 1251–1253, perhaps from around May 1252.”

²³⁰ Wauters, *Le duc Jean Ier* (1853), I, I, 22–23, for the uprising in Nivelles, see 24–26. Numerous towns, including Nivelles, formed an alliance on 24 July 1261 and in 1262 Nivelles entered a separate alliance with Brussels.

²³¹ *Catalogue des actes*, ed. Delescluse (1900), 78. Hoebanx, *L'Abbaye de Nivelles* (1952), 282.

²³² *Catalogue des actes*, ed. Delescluse (1900), 84.

²³³ *Catalogue des actes*, ed. Delescluse (1900), n°. 129 (July, 19 1265), 377: *Cum astucia factum est, ut opidani de Nivella modestiam abicientes et superbie cervicem erigentes contra dominam suam abbatissam Nivelensem et ecclesiam eius, multa delicta gravia perpetrarunt, nam sigillum commune, quod nunquam habuerant, fabricaverunt, communitatem inter se et colligationem seu confederationem ad alias villas seu oppida Brabantie inierunt contra principum in-*

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.²³⁴ 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.²³⁵ Nivelles also suffered financial losses as Arnould IV of Wezemaal could no longer afford to meet the cost of his lease payments to the Chapter, and was therefore excommunicated.²³⁶ Abbess Oda of Leez's rule ended as it had begun, in conflict. She did not bequeath an easy legacy to her successor, Isabelle de Brugelette (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, l. 98), 1273: *recordatum fuit per capitulum Nivellesense*), 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.²³⁷ 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 sacristy.²³⁸ 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 su-

stituta, quod etiam ausu temerario et alias quasi inaudito portam eius, immo beate Gertrudis virginis eorum patrone, frangentes eam violenter asportarunt et alia multa intollerabilia adversus dictam abbatissam et eius ecclesiam commiserunt.

²³⁴ *Catalogue des actes*, ed. Delescluse (1900), n°. 128 (July 19, 1265), 371–376.

²³⁵ Hoebanx, *L'Abbaye de Nivelles* (1952), 283.

²³⁶ Van Ermen, *De familie van Wezemaal* (1985), 56.

²³⁷ LON, ff. 55rb–55va (Document D, Appendix, 388, ll. 93–96): [...] *et debet esse talis quantitatis in longitudine, quod porco diviso in duas partes per medium, frustum carnis debet scindi a dorso porci superius usque ad fundum spina deposita. Latitudinem habere debet frustum carnis predictae cum bene coctum erit prout signatum est hic de incausto signata est etiam latitudinis [!] in assere sinistra huiusmodi libri.*

²³⁸ Schlotheuber / McQuillen, *Spaces* (forthcoming).

pervision of the internal duties and responsibilities, such as the custody of the church, the provision of candles or the bell-ringing, evidently were contested by the abbess and the Chapter.²³⁹ Given that the repair of the broken bells is mentioned, these statutes were worked out by the Chapter during the great conflict.²⁴⁰ They mark the beginning of the entering of documents in the LON. In 1277 the Chapter stipulated as a *recordatio* that the abbess was obliged, among other things, to pay for all expenses incurred for the “procurator of the bishop” (which probably refers to the procurators for the clerics acting on behalf of the bishops of Liège), the papal legates or other ecclesiastical dignitaries.²⁴¹ It is possible that this entry also refers to the expenses incurred to acquire the confirmation of the abbey’s privileges by Pope Clement IV (around 1265), or it may allude to the impending election of a new abbess.²⁴² It thus implies a warning that appears to refer to specific incidents in the recent past: the abbess, at all times, was obliged to ensure a sufficient number of guards for the church of Nivelles. If this was not done, celebration of divine service for the abbess would be suspended once again.²⁴³ The disputes involving the next abbess, Elizabeth de Bierbais, illustrates how this provision operated in practice.

III.3 Strategies of Escalation and Resolution: the Abbacy of Abbess Elizabeth de Bierbais

The conflict between the abbess and Chapter reached a nadir during the abbacy of Abbess Elizabeth de Bierbais. On 7 September 1278, the Chapter of Nivelles excommunicated its abbess for granting too many concessions to the burghers of Nivelles.²⁴⁴ An entry in the LON for the year 1282 (Document DD) records the full text of a settlement negotiated between the abbess and Chapter under the rubric *Ch'est li pais des abbesses*, which is very similar in structure to the terms

²³⁹ See the additional documents (A, B, I, M, N, O, P, Q, and R) in the LON concerning the need for candles.

²⁴⁰ LON, f. 55ra (Document A, Appendix, 382, ll. 65–66): *Les avainnes doivent convertir a retenir l'eglise, et as clokes a refaire*; cf. below, 84.

²⁴¹ LON, f. 96rb (Document CC, Appendix, 410, ll. 327–330): *Item abbatissa Nivellensis que fuerit pro tempore tenetur solvere omnes procuratores episcoporum et legatorum sedis apostolice et omnium prelatorum pro ecclesia Nivellensi.*

²⁴² Hoebanx, *L'Abbaye de Nivelles* (1952), 283.

²⁴³ LON, f. 96rb (Document CC, ll. 406–410): *Insuper debet eadem abbatissa custodem sufficientem ponere in ecclesia Nivellensi qui faciat ea que pertinent ad custodiam. Si autem dicta abbatissa esset in defectu faciendi premissa vel alia ad que tenetur ecclesie Nivellensi, ecclesia potest cessare a divinis contra ipsam quociens voluerit usque ad supplementum defectuum premissorum.*

²⁴⁴ Wauters, *Le duc Jean Ier* (1853), 232–233: “Chacun de ces statuts [which Abbess Elizabeth de Bierbais had reformulated for Nivelles], dont l'utilité ne paraît pas contestable, devint 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'abbesse tenant bon, le chapitre, par un abus injustifiable des lois canoniques, lança contre elle une sentence d'interdit.”

of settlement reached in 1241.²⁴⁵ Moreover, the Chapter once again imposed a *cessatio a divinis* upon the Abbess Elizabeth de Bierbais because the monastery and dormitory were badly in need of repair and the church lacked suitable protection.²⁴⁶

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 of Stein and the *preposita* Emma de Turre acted on behalf of the canonesses. The bishop of Liège, John of Flanders (1282–1292), once again with the abbot of Villers-la-Ville and the archdeacon Jacques Castance from the Chapter of Liège, 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 singularem tanquam in arbitraticem compromitti non potest.”²⁴⁷ 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.²⁴⁸

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 (*matricularii*) for the church of Nivelles.²⁴⁹ A forester was also necessary to manage the forests of Nivelles. This settlement also contained a new stipulation to banish Lombard usurers from the city of Nivelles²⁵⁰, 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 1241.²⁵¹ The Chapter, therefore, had strengthened its legal position in the intervening years.

²⁴⁵ LON, ff. 96va–98ra (Document DD, Appendix, 410–418). This peace agreement is one of three documents that are preserved also in a parallel transmission in the Cartulaire de l'abbaye de Nivelles, f. 80r.

²⁴⁶ Hoebanx, *L'Abbaye de Nivelles* (1952), 274, 277.

²⁴⁷ CIC, X 1.43.4 (ed. Friedberg, vol. 2, 1879, col. 231): *In mulierem singularem tanquam in arbitraticem compromitti non potest; secus si mulier habet alias iurisdictionem de iure communi vel consuetudine. Nam tunc etiam super rebus temporalibus ecclesiae potest in eam valide compromitti.*

²⁴⁸ LON, (Document DD, Appendix, 412, ll. 381–383) f. 96va (1282): *Adictum est etiam inter nos partes predictas quod non obstant illa iura quibus cavetur quod in mulieres non potest compromitti. Quibus iuribus communi consensu renunciaverunt dicte partes.*

²⁴⁹ For the origins and duties of *matricularii*, see the essay in this volume by Thomas F. Kelly.

²⁵⁰ Dorin, “Banishing Usury,” 243–258.

²⁵¹ 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 crunch and great pains, expenses, advice and assistance (*consilium et auxilium*) 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 Wezemaal family. The settlement appears to have had little effect. In 1284 the canonesses 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 *prudenciores* finally had decided to take the jurisdiction into their own hands.²⁵⁴ The abbess had failed to appoint a *villicus* 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

²⁵² LON, f. 97rb (Document DD, Appendix, 414, ll. 403–407): [...] *videlicet de allodiis distractis et alienatis per ipsam ad ius et proprietatem ecclesie Nivellensis reducendis, et de iusticiis Nivellensibus cum sint ardua et contra magnates et magno indigeant labore, sumptu, consilio et auxilio, pronunciamus quod bona fide suis sumptibus procurabit ad ius et proprietatem ecclesie Nivellensis revocare.*

²⁵³ LON, ff. 95va–95vb (Document Z, Appendix, 406, ll. 289–290): *Recordatio capituli quando deficit prebenda Brebantie. [...] recordatum fuit in pleno capitulo.* There follows an *alia recordatio* (f. 95vb: Document AA, Appendix, 408), undated, with the almost identical wording.

²⁵⁴ See LON, ff. 100va–102ra (Document JJ, Appendix, 430–438) for the *villicus* of Abbess Elizabeth de Bierbais.

²⁵⁵ The text is preserved without its protocol and eschatocol in the cartulary of Nivelles, *Analectes archéologiques*, ed. Schayes (1852), 81 (*De advocatia Nivellensis villae*): *Sciunt omnes hoc scriptum videntes, quod scabini et prudentiores de Nivella videntes villam Nivellensem esse in malo statu propter defectum iusticiae, nullum enim villicum habebat abbatissa, malefactores cutellis quosdam percusserunt, furtis, rapinis et aliis excessibus plurimis villam predictam vastaverunt, raptus mulierum commiserunt.*

²⁵⁶ *Analectes archéologiques*, ed. Schayes (1852), 81: *Cum autem propter tales excessus et tantum iustitiae defectum timuerint prudentes oppidi destructionem, dominum duces, tanquam summum dominum ville et advocatum, vocaverunt, intime supplicantes, quod ipsi consuleret.*

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 Honeff, 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 *cessatio 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 *cessatio 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

This should have occurred *salvo iure domine abbatisse Nivellensis*. For the development of the city of Nivelles see Delanne, *Histoire* (1944). Boffa's claim that these events took place at the end of the twelfth century is mistaken; Boffa, *L'abbaye* (2016), 76. 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.

²⁵⁷ See below, 85.

²⁵⁸ *Analectes archéologiques*, ed. Schayes (1852), 81: [...] *in presentia mei infrascripti notarii et testium subscriptorum, ad hoc specialiter vocatorum et rogatorum, capitulum Nivellense, Leodiensis dioecesis, ad hoc specialiter congregatum [...].*

²⁵⁹ Cf. above, 68.

²⁶⁰ *Analectes archéologiques*, ed. Schayes (1852), 86: [...] *contra vos dominam abbatissam et vestros complices, si qui fuerunt, et maxime contra illos omnes et singulos de vestro collegio, qui palam et secrete nobis, capitulo predicto, in praemissis se opposuerunt, tamquam contra adversarios libertatis iurium et consuetudinum antiquarum et approbatarum ecclesiae nostre [...].*

²⁶¹ *Analectes archéologiques*, ed. Schayes (1852), 85: [...] *quia etiam cognati vestri et alii de domo vestra exeuntes, prout fama laborat, personis ecclesiae nostre minas intulerunt [...].*

her frequent travels into Brabant, the abbess used the revenues from the estates of the guesthouse of Saint-Sépulcre, which belonged to the Chapter.²⁶²

The family de Bierbais was one of the oldest noble families in the duchy of Brabant.²⁶³ 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 Brabantine nobility.²⁶⁴ Dietrich was mentioned for the last time in 1265, although he probably died more than ten years later, after 1276.²⁶⁵ 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 Wezemaals 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 Wezemaal (d. 1302).²⁶⁶ Their son, Arnould V, was heir to the lordship of Wezemaal. 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.²⁶⁷ 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 Wezemaals, could easily flare into a conflict of loyalties.²⁶⁸ 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 item by item. Firstly, the Chapter requested sufficient guards to protect the church, into which wild animals, pigs and vagabonds intruded.²⁶⁹ 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

²⁶² Ibid. This complaint was also an age-old grievance: *Quia etiam de bonis nostris, que penitus sunt a bonis vestris divisa, separata, discreta distincta et vobis sub pena decem librarum auri interdicta, pluries recepistis et retinuistis et in usus vestros convertistis [...]*.

²⁶³ One of the abbess's relatives, Walter de Bierbais, served as a canon in Nivelles in the second half of the thirteenth century, Van Ermen, *De edele familie van Bierbeek* (1998), 111–129. *Trophies de Brabant 2*, ed. Butkens (1724), liv. 3: *Genealogie des sires de Bierbais*, 201–202.

²⁶⁴ Van Ermen, *De edele familie van Bierbeek* (1998), 121.

²⁶⁵ Van Ermen, *De edele familie van Bierbeek* (1998), 125.

²⁶⁶ Van Ermen, *De familie van Wezemaal* (1985), 45–73.

²⁶⁷ *Trophies de Brabant 2*, ed. Butkens (1724), 202. The independent lordship of Bierbais appears to have died out in 1284, when John I. of Brabant transferred the lordship of Bierbais together with the exercise of high justice to his brother, Godefroy d'Aerschot, Wauters, *Le duc Jean Ier* (1853), 239.

²⁶⁸ LON, f. 94vb (Document S, Appendix, 400).

²⁶⁹ *Analectes archéologiques*, ed. Schayes (1852), 82: [...] *ob defectum custodis communis sit bestiis, porcis omnibusque confabulatoribus et quamplurimis immunditiis [...]*.

matricularii, the great bells of the church had been broken, and no one had been brought to account or paid compensation for the damage.²⁷⁰ The documents in the LON mention two bells named *Scielete* and St Gertrude.²⁷¹ 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.²⁷² In May 1290 the duke promised in writing that he would no longer alienate the ancient forest of Nivelles, and in August he repurchased part of the forest from the Templars in Vallaimpont.²⁷³ 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 jurisdiction. 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 1272/1273,²⁷⁴ 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.²⁷⁵ Elizabeth de Bierbais also had broken or refused to uphold the peace arranged previously between her and the

²⁷⁰ LON, f. 54va (Document A: Statutes and revenues of the sacristy of Nivelles) refers to the destruction and the necessary repair of the church and the bells and the new, binding assignment of responsibilities; cf. Document A, Appendix, 386, ll. 65–66.

²⁷¹ LON, f. 94vb (Document T, Appendix, 402).

²⁷² Wauters, *Le duc Jean Ier* (1853), 232.

²⁷³ Wauters, *Le duc Jean Ier* (1853), XII, I, 341 and 447.

²⁷⁴ Wauters, *Le duc Jean Ier* (1853), 232.

²⁷⁵ *Analectes archéologiques*, ed. Schayes (1852), 84: [...] *quia etiam cursum fluentis aquae Nivelensis, quem per totam terram vestram deliberare tenetis tueri et omnia impedimenta remove, ratione domini vestri, non deliberastis, ut ad cursum debitum perveniat, et ob hunc defectum et negligentiam vestram molendinum praebendae nostrae molere et ultra id sedecim modios bladi nobis reddere annuatim consueverat, perditum est et quasi desolatum.*

Chapter, probably a reference to the first accord of 1282.²⁷⁶ Moreover, all requests from the Chapter were met with a “soporific mind and deaf ears” (*mente sopita et aure surda*).²⁷⁷ This list of complaints suggests that abbess and Chapter were engaged in a war of attrition. Is it possible that Abbess Elizabeth de Bierbais refused outright to observe the duties of her office when the Chapter left her no further room to manoeuvre 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 *Nueverve* (*Neuve Rue* or New Street) of Nivelles²⁷⁸, 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 Vaillaimpont (near Nivelles)²⁷⁹ claimed was theirs, and they threatened to bring the abbess to account before their procurators. But before the case could be determined, Elizabeth de Bierbais 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.”²⁸⁰ The reference to the Templars here is also of interest, as Arnould III of Wezemaal, 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 Vaillaimpont, and they provided political backing for Arnould III of Wezemaal in his struggle over power in the Duchy of Brabant as he sought to af-

²⁷⁶ LON, f. 96va (Document DD, Appendix, 410–418, dated 1282): *Ch'est li pais des abbesses*.

²⁷⁷ *Analectes archéologiques*, ed. Schayes (1852), 86.

²⁷⁸ I thank Walter Simons for this detail. See Hanon de Louvet, *Contribution* (1948), 83–85.

²⁷⁹ For the foundation of the Templars in Vaillaimpont, see Talleyrand-Périgord, *Rapport* (1788), clxi.

²⁸⁰ *Analectes archéologiques*, ed. Schayes (1852), 83: [...] *sed in loco qui dicitur Nuerverve, sub vestra iurisdictione et dominio, dolium vini quoddam, quod ibi propter vestram voluntatem et extra bannum vestrum vendebatur, effusum, propter hoc a vobis, iustitia mediante, secundum quod alias pluries ibidem factum fuit in causa simili, Templariis de Valiampont, qui dicebant dictum vinum fuisse suum et in eorum preiudicium et iniuriam effusum, et ob hoc vos coram suis conservatoribus traxerunt in causam eam non finitam, vos vano vel ficto timore perterrita, trepidantes ubi non erat timor, dolium vini de domo vestra ad locum ubi effusum dictum dolium fuit, deduci facientes, de dicto dolio eisdem restitutionem fecistis, in vestra iurisdictionis preiudicium et ecclesie nostre laesionem, ius vestrum et ecclesie nostre a vobis abdicando, penam dilapidationis minime formidantes. [...] sed in dolore et tristitia remittuntur a vobis* [sic]. The supply of wine was of great importance to the Chapter, for which the abbess, at the request of the Chapter, was required to provide four horses a year at her own expense, and in the following year she was required to provide five horses. LON, f. 96ra (Document S): *Des Ridelous ki vont sur le Rin en vendenge*.

firm the rights of the underage, first-born Henry IV against the will of the Duchess Adelheid of Burgundy.²⁸¹ In 1265 the Templars appealed to the papal court in Rome against Duchess Adelheid of Burgundy and her children.²⁸²

The legal accusations together with the threat of a renewed *cessatio a divinis* appeared to be successful. In any event, on 5 October 1287 the Chapter reached a second accord with the abbess, brokered by Alexander de Brunsore, deacon of the Chapter of Liège, and Rigart de Kenneffe, a canon from Liège. This agreement was also documented in the LON (EE, *Li seconde pais des Abbesses*).²⁸³ Both parties now reached a consensus on the most important points of contention (*sour pluseurs articles*). It was agreed that it was the abbess’s obligation to address (*nous abbessse enferons no devoir*) the matters pertaining to the chapel, the affairs that had occurred around the church and the broken bells. The Chapter, therefore, had succeeded in forcing the abbess to fulfil the duties of her office. She was also required to repair the refectory, to prevent it from collapse, and to provide for the renovations to the dormitory, the Chapter house and all of the monastery’s buildings. The abbess also undertook to maintain the canal in good condition so that water powered the mill.

Of particular interest is how responsibility for the necessary construction work agreed to here was to be divided: “We, the Chapter,” the document declares, “are obliged to pay for the building materials, the hospitals (*li carieteis*) for the labour and the abbess is responsible to ensure the free flow of the water.” This division appears to refer back to the ancient threefold distribution of the income of Nivelles, which already in the middle of the eleventh century is referred to as an old tradition,²⁸⁴ whereby the Chapter, the hospitals (*li carieteis*), and the abbess each received the same proportion of income. The abbess was also forced to acknowledge the restitution of the alienated estates and toll revenues as her duty, to pursue them to the best of her ability, and to maintain the monastery’s forests and estates in good condition.

A separate paragraph was dedicated to the prebend from Brabant, highlighting the internal power relations. The abbess could be summoned lawfully before the Chapter (*ke nous li abbessse soions soumonse de par le capital*) to ensure personally that the revenues from Lennick came to the monastery under an agreed penalty of six *sous* per day. The abbess was obliged to remain in Lennick until the Chapter recalled her. Should the prebends remain outstanding, she was to pay thirty-six pounds as compensation into the Chapter’s treasury. The Chapter entrusted the mediators Alexander de Brunsore and Rigart de Kenneffe to determine further penalties for the abbess’s misconduct. The mediators, moreover,

²⁸¹ See above, 84.

²⁸² Tarlier/Wauters, *Geographie* (1873), 4.

²⁸³ LON, ff. 98ra–99ra (Document EE). This peace agreement is also preserved in the *Cartulaire de l'abbaye de Nivelles* f. 409r. Cf. Hoebanx, *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.²⁸⁵ This attribute was accentuated with a new valence 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.”²⁸⁶ 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.²⁸⁷ 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 canonesses and afterwards gave a coin to each member of the convent.²⁸⁸ 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.²⁸⁹ 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 remuner-

²⁸⁵ *Vita sanctae Gertrudis* A, ed. Krusch (1888), ch. 3, 457: *His itaque omnibus iuxta divinum ordinem dispositis, plena dierum et perfecta aetate, exemplum boni operis relinquens, [...] migravit ad dominum.*

²⁸⁶ See Sonntag, *Klosterleben* (2008), 335–361 and 600–609 for the monastic *mandatum* and associated rituals in general, as well as Margot Fassler’s essay in this volume, 206: *Timens ergo sacratissima virgo Gertrudis ne forte in arrogantie incidat iactantiam, post multa virtutum exercitia pastoralis regiminis deposuit onera.*

²⁸⁷ Margot Fassler discusses this ritual in detail in her essay in this volume, 208–209.

²⁸⁸ LON, f. 29v. For the handwashing that was associated with the *Mandatum*, see Sonntag, *Klosterleben* (2008), 350. I would like to thank Jörg Sonntag and Charles Caspers for their valuable suggestions.

²⁸⁹ See the *Liber ordinarius* of Louvain: [...] *lavantur [...] pedes fratrum vel manus; Les ordinaires*, ed. Lefèvre (1960), 82.

ation in money (LON, Documents J, 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 canonesses and the entire community.²⁹⁰ 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.²⁹¹ Measures painted in red pigment, which refer in concrete terms to the size of the ration of fish for the canonesses, 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 canonesses 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.”²⁹² 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 canonesses 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, *Li lettre des pais de duc de Brabant*).²⁹³ 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.”²⁹⁴ The wording of this second peace agreement, concluded on 15 January 1290, is also preserved in the cartulary of Nivelles.²⁹⁵

In choosing to preserve this version in the *Liber Ordinarius*, the Chapter of Nivelles was evidently aware that this was a decisive moment in their existen-

²⁹⁰ LON, ff. 93va–93vb (Document K, Appendix, 396.): *Hoc est latitudo fustri salmonis.*

²⁹¹ LON, f. 95ra (Document V, Appendix, 402): *Hec est latitudo fustri salmonis scutelle dominarum*, and f. 95rb (Document X, Appendix, 404.): *Hec longitudo fustri salmonis scutelle dominarum a domina abbatissa Nivellesse.*

²⁹² LON, f. 95rb (Document W, Appendix, 402–404).

²⁹³ LON, ff. 99ra–99va (Document DD, Appendix, 410–418).

²⁹⁴ LON, f. 99ra (Document FF, Appendix, 426, ll. 525–526): *Nous Jehans, par le grasce de dieu dus de Lothenghes, de Brabant et de Lembourch.*

²⁹⁵ Cartulaire de l’abbaye de Nivelles, f. 392 (Sunday after the Octave of Epiphany, 1290). Briefly mentioned by Wauters, *Le duc Jean Ier* (1853), 233.

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 Godefroy of Brabant, the ministerial families, the lords of Diest and von Walhain²⁹⁶, and, most importantly, the lords of Wezemaal. Through this agreement the abbess lost any political backing for potential manoeuvring 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 burghers 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 (*Reichsunmittelbarkeit*) through the peace with the duke and his vassals. The oath, which Abbess Yolanda of Stein was compelled to swear to 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) *maintenerai le princeit 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

²⁹⁶ The families of Wezemaal, of Rotselaar und of Walhain all formed part of the Brabantine ministerials; Van Ermen, *De familie Wezemaal* (1985), 47.

²⁹⁷ See document LON, f. 92vb (Document I, Appendix, 392, ll. 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: [...] *eskevins de le ville de Nivelles a chascun une chandaille prouvendaus et un stievenine pour leur femes. Et ossi doit ilh a maeur une prouvendaus et une stievenine. Et autreteis chandeilles doient avoir li ius et li forestiers*. They are here remunerated by a gift of a coin and a candle.

²⁹⁸ LON, f. 101ra (Document JJ, l. 756); *princent* reflects the Latin title of the abbess as *princeps imperii*, see above, 76, n. 219.

Holy Roman King Adolf of Nassau in 1292, towards the end of her rule.²⁹⁹ The duke must have consented to this, as earlier in the same year Adolf of Nassau had named him – perhaps as compensation? – imperial protector (*Reichspfleger*) for the Lower Rhine. The first part of this ritual, described in considerable detail in the LON, took place on 16 August 1292 in Cologne, when King Adolf solemnly confirmed all of the privileges, rights and liberties that had been conferred upon the abbey of Nivelles by previous Holy Roman Emperors and Empresses.³⁰⁰ The crucial act of imperial investiture was performed at Nivelles on Thursday 6 November 1292, in the presence of the canonesses, canons, magistrates and vassals, and recorded also in the LON.³⁰¹ The abbess rendered homage by offering a "feudal kiss" to the king, who was represented by a knight, after which he presented her with a ring to symbolise the regalia and all the fiefs and perogatives she held as a vassal of the empire.³⁰²

The investiture of secular rights through the ring is quite surprising, as lay people had in fact been prohibited from granting a ring to signify investiture since the Investiture Controversy. Two years later, at the investiture of Abbess Yolande of Stein in 1294, the Holy Roman King evidently effected the investiture with both sceptre and ring. Once again the king was represented by a knight, who placed the ring on the abbess's finger to publicly confirm the abbey's direct relationship with the empire.³⁰³ At the investiture of Abbess Elizabeth de Bierbais in 1292, the knight also took her hand as she swore her oath of allegiance to the king. The abbess then swept her hand around, pointing to the church of St Gertrude, as she promised to protect and preserve it as best she could. Her action symbolised a vassal's duty; however, in view of the events of recent years, in which she had failed to provide this very protection to the Chapter and the church of Nivelles, the description of her act of homage sounds like her final act and a gesture of reconciliation. The account of the investiture of Yolande of Stein, identical in most other respects, makes no mention of Elizabeth's gesture. It seems likely that this was the first ritual investiture and renewal of the abbey's self-governing status to occur since Henry (VII) had invested Oda of Leez in 1230. Perhaps this was the reason why the knight who officiated at Elizabeth de

²⁹⁹ LON, ff. 102va–102vb (Document KK, Appendix, 438).

³⁰⁰ RI VI, 2, n°. 62.

³⁰¹ LON, ff. 102ra–102rb (Document KK, Appendix, 438, ll. 741–747): *Anno domini M° CC° nonagesimo II° feria V ante festum Martini hyemalis misit rex Adulphus Allemanie domine Elyzabeth de Birbaco abbatisse Nivellesi homagium per unum militem hominem regis per litteram regis. Et ita fecit domina abbatissa coram canonicabus et canonicis, scabinis, hominibus suis feodalibus et aliis iunctis manibus, domina abbatissa osculatur militem, et miles reddidit sibi omnia feoda et iura que tenet a rege per anulum in testimonium astantium.*

³⁰² LON, f. 102ra (Document KK, Appendix, 438).

³⁰³ LON, f. 101va: (Document JJ, Appendix, 434, ll. 696–699): [...] *ac si presens fuisset abbatissa coram rege et rex dedisset per sceptrum et tanta littera domina venit coram illo, et petit sibi dari regalia et osculatur dominum et postea dat per anulum quem ponit in manu domine regalia in testimonium hominum regis [...]*.

Bierbais'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.³⁰⁴

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.³⁰⁵ A brief, most likely older, entry about the ducal *adventus* here was already preserved in the LON (Document S).³⁰⁶ 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 dux Brabantie venit noviter apud Nivellam [...]*).³⁰⁷ The great bells ought to peal while the canonesses 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 virtus et potestas et imperium*.³⁰⁸ 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.³⁰⁹ 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.³¹⁰ In doing so, she was fulfilling her representative duty on behalf of the community of Nivelles. As the incumbent of a prelatore the abbess was obliged to participate in the synod in the same way that the abbesses of collegiate foundations (*Stifte*) in the diocese of Strasburg took part in an episcopal synod in 1264.³¹¹

Elizabeth de Bierbais 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

³⁰⁴ LON, f. 102vb (Document KK, Appendix, 438).

³⁰⁵ On the *Adventus* as a ritual of reception in general, see *Adventus*, eds. Johaneck/Lampen (2009). Schenk, Zeremoniell (2003); Weifenbach, Freiheit (2001), 223–256.

³⁰⁶ LON, f. 94vb (Document S, Appendix, 400).

³⁰⁷ LON, ff. 102vb–103ra (Document MM, Appendix, 440).

³⁰⁸ CANTUS 0006870.

³⁰⁹ See the edition of the Statutes, *Les statuts synodaux*, ed. Avril (1996). I am indebted to Philipp Stenzig, Düsseldorf, for his assistance with numerous details, especially concerning this text.

³¹⁰ LON, f. 96rb (Document CC, Appendix, 410, ll. 330–331): *Debet etiam dicta abbatissa synodum episcopalem et generalem tam pro se quam pro ecclesia Nivellensi et personis eiusdem [attendere]*.

³¹¹ Klapp, *Das Äbtissinnenamt* (2012), 408–409.

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 sero esset die illo*). Seated to his right was the abbot of Saint-Pierre d'Hastière, 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.³¹² 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 canonesses (*domicelle*) and canons were seated at her feet. The clerics of Nivelles wore surcoats (*tabards*) or breastplates (*gardecorps*), 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 albs 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.³¹³

The abbess's participation in the synod was recorded in the LON as a precedent. This event is mentioned in an additional document (OO), where it is emphasized by a red initial.³¹⁴ "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 prelatore and the deacon too by virtue of his prelatore (...). And this was done at the synod in 1288 in Liège in St Lambert's Church described above."³¹⁵

³¹² 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.

³¹³ *Les statuts synodaux*, ed. Avril (1996), 97, ch. 1 De synodo: *Item, precipimus quod [...] decani antequam recedant, habeant omnes constitutiones presentis synodi scriptas, et eas legant et intelligant, et si super aliquibus hesitaverint vel dubitaverint, petant et requirent eas per nos vel officialem nostrum sibi exponi antequam recedant a synodo.*

³¹⁴ LON, f. 103va (Document NN, Appendix, 442–443).

³¹⁵ 1282 according to the manuscript, following the Easter-dating used in the archdiocese of Cologne.

The abess 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 Elizabeth de Bierbais, together with representatives of the Chapter of Nivelles, opened the tomb on the feast of St Kylian, 8 July 1292.³¹⁶ The tomb was opened at “the command and direction of the Chapter of Nivelles” (*ad preceptum et ordinationem capituli Nivelensis*). Abbess Elizabeth 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.³¹⁷ 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 Nivelensis ecclesie*).³¹⁸ Van Ryckel based his account of the tomb opening from a “book chained to one of the canonesses’s choirstools.”³¹⁹ 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 choirstools of the canonesses.

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 *Theodericus de Ulmo* and not *de Ulmis*, and the LON records Emma de la Tour as *praeposita* and not Wil-

³¹⁶ See the essay in this volume by Bonnie Effros. For the dating of the opening of the tomb to 1292, see Walter Simons’s analysis of the evidence in the edition of the Document Y, Appendix, 404, n. 53.

³¹⁷ Van Ryckel, *Historia* (1634), 407.

³¹⁸ Van Ryckel, *Historia* (1634), 406: *Feria quarta in divisione Apostolorum scilicet die S. Kiliani et sociorum eius anno domini MCCXCII respexerunt reliquias b. Gertrudi in feretro ad praeceptum et ordinationem capituli Nivelensis d. Elizabeth de Birbaco, M. Theodericus de Ulmis presbyteri, Walterus de Pois scholasticus, Sibylla de Iacea, Wilhelmina de la Tour praeposita canonicae Nivelenses et invenerunt caput et maxillas cum dentibus, tribus exceptis et totum corpus per ossa virginis et dictas reliquias viderunt multi de capitulo et aliae personae extraneae dicta die et nocte. Haec ex libro, qui catenatus exstat ad stallum dominarum in earum choro.*

³¹⁹ See above, n. 318.

helmina de la Tour, who may have been Emma’s biological sister.³²⁰ Van Ryckel’s published version makes no mention of the canons (*canonici 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 canonesses’s 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.³²¹ The text in the LON also mentions that the relics were displayed all day and into the night (*dicta die ac 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.³²² 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 Elizabeth de Bierbais in 1293.

The additional documents in the *Liber Ordinarius* 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 Adolf of Nassau in 1294. The king was represented at the conferral of the regalia by a relative of the abbess, Count Arnoulf III of Looz.³²³ The abbey’s difficulties did not finish there. Duke Jean III made the abbess pay when she dared to take possession of the monastery’s estates, forcing her to compensate him for this loss.³²⁴ This incident under-

³²⁰ Hanon de Louvet, *L’inspection* (1952), 250, n. 7.

³²¹ AASS Martii, vol. II, Appendix II (Reliquiae examine. Miracula), 597: *Noverint universi quod anno dominicas [sic] incarnationis MCCXCII, feria quarta ante divisionem Apostolorum, videlicet in die sanctorum martyrum Kiliani et sociorum eius, respexerunt reliquias beatissimae virginis Gertrudis in feretro ipsius, ad praeceptum et ordinationem capituli Nivelensis, domina Elisabeth de Birbaco abbatissa, Emma de la Tour praeposita, Sibylla de Iacea, Jacobus de S. Syro, Joannes de Valerio, et magister Theodericus de Ulmo, presbyteri, Walterus de Pois scholasticus et alii canonici atque canonicae Nivelenses et invenerunt caput ac maxillas cum dentibus, tribus tantum exceptis, et totum corpus per ossa virginis. Et multi de capitulo et aliae personae extraneae viderunt prefatas reliquias dicta die et anno praenotato apud quas innumera usque hodie fiunt miraculo, quorum pauca hic enarrare sufficiat.*

³²² AASS Martii vol. II, Appendix II (Reliquiae examine. Miracula), 598.

³²³ RI VI, 2, n°. 348. Wauters, *Le duc Jean Ier* (1853), 234.

³²⁴ Wauters, *Le duc Jean Ier* (1853), 234.

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.³²⁵

The Chapter of Nivelles had fought an important battle and preserved the textual 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 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 canons 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 canons of Nivelles.

³²⁵ Constitutiones 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 Lotharingia, Brabant and Limburg, Constitutiones 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, Constitutiones 11, ed. Fritz (1978–1992) n° 98, 66. See Rowan Dorin’s essay in this volume, 147–148.

Worlds Apart? Beguine Communities of Nivelles and the Abbey of St Gertrude, from Marie d’Oignies (d. 1213) to the *Liber ordinarius* (c. 1300)

WALTER SIMONS

The monastery of St Gertrude, whose long and venerable history reached back to Merovingian times, dominated sacred and secular life in Nivelles until the end of the Ancien Régime. No other institution, ecclesiastical or civic, ever truly challenged its hold over the city, even though by the later Middle Ages its ancient glory showed signs of fading.¹ Indeed, the long shadow cast by St Gertrude’s has obscured the significant presence in Nivelles of beguines and other lay religious after 1200. Working in collaboration with lay women, lay men, monks, and clerics of nearby towns, beguines of Nivelles promoted a popular religious movement that spread from the Liégeois throughout western and central Europe.² Contemporary observers concurred that Nivelles was an early center of beguine activity. The Dominican, Thomas of Cantimpré (d. c. 1272), who was born not far from the city and kept abreast of devotional practices there throughout his life, even argued that the city was the birthplace of the beguine movement and that a beguine mistress commanded 2,000 women there.³

Medieval Nivelles thus was marked by not one but two traditions of female religiosity: one of secular canonesses, embodied by St Gertrude and rooted in aristocratic conceptions of women’s service to God, and another of beguines and other lay women of devotion, gathered in informal communities that catered primarily to members of the middle and lower classes. Similarities between the two exist and have been noted in historiography: both traditions eschewed solemn monastic vows and allowed private property; in both cases, women could leave their community with relative ease, either to “return to the world” or to embrace

¹ Hoebanx, *L’Abbaye de Nivelles* (1952) and Delanne, *Histoire* (1944) remain the best introductions to St Gertrude and the city of Nivelles until 1300. I should like to thank the editors of the volume, Jeffrey F. Hamburger and Eva Schlotheuber, for their care, patience, and most valuable suggestions while writing this essay; Thomas Kelly, Charles Caspers, and Andreas Odenthal for their comments on worship at St Gertrude’s; Albert Derolez and Rowan Dorin for the many spirited debates. Rowan Dorin also graciously shared with me his photographs of St Gertrude’s *Liber grossus*.

² The literature on beguines is enormous. For Brabant, Liège, and neighboring regions, see most recently Majérus, *Ces femmes* (1997); Simons, *Cities* (2001).

³ Thomas of Cantimpré, *Bonum Universale*, ed. Colvenerius (1627), 477 and 522 (lb. II, c. 51, n° 11 and c. 54, n° 10).