

Le Louvre des Antiquaires  
2 Place du Palais-Royal  
75001 Paris (France)  
tel. +33 (0)1 42 60 15 58 • fax. +33 (0)1 40 15 00 25  
info@lesenluminures.com

2970 North Lake Shore Drive  
Chicago, IL 60657 (USA)  
tel. +773 929 5986  
fax. +773 528 3976  
chicago@lesenluminures.com

*Libellus statutorum Cisterciensis ordinis [Libellus antiquarum definitionum]* [Book of Old Definitions], including the *Carta caritatis posterior* [Charter of Charity]; and *Libellus novellarum definitionum* [Book of New Definitions]

In Latin, decorated manuscript on parchment

Northern France, Flanders, Cistercian Abbey of Notre-Dame de Loos, c. 1318 (after 1316-1317), with additions c. 1350

75 ff., preceded by 3 paper flyleaves and 2 parchment flyleaves, followed by the same, apparently complete, in very regular quires of 8 (collation: i-vi8, vii5 [of 6, vi a cancelled blank], viii12, ix10), written on parchment in two scripts, the first (ff. 1-51) a gothic bookhand in brown ink, on up to 29 long lines (justification 140 x 95 mm), the second (ff. 51-52v and 54-74v) a gothic cursive script in brown ink (no justification), parchment ruled in plummet, text copied below the top line, numbered quires in lower margin of verso of last leaf of each quire, catchwords, prickings still visible, some pen flourishing or decorated notae, some capitals stroked in red, headings in red, rubrics in light red, 2-line high painted initials in red, contemporary corrections brought in the core of the text with some words expunged and crossed in red, some pen flourishing and doodles (e.g. fol. 3, 5, 14v, 15v-16, 35v, 43v, 50). Bound in 19<sup>th</sup>-century aubergine morocco, triple gilt filet framing boards, spine sewn on four raised bands, gilt filets on the raised bands, gilt title "Carta caritatis" and "Manuscrit" at the foot of spine, double gilt filets lining the inner boards, marbled paper endleaves (Binding slightly scuffed, a few scratches, but generally in good condition; a few flaws to the parchment, lower margin of 2 leaves (ff. 18 and 19) cut with no loss of text, some rubrics fading but overall in fine condition). Dimensions 190 x 135 mm.

This codex witnesses the codification of Cistercian Law as voted in the annual General Chapters, stipulated by the decisional committee called the *definitorium*, and subsequently copied into manuscripts to be sent to all Cistercian foundations. Produced for the French abbey Notre-Dame de Loos (near Lille), the present copy was amended for use in the Cistercian female Abbey of Notre-Dame de Flines (near Douai) in the 1350s. Updated with the *Libellus* of 1316-1317, followed by the "novellae" of 1350, this codex with its unedited texts merits further study in the manuscript tradition.

## PROVENANCE

1. Signed by the scribe, Johannes de Naming (not recorded in Bouveret, *Les colophons manuscrits* (1973) c. 1318 or shortly thereafter. First part (ff. 1-51) copied in Northern France, bordering Belgium (French Flanders) by the Cistercian monk Johannes Namaing at the demand of Hugo Li Pers d'Englos (died in 1332), thirteenth abbot of the Cistercian abbey Notre-Dame de Loos in French Flanders (see Cottineau, 1652; Delfosse, in Le Glay, 1848, pp. 374-398). The Abbot Hugues de Li Pers was part of the famous Englos family (see De

Rosny, 1994, pp. 63-64). Loos (or Loos-lez-Lille) is located south-west of Lille (Nord-Pas-de-Calais). The information on the scribe and the abbey Notre-Dame de Loos is revealed in the substantial colophon on f. 50, beginning: "Explicit liber diffinitionum scriptus in .xi. diebus in causto nigro a fratre johanne de namaing iam sene et pigro ad imperium pie memorie domini hugonis abbatis tredecimi de laude [BMV de Laude = Loos]" [Here finishes the book of definitions copied in eleven days in black ink by Brother John de Namaing, already old and not inclined to work (lazy!), in pious memory of Lord Hugo thirteenth abbot of Loos (i.e. Notre-Dame de Loos)].

On the Cistercian Abbey of Loos and its manuscripts, see A. Bondéelle-Souchier, *Bibliothèques cisterciennes dans la France médiévale. Répertoire des abbayes d'hommes*, Paris, 1991, pp. 197-202: "Loos. Notre Dame. Cisterciens." The present manuscript is listed as "location unknown" by Bondéelle-Souchier, 1991, p. 202: "Libellus statutorum cisterciensis, n.d. 8o." Most of the extant manuscripts copied or in the abbey's library are now in Lille, Bibliothèque municipale, listed in Bondéelle-Souchier (1991), pp. 199-201: "Manuscripts subsistants." See also Le Glay, *Catalogue descriptif des manuscrits de la bibliothèque de Lille*, Lille, 1848, pp. 335-373, for a list of the codices that were once part of the library of Loos (159 codices) and belonging to the abbot (59 codices).

2. Early on in the middle of the 14<sup>th</sup> century, perhaps at the time the manuscript received its second part (ff. 54-74v), this manuscript was destined to (or copied for) the Abbey of Notre-Dame de Flines, a Cistercian foundation of nuns, located in Flines-lez-Raches, near Douai, in the diocese of Tournai. This is suggested by the inscription found on f. 74v: "Novellae diffinitiones de flinnes." The Abbey of Flines was founded in 1234 by Marguerite, comtesse de Flandres et de Hainaut (see Hautcoeur, *Histoire de l'abbaye de Flines*, 1909; see also *Dictionnaire d'histoire et de géographie ecclésiastique*, vol. 17, col. 492-496). The Cistercian Sisters of Flines would have been under the spiritual and administrative influence of the nearby Cistercian Brothers of the Abbey of Loos, certainly responsible for the circulation of the required books and new legal codifications.
3. Rochefort de la Valette, armorial bookplate pasted on first flyleaf, with motto: "Lilia sustinet virtus." Arms described in Rietstap, II, p. 586: "Parti, au 1 d'azur à 3 fleurs-de-lis d'or, au chef du même, chargé d'un lion issant de gueules, armé et lampassé d'azur (de la Valette), au 2 de vair plein (Rochefort)." See also Chassant et Tausin, *Dictionnaire des devises historiques et héraldiques...*, 1878, tome I, p. 182.
4. Bibliothèque de M. L[uzarche], his sale Paris, 9-14 February 1865, no. 57, with entry cut out from the sale's catalogue, pasted here on the recto of the last flyleaf. See *Catalogue d'une belle collection de livres rares et curieux...provenant de la bibliothèque de M. L[uzarche]...les jeudi 9...mardi 14 février*, Paris, Claudin, 1865.
5. Eugène Paillet (1829-1901), celebrated bibliophile, his bookplate with his motto pasted on front pastedown: "Mente libera." Motto recorded in Tausin, *Supplément au dictionnaire des devises...*, Paris, 1895, p. 312. Another of his ex-libris is reproduced in G. Vicaire, *La*

*bibliothèque d'Eugène Paillet*, Paris, 1899. As a bibliophile, Eugène Paillet was studied by the Baron R. de Portalis, *Eugène Paillet, bibliophile*, Paris, 1902. His library was auctioned in 1902: *La bibliothèque de feu M. Eugène Paillet. Première [et Seconde] partie*, Paris, Drouot [Librairie Rahir], 19-20 March 1902.

## TEXT

ff. 1-3, Title of the "new" codification of 1316-1317 and table of contents, incipit, "Libellus statutorum cisterciensis ordinis illorum videlicet que ad regularem observantiam correctionem morum viteque disciplinam pertinere noscuntur" (see Lucet, 1965, p. 256-257: "La codification de 1316");

ff. 3-50, *Libellus statutorum Cisterciensis ordinis* [Libellus Antiquarum Definitionum Capituli Generalis Ordinis Cisterciensis], beginning with *Carta caritatis posterior* [Charter of Charity] (Constitution of the Cistercians), heading in red, *Carta caritatis*, rubric, *Incipit prologus super cartam caritatis*, incipit, "Antequam ordo cisterciensis esset plurimum dilatatus...Quia unius veri regis ac magistri nos omnes.."; explicit *Carta caritatis* "[...] visum fuerit celebrabitur. Explicit carta caritatis" [for an edition of the *Carta caritatis posterior*, see Turck, 1945, pp. 57-61; Waddell, 1999, pp. 498-505; see also comparative edition of CC Prior and CC Posterior, in Bouton and Van Damme, 1985, pp. 132-142]; explicit, "[...] et faciant ab aliis firmiter observari"; colophon, in red: "Explicit liber diffinitionum scriptus in .xi. diebus in causto nigro a fratre johanne de namaing iam sene et pigro ad imperium pie memorie domini hugonis abbatis tredecimi de laude [BMV de Laude = Loos]. Quem rogat scriptor pie humiliter ac devote ut quod potuit facere licet minus digne suscipere dignetur clemente ac benigne amen";

The present *Libellus antiquarum definitionum* incorporates at the beginning a later version of the *Carta* or *Charta caritatis prior* (Charter of Charity) which is the "Constitution" of the Cistercians written by St. Stephen Harding, third abbot of Cîteaux, and approved in 1119. The *Carta caritatis* is probably the best known early Cistercian text. Relations among houses of the Cistercian order were governed by the *Carta caritatis*, a truly foundational document, drawn up probably in 1114, when Cîteaux founded Pontigny, its second daughter house. This document, intended as a basis for regulating the relations between the new monastery of Cîteaux and her daughters, emphasized the uniformity of practice at Cistercian houses and the mutual love that should bind them together. The *Carta Caritatis Posterior*, was redacted from 1165 to 1173, and is still the basis of the constitution of the Cistercians.

Auberger (1986) provides a very complete overview of the founding documents of the Cistercian Order (*Histoire des textes primitifs. Les plus anciens textes cisterciens*, Auberger, 1986, pp. 21-65). He discusses the *Carta caritatis* (Auberger, 1986, pp. 25-41) and its complex evolution. There is no surviving manuscript containing the primitive *Carta caritatis* (Auberger, 1986, p. 25). A second version is called *Carta caritatis prior* (c. 1116-1119), and a third is named *Carta caritatis posterior*, written between 1165-1173. It is this *Carta caritatis posterior* which is incorporated in the *Libellus antiquarum definitionum*.

A very imperfect edition of the *Libellus Antiquarum Definitionum* and the *Libellus novellarum definitionum* is found in Séjalon, *Nomasticon Cisterciense*, 1892, pp. 367-470, pp. 498-536.

ff. 6-7v, Excerpt from Clement IV (1265-1268), Papal Bull, *Parvus fons* (1265), rubric (f. 6), *Prefatio super clementinam*; incipit, "Supradictum autem decretum sive caritatis cartam..."; rubric, *Unde ortum habuit clementina* (f. 6); rubric, *De commendatione ordinis cyterciensis. Capitulum .i.*; incipit, "Clemens episcopus servus servorum...Ad perpetua rei memoria fons parvus qui crevit in fluvium..." (published in Canivez, III, pp. 22-24);

ff. 6-11v, *Libellus Antiquarum Definitionum Capituli Generalis Ordinis Cisterciensis*, in 15 distinctions: distinction I, with 8 chapters (including the above excerpt from Clement IV, Bull *Parvus fons*); ff. 11v-12v, distinction II, with 2 chapters; ff. 12v-13v, distinction III, with 2 chapters; ff. 13v-14v, distinction IV, with 4 chapters; ff. 14v-17v, distinction V, with 8 chapters; ff. 17v-21v, distinction VI, with 7 chapters; ff. 21v-28, distinction VII, with 8 chapters; ff. 28-32v, distinction VIII, with 5 chapters; ff. 32v-35, distinction IX, with 4 chapters; ff. 35v-38, distinction X, with 4 chapters; ff. 38-41, distinction XI, with 4 chapters; ff. 41-41v, distinction XII, with 1 chapter; ff. 41-43, distinction XIII, with 3 chapters; ff. 43-47, distinction XIV, with 6 chapters; ff. 47-50, distinction XV, with 4 chapters (the last distinction is dedicated to Cistercian nuns);

f. 50, *Decretum ordinis generale* that states the obligation to have the *Libellus* read in all abbeys, rubric, *Decretum bonum*; incipit, "Districte precipitur abbatibus prioribus..."; explicit, "[...] et faciant ab aliis firmiter observari"; noteworthy is the fact that this *Decretum* (published in Lucet, 1965, p. 254) differs from the one issued in the 1257 collection of definitions, because the 1316 version of the *Decretum* adds a whole paragraph extending the obligation to nuns and feminine foundations. This larger scope is discussed by Lucet, 1965, p. 257, who signals another manuscript in which the *Decretum* is extended to nuns, Rouen, BM, MS E. 105, fol. 70.

ff. 50v-51, Excerpt from the *Statuta Capitulum Generalium Ordinis Cisterciensis*, Statute dated 1318, incipit, "Anno domini M. CCC. XVIII [1318] statuta sunt apud cystercium in capitulo generali... In primis ordinat et diffinit capitulum generale quod fiat festum de corpore domini [crossed out] christi cum duabus missis..."; explicit, "[...] Et hoc extenditur etiam ad moniales" (published in Canivez, 1935, III, pp. 338-342, statutes numbered 1-13);

ff. 51-52v, Additional definitions, likely excerpts from *statuta annalia* (?) called *extravagantes* [statutes issued annually by the General Chapters but not yet codified, and that theoretically made their way into the next revision of the *Libellus*], heading, *De carnibus non comedentibus*, incipit, "Quicumque notorie fiunt..." (destined to become *Libellus novellarum*, distinction XIII, chapter 2); other headings, *De pitantiis* (destined to become *Libellus novellarum*, distinction XIII, chapter 3); *De claustro et confessione monialium* (destined to become *Libellus novellarum*, distinction XIV, chapter 2); *De procuratore monialium*, *De correctione monialium* (destined to become *Libellus novellarum*, distinction XIV, chapter 3) (published in Séjalon, *Nomasticon Cisterciense*, 1892, pp. 531-536);

ff. 53-53v, blank;

ff. 54-74v, *Libellus novellarum definitionum*, "Ut statutorum cysterциensi ordinis scrutatores brevius inveniant quod exoptant diffinitiones ipsius ordinis capituli generalis ab anno domini MCCCXVI..."; last heading, *De procuratore monialium*; explicit, "[...] expliciunt novelle

diffinitiones" (fol. 73); list of rubrics, "Omissis distinctionibus et rubricis de quibus non agitur in sequentibus..." (see Lucet, 1965, p. 260: "La codification de 1350"); ending, *Novelle diffinitiones de flimmes*; [Abbey of Flines, Cistercian nuns, near Douai];

ff. 75-75v, blank.

In its first part, this manuscript contains a copy of the *Libellus antiquarum definitionum*, a collection of rules and regulations applicable to the Cistercians, first codified in 1288-1289 and reviewed in 1316-1317. The latter 1316-1317 revised version is found here, followed by an excerpt from a statute dated 1318. The second part of this codex contains later additions, datable to the middle of the fourteenth century, with excerpts from the *Novellae* or *Libellus novellarum definitionum*, dated 1350. This manuscript thus reflects a stage in the complex codification of Cistercian law, which underwent successive revisions, and of which all abbeys were required to obtain copies and apply rigorously.

Cistercian Law is divided into Constitutional Law, which includes the organic or "primitive" founding documents of the Order (such as the above-described *Carta caritatis*) and non-constitutional Law, i.e. all rules and regulations that regulate the life of the abbeys, be they administrative, liturgical, economic; disciplinary etc. As the present codex well demonstrates, this law is in perpetual evolution, with major changes, adaptations and revisions throughout the twelfth and fourteenth centuries.

The general assembly (or General Chapter) of all abbots of the Cistercian order was, during the thirteenth and fourteenth centuries, held once a year in Cîteaux. In theory, each abbot of each abbey was required to attend the General Chapter (over time, this became increasingly difficult). Because of the difficulty tied to questions of logistics, it became necessary to appoint a smaller executive committee called the *definitorium*. There was also formidable dissension between the members of this *definitorium*, especially between the abbot of Cîteaux and the so-called proto-abbots from La Ferté, Pontigny, Clairvaux and Morimond. This culminated in a vicious conflict between the abbots of Cîteaux and Clairvaux in the years 1263-1265, forcing the newly elected pope Clement IV to intervene and to issue the bull *Parvus fons* in 1265. This bull, copied in this manuscript and incorporated in the *Libellus antiquarum definitionem*, is commonly known amongst the Cistercians as the *Clementina* (see Canivez, III, pp. 22-32). Amongst other provisions, the Clementine bull clearly defined the composition of the *definitorium*, attempting to resolve the conflict between the abbot of Cîteaux and the proto-abbots. The *definitorium* was thus to be composed of twenty-five members also called "definitors" who elaborated "definitions" that were to be voted by the greater number of General Chapter attendants. The measure did not go over well with the proto-abbots, who still protested against the excessive power of the abbot of Cîteaux.

Once appointed, the *definitorium* was in charge of arranging the major decisions and statutes to be then presented to the assembled delegates present at the General Chapter held annually (until 1411, after they were held intermittently). The *statuta* were written down and circulated after the General Chapter was held (the *Instituta Generalis Capituli apud Cistercium* represents the earliest recoverable codification of General Chapter statutes, datable c. 1147; see C. Waddell, 2002, pp.

517-519). The first systematic collection of codified statutes was compiled in 1202 under the influence of Arnaud Amaury by the General Chapter under the name *Libellus definitionum* [Book of Definitions] and in 1204 the General Chapter required all abbeys to own a copy of the book for internal reference. The *Libellus* was then updated and enlarged in 1220, 1240 and 1257. However, the promulgation of the *Clementina* in 1265 required a more fundamental revision and eventually revised *definitiones* were issued in 1289. Again this revised version was deemed inadequate, and in 1316 the General Chapter ordered yet again a new compilation approved in 1317. The present manuscript is an example of this "new" *Libellus antiquarum definitionum* [Book of Old Definitions] (Lucet, 1965, pp. 256-257). Then, after an interval of about thirty years, changes within the Order necessitated a sort of appendix to the Book of Old Definitions, and these amendments are copied here in the second part of the codex: this is the collection referred to as the *Novellae definitiones* [New Definitions], issued in 1350 and intended to correct or amend the 1316/1317 rules and regulations (see Lucet, 1965, pp. 259-260). The Old and New Definitions were to remain the standard legal guides to Cistercian life and practice until the French Revolution, and the year 1350 signals the end of the great campaigns of legal codification in the Cistercian Order: "Le *Libellus Antiquarum* de 1316 complété par les *Novellae* de 1350 restera donc la dernière codification de l'Ordre" (Lucet, 1965, p. 262) (On Cistercian Legal codification, see Bock, 1955; Lefèvre and Lucet, 1959; Lucet, 1965; Lucet, 1977). The new compilation of definitions of 1316/1317 was, like its 1257 predecessor, organized in 15 distinctions (see text below), and integrated elements of Constitutional Law (*Carta caritatis posterior*) and elements from the now central *Clementina* (excerpts from the Bull *Parva fons*).

The *Libellus antiquarum definitionum* (1316/1317) and its later additions and amendments the *Libellus novellarum definitionum* (1350) were published by Séjalon, *Nomasticon Cisterciense*, (1892), but the edition is not satisfactory. A new edition would require a census and study of all the extant codices that contain this codification, much in the manner it has been conducted by C. Waddell for the earlier thirteenth-century codifications (see C. Waddell, 1999 and 2002). A first cursory list of manuscripts containing the *Libellus antiquarum definitionum* can be compiled using the *In principio* database: Rein (Austria), Stiftsbibl., MS 156; Vatican, BAV, Borgh. 242, 4; Vatican, BAV, Ott. Latini 538 [*Libellus antiquarum diffinitionum*]; Madrid, El Escorial, Real Bibl. de S. Lorenzo, P.II. 19 [*Diffinitiones ordinis Cisterciensis. 1317*]; Lilienfeld, Stiftsbibl., MS. 66 [*Definitiones super Chartam caritatis*]; Salzburg, Stiftsbibl. St. Peter, a.V.1; Kremsmünster, Stiftsbibl., MS. 70; Dijon, BM, MS. 600 (353) [*Libellus statutorum Cisterciensis ordinis; Clementina; Novelle (15<sup>th</sup> c.)*]; Stams, Stiftsbibl., MS. 20 [*Libellus Antiquarum Definitionum Capituli Generalis Ordinis Cisterciensis*]; Paris, BnF, MS lat. 1402; Paris, BnF, MS lat. 10894; Rome, Bibl. Nat., Sessoriano, 140; Rouen, BM, MS 767; München, 2681; Lisboa, BN, CCCXXXV/218; Lisboa, BN, CCCXXVI/73; Bruges, Grand Séminaire, 128/177; Erlangen, Univ., 158; Auch, BM, MS 18. There are thus about 18 manuscripts, but this preliminary list is not reliable.

Founded in 1098 by a group of Benedictine monks from the abbey of Molesme led by Robert of Molesme, by the year 1152 the Order of Cîteaux already counted 350 abbeys, not including the granges and priories dependent upon the principal abbeys. Among the causes which contributed to the prosperity of the new order, the influence of St. Bernard is most important. The prosperity also owes its origin and continuity to the perfect unity which existed between the monasteries and

the members of every house, a unity wonderfully maintained by the punctual assembling of general chapters, and the faithful performance of the regular visits. The collections of statutes inform us that there was no distinction of persons made. After a fault became known, the same justice was meted out to lay brothers, monks, and abbots, and the first fathers of the order. Thus, as all were firmly persuaded that their rights would be protected with equal justice, the collection of statutes passed by the General Chapter, subsequently codified, were consulted and respected in all the monasteries without exception. All the affairs of the order, such as differences between abbots, purchase and sale of property, incorporation of abbeys, questions relating to the laws rites, feasts, tributes, erection of colleges, etc. were submitted to the General Chapter in which resided the supreme authority of the order. Communities of nuns adopting the Cistercian customs were founded as early as 1120–30, but they were excluded from the order until about 1200, when the nuns began to be directed, spiritually and materially, by the White Monks.

In sum, for the Cistercian Order, the thirteenth and fourteenth centuries (1202-1350) were periods of important legal codification. This rare codex witnesses the codification of Cistercian Law (statutes, rules and regulations) as voted in the annual General Chapters and called for by the decisional *definitorium*, controlled by the Abbot of Cîteaux and the four powerful proto-abbots. The annual voted statutes and laws were codified and copied into such manuscripts to be sent to and enforced in all Cistercian foundations, and we have here an example of a copy produced for the Northern French abbey Notre-Dame de Loos (near Lille) and amended after for use in the Cistercian female Abbey of Notre-Dame de Flines (near Douai) in the 1350s. The present codex contains first the 1316-1317 codification of Cistercian law, meant to replace the older and obsolete 1257 collection of codified law, copied and signed by the scribe. The process of legal codification in Cistercian abbeys was a veritable work in progress, constantly revised and recopied, to wit this particular codex, which incorporates in the same volume the *Libellus* of 1316-1317 followed by the "novellae" of 1350, redrafted and amended, superseding the past collections. The 1316-1317 and 1350 collections have not yet been satisfactorily edited and the study of the manuscript tradition should tell a lot about the elaboration of Cistercian government and law.

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## ONLINE RESOURCES

On Cistercians

<http://www.osb.org/cist/index.html>

On the *Carta caritatis*

[http://fr.wikipedia.org/wiki/Carta\\_Caritatis](http://fr.wikipedia.org/wiki/Carta_Caritatis)

English translation of the *Carta caritatis*

<http://www.osb.org/cist/charta.html>

On the Cistercian Brothers of Notre-Dame de Loos

[http://cmapl.pagesperso-orange.fr/fset\\_histoire.html](http://cmapl.pagesperso-orange.fr/fset_histoire.html)

[http://fr.wikipedia.org/wiki/Abbaye\\_Notre-Dame\\_de\\_Loos](http://fr.wikipedia.org/wiki/Abbaye_Notre-Dame_de_Loos)

On the Cistercian Sisters of Notre-Dame de Flines

[http://fr.wikipedia.org/wiki/Abbaye\\_de\\_Flines](http://fr.wikipedia.org/wiki/Abbaye_de_Flines)

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