



# Tradition and Transmission: What is the Significance of the Cistercian General Chapters' Statutes? (Twelfth to Fourteenth Centuries)

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## ***Tradition and Transmission: What is the Significance of the Cistercian General Chapters' Statutes? (12<sup>th</sup>-14<sup>th</sup> Centuries)***

*Last version before final proofs*

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### *Introduction<sup>1</sup>*

In the nineteenth and twentieth centuries, writing a history of the Cistercian order seemed a simple task, as scholars could rely on an outstanding source, the *Statuta capituli generalis*.<sup>2</sup> The latter provided not only the legislation of the largest monastic order ever, but also an insider's perspective on the lives of thousands of male and female communities, as they contained liturgical prescriptions, codifications of discipline, economic guidelines, individual penances, and nominations of delegates to resolve conflicts or to incorporate new monasteries. The *Statuta* thus described the saintly habits of the white monks and nuns, but also more profane matters such as their collection of crime novels<sup>3</sup> and naughty stories. Moreover, they were at the disposal of every religious or lay scholar due to the publication of a first collection by dom Martène in 1717,<sup>4</sup> followed between 1933 and 1941 by the monumental edition prepared by the Trappist father Trilhe, completed and published after his death by father Joseph-Marie Canivez.<sup>5</sup> Such important historians of the order as Franz Winter,<sup>6</sup> Jean-Berthold Mahn<sup>7</sup> and Louis J. Lekai<sup>8</sup> based their investigations mostly on Martène's and Canivez's editions.

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<sup>1</sup> I am grateful for the help I received from my wife Séverine Delahaye-Grélois, Krijn Pansters and my colleague Géraldine Vaughan in editing this article.

<sup>2</sup> Florent Cygler, *Das Generalkapitel im hohen Mittelalter. Cisterzienser, Prämonstratenser, Kartäuser und Clunienser. Vita regularis. Abhandlungen 12* (Münster: Lit Verlag, 2001).

<sup>3</sup> Anselme Dimier, "Violences, rixes et homicides chez les Cisterciens", in *Mélanges à la mémoire du père Anselme Dimier 2*, ed. by Benoît Chauvin (Arbois: Benoît Chauvin, 1987), pp. 575-585.

<sup>4</sup> Edmond Martène & Ursin Durand, *Thesaurus novus anecdotorum 4* (Paris: Florentinus Delaulne, 1717), pp. 1243-1646.

<sup>5</sup> *Statuta capitulorum generalium Ordinis Cisterciensis ab anno 1116 ad annum 1786*, ed. by Joseph-Marie Canivez (Louvain: Bibliothèque de la Revue d'histoire ecclésiastique, 1933-1941).

<sup>6</sup> Franz Winter, *Die Cistercienser des Nordöstlichen Deutschlands. Ein Beitrag zur Kirchen- und Culturgeschichte des deutschen Mittelalters* (Gotha: Friedrich Andreas Berthes, 1868-1871).

<sup>7</sup> Jean-Berthold Mahn, *L'ordre cistercien et son gouvernement des origines au milieu du XIII<sup>e</sup> siècle (1098-1265)* (Paris: De Boccard, 1945).

<sup>8</sup> Louis J. Lekai, *The White Monks: A History of the Cistercian Order* (Okauchee: Cistercian Fathers, 1953) ; Louis J. Lekai, *The Cistercians: Ideals and Reality* (Kent: The Kent State University Press, 1977).

Both these editions, however, suffer from many faults. Working with manuscripts now lost, Martène contains numerous misspellings and offers only a limited number of statutes.<sup>9</sup> Canivez, like most editors of his time, made critical choices between the various manuscript versions, so that some manuscripts are under-used and others entirely overlooked.<sup>10</sup> In many cases, the version given by the later manuscript was preferred over the medieval one,<sup>11</sup> an error already committed by Leopold Janauschek with his list of Cistercian monasteries.<sup>12</sup> Moreover, Canivez's desire to provide a complete collection of the *statuta* was so strong that he quoted Angel Manrique's *Annals*<sup>13</sup> and other printed sources not only to assign a year to undated statutes (the so-called 1134 statutes collection), but also to offer knowledge on sessions that had left no material evidence.<sup>14</sup> Canivez also quoted Winter's book, which published decisions of the general chapters extracted from German archives and chronicles.<sup>15</sup> The result is a *pot-pourri* that is incoherent, especially where statutes of chapters held in Cîteaux or in Germany, during the Western Schism when the order was divided, are printed together.<sup>16</sup> For all these reasons, Canivez's edition gives a false appearance of completeness and unity.<sup>17</sup>

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<sup>9</sup> *Twelfth-Century Statutes From the Cistercian General Chapter. Latin Text with English Notes and Commentary*, ed. by Chrysogonus Waddell. Cîteaux. Commentarii Cistercienses. Studia et documenta 12 (Cîteaux: Brecht, 2002), p. 22.

<sup>10</sup> *Twelfth-Century Statutes*, ed. Waddell, p. 7, 23. Canivez's palaeographic skills seem questionable since he placed in the fifteenth century a seventeenth-century collection (today Lille, Archives Départementales du Nord, 28 H 70) (*Statuta* 1, ed. Canivez, p. xvii; *Twelfth-Century Statutes*, ed. Waddell, p. 165). See also Cygler, *Das Generalkapitel*, pp. 86-87.

<sup>11</sup> For instance, in a 1221 statute, Canivez's edition (*Statuta* 2, ed. Canivez, p. 1) follows Martène's and six seventeenth- and eighteenth-century manuscripts saying that each father-abbot is to determine the number of people allowed to stay in his daughter houses according to the *quality* of their possessions (*Committur patribus abbatibus ut in filiabus suis secundum modum et **qualitatem** possessionum ordinent, auctoritate Capituli, de numero personarum* [bold AG]), whereas two early thirteenth-century manuscripts (Dijon, Bibliothèque Municipale, 601, and Mons, Bibliothèque de l'Université de Mons-Hainaut, 31/192) indicate that the *quantity* of wealth is to be taken in account (*secundum modum et **quantitatem** possessionum*). The General Chapter's preparatory commission took the same decision in 1190 (*Twelfth-Century Statutes*, ed. Waddell, p. 188 #16).

<sup>12</sup> Leopold Janauschek, *Originum Cisterciensium* 1 (Vienna: A. Hoelder, 1877).

<sup>13</sup> Ángel Manrique, *Cisterciensium seu verius ecclesiasticorum annalium a condito Cistercio...* (Lyon: G. Boissat and L. Anisson, 1642-1659).

<sup>14</sup> *Statuta*, ed. Canivez, pp. 1-45, 53-56, 59, 73-81, 85-86.

<sup>15</sup> For instance *Statuta* 3, ed. Canivez, p. 502 #5 (year 1345) and 544 #8 (1366).

<sup>16</sup> *Statuta* 3, ed. Canivez, 3, p. 637 #10 (1393).

<sup>17</sup> Moreover many identifications of monasteries in Canivez's edition are erroneous, especially where he was dealing with facts that did not answer to his conceptions of the order's history. For example, because he did not accept that a Cistercian double monastery could exist, he understood a 1212 statute regarding a female community in *Brolium* as a mention of the La Brayelle nunnery in northern France, but, since the case was committed to the abbot of Savigny, it was really the abbey of Breuil-Benoît in Normandy (*Statuta* 1, ed. Canivez, p. 403 #62). Claude Evans also remarks that Canivez (*Statuta* 1, ed. Canivez, p. 344 #57) misinterpreted the newly-incorporated *Begardum* quoted in a 1207 statute as the Moravian abbey of Welehrad, because he read in Janauschek's catalogue that the Breton monastery of Bégard entered the order in 1130 (Claude Evans, *L'abbaye cistercienne de Bégard des origines à 1478. Histoire et chartes* (Turnhout: Brepols, 2012), p. 59).

These imperfections, and the discovery of many materials regarding the early Cistercian legislation, led the Trappist Father Chrysogonus Waddell to provide a new edition of the twelfth-century statutes.<sup>18</sup> His method was entirely new, in the sense that he separated the manuscript traditions into three categories according to their contents: annual statutes, compilations, and “local collections.” Waddell gave a separate edition of each. One cannot help but be impressed by the sum of his erudition. Still, as Waddell recognized in his introduction, it is not the definitive edition: some conclusions need further discussion.<sup>19</sup> Above all, Waddell had no time to collect the decisions that are kept in the archives of individual houses but were not adopted into the *statuta* collections.<sup>20</sup>

In short, a complete and definitive collection of the general chapter appears as a Cistercian Grail, always yearned for, sometimes approached, but never truly possessed. We all know that one learns much on such a quest, but the question is: what does one learn from it? Regarding the Cistercian statutes, we should face various issues: What are the materials available for such an edition? Are they sufficient for a good edition? If not, what does it teach us about Cistercian practices and about the directions in which Cistercian studies should turn?

### *A complete collection?*

A classification of the manuscripts and early printed editions used by Canivez and Waddell can be based on their contents, their dates, and their authors. The organization of manuscripts allows us to distinguish three categories; the first two consisting of more or less coherent compilations. Some of these are official collections: the undated *Statuta*,<sup>21</sup> the *Instituta*

<sup>18</sup> *Twelfth-Century Statutes*, ed. Waddell. For an introduction to this edition, see also Chrysogonus Waddell, “Toward a New Provisional Edition of the Statutes of the Cistercian General Chapter, c. 1119-1189”, in *Studiosorum Speculum: Studies in Honor of Louis J. Lekai, O. Cist.*, ed. by Francis R. Swietek & John R. Sommerfeldt (Kalamazoo: Cistercian Publications, 1993), pp. 389-419.

<sup>19</sup> I do not follow Waddell (*Twelfth-Century Statutes*, pp. 53-64) when he describes Paris, BnF, latin 12169, fol. 115 as “the earliest recoverable *statuta*” although undated; it seems more likely that it is the earliest compilation, prior to the *Capitula*, because it deals only with general matters in a very organized form (General Chapter, relationships between abbeys, community life).

<sup>20</sup> One exception is a statute from Winter. See *Twelfth-Century Statutes*, ed. Waddell, p. 501 #53 (year 1201).

<sup>21</sup> Father Waddell published twice his edition of the main twelfth-century statutes collections. For the *Capitula*, see *Narrative and Legislative Texts from Early Cîteaux*, ed. by Chrysogonus Waddell. Cîteaux. Commentarii Cistercienses. Studia et documenta 9 (Cîteaux: Brecht, 1999), pp. 186-191, and *Twelfth-Century Statutes*, ed. Waddell, pp. 512-516. With the *Exordium Cistercii* and the *Summa Cartae caritatis*, the *Capitula* forms an abridged version of the earlier Cistercian customary, which is lost; I agree with Christopher Holdsworth that it was probably never actually written (“*Narrative and Legislative Texts from Early Cîteaux: a Review Article*”, *Cîteaux. Commentarii Cistercienses*, 52 (2001), pp. 157-166 (159)). The date of the *Exordium Cistercii* is still a disputed matter: most scholars suggested 1123-1124 while Waddell thought 1136, but both hypothesis are fragile, since the first relies on a calculation of the number of Cistercian abbots at the time of the writing based

*generalis capituli*,<sup>22</sup> the so-called 1157 collection (in fact a compilation for years 1157-1190)<sup>23</sup> and the later codifications published by the general chapter itself in 1202, 1220,<sup>24</sup> 1237, 1257,<sup>25</sup> 1289, 1316 and 1350.<sup>26</sup> Some other compilations can be found only in one manuscript, a fact that led Waddell to consider them “local collections” (he published the twelfth-century statutes from Clairvaux, Igny, Signy, Vauclair, Tre Fontane, Bujedo and Alcobaça manuscripts<sup>27</sup>). A third group contains statutes dated and written annually in the order of their publication by the chapter. It should be noted that the only annual statutes surviving in medieval manuscripts are additions to former compilations:

Table 1: Year by year statutes in medieval manuscripts

Manuscript	Origin	Statutes years	Add-on to
Montpellier, École de médecine, H 322 <sup>28</sup>	Clairvaux	1157-1161	<i>Capitula</i>
Dijon, Bibliothèque Municipale, 601	Sept-Fons or Cîteaux?	1180-1220	“1157” Collection
San Isidro Abbey, 1	Bujedo	1174-1196, 1209-1227	<i>Instituta Capituli Generalis</i>
Mons, Bibliothèque de	Cambron	1204-1231	1202 Codification

on the erroneous list of Janauschek (which includes abbeys that were not incorporated at that time, notably Cadouin in Périgord, see Alexis Grémois, “L’expansion cistercienne en France: la part des affiliations et des moniales”, in *Norm und Realität. Kontinuität und Wandel der Zisterzienser im Mittelalter*, ed. by Franz J. Felten & Werner Rösener. Vita regularis. Abhandlungen 42 (Münster: Lit Verlag, 2009), pp. 287-324 (289), and Alexis Grémois, “Au-delà des catalogues: pour une étude à frais nouveaux de l’expansion cistercienne dans la France de l’Ouest”, *Annales de Bretagne et des pays de l’Ouest*, 120 (2013), pp. 171-187), while Waddell’s demonstration is based on stylistic approximations (Holdsworth “Narrative”, pp. 162-165).

<sup>22</sup> *Narrative and Legislative Texts*, ed. Waddell, pp. 319-368, and *Twelfth-Century Statutes*, ed. Waddell, pp. 532-565. In fact, there are several versions of this compilation which was begun before 1152 and finished in the early 1180s (*Narrative and Legislative Texts*, ed. Waddell, pp. 310-318). It is a general assumption that this new collection was set up to provide customaries to the numerous 1147 incorporated abbeys (Holdsworth “Narrative”, p. 160).

<sup>23</sup> *Twelfth-Century Statutes*, ed. Waddell, pp. 572-606. One can wonder why two statute compilations (*Instituta generali capitulis* and “1157”) existed for the same period.

<sup>24</sup> *La codification cistercienne de 1202 et son évolution ultérieure*, ed. by Bernard Lucet (Rome: Editiones cistercienses, 1964).

<sup>25</sup> *Les codifications cisterciennes de 1237 et de 1257*, ed. by Bernard Lucet (Paris: C.N.R.S., 1977).

<sup>26</sup> We still rely on the early modern edition by Julien Paris reprint in *Nomasticon Cisterciense seu antiquiores ordinis Cisterciensis Constitutiones...*, ed. by Hugues Séjalon (Solesmes: typographia Sancti Petri, 1892), pp. 366-471, 497-536.

<sup>27</sup> *Twelfth-Century Statutes*, ed. Waddell, pp. 609-750. The Igny collection (*Twelfth-Century Statutes*, ed. Waddell, pp. 609-613) contained in a since lost manuscript was first published by Martène; the same compilation can be read in Dijon, Bibliothèque municipale, 601, whose origins (Sept-Fons or Cîteaux) is uncertain (*Twelfth-Century Statutes*, ed. Waddell, p. 79; *Narrative and Legislative Texts*, ed. Waddell, pp. 35-37).

<sup>28</sup> *La législation cistercienne abrégée du manuscrit de Montpellier H 322*, ed. by Louis Duval-Arnould (Paris: Champion, 1997); *Twelfth-Century Statutes*, ed. Waddell, pp. 65-75.

l'Université, 31/192			
Troyes, Médiathèque, 1309	Cheminon, later Clairvaux	1207-1224, 1226- 1233	1202 Codification

Amazingly, the surviving medieval manuscripts provided only a small part of Canivez's and even Waddell's edition. The reason is that the medieval witnesses, even when they mention years, deal mostly with general decisions. The expression "local collections", used by Waddell, is misleading: these collections are only "local" in the sense that they were written far from Cîteaux and that each provides particular formulations and singular collections of the Cîteaux statutes; they do not deal with local issues.<sup>29</sup> The main point of interest for the authors of these manuscripts were changes in liturgy, followed by visitation process, filiation, ranks and discipline.

In fact, Canivez found local affairs almost exclusively in seventeenth- and eighteenth-century copies. Some of these collections are *excerpta* (extracts) very close to the medieval collections,<sup>30</sup> but other, early modern, copies are much richer. Canivez called them *collectiones completissimae*.<sup>31</sup>

Table 2: Early modern statutes collections

Origins	Dates	Extracts	Complete collections
Loos	Early 17 <sup>th</sup> Century	—	1190-1282 and 1387 <sup>32</sup> -1405 <sup>33</sup>
Feuillants (Paris)	1660's	1190-1220, 1419, 1601-1651 <sup>34</sup> , 1157- 1201, 1207 <sup>35</sup> and 1190-1282 <sup>36</sup>	1190-1282 <sup>37</sup> and 1387-1557 <sup>38</sup>

<sup>29</sup> With very few exceptions like a statute on the consequences of war in Gascony in the Portuguese compilation of Alcobaça (*Twelfth-Century Statutes*, ed. Waddell, p. 693 #108) and another prohibiting the sale of Saracens in a customary from the Spanish abbey of Bujedo (*Twelfth-Century Statutes*, ed. Waddell, p. 711 #18). These exceptions are easily explained by the localization of both monasteries.

<sup>30</sup> Paris, Bibliothèque de l'Arsenal 783 from Les Feuillants and Troyes, Médiathèque, 1285 from Clairvaux are most likely copies of the thirteenth-century Dijon, Bibliothèque Municipale, 601 (*Twelfth-Century Statutes*, ed. Waddell, pp. 83-84).

<sup>31</sup> Canivez (*Statuta* 1, p. xvi) distinguished "very complete" (*collectiones plenissimae*), abridged (*breves collectiones*) and very abridged collections (*brevissimae collectiones*).

<sup>32</sup> In fact, there are only general decisions for 1387 and 1388.

<sup>33</sup> Lille, Archives Départementales du Nord, 28 H 70.

<sup>34</sup> Paris, Bibliothèque de l'Arsenal, 783.

<sup>35</sup> Paris, Bibliothèque de l'Arsenal, 785.

<sup>36</sup> Paris, Bibliothèque Mazarine, 1758.

Clairvaux	Late 17 <sup>th</sup> Century	1180-1221 <sup>39</sup> and 1221-1699 <sup>40</sup>	—
Valloires	c. 1718		1285-1298 <sup>41</sup>
Sankt Urban	1733-1738	1190-1266 <sup>42</sup>	1190-1282 <sup>43</sup> and 1387-1738 <sup>44</sup>
Wettingen	1788	1190-1738 <sup>45</sup>	—
Martène's edition <sup>46</sup>	1717	1134-1547	—

Since we know that the Sankt Urban collection was copied in Cîteaux,<sup>47</sup> and since the general chapter of 1224<sup>48</sup> mentioned the existence of an *originalum Diffinitorum*, i.e., an official collection of statutes compiled by the definitors appointed for the chapter, it is likely that the copies above quoted are based on the Definitory's collection. Are we getting closer to the Holy Grail?

A first problem is that many years of this “complete collection” are missing. In the early 1730s, Cîteaux was still in possession of various manuscripts containing the statutes. The first volume covered the period 1190-1282, but the second began only in 1387.<sup>49</sup> This gap can be partially filled with the copy from Valloire for years 1285-1298 and by two fourteenth-century manuscripts from Clairvaux that offer the complete 1344 statutes and the first ones of 1352 in a very organized form.<sup>50</sup> This means that before 1190, in 1283 and 1284, between 1299 and 1343 and from 1345 to 1388, only abstracts are available.<sup>51</sup> The worst period goes from 1345 to 1386: the very scarce manuscripts offer only general decisions, if any, and there is no record at all for the chapters of 1364, 1376, 1378 to 1386, 1414 and 1415. One can answer that since continental monastic historians usually forget the fourteenth century ever existed, the loss is not tragic.

<sup>37</sup> Paris, Bibliothèque de l'Arsenal, 926.

<sup>38</sup> Paris, Bibliothèque de l'Arsenal, 782.

<sup>39</sup> Troyes, Médiathèque, 1285.

<sup>40</sup> Troyes, Médiathèque, 1796.

<sup>41</sup> Abbeville, Bibliothèque Municipale, 28.

<sup>42</sup> Luzern, Staatsarchiv, KU 544/2.

<sup>43</sup> Luzern, Staatsarchiv, KU 544/1.

<sup>44</sup> Luzern, Staatsarchiv, KU 544/3-7.

<sup>45</sup> Mehrerau, Stiftarchiv, S 23-47.

<sup>46</sup> It was based on since lost and undated Igny and Cheminon manuscripts (*Statuta* 1, ed. Canivez, p. xxii; *Twelfth-Century Statutes*, ed. Waddell, p. 85).

<sup>47</sup> *Statuta* 1, ed. Canivez, pp. xiv-xv; *Twelfth-Century Statutes*, ed. Waddell, pp. 80-81.

<sup>48</sup> *Statuta* 2, ed. Canivez, p. 31 #8.

<sup>49</sup> *Statuta* 1, ed. Canivez, pp. xii-xiii.

<sup>50</sup> Troyes, Archives départementales de l'Aube, 3 H 282-283.

<sup>51</sup> The only known statute for 1363 is a translation in Picard for nuns (*Statuta* 3, ed. Canivez, 527).

Table 3: Degrees of completeness of the Cistercian general chapter's statutes (late 12<sup>th</sup>-early 15<sup>th</sup> Century)

<b>“Complete” collection</b>	<b>Only general Decisions</b>	<b>Very few general decisions</b>	<b>“Dark years”</b>	<b>Compilations</b>
				<i>Capitula</i>
	1157-1161			“1157” collection
	1180-1190			<i>Instituta Generalis Capituli</i>
1191-1282				1202 codification 1220 codification 1237 codification 1257 codification
	1282-1284			
1285-1298				1290 codification
	1299-1343			1316 codification
1344				
		1345-1351		1350 codification
	1352			
		1353-1363		
			1364	
		1365-1375		
			1376	
		1377		
			1378-1386	
		1387-1388		
1389-1413				

If we now turn back to the more glorious twelfth and thirteenth centuries, we face another problem: with very few exceptions, we have no individual decisions before 1190. The



question is: do we have the complete collection of statutes from 1190 to 1282 and from 1285 to 1298? Again, the answer is no; Canivez himself offered definitive proof by quoting Winter's book.<sup>52</sup> Charters or chronicles, however, occasionally record general chapter decisions that do not appear in the statutes collections.<sup>53</sup>

The widespread belief that the *statuta* form a uniform collection has led many scholars to overestimate their meaning. Like Winter, the majority of scholars have argued (as some still do) that the order was closed to nuns until the early thirteenth century.<sup>54</sup> Their main proof was the fact that the Martène and Canivez editions did not mention Cistercian nuns until 1213, with the exception of an 1191 statute regarding the famous Burgos abbey of Las Huelgas.<sup>55</sup> But the charters of Las Huelgas contain two of the 1187 general chapter's decisions that do not exist in the collection and which show a very different attitude toward Cistercian nuns.<sup>56</sup> Similarly, in the archives of the Paris nunnery of St. Antoine-des-Champs there is a small parchment *carta* notifying the incorporation of St. Antoine and Port-Royal during the general chapter of 1206.<sup>57</sup> It is, therefore, inappropriate to decide that a nunnery was not "truly" Cistercian, i.e., formally incorporated, during the late twelfth and thirteenth centuries because its name does not appear in Canivez's index.<sup>58</sup>

### *The transmission of the statuta*

<sup>52</sup> For instance, *Statuta* 2, ed. Canivez, pp. 473-474 #62-64 (in 1260) or *Statuta* 3, ed. Canivez, p. 287 #23 (in 1296).

<sup>53</sup> *Chartes et documents concernant l'abbaye de Cîteaux. 1098-1182*, ed. by Jean Marilier (Rome: Editiones cistercienses, 1961), p. 1.

<sup>54</sup> Ernst Günther Krenig, "Mittelalterliche Frauenklöster nach den Konstitutionen von Cîteaux", *Analecta sacri ordinis Cisterciensis*, 10 (1954), pp. 1-105; Sally Thompson, "The Problem of the Cistercian Nuns in the Twelfth and Early Thirteenth Centuries", in *Medieval Women* 1, ed. by Derek Baker (Oxford: Basil Blackwell, 1978), pp. 227-252; Franz Felten, "Die Zisterzienserorden und die Frauen", in *Weltverachtung und Dynamik*, ed. by Harald Schwillus & Andreas Hölscher. Studien zur Geschichte, Kunst und Kultur der Zisterzienser 10 (Berlin: Lukas, 2000), pp. 34-135; Franz Felten, "Waren die Zisterzienser frauenfeindlich? Die Zisterzienser und die religiöse Frauenbewegung im 12. Jahrhundert und frühen 13. Jahrhundert. Versuch einer Bestandsaufnahme der Forschung seit 1980", in *Norm und Realität*, ed. Felten & Rösener, pp. 179-223.

<sup>55</sup> *Statuta* 1, ed. Canivez, p. 139 #27.

<sup>56</sup> *Documentación del monasterio de Las Huelgas de Burgos (1116-1230)*, ed. by José Manuel Lizoain Garrido (Burgos: Garrido Garrido, 1985), pp. 25-26 #13, 30-32 #16. There is also a 1188 letter of the abbot of Cîteaux and the General Chapter to the abbesses of Castilla and León (*Documentación*, ed. Garrido, pp. 35-36 #19), but it seems to be a forgery since it mentions Guy as abbot of Cîteaux whereas William was in charge at that time.

<sup>57</sup> Paris, Archives Nationales, L 1015 #2.

<sup>58</sup> Moreover, the General Chapter's prerogatives increased during the twelfth and thirteenth centuries (Ghislain Baurry, "Émules puis sujettes de l'Ordre cistercien. Les cisterciennes de Castille et d'ailleurs face au chapitre général aux XII<sup>e</sup> et XIII<sup>e</sup> siècles", *Cîteaux. Commentarii Cistercienses*, 52 (2001), pp. 27-58).

How can we explain these gaps in the documentation? We must investigate the motivations of the scribes, their patrons and scholars involved in the manuscript and printed tradition.

Regarding the “complete corpus,” the gap between archival realities and collections may be explained by the definitory’s process: it met after the general sessions and the scribes could decide to overlook definitive decisions (that would later be transmitted to fathers immediate<sup>59</sup> by letters) and to keep record only of pending cases or of the potentially litigious affairs. The 1283-1388 gap is harder to explain: perhaps the redactors of the 1289, 1316 and 1350 collections destroyed some part of the earlier documentation,<sup>60</sup> and perhaps the troubles caused by the Hundred Years War and the Black Plague impeded so many abbots from attending the general chapter that it had to scale down its ambitions. The resumption of the collection in 1389 is easier to understand: despite the division of the Church that left most abbeys out of the Cîteaux obedience, the order clearly took the opportunity offered by the 1385 Leulinghem treaty to begin a general reform in France and Spain.<sup>61</sup>

If we now turn back to “local collections,” they only deal, as stated before, with general affairs. No wonder the monks of Vauclair or Alcobaça were not interested in the bad habits of the Irish or the Welsh. Even Cîteaux kept abridged compilations of annual statutes, in which it was easier and faster to find general decisions. The text offered by the example from Cîteaux is very close to the “complete collection,”<sup>62</sup> but abridged series from Sept-Fons, Clairvaux, Vauclair, Alcobaça and especially Bujedo, have very different versions. They are obviously compilations, since their internal organizations are diverse (they ignore the annual classification) and the formulation of individual statutes often differs from the Cîteaux version. They are sometimes shorter and in some cases the Bujedo manuscript summarizes various individual statutes into a single, general one.<sup>63</sup> Quite often, their formulations do not match those of the “complete collection,” as is the case with this 1195 statute prohibiting Cistercians and Carthusians to receive a member of the other order without its authorisation.<sup>64</sup>

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<sup>59</sup> Among Cistercians, the father immediate of a community is the abbot of its mother-house.

<sup>60</sup> *Chartes et documents*, ed. Marilier, p. 3.

<sup>61</sup> *Statuta* 3, ed. Canivez, pp. 582-583 #11-13 (year 1390).

<sup>62</sup> According to its Sankt Urban copy (Luzern, Staatsarchiv, KU 544/2).

<sup>63</sup> A sentence from the Bujedo compilation condemning lay brothers who killed an abbot to spent their lives in jail (*Item praecipitur quod conversi qui minantur mortem abbati perpetuo carceri retrudantur*) mixes prescriptions from three 1226 statutes (#23: [...] *conversi de Bondelo quorum unus, instigente diabolo, abbatem proprium interfecit propter quod ad eadem domo omnes merito sunt eieci, de cetero minime revocentur, et domus ipsa quinque conversorum numero in perpetuum sit contenta*. #25: *De monacho Joiaci de quo dicitur quod abbatem proprium per novaculam voluit occidere, committitur patri abbati [...] et si tanti flagitii reum invenerit, in carcerem perpetuum retrudatur*. #26: *Similiter committitur abbati Pontiniaci [...] diligenter inquirat de eorum malitia, qui abbati de Charoliloco mortem minati fuisse dicuntur; et si nefandae comminationis vere invenerit, perpetuo carceri mancipetur*) (*Statuta* 2, ed. Canivez, pp. 52-53).

<sup>64</sup> *Twelfth-Century Statutes*, ed. Waddell, p. 332 #39 (1195).

Table 4: Statute prohibiting Cistercians and Carthusians to receive a member of the other order without its authorisation

Manuscripts	Texts
Copies of Cîteaux complete collection	<i>De Cartusiensibus pacis charitatisque gratia, statuimus ut nullum de eorum ordine sine ipsorum licentia recipiamus, et ipsi de nostris sine assensu nostro nullum recipiant.</i>
Dijon, Bibliothèque Municipale, 601	<i>De cartusiensibus constituitur ut nec ipsi sine licentia nostra nostros recipiant; nec nos suos sine sua licentia.</i>
Troyes, Médiathèque, 1285 from Clairvaux	<i>Cartusiensibus conceditur ut nullus eorum in ordine nostro recipiatur sine litteris commendaticiiis; nec aliquis de ordine nostro in ordine ipsorum.</i>
Paris, Arsenal 785 from Les Feuillants	<i>Fratres chartusiae de cetero non licet nobis recipere sine licentia eorum, nec ipsi nostros sine licentia nostra.</i>

The transmission process may explain those differences. Around 1179, twelve abbots were commissioned to compile the 1157-1179 statutes collection. In 1185, the chapter elected a board of four abbots to “make” (*fiunt*) the definitions, and the *definitorium* was instituted in 1190. In 1224, the general chapter decided that its statutes must be known in every house of the order with the very wording the definitors had written in their book.<sup>65</sup> This is another expression of the famous Cistercian unanimity of spirit, but the “local collections” show that this claim was never fulfilled. This should not come as a surprise: even Clairvaux had its own lay brothers’ customs<sup>66</sup> and, according to a thirteenth-century manuscript, Cîteaux had liturgical customs that were slightly different from the official *Ecclesiastica officia*!<sup>67</sup>

The question remains how the various houses received notice of the new statutes. Father Waddell expressed his disagreement with Father Lekai’s opinion that, at least in the twelfth century, the statutes were passed orally,<sup>68</sup> but his demonstration is not entirely convincing. It is true that, according to the 1212 statutes he quotes, each house was supposed to have the year’s general definitions at its disposal. Since the visitors were to check this, it

<sup>65</sup> *Diffinitiones Capituli generalis omni anno ab omnibus uniformiter habeantur, sicut fuerint ab originali Diffinitorium transcriptae* (Statuta 2, ed. Canivez, p. 31 #8).

<sup>66</sup> *Cistercian Lay Brothers: Twelfth-Century Usages with Related Texts*, ed. by Chrysogonus Waddell. Cîteaux. Commentarii Cistercienses. Studia et documenta 10 (Cîteaux: Brecht, 2000), pp. 145-159.

<sup>67</sup> “Consuetudines domus Cisterciensis”, ed. by Bruno Griesser, *Analecta sacri ordinis Cisterciensis*, 3 (1947), pp. 138-146.

<sup>68</sup> *Twelfth-Century Statutes*, ed. Waddell, pp. 15-16.

means that each community was intended to have a written collection of general statutes in their official formulation.<sup>69</sup> The real collections prove, however, that this was seldom, if ever, the case. In the thirteenth century, the definitory finished its work after most of the abbots had left Cîteaux;<sup>70</sup> consequently, these abbots were unable to get the official collection right away and they had to wait for visitors to bring them. The hypothesis of an oral transmission is, therefore, not to be rejected entirely. The same 1212 statute attests that abbots had to recite (*recitandis*) the statutes to their community and to their daughter houses; many of them probably relied on the medieval art of memory, long since forgotten. In any case, a careful study of the Bujedo collection shows that it probably depends on a lost manuscript: one cannot imagine, otherwise, why a Spanish abbot would have dictated to his scribe a definition regarding some Burgundian mills.<sup>71</sup> The most reliable hypothesis is that at least some abbots took notes during the chapter's sessions and the definitory's meetings. This can explain why the Clairvaux archives still contain outstanding transcriptions of the 1344 and 1352 chapters and why the Clairvaux version of the 1195 statute quoted above is more precise than the Cîteaux one, adding a reference to the commendatory letters mentioned by Benedict's Rule.

With this example, we are now facing the centuries long rivalry between Cîteaux and its second daughter which began at the time of Bernard<sup>72</sup> and ended only with the dissolution of both houses. In the early 1260s, an open conflict broke out regarding the nomination of the definitors, the abbot of Cîteaux trying to marginalize Clairvaux and its daughter houses.<sup>73</sup> The careful organization of general and particular decisions in the 1344 parchment shows with what care Clairvaux fulfilled its role in the definition of Cistercian rules; it is also a testimony of its strong will to occupy the second place in the order, if not the first.

The preservation of the "complete" collection in later times can also be explained by rivalries within the Cistercian family or efforts to restore peace. One of the best collections we have at our disposal comes from the Feuillants order; its founder had left the Cistercian order

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<sup>69</sup> *Quoniam aliqui abbates dicuntur minus esse solliciti quam deberent definitiones Capituli generalis secum deferre ad domos proprias, districte praecipitur, ut singuli abbates ad Capitulum venientes definitiones generales habere satagant, in redditu suo in capitulis recitandis. Visitatores vero, tempore visitationis suae, definitiones illius anni sibi exigant praesentari. Illis autem abbatibus qui, illo anno, non venerint ad Capitulum, patres abbates per se vel per visitatores definitiones illas faciant exhiberi* (Statuta 1, ed. Canivez, pp. 390-391 #6-7).

<sup>70</sup> Mahn, *L'ordre cistercien*, pp. 195-196.

<sup>71</sup> *Twelfth-Century Statutes*, ed. Waddell, p. 714 #38; the mentioned abbey of Reigny is located south of Auxerre.

<sup>72</sup> Jean-Baptiste Auberger, *L'unanimité cistercienne primitive: mythe ou réalité?* (Cîteaux: Commentarii Cistercienses and Sinite Parvulos, 1986), esp. p. 315.

<sup>73</sup> Mahn, *L'ordre cistercien*, pp. 229-238; Jean Baptiste Van Damme, "Les pouvoirs de l'abbé de Cîteaux aux XII<sup>e</sup> et XIII<sup>e</sup> siècle", *Analecta Cisterciensia*, 24 (1968), pp. 74-85.

to fulfil his reformation desire, but his successors stressed their bernardine identity.<sup>74</sup> In more recent times, editing the complete collection, which was intended to replace Martène's was a subject of rivalry between the two main Cistercian orders, the Common observance and the Trappist. The latter won the race with Canivez, but the efforts of this author would not have been necessary if Janauschek had not died before having achieved the same task, and while Father Trilhe was beginning the Belgium edition. Gregor Müller, the great historian of the Common observance, undertook the same project and refused to share the Wettingen manuscript with the Trappist Fathers.<sup>75</sup> No wonder the German Cistercians were the first to point out Canivez's errors!<sup>76</sup>

### *Statutes and Codifications*

The manuscript tradition shows a trend for annual statutes to enter into codifications, these being either official or local. It proves, therefore, that annual collections were not intended to be kept by every monastery, but rather that they were provisional documents designed to complete the existing codification before the promulgation of a new one. More than definitive Cistercian rules (which the codifications provided), the *Statuta* offer Cistercian rules in the making. The abbots often changed their minds because decisions proved inefficient or because they experienced a strong pressure to return to previous dispositions. In some cases, the general chapter faced a resistance and had to pull back: in 1242, the chapter ordered that nuns were to pronounce the name of their father immediate instead of their abbess's name in their vow of obedience during the profession.<sup>77</sup> This was clearly an attempt to lower the abbesses' motherhood and to strengthen the abbots' authority, seventeen years after the general chapter had begun the dissolution of filiation networks between female monasteries<sup>78</sup>. But when the visitors (inspectors) announced the 1242 statute to the nuns, they faced an immediate uprising: in one particular nunnery the sisters organized a demonstration in the cloister; in other houses, visitors found the doors closed and were even attacked by armed

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<sup>74</sup> Benoist Pierre, "La réforme des Feuillants: une relecture cistercienne à la fin du XVI<sup>e</sup> siècle?", in *Unanimité et diversité cisterciennes. Filiations-Réseaux-Relectures du XII<sup>e</sup> au XVII<sup>e</sup> siècle* (Saint-Étienne: Publications de l'Université de Saint-Étienne, 2000), pp. 647-663.

<sup>75</sup> *Twelfth-Century Statutes*, ed. Waddell, p. 169.

<sup>76</sup> *Twelfth-Century Statutes*, ed. Waddell, pp. 23-25.

<sup>77</sup> *Statuta 2*, ed. Canivez, p. 248 #16.

<sup>78</sup> *Statuta 2*, ed. Canivez, p. 36-37 #8.

nuns.<sup>79</sup> During their next chapter, the abbots decided to mitigate their decision, adding the abbess' name to the abbots' in the profession.<sup>80</sup> But that was not enough and the 1244 meeting had to capitulate; the nuns would promise obedience solely to their abbess.<sup>81</sup> The same chapter pronounced exclusion of rebel nunneries but this decision had no consequences.<sup>82</sup> It is interesting to observe that in some cases the codifications are more liberal than the statutes. A statute promulgated between 1162 and 1179 forbade male houses to have women milk the monks' cows,<sup>83</sup> but the 1237 and 1257 codifications allowed this practice in countries where lay brothers refused to milk, if it took place outside the granges' precincts.<sup>84</sup>

These examples show that historians should not base research upon isolated statutes; on the contrary, they need to place each *statutum* in a wider context that involves not only the complete *statuta* corpus, but also codifications and other materials taken from individual houses' archives. Though a new edition of the thirteenth and fourteenth-century statutes would be a valuable contribution to the Cistercian studies, it should not be forgotten that the general chapter's statutes do not embrace the full reality of the white monks' history.

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<sup>79</sup> *Statuta* 2, ed. Canivez, p. 271-273 #64-68.

<sup>80</sup> *Statuta* 2, ed. Canivez, p. 260 #6.

<sup>81</sup> *Statuta* 2, ed. Canivez, p. 275 #8.

<sup>82</sup> Two nunneries (Voisins and Lieu-Notre-Dame-lès-Romorantin) were to be placed under the jurisdiction of the Orléans bishop (*Statuta* 2, ed. Canivez, p. 281 #37). But the abbots of L'Aumône and Cîteaux confirmed transactions lead by Romorantin's nuns in 1251, 1252 and 1261 (*Cartulaire de l'abbaye royale du Lieu-Notre-Dame-lès-Romorantin (ordre de Cîteaux)*, ed. by Ernest Plat (Romorantin: Sandachar, 1892), p. 39, 124), and the abbess of Voisins defended her Cistercian identity during the same period (Alexis Grélois, "L'abbesse cistercienne entre l'ordre et l'ordinaire (France, fin XII<sup>e</sup>-milieu du XIV<sup>e</sup> siècle)", in *Les personnes d'autorité en milieu régulier. Des origines de la vie régulière au XVIII<sup>e</sup> siècle*, ed. by Jean-François Cottier et al. (Saint-Étienne: Publications de l'Université de Saint-Étienne, 2012), pp. 126-129).

<sup>83</sup> *Twelfth-Century Statutes*, ed. Waddell, p. 603 #58; in some places, they were even given the veil.

<sup>84</sup> *Les codifications*, ed. Lucet, p. 321. Men refused to milk in seventeenth-century England (Michael Roberts, "Sickles and Scythes: Women's Work and Men's Work at Harvest Time", *History Workshop: A Journal of Socialist Historians*, 7 (1977), pp. 3-28 (12)).