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## RITUAL, LITERACY AND DOCUMENTARY EVIDENCE: ARCHBISHOP EUDES RIGAUD AND THE RELICS OF ST. ELOI\*

### Introduction

When Marc Bloch described memory as »that marvelous instrument of elimination and transformation of the past«, he introduced a theme of profound and lasting importance in understanding the rituals and realities of medieval European society<sup>1</sup>. Memories and the rituals which surround and shape them have presented particular problems of interpretation for historians trained in the study of documentary evidence. Not only fully literate, we are now in many cases accustomed to computerized analysis of data bases and electronically produced texts. Drawing on the work of anthropologists, folklorists, literary scholars and communication theorists, medievalists recently have begun an examination of literacy in the middle ages to discover the path of its slow acquisition, its relationship to memory and ritual, and the impact of literacy on social change. Over a generation after Bloch's death, the theme he introduced about the importance of memory has reappeared, in the recent work of Stock and Clanchy about literacy and documentary evidence<sup>2</sup>.

Some historians since Bloch have discussed the value of rituals and symbols particularly for the first feudal age when literacy as well as political and social cohesion were minimal<sup>3</sup>. Although not intending to be anthropological, works by LeGoff and others provide detailed information and analysis about coronations, royal acclamations, homage betrothals, and other liturgical and secular ceremonies of the Middle Ages<sup>4</sup>. The perspective of historical anthropology has allowed us to see several functions in such rituals. We may interpret these ceremonies as occasions to dramatize the realities and exchanges of power in medieval society. No where are such rituals so significant as in formal legal investigations into events of the historical past, the territory of memory and documentary evidence.

Reliance on memory and ritual did not cease in western Europe during the twelfth and thirteenth centuries as literacy spread among the clergy and laity, but continued to flourish in important arenas of power<sup>5</sup>. Literacy influenced written discourse and oral procedures in many occupations, and the law posed especially thorny issues in the transition to literacy. Legal

\* An earlier version of this paper was read at the 17th Congress of Medieval Studies, Western Michigan University, 6 May 1982. I am grateful for the comments I received there, and for the helpful suggestions of Professor Edward Peters.

1 Feudal Society, trans. L. A. MANYON, Chicago 1961, p. 114–115.

2 Brian STOCK, *The Implications of Literacy*, Princeton, 1983, and Michael T. CLANCHY, *From Memory to Written Record*, Cambridge, Mass., 1979.

3 George DUBY noted the importance of nonverbal signs in 1962. See *The Rural Economy and Country Life*, trans. C. POSTAN, Columbia, S.C. 1976, p. 61.

4 Jacques LE GOFF, *Le Rituel symbolique de la vassalité*, in: IDEM, *Pour un autre Moyen Age*, Paris 1977, p. 349–420; Jean Baptiste MOLIN and Protais MUTEMBÉ, *Le Rituel de mariage en France du XII<sup>e</sup> au XVI<sup>e</sup> siècle*, Paris 1974; Percy E. SCHRAMM, *A History of the English Coronation*, Oxford 1937; Ernst KANTOROWICZ, *Laudes regiae*, Berkeley 1946.

5 See Malcolm B. PARKES, *The Literacy of the Laity*, in: David DAICHES and Anthony THORLBY, eds., *The Medieval World* London 1973, p. 555–577 and Franz H. BÄUML, *Varieties and Consequences of Medieval Literacy and Illiteracy*, in: *Speculum* 55 (1980) 237–265. For later developments, see François



practitioners in this transitional period constantly confronted the tensions and incompatibilities between oral and written versions of the past, and thus their experiences provide a rich field for historians concerned with the relationship of literacy and memory, and the impact of literacy on social change. Trials and legal procedures usually took place in a public forum, and thus provided a spectacle as a means of renewing memory for the nonliterate. At the same time legal documents dramatically increased in number to record the past for the literate.

The dispute concerning the relics of St. Eloi in thirteenth-century Noyon in northern France provides an example of the impact of the introduction of literacy on ecclesiastical legal procedures<sup>6</sup>. In the Noyon case the well-known Archbishop of Rouen, Eudes Rigaud, served as papal judge delegate concerning the disagreements between the monastery and the cathedral of the town of Noyon about the relics of St. Eloi (Eligius), the seventh-century bishop of Noyon<sup>7</sup>. From 1256 to 1261 Archbishop Rigaud orchestrated the procedures in this case. Each side claimed to have the only true relics of the long-dead bishop and saint, and each side accused the other of fabricating the relics of St. Eloi and his history and luring pilgrims to its shrine. A Bibliothèque Nationale manuscript containing oral testimony, papal mandates and rescripts of all procedures gives this case unique value in analyzing the transition from oral to literate modes of communication<sup>8</sup>. The thirteenth-century manuscript records the events which unfolded in ecclesiastical courts over a long period, events which brought St. Eloi and the power of his relics to life.

The 41 years of this legal entanglement about a long-dead saint hinged on the importance of the role which saints and their relics exercised on spiritual and economic life in western Christendom<sup>9</sup>. Relics provided particularly tangible links to the past, to the ancestors, and to memories of the person whose bodily remains were preserved as holy relics. Saints' bodies were rarely kept intact, and thus it was relatively easy for many churches and monasteries to have a piece, even if only a rib or finger, of a holy person. Each altar required a relic before it could be consecrated, and so most churches had many examples of their holy ancestors and many potential locations for miracles at the sites of those relics.

Some evidence exists for a goldsmith and minter named Eligius in the employ of King Dagobert in the seventh century<sup>10</sup>. The eighth-century *Vita* portrayed St. Eligius as a person who performed miracles with gold for his king, served as his advisor, and then as bishop of Noyon until his death in 660<sup>11</sup>. According to the *Vita*, Eligius performed other miracles during

FURET and Jacques OZOUF, *Reading and Writing: Literacy in France from Calvin to Jules Ferry*, trans. R. SWYER, Cambridge 1983.

6 On Noyon see Ph. DOLLINGER, P. WOLFF, S. GUENÉE, ed., *Bibliographie des villes de France*, Paris 1967. On the dispute see Erika LAQUER WOOD, *The Politics of Sanctity: The Thirteenth-Century Legal Dispute About St. Eloi's Relics*, Unpublished Ph.D. Dissertation, University of Pennsylvania, 1979.

7 On St. Eloi (Eligius) see E. BROUETTE in: *Dictionnaire d'histoire et de géographie ecclésiastique* 15, Paris 1963: 260–263 for a survey of all sources. For the hagiographical sources see the Bollandists, *Bibliotheca hagiographica latina*, Brussels 1898–1901, nos 2470–2480. The critical edition of the *Vita Eligii* appears in Bruno KRUSCH, ed., *Monumenta Germaniae historica, Script. rer. merov. IV*, Hannover 1902, p. 634–662 for discussion of the text, and p. 663–743 for the *Vita*. The edition of J.-P. MIGNE, *Patrologia latina* 87 (Paris 1853): 479–594 contains some passages which appear only in manuscripts of the twelfth and thirteenth centuries, considered spurious in Krusch's edition, but known at the time of the dispute.

8 Paris, BN Ms. lat. 13, 777, 298ff. See LAQUER WOOD, *The Politics of Sanctity*, Appendix I: *Codicological Description*, p. 197–211.

9 Most recently, Donald WEINSTEIN and Rudolph BELL, *Saints and Society: The Two Worlds of Western Christendom 1000–1700*, Chicago 1982, especially the Appendix to Part I, pp. 121–137.

10 Paris, National Archives, Charter K-i; see A. LETRONNE, *Diplomae et Chartae Merovingicae aetatis...*, Paris 1896: 239.

11 M. LEON VAN DER ESSEN, *Etude critique et littéraire sur les Vitae des saints merovingiens de l'ancienne Belgique*, Louvain 1907, p. 324–336.



his episcopate: rescuing prisoners and slaves, finding the bodies of long-lost saints, and predicting deaths. Originally portrayed as the miracle worker and patron saint of goldsmiths, Eloi became associated with blacksmiths after the eleventh century, probably because of the iconographical resemblance of their tools of trade, and was depicted with the motif of the 'piéd coupé'. He is the same St. Loy whom the Prioress and the Summoner invoke in Chaucer's *Canterbury Tales*. Contemporary French folklorists report he has become a patron saint of garage mechanics, another iconographical transformation<sup>12</sup>.

In the twelfth and thirteenth centuries relics assumed a more visible presence in Christian ritual in Noyon and elsewhere because of the surge in building campaigns, new *Vitae*, and the increase in pilgrimages to popular and powerful relics<sup>13</sup>. Because of the ease with which relics could be fabricated, links between the past and present could be extremely close, and thus disputes about the authenticity of relics became more vulnerable to the transforming power of memory and forgeries<sup>14</sup>. At Noyon, each side claimed to have had the relics of St. Eloi for many generations. More importantly, each side claimed miracles occurred exclusively at the location of their relics and charged the other side with deluding pilgrims about the existence of the true relics. Before investigating the Noyon case, it is necessary to examine the various options available to Archbishop Rigaud to determine the authenticity of relics.

### Authentication of relics

A variety of means of authenticating old and newly acquired relics had developed in Christendom since late Antiquity; however, no new technique ever totally eliminated older means of authentication. The oldest accepted proof of the genuineness of a relic was one that required no written documentation: a miracle at the site of a martyr's tomb<sup>15</sup>. The proliferation of many miracles, usually cures of physical and mental ills, provided a visible sign of the efficacy and therefore the authenticity of those relics. Miracles continued to be the foremost sign of true relics, as well as proof of sanctity throughout the Middle Ages, and beginning in the twelfth century written collections of miracles associated with a particular saint began to appear<sup>16</sup>.

The *translatio*, or translation, of holy bones from one location to another by a local bishop developed as a second means of proving the legitimacy of relics after the first age of martyrs<sup>17</sup>. Relics were transferred for a variety of reasons related to the success or failure of relics for the pilgrims who sought personal physical contact with the remains of holy people, known for their Christian way of life and death. Translations to different locations occurred because of the abundance of miracles which a certain relic had produced, and the desire on the part of the owners of the relics to control access to the remains of popular holy people. Episcopal

12 Arnold VAN GENNEP, in: *Manuel de folklore français*, t. 4 Paris 1949, p. 2093–2102; t. 5 Paris 1951, p. 2486–91; Carl Martin ERDSMAN, *Ignis divinus*, Lund 1949, p. 105–22; 127–28.

13 Charles SEYMOUR, *La Cathédrale Notre-Dame de Noyon au XII<sup>e</sup> siècle*, Geneva 1975, and Patrick GEARY, *St. Helen of Athyra and the cathedral of Troyes in the thirteenth century*, in: *Journal of Medieval and Renaissance Studies* 7 (1977) 149–168.

14 Patrick GEARY, *Furta Sacra: Theft of Relics in the Central Middle Ages*, Princeton 1978; Richard W. SOUTHERN, *The Canterbury Forgeries*, in: *English Historical Review* 73 (1958) 193–226 and STOCK, (see n. 2)p. 60–62 and references.

15 Peter BROWN, *The Cult of the Saints*, Chicago 1981; Nicole HERRMANN-MASCARD, *Les Reliques des saints: Formation coutumière d'un droit*, Paris 1975, p. 16–69.

16 Benedicta WARD, *Miracles and the Medieval Mind*, Philadelphia 1982, differentiates three kinds of accounts of miracles: those by living saints; miracles collected by clergy at the site of saints' shrines; miracles collected for canonization dossiers. See also HERRMANN-MASCARD, p. 49–69; 87–99.

17 Martin HEINZELMANN, *Translationsberichte und andere Quellen des Reliquienkultes*, Turnhout 1979 (*Typologie des sources du moyen âge occidental*, 33), p. 17–42; 89–91.



*translationes* validated the relics which were moved, and until the pontificate of Alexander III (1151–1181) such liturgical ceremonies served as the only necessary act to assure canonization of the person whose relics had been transferred to a new location<sup>18</sup>. In a dramatic ritual event imprinted on local memory, the bishop made that holy person one of the saints publically honored in the calendar of the diocese by placing some remains in the altar or in an elaborate reliquary. The caretakers of the newly transferred relics, whether canons, monks or nuns, often recorded an increase in the number of miracles worked by the newly transferred relics, as in the case of the relics of St. Thomas Becket<sup>19</sup>.

Beginning in the twelfth century, the authenticity of relics came to be settled in a third way, by canonical legal investigation, often performed by a group of bishops. Gradually appeals were made to Rome to designate papal judges to determine the authenticity of relics, and most of these appeals came from monasteries, eager to circumvent local episcopal jurisdiction. This change reflected the growing appeal of papal justice, as well as tensions between monastic and episcopal jurisdiction. In a parallel effort, the papacy under Alexander III began to exert exclusive right to the procedures of canonization, reducing although not eliminating episcopal rights to determine sanctity and its expression in diocesan liturgies<sup>20</sup>.

During the pontificate of Innocent III (1198–1216) a fourth means of authentication appeared: papally-designated panels of assessors began to standardize the criteria for evaluating the authenticity of relics<sup>21</sup>. Without abandoning the older more traditional means of authentication, based on ritual and perceptions of miracles, such panels began to utilize written records in a systematic way to determine cases of disputed authenticity. In addition, the panels of inquisition in the thirteenth century left written accounts of their processes of investigation, including the summaries of oral interrogations of witnesses concerning the local *fama*, or public opinion, about the saint and relics. Eyewitness accounts of miracles associated with the relics of a recently deceased holy person were highly desirable, and eyewitnesses were occasionally asked to testify at Rome, as in the case of Gilbert of Sempringham<sup>22</sup>.

The papal inquisitors of the thirteenth century added an important historical dimension to their deliberations by investigating the history of the *fama* of certain relics. They did so by examining witnesses and by surveying the available written records about the saint's relics, primarily liturgical service books. Assessors continued to examine the physical relics in their reliquaries, and sometimes found strips of writing on parchment, *authentica*, attached to individual relics by local bishops who had investigated the relics earlier. In one case, the *authenticum* was attached to the nose of the saint in a reliquary<sup>23</sup>. Although these *authentica* were sometimes made to appear to have been written at a much earlier time, the increasing appearance and use of such instruments indicate the credibility that written records had acquired in this process, as in many other procedures having to do with the establishment of a verifiable past. The investigations of relics in the thirteenth century followed canonical procedures for an inquest and often included the opening of the reliquary at a formal *translatio*. Thus although written records began to assume importance in the inquest procedure, liturgical

18 Stephan KUTTNER, *La Réserve papale du droit de canonisation*, in: *Revue historique de droit français et étranger*, 4ème Série 17 (1938) 172–228, and HERRMANN-MASCARD, p. 73–86.

19 Raymonde FOREVILLE, ed., *Thomas Becket*, in: *Actes du colloque international de Sedières*, Paris 1975, and *Materials for the History of Thomas Becket*, Rolls Series 1–7, London 1875–85; see excerpts in David DOUGLAS and George GREENAWAY, eds., *English Historical Documents*, t. 2, New York 1953, p. 702–780.

20 André VAUCHEZ, *La Sainteté en Occident aux derniers siècles du moyen âge: d'après les procès de canonisation et les documents hagiographiques*, Rome 1981, p. 25–37.

21 HERRMANN-MASCARD (see n. 15) p. 100–105.

22 Raymonde FOREVILLE, ed., *Le Livre de Saint Gilbert de Sempringham: Un procès de canonisation à l'aube du XIIIème siècle*, Paris 1943; VAUCHEZ, p. 39–67.

23 HERRMANN-MASCARD, p. 120.



ceremonies and the memory of the *fama* of the power of the saint's relics expressed in miracles continued to be valid and necessary components in the investigation.

As in canonization procedures in the thirteenth century, well organized documentary evidence became critical for the verification of the relics and the cult attached to the saint<sup>24</sup>. From the pontificate of Gregory IX (1227–1241) a new insistence on rational criteria of evidence, presented in specific and standardized formats, developed in the procedures for authentication of relics and of canonization procedures. The evidence of written records and oral testimony from witnesses was then compiled and assembled in a dossier so that review panels in Rome could easily assess the case<sup>25</sup>. Whereas the relics could be seen as concrete links between the past and the present, the written dossiers compiled by ecclesiastical assessors after their investigations served as links between the present and the future. No longer did the existence or the efficacy of miracles provide sufficient reason to authenticate relics, or canonize a holy person.

In effect, the increase in the type and the amount of written documentation resulted in changes in the criteria used by papally-designated assessors. Verbal testimony and the local traditions of *fama* for a particular saint or relic assumed less importance in the total examination of a set of relics, and therefore limited the role that nonliterate could play in determining the saints and relics of the Church, at the diocesan or papal level. The insistence on the presentation and evaluation of written evidence of the history of the *fama* of relics, and the careful attention to the format of the summaries of these investigations continued through the end of the pontificate of Alexander IV (1254–1261). The process emphasized the importance of the Roman Curia and its control of local juridical structures, at the expense of bishops and their legal apparatus. In addition, the new canonical procedures placed certain barriers in the path of any local initiative which might wish to present candidates for canonization or authentication procedures. However, the continued use of the ritual ceremonies of authentication, particularly the liturgical opening of reliquaries at large public gatherings, steadily renewed the memory of the local nonliterate population about the power of its saints. The dispute between the monastery and the cathedral of Noyon utilized all of the methods which had developed historically for over one thousand years. The significance of the Noyon case lies in its insistence on a written form and content for the debate.

### The relics of St. Eloi

The case in Noyon concerning the authenticity of the relics of St. Eloi occurred exactly in the period of transition to more rational criteria of evidence in the authentication of relics, the second third of the thirteenth century, from the pontificate of Gregory IX through that of Alexander IV. The Noyon case demonstrates that oral claims about the existence of miracles had become challenged as exclusive proof in determining the authenticity of relics. Oral claims of witnesses and testimony based on the memory of the *fama* of the relics were supplemented with the presentation and analysis of the documentary evidence about St. Eloi and the power of his relics.

The case had already lasted 24 years when Pope Alexander IV assigned Eudes Rigaud, the Archbishop of Rouen, to the dispute concerning the relics of St. Eloi in 1256. It had begun in 1232 when the Benedictine monastery of St. -Eloi petitioned Gregory IX to intervene against the canons of the cathedral of Noyon who had been issuing edicts of excommunication to anyone

24 VAUCHEZ, p. 51–55; HERMANN-MASCARD, p. 119–125.

25 VAUCHEZ, p. 56–58 and Fig. 4, 5, 6.



who went on pilgrimage to the monastery of St.-Eloi to see the relics of its patron saint<sup>26</sup>. No documents remain about the outcome of this first panel of judges led by the Abbot of St-Denis. The cathedral must have continued its edicts of excommunication, as Pope Innocent IV (1243–1254) named a new panel of judges in 1252 to investigate, also headed by the Abbot of St-Denis<sup>27</sup>. The judges followed canonical procedures for authentication of relics by interrogating local clergy and laypeople about their memories of the location of the true bones of St. Eloi.

A third panel of judges, delegated by the pope in 1253, also interrogated witnesses about the relics of the saint<sup>28</sup>. Bishop Nivelon of Soissons headed the third panel, and during his tenure added a traditional liturgical proof of the authenticity of relics. In the presence of a huge crowd he opened the reliquary on the high altar of the cathedral in an elaborate ceremony recorded in the dossier of documents<sup>29</sup>. Inside the reliquary he found five documents which contained statements about a previous opening or translation of the relics in 1155 and assertions that the relics had been in the cathedral for safe-keeping since the ninth-century invasion of the town by the Vikings<sup>30</sup>. The Bishop of Soissons made an inventory of the contents of the reliquary and closed it with his seal and those of the other attending dignitaries, making one more gesture visibly linking the past with the present<sup>31</sup>. In 1256 the monastery appealed the case because Bishop Nivelon had not authenticated its relics. The monastery made no complaint about the expiration of Nivelon's commission upon the death of Innocent IV in 1254<sup>32</sup>.

Thus, by the time Pope Alexander IV appointed Archbishop Eudes Rigaud as unique papal judge delegate in June 1256, the case had produced much acrimony and expense about the long-dead saint. Pope Alexander specified means of settling the dispute about the location of St. Eloi's relics: »... equally by epitaphs, written documents, legends, histories and chronicles and ancient books as by witnesses and other legitimate examinations of the *fama* and opinion and belief of clerics and of the lay people«<sup>33</sup>. In responding to the papal mandate, Rigaud employed all of the procedures outlined by Alexander IV. He also took significant steps towards adopting more literate proofs although he also employed traditional oral and ritual means of examining the case. Pope Alexander's mandate was more precise than that of Innocent IV in 1253, because it emphasized the need to terminate the dispute, whereas Innocent had referred to the »trifling nature« of the case<sup>34</sup>. Alexander especially noted that neither side should attempt to detour the on-going devotions of the populace at the monastery<sup>35</sup>. Pope

26 The mandates appear as the first two documents copied in Paris, BN MS lat. 13,777, ff. 1v–4r, transcribed in LAQUER WOOD (see n. 6) Appendix III C and D, p. 218–225.

27 The first phase of the dispute is recorded in 63 documents out of a total of 206 documents in the compilation from 1232 to 1261. On compilation, see Malcolm B. PARKES, *The Influence of the Concepts of Ordinatio and Compilatio on the Development of the Book*, in: J. J. G. ALEXANDER and M. T. GIBSON, eds., *Medieval Learning and Literature*, Oxford 1976, p. 115–141.

28 Innocent's mandate of 1253 to the judges delegate occurs on ff. 34v–36r, transcribed in LAQUER WOOD, Appendix III E, p. 226–230. Another mandate dates from April, 1254: ff. 290r–291r, transcribed *ibid.*, Appendix III F, p. 231–233. No copies exist of these papal mandates in any printed registers. See Dietrich LOHRMANN, *Papsturkunden in Frankreich*, t. 7, Göttingen 1976, p. 92–143. Lohrmann notes Paris, BN Ms. lat. 13,777 on p. 120. This second phase of the dispute produced 47 documents from December 1253 through December 1255.

29 Nivelon's opening, BN Ms. lat. 13,777, ff. 60r–63r, an undated document.

30 *Ibid.*, ff. 60r–61r. Texts are discussed and transcribed in *Gallia Christiana*, Paris 1780, 9: 1058–60 and 10: 383–396.

31 *Ibid.*, ff. 61v–62v.

32 See VAUCHEZ (see n. 20) p. 51, n. 46. Innocent IV died 7 December 1254 and was replaced by Alexander IV on 12 December 1254.

33 Alexander's mandate appears on ff. 70r–71r, transcribed by LAQUER WOOD, Appendix III G, p. 234–236. Rigaud's tenure as judge produced 96 documents from June 1256 to February 1261.

34 F. 68r, *de lana caprina contendebamus*.

35 F. 71r.



Alexander IV had previously held the role of Cardinal Protector of the Franciscans, known for their support of local piety<sup>36</sup>. This affiliation may have influenced his attention to this aspect of the case, and his appointment of the Franciscan, Eudes Rigaud, as papal auditor.

In nominating the Archbishop of Rouen as judge of the dispute, Alexander chose a person well-known as a diplomat, a Franciscan, and a theologian, who had held the wealthy archbishopric of Rouen since 1248. We know him best from the visitation records in his Register, and from that unique document we know that the Archbishop also had much practical and personal experience with translations of relics as ritual and religious events, and the problems that relic collections and the pilgrims who sought them posed to the clergy who sheltered the relics<sup>37</sup>.

In his initial investigations, from June 1256 to 21 August 1258, Rigaud followed the first two guidelines of the mandate of Pope Alexander IV by visiting Noyon seven times for a total of 21 days<sup>38</sup>. At these times he personally interrogated many witnesses about their understanding of the history of the relics. Summaries of these testimonies were included in the documents collected in the dossier. In addition, he collected and examined available chronicles about St. Eloi, and sent to the religious communities of Corbie and St.-Eloi in Paris for copies of liturgical service books about the feasts and services for St. Eloi<sup>39</sup>. Rigaud's conduct of the case was the least biased of all the judges delegated to the suit, as he had no regional or familial allegiances to Noyon, or to any of its religious houses, as had some of the previous judges. He also chose well-qualified subdelegates to act in his place, and he had notaries record all of his actions.

Rigaud was the first of the papal judges delegate to record oral testimony. Even though such evidence served as standard proof in canonical courts of the thirteenth century, recorded oral testimony changed the nature of the Noyon dispute<sup>40</sup>. The monks and the canons brought over sixty witnesses from the region, and the admission of these testimonies about the *fama* of St. Eloi and his relics brought the suit into an open public regional forum<sup>41</sup>.

In the first portion of this part of the dispute, the monastery and the cathedral agreed substantially about the early *fama* of the body and relics of the saint. As reported in the *Vita Eligii*, the bishop of Noyon had died at the monastery of St-Loup in Noyon, on 1 December 660<sup>42</sup>. The extreme heaviness of his corpse had indicated to all mourners, including the widowed Queen Batilde, that his body should remain in the monastery of Noyon, and not be moved to a royal monastery. Both litigants also agreed that the monks had willingly moved the relics of the saint to the safety of the cathedral in 881 because of the threat of Viking invasions, a

36 C. BOUREL DE LA RONCIÈRE, *Les Registres d'Alexandre IV*, Paris 1902-53, and John MOORMAN, *A History of the Franciscan Order*, Oxford 1968.

37 Paris, BN Ms. lat. 1245; Theodore BONNIN, ed., *Regestrum visitationum Archiepiscopi Rothomagensis*, Rouen 1852; Jeremiah F. O'SULLIVAN, ed., *The Register of Eudes of Rouen*, trans. Sydney M. BROWN, New York 1964, p. 153, 155, 426. See also Pierre ANDRIEU-GUITRANCOURT, *L'Archevêque Eudes Rigaud et la vie de l'église au XIII<sup>e</sup> siècle*, Paris 1938, and Oscar DARLINGTON, *The Travels of Odo Rigaud*, Philadelphia 1940.

38 O'SULLIVAN, ed., p. 289, 295, 313, 352, 359, 388, 427.

39 BN Ms. lat. 13, 777, ff. 158v; 190r; 193v; 252v. See Léopold DELISLE, *Le Cabinet des manuscrits*, t. 2, Paris 1874, p. 215. See also ID., *Recherches sur l'ancienne bibliothèque de Corbie*, in: *Bibliothèque de l'École des Chartes* 21 (1860) 515.

40 See Jane E. SAYERS, *Papal Judges Delegate in the Province of Canterbury (1198-1254)*, Oxford 1971, p. 87-88; Peter HERDE, *Beiträge zum päpstlichen Kanzlei- und Urkundenwesen im dreizehnten Jahrhundert*, Kallmünz 1967.

41 Ff. 111v-112r.

42 *Vita Eligii*, Book II, Chapter 33. Many manuscripts of the *Vita Eligii* rubricate the *obitus*, as in Paris, BN Ms. lat. 5365, f. 196vb. See also M. L. VAN DER ESSEN, p. 324-336. On the monastery of St-Eloi, formerly St-Loup, see, E. TASSUS, *Histoire de l'abbaye St-Eloi de Noyon*, in: *Comptes-rendus et mémoires du comité archéol. et hist. de Noyon* 10 (1893) 137-205.



frequent precaution during that period, and the explanation for the later appearance of many authentic and forged relics<sup>43</sup>. The monks and canons differed, however, about the dates of the *translationes* performed after the ninth century, the liturgical feasts which marked the translations, and the location of the miracles of the saint. Both sides reported and discussed popular devotions to St. Eloi. Both sides referred extensively to the Latin *Vita* in oral testimony; however, they also incorporated material from the French *Vie* contemporary with the suit<sup>44</sup>.

The information on popular customs in oral testimony is particularly intriguing. The Abbot complained that the canons of the cathedral were selling metal pilgrim-badges in front of the cathedral, when previously those badges had only been sold at the monastery<sup>45</sup>. More importantly, he asserted that a yearly binding ceremony of horses took place in the monastery and had for centuries, and that such activities confirmed Eloi's *fama*. The abbot claimed that public knowledge about St. Eloi's ability to cure horses at the monastery extended even to the canons of the cathedral, who brought their horses to the monastery for the annual ritual of leg binding<sup>46</sup>. The monastery case rested essentially on the continuity of miracles of the saint performed at the monastery, and the numbers of clergy and lay people who went to the monastery to seek cures: the long memory of traditions of devotion to St. Eloi's relics at the monastery.

To resolve disputed claims over the truth of longstanding memory about Eloi's powers, Rigaud widened his collection of evidence, adopting the more traditional procedure of the authentication of relics. He organized another ritual opening of the cathedral reliquary of the saint for 21 August 1258, an event attended by King Louis IX and his entourage<sup>47</sup>. Written records of the past, and memories of past history of the relics were collected in this phase of the dispute but neither type of evidence was decisive; the analysis of texts had not begun. The ritual of opening the cathedral reliquary performed a vital function in linking the past and the present of St. Eloi. In addition, the reliquary itself contained more written documents for analysis.

The second part of this phase of the legal dispute, 21 August 1258 to 12 October 1259, developed after the opening of the reliquary, and involved an intense debate about the five *instrumenta* found in the reliquary. It ended with the summoning of another court session for the end of October 1259. Whereas the first part of legal proceedings under Archbishop Eudes dealt with witnesses and used oral and ritual procedures, the legal actions which dominated in this second phase concerned the examination of written documents found in the reliquary. In the first months after the opening, both parties analyzed the five *instrumenta* found in the cathedral reliquary of St. Eloi by the Archbishop. These documents included those marking the translation of 1155, originally found in 1255 by Bishop Nivelon of Soissons<sup>48</sup>. The Archbishop also examined the bones found in the reliquary in August 1258 and verified they were human: what appeared to be two bones of the tibia, some ribs, and one armbone, as well as portions of a human head and dust<sup>49</sup>.

In this portion of the debate, each side engaged in some sound historical criticism of the errors

43 For example, René POUPARDIN, ed., *Monuments de l'histoire des abbayes de Saint Philibert: Vita, Miraculæ, Chronica*, Paris 1905. See also GEARY, *Furta sacra* (see n. 14) p. 104; 174–175.

44 The *Vie* is not edited; for a list of manuscripts see M. KLISS, ed., *Répertoire des vies des saints écrites en français conservées dans les manuscrits de la Bibliothèque Nationale*, Paris 1904, p. 86. See also Paul MEYER, *Légendes hagiographiques en français*, in: *Histoire littéraire de la France*, 33 (1906) 347–428.

45 See A. FORGEAIS, *Collection de plombs historiés trouvés dans la Seine*, 2: *Enseignes de pèlerinage*, Paris 1863.

46 Paris, BN Ms. lat. 13,777, f. 74v; 80r.

47 Ff. 148r–152r. Louis IX's attendance at the Noyon opening is noted in the »Itinerarium«, *Recueil des historiens de France* 21, Paris 1892, p. 407. See Gabrielle M. SPIEGEL, *The Cult of St. Denis and Capetian Kingship*, in: *Journal of Medieval History* 1 (1975) 43–69.

48 F. 161r; ff. 163r–176r; 186r–190r.

49 F. 150r.



in the documents found in the reliquary, analyzing the dating of clauses and witness lists, but only when such work served their purposes. At other times the monks and canons committed obvious errors of historical analysis, and these errors continued when some documents from other monasteries were presented. The monastery accepted any and all *libri antiqui* which indicated devotions to Eloi at the monastery, regardless of the actual date of composition or copying, because they based their claim on having held or controlled the relics since Eloi's death in the seventh century<sup>50</sup>. The canons became more skilled in dating documents to justify the cathedral's claims that since the time of the Viking invasions in the ninth century the true relics of Eloi had stayed in the cathedral. Both sides agreed the relics had been moved from the monastery for protection in the ninth century. The monastery argued that the relics had come back under its control while the cathedral claimed continuous possession. The monastery maintained that the Feast of the Translation of St. Eloi on 25 June, widely celebrated in northern France, commemorated the removal of Eloi's relics from the cathedral in 961; the cathedral claimed the same feast marked simply the moving of the relics within the cathedral from a chapel to the main altar<sup>51</sup>. Each side began to collect written proof for its version of the fate of the relics since the ninth century by examining liturgical service books.

Rigaud's attempts to conform to canonical procedures outlined in Alexander IV's mandate, using old chronicles and liturgical service books, eventually helped to specify the points of contention between the two parties: the dates and reasons for liturgical feasts of earlier translations, especially the feast on 25 June, the legitimacy of the tenth-century translation, and the validity of the twelfth-century documents, especially the copies of older materials, found in the reliquary at the time of Rigaud's opening in 1258. This phase of the dispute also brought written challenges to the lack of correct legal language in mandates for court sessions<sup>52</sup>.

The final segment of the suit between the monastery and the cathedral began 21 October 1259, with the court held at the Archbishop's manor at Frênes. It ended 16 February 1261, with the final judgment of Archbishop Rigaud after the proctors for both litigants decided to compromise. In this phase, religious houses from northern France were asked to send copies of their books which referred to the feasts of St. Eloi and the written materials about his death and burial, taken from the *Vita Eligii* and contemporary chronicles<sup>53</sup>. The points of contention were listed by each side, in formalistic language and format, and then rebutted in the *sic et non* methods of scholasticism<sup>54</sup>. In this last part of Rigaud's tenure, the hearings rarely occurred in Noyon, and they mostly involved the presentation of written critiques of documents and procedures. The Archbishop subdelegated the task of listening to arguments to Master Richard Sappo, because of more pressing business<sup>55</sup>.

Both sides agreed to compromise late in 1260, in part because of expenses from such lengthy hearings. The Archbishop rendered his final verdict at Paris in February 1261, without assigning guilt explicitly to either party<sup>56</sup>. The dean and chapter of the cathedral, however, were ordered to pay all expenses contracted by the monastery in the dispute, a total of 2000 marks of silver. The Archbishop's decision halted litigation and forbade any more translation for a period of ten years.

»... We, by apostolic authority, decree that those who are in possession of the body and relics of the said saint should keep and venerate them; further, that the canons, dean, or chapter should make no attempt to move or translate the reliquary or its contents within ten years, either personally or through agents, until all expenses contracted be settled satisfactorily to all

50 Ff. 190r–193r; f. 213v.

51 F. 163v.

52 F. 204r; f. 208r.

53 St-Martin of Tournai, ff. 229r, 239, 243v, 249; St-Ouen of Rouen, ff. 233r–v; Urscamp, f. 248v.

54 The summations presented to Rigaud's court 21 October, 1259 list all relevant issues, ff. 209v–251v.

55 DARLINGTON, p. 34–42 on Rigaud's retinue.

56 Ms. lat. 13,777, ff. 289v–290r.



concerned<sup>57</sup>. The Archbishop's decision allowed the pilgrim-trade to continue to flourish at both sites, as long as the faithful desired to travel to either location of the relics of St. Eloi. Pilgrim-badges and mementoes would continue to be sold at both locations of the relics. Thus traditional church structures and behaviors accommodated all the supporters of St. Eloi's relics. In making such a decision, the Archbishop allowed both sides to claim portions of the authentic relics of St. Eloi, while neither side was granted the right to exclusive control of the seventh-century bishop's bones and dust. Both shrines continued to attract pilgrims after 1261, and new disputes erupted in 1273, 1306, and 1452<sup>58</sup>. In the next 500 years, St. Eloi and his relics continued to be the focus of various forms of popular devotion, often beyond clerical control<sup>59</sup>.

## Conclusion

In terms of literacy, the monastery and the cathedral chapter began the dispute at different points of development, because of different uses of memory, ritual, and documentary evidence. The monastery depended on the shared memory of the *fama* of its relics and shrine to St. Eloi and on the tradition of miracles performed there as proof of the authenticity of its relics. In the beginning of the case the monastery never referred to the written accounts of the miracles of St. Eloi at the monastery, not even those from the rediscovery, *inventio*, of his relics in 1183<sup>60</sup>. The cathedral, on the other hand, had begun its involvement in the case in 1232 with the synodal edicts of excommunication, documentary assertions of spiritual and juridical authority. The cathedral proctors continued to sharpen techniques of analyzing texts from the past, especially after the opening of the reliquary in August 1258. For the adherents to the monastic case, the ritual of opening the reliquary of St. Eloi, performed in 1253 and 1258, served to prove the timelessness of the saint's power. Only after prodding by Archbishop Rigaud did the monastery confront the past in the written *instrumenta* found in the reliquary.

By the end of the dispute each side employed written records and the analysis of documents as a matter of course to argue its case, and had thus proceeded to another stage of literacy. The monastery dropped its exclusive reliance on the memory of members of the clergy and lay community about the power of St. Eloi's miracles at the monastery. In making the transition to dependence on written records, the monastery first employed chronicles and liturgical service books as proof of the community's shared memory of St. Eloi. The monks sought no verification of the historical date and validity of the documents: the mere existence of *libri antiqui* provided enough authority because the written word confirmed the monastery's view of the past. Only when the legal advocates for the monastery became able to criticize the documents found in the reliquary did they adopt active involvement with the text *qua* text. They employed criticism of the form and content of the *instrumenta* describing the opening of the cathedral reliquary in 1155 that compare with later methods of diplomatic criticism. The monks only applied these principles of historical criticism selectively, particularly in discussing the translations before 1155 recounted in the documents.

57 The decision also appears in BONNIN's transcription of the Registrum, p. 342; O'SULLIVAN's translation appears on p. 447, mistranslating the surcease as lasting ten days rather than ten years.

58 On the dispute of 1273 see Claude SÉZILLE, Paris, BN Mss. fr. 12, 030–12, 032, *Nouvelles annales ou mémoires chronologiques pour servir à l'histoire de la ville et de l'église de Noyon*, p. 284. In 1306, the cathedral performed a new translation; see SÉZILLE, p. 284–288, Paris, BN Ms. lat. 13, 777, f. 296v, and Jacques LEVASSEUR, *Annales de l'église cathédrale de Noyon*, Paris 1633, p. 1046–1050. The case appeared in 1462 in royal courts; see LEVASSEUR, p. 1057.

59 Lucien de NUSSAC, *S. Eloi, sa légende et son culte*, in: *Bull. de la Soc. scient. de la Corrèze* 17 (1895) 529–652.

60 Paris, BN Ms. lat. 12, 607, transcribed in: *Inventio reliquiarum sancti Eligii facta anno 1183*, in: *Analecta Bollandiana* 9 (1890) 423–436.



The development of different kinds of evidence in the monastery's case ultimately reveals a particular sense of the past, expressed implicitly by the monastery throughout the dispute, a past rooted in popular oral culture. The monastery accepted the Eloi of tradition, the Eloi of the Vita Eligii, and of the old and contemporary miracle stories, the Eloi of oral *fama*. He had been the local bishop, adviser and minister to King Dagobert, who had died long ago »in the odor of sanctity.« As patron saint of goldsmiths and blacksmiths, he had continued to exert his living power in Noyon through his ability to cure humans and animals and to draw crowds of pilgrims. Only under pressure from the proctors for the cathedral, the questions of Archbishop Rigaud, and curial demands did the monastery search for other forms of evidence of the past, namely written records. At that point, the monastery moved a step forward in the development of literacy: it debated the form and content of written records of the past in writing, by analyzing separate components of the documentary evidence both adversaries used.

At no time, however, did Archbishop Rigaud abandon the traditional means of authenticating relics of the pasts. If anything, Rigaud perpetuated appeals to older authority by performing his own opening of the cathedral reliquary, only five years after Bishop Nivelon of Soissons had verified the contents of the reliquary<sup>61</sup>. The traditional liturgical ritual of opening the reliquary would seem to balance Rigaud's more contemporary requests for documentary evidence and analysis of those materials. Such analysis clarified the points of disagreement in the long history of St. Eloi's relics, but it developed slowly and unevenly, without dislodging dependence on memory reinforced through liturgical ritual.

A similar change in the use of written records has been observed by other researchers. In his book »The Implications of Literacy«, Brian Stock focuses on the growth of what he terms »textuality« in the changing nature of the written debate concerning heresy, reform, and the eucharistic controversy in the eleventh and twelfth centuries<sup>62</sup>. He maintains that an increase in the use of textuality and written discourse led to a growth of rationality or »self-conscious instruments of analysis«<sup>63</sup>. Although he concentrated on theological disputes, Stock extended his investigation into the areas of the writing of history and romance. In the texts he studied, Stock found a rich mixture of oral-based and textual discourse in the long transition in the middle ages from a primarily oral society to one which others have termed »restricted literacy«<sup>64</sup>. In particular, Stock emphasized the »paradox« of the continuing special importance of rituals and physical objects, »interrelating the past and the present«, particularly the cults of relics and local saints<sup>65</sup>. The Noyon case dramatically confirms the appearance of new methods of criticizing texts, and the paradox of continued rituals surrounding physical objects.

Clanchy's work on the impact of writing and literacy in England in the twelfth and thirteenth centuries »From Memory to Written Record« maintains that a very slow and uneven filtration of the habit of writing in this period developed in secular legal procedure. Emphasizing the reluctance on the part of many individuals to abandon more familiar oral forms of proof of land tenure or inheritance, he shows the continuity of legal behavior and procedures based on the memory of local traditions and rituals. Clanchy also demonstrates an important aspect of the transition from the primarily oral culture of the middle ages, namely the reluctance to trust writing exclusively for information about the past. Stock's work is supported by that of Ong, studying a variety of cultures, who maintains that »writing restructures consciousness«<sup>66</sup>.

Like Stock, Clanchy discusses the significance that physical objects had as proof of the existence of events in the past, a parallel to the importance of viewing the physical remains of

61 See above, n. 29.

62 STOCK (see n. 2) p. 7; 42.

63 Ibid. p. 455.

64 For use of the term »restricted literacy«, see Jack GOODY, »Introduction«, in: *Literacy in Traditional Societies*, Cambridge 1968, p. 11–20.

65 STOCK, p. 511.

66 Walter ONG, *Orality and Literacy*, New York 1982, especially p. 78–116.



St. Eloi in the Noyon case. As late as the *quo warranto* proceedings of 1277 concerning the legitimacy of land claims, the Earl of Warenne brought forward an »ancient and rusty sword«, allegedly wielded by his ancestor at the Battle of Hastings, to prove the Warenne claims to land given by William the Conqueror<sup>67</sup>. Clanchy points out that Warenne and his audience considered the »ancient and rusty sword« to be of equal value to an old parchment charter transferring land to the earlier earl<sup>68</sup>. The sword and the charter functioned as equivalent symbolic historical objects, meant to evoke memories of the past, although neither had unique powers of authenticating the present through the past. In utilizing nonliterate proofs of the historical past in the public forum of the inquest, Warenne and all the participants in the inquest played important roles in what Clanchy labels the »theatre of memory«<sup>69</sup>.

In the »theatre of memory« in Noyon about St. Eloi and his relics, Archbishop Rigaud employed every available means to authenticate the history of Eloi's relics. He utilized ritual and canonical legal procedures to provide continuous public showings of the »theatre of memory« of St. Eloi's relics. He also went beyond traditional proofs to insist on the presentation and analysis of written records. Archbishop Rigaud faced many problems in rationalizing historical, ethnographic, and miraculous material in this litigation. It is little wonder that nine papal judges delegate, not to mention many subdelegates, had preceded him. He had none of the reluctance of the monastery advocates about the importance of written records as proof of who had the authentic relics of St. Eloi. On the other hand, he carefully preserved the traditional reliance upon the opening of the reliquary as a public ritual which reinforced and defined community beliefs. His request that other clerics attend the ordinary hearings, his collections of testimony and written records from all over northern France, and the ceremony of opening the cathedral's reliquary helped to renew public memory about St. Eloi's relics.

The dispute between the monastery and the cathedral chapter of Noyon in the thirteenth century presents valuable material about a number of other aspects of medieval society: saints and sacrality, popular religion, royal patronage, and social networks in the Noyonnais, in addition to ecclesiastical legal procedure. The prolonged nature of this dispute, and the fact that the documents of that suit were copied at great expense and preserved in a manuscript of 297 folia, presumably at the request of the monastery, indicates the reality and importance of the issue to the litigants<sup>70</sup>. The dispute also reveals the effects of the administration of rapidly changing papal justice on a small society. The case shows the society of Noyon to be extremely litigious, overlaid with familial allegiances, tolerant of popular devotions and eager to monopolize them, and simultaneously critical and credulous. The monastery did not lose, but it did not win. The cathedral had only a temporary set-back until it organized another translation in 1306<sup>71</sup>. Like many small preindustrial towns, Noyon experienced almost continuous involvement in litigation over an issue which now appears relatively slight.

The Archbishop flexibly applied written and oral means of determining where St. Eloi's relics were located and where people had venerated them. The final verdict, however, was rendered in Paris, far from either putative location of Eloi's relics, based on the written reports Rigaud had received from his subdelegates. The written reporting by the notaries of the Archbishop's court and papal insistence on correct form and content of dossiers presented to the judges delegate support Clanchy's conclusion that a more literate mentality tends to

67 See also, Donald W. SUTHERLAND, »Quo Warranto« Proceedings in the Reign of Edward I, Oxford 1963.

68 CLANCHY, (see n. 2) p. 21–28.

69 Ibid. p. 23.

70 The Paris manuscript was originally in the collection of Corbie. See Henri OMONT, *Concordances des numéros anciens et des numéros actuels des manuscrits latins de la Bibliothèque Nationale*, Paris 1903, p. 93, 186.

71 See n. 58.



develop under the pressure of much business, when public oral investigations are no longer feasible.

The legal procedures of the papacy initiated by the monastery of St.-Eloi and executed by Archbishop Rigaud did not eliminate the devotion to the memory of St. Eloi and the power of his relics at the cathedral. On the contrary, the paradoxical continuation of the traditional rituals of authenticating the history of the relics of St. Eloi in the years of the case seemed to create new interest in St. Eloi in the Noyonnais. The presence of King Louis IX and his family at the opening of the reliquary linked the public cult of St. Eloi, closely associated with King Dagobert, to the interests and influence of the Capetians. From the time of the opening of the reliquary in August 1258, the cult of St. Eloi continued to increase, as judged by the frequency of production of his Latin *Vita* and French *Vie*, the roll of St. Eloi and the large legendaries associated with *The Golden Legend*<sup>72</sup>. The reliquary opening of 1258 united royal patronage to two *personae* of St. Eloi: the popular blacksmith, healer of horses, and the aristocratic goldsmith and adviser to King Dagobert, progenitor of the Capetian monarchy. The two images of St. Eloi appear most dramatically in a fourteenth-century illustration for »*The Golden Legend*« now in the British Library, Ms. Additional 17, 275.

Archbishop Rigaud's handling of the case of St. Eloi and his relics reveals the powerful transformational role of memory and ecclesiastical legal procedure in the mentality of Noyon, a transformation sharpened and preserved because of confrontation with new demands for literacy and textuality.

72 See n. 44. For the roll of St. Eloi, see Robert BRANNER, *Le Rouleau St-Eloi*, in: *L'Information d'histoire de l'art* 12 (1967) 55-73.