DEATH AND THE HUMAN BODY IN THE LATER MIDDLE AGES:
THE LEGISLATION OF BONIFACE VIII ON THE DIVISION OF
THE CORPSE

by Elizabeth A. R. Brown

On 27 September 1299 Boniface VIII issued the bull *Detestand feritatis*, which was soon incorporated into the canonical collection *Extravagantes communes* and thus became part of the Church's law regulating burial practices. The dramatic opening words of the bull, typical of Boniface's hyperbole, served as an appropriate introduction to his impassioned denunciation of a practice which filled him with horror. This practice, as Boniface described it, was the following. Upon the death of nobles and high-ranking dignitaries (and especially when such people died far from their native lands and the places they had elected for burial) their bodies were cruelly dismembered and monstrously severed into pieces, which were cast into boiling water. Then, when the bones were loosened from the flesh, they were sent or carried to the place reserved for interment. This custom, Boniface proclaimed, was not only abominable in the sight of God but also abhorrent to the human mind. Contrasting the piety of his own intentions with the impiousness of those who thus violated standards of common decency, Boniface declared it his duty to end this detestably savage practice, so that "the minds of the faithful would no longer be horrified and the human body no longer be torn to pieces." Henceforth, when anyone, of whatever status, family, or dignity, died in a Catholic country, the body should be taken immediately to the site that the person had chosen for burial or should be interred, at

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least temporarily, in or near the place of death; only after the body had turned to ashes (inciperatis corporibus) should the remains be taken to the place selected for internment. Any person—testamentary executor, friend of the dead person, or anyone else, of whatever rank or status—who presumed to contravene this statute would be ipso facto excommunicate, and, unless death threatened, this sentence would be irrevocable except by papal action. Further, the body treated in a manner violating Boniface’s prescriptions would be denied Christian burial.¹

Boniface evidently felt strongly about the matter, since the bull was reissued just a few months later, on 18 February 1300. After this date the pope made a single additional pronouncement on the issue, and the rescript of 19 April 1303 which he addressed to Guy of Harcourt, bishop-elect of Lisieux, revealed his stubborn determination to see his decision enforced. In this letter he granted Guy permission to exhume the body of his brother, John II of Harcourt, who had been buried in the Dominican church in Siena, to bring it back to France. This authorization was, however, granted only on condition that the body be reduced to ashes and that it not be burned, boiled, or cut into pieces before the transfer.² John had died on 21 December 1302, and his body could hardly have been thought to have turned to ashes in five months, yet Boniface did not specify how much time must elapse before the process could be presumed to have occurred. That eventual transfer was permis-

¹ For the text of Boniface’s bull of 27 September 1299, see Les registres de Boniface VIII, ed. Georges Digard et al., Bibliothèque des Écoles françaises d’Athènes et de Rome, ser. 2, 4 (Paris 1884-1939) no. 3409; and Caesar Baronius and Odoricus Raynaldus, Annales ecclesiastici, 34 vols. (Lucca 1738-1756) 1299, no. 36; see also August Potthast, Regesta pontificum romanorum inde an 1198 ad annum 1304, 2 vols. (Berlin 1874-1875) no. 24881. Dated 18 February 1300 it appears in Corpus iuris canonici, ed. Emil Friedberg, 2 vols. (Leipzig 1879-1881) 2.1272-1273; cf. Potthast, no. 24914. Peter Lex does not discuss the bull in the section of his book on the law of burial devoted to division of the corpse: he notes that the practice was most popular in the twelfth and thirteenth centuries and reappeared in later centuries but he does not indicate that it was ever forbidden. Later in the book he suggests that the decree was understood to apply only to the boiling of the body and he emphasizes that it did not prohibit dissection: Peter Lex, Das kirchliche Begräbnisrecht historisch-kanonistisch dargestellt (Regensburg 1904) 61-63, 220-223. I am deeply grateful to the Canon Law Library of the Catholic University of America for making this rare book available to me.

² Registres Boniface no. 5218. On Guy II of Lisieux, see Denis de Sainte-Marthe et al., Gallia Christiana, 16 vols. (Paris 1739-1877) 11.785-786; for his brother, John II, baron of Harcourt and viscount of Châtellerault, Gilles-André La Roque, Histoire généalogique de la maison de Harcourt, 4 vols. (Paris 1662) 1.348; cf. 327; 3.226, 230. John was the chief constable and the master of the household of Charles of Valois; he accompanied Charles on his expedition to Italy and Sicily in 1301 and died on the return trip, on 21 December 1302: La Roque 1.348; Joseph Petit, Charles de Valois (1270-1325) (Paris 1900) 55-56, 58, 86-87. According to his epitaph (La Roque 3.230), he died at Acqui (“Aquis”) while returning from the Sicilian expedition; since Charles of Valois had reached Genoa shortly after 13 December 1302 (Petit 87), the entire army may well have reached Acqui by 21 December. Why John’s body should have been sent to Siena for burial is unclear; it is, however, true that Charles did not reach Paris until early February and that transporting the corpse would have been difficult; further, Charles had enjoyed excellent relations with Siena during his stay in Italy: Petit 65, 73. John’s body was eventually transferred to the church of the monastery of Notre-Dame du Parc, near the castle of Harcourt in the diocese of Évreux; his father had founded the house, and both he and John’s mother were buried there: La Roque 1.327, 348; 3.230.
sible, however, the rescript made clear. It also demonstrated that, although Detes-
tande feritatis referred explicitly only to evisceration and boiling of the corpse, Boniface was equally opposed to severing the body or reducing it to ashes by cremation.

The attitude toward the dead body implicit in Boniface’s prohibitions recalls the belief, found in many societies, that until the flesh has dissolved and the bones been bared, the deceased person’s spirit has not fully divorced itself from the body, which is thus not fully dead. Why else the revulsion that Boniface expressed toward separating the dead flesh from the bones, and, in contrast, his willingness to permit the exhumation of bones, stripped by natural processes of decay, for transferal to another burial place? In a less direct manner, of course, the desire (whether on the part of the person dying or of survivors) to have the remains transported to a special burial place rather than leaving them buried where the person died witnesses similar assumptions, linked in this case with the bones rather than the flesh. For if the dead person’s bones were not considered intimately connected with the vital individuality of the once-living human being, such impulses would hardly exist.

Augustine wrestled with this problem in De civitate Dei, and his conclusions would have given little support to those incensed to associate continued sentence with corporeal remains. He began by saying that Christians should not worry about burial, since they have been promised reintegration of flesh and members, wherever the particles are dispersed. Nonetheless, he held, the bodies of the dead (and especially the just and faithful) should not be despised or cast aside, since the Holy Spirit has used them as instruments and vessels for good works. Bodies he likened to the clothes or ring of a dead father, which his children treasure because of the love they bore him. Thus bodies, which are worn more intimately and closely than any clothes, should not be scorned. They are not, he said, extrinsic ornaments or aids but pertain to the very nature of man. Thus he explained the attention paid to the dead bodies of the ancient patriarchs and of Jesus, and to the holy fathers’ concern with their graves; thus he accounted for God’s approval of Tobias’s concern for the unburied

3 Robert Hertz, Sociologie religieuse et folklor (Paris 1970 [1928]) 5-6, 23-29, 68-69, 81-83; Lucien Lévy-Bruhl, The “Soul” of the Primitive, trans. Lillian A. Clare (London 1965 [1928]) 38-44; Elizabeth A. R. Brown, “The Ceremonial of Royal Succession in Capetian France: The Funeral of Philip V,” Speculum 54 (1980) 286-287; cf. Jacques Toussaint, Le sentiment religieux en Flandre à la fin du Moyen-Age (Paris 1963) 204. Anne Lombard and Josette Metman have kindly suggested alternative and preferable interpretations of the phrase “le roy y uyt,” found in a seventeenth-century copy of Philip V’s funeral account, which I discussed in my article and there translated as “the king lived [literally, lives] there” (at the church of Saint-Denis, after his physical death). The original account probably read either “le roy y uyt” (from geser, “lay there,” Lombard’s suggestion) or “le roy y uyt” (equivalent to uint, “came there,” Metman’s suggestion). Either of these readings is compatible with my subsequent discussion of the significance of the phrase. I am also grateful to William C. Jordan and to Mary Rose for their comments on this phrase. It is noteworthy that in his four testaments, drawn up between 22 December 1320 and 17 September 1325, Charles of Valois commanded that after his death and the transfer of his body to Notre-Dame of Paris before its burial in the church of the Jacobins, a mass should be said “en ma presence:” Paris, Archives Nationales J 404A no. 24, P 1370¹ c. 1876, J 404B no. 31, and J 164B no. 54.
dead. He cautioned, however, that these scriptural authorities do not mean that corpses have any feeling; rather, they show that God’s providence, which is pleased by works of piety, extends to the bodies of the dead because of the faith in the resurrection that such acts demonstrate. Passing over “other statements” of the Old Testament concerning burial which he said were made as prophecies, he ended by insisting that the lack of burial or funeral could not affect the dead, who, having passed to the hidden abode of the blessed, could not feel any such deprivation. In his De cura pro mortuis gerenda, he again emphasized souls’ absolute separation from this world and all fleshly remains. Quoting Saint Paul’s statement that no one has ever hated his own flesh, Augustine attributed human beings’ concern for their own remains and those of their relatives to this natural human sentiment. Nonetheless, he again insisted that the fate of corporeal remains is meaningless as concerns the dead themselves. Augustine’s logic affected his discussion of the miracles worked through saints’ relics and the bodies of the martyrs, for he refused to say just how they were accomplished. They were clearly God’s doing, but whether they resulted from God’s direct action or by God’s operation through the spirits of the martyrs (as through living human beings) or through angels, “so that what is said to be done by the martyrs is done not by their operation but only by their prayer and request,” or in other incomprehensible manners, he did not attempt to decide.4

Augustine’s statements were made to mold, not mirror, his contemporaries’ attitudes, and declarations made by others show that, then as later, human beings’ concern for their own bodies, reinforced by the Christian belief in the resurrection, led many people to attribute to corporeal remains a nature and a power which Augustine denied that they possessed.5 Nor are Augustine’s own statements entirely devoid of such implications. Although he said that the dead have no concern with terrestrial affairs, he admitted the possibility that God worked the miracles accomplished through their relics through the spirits of the saints and martyrs. He also acknowledged that the body pertains to the essential nature of the human being.

Augustine’s articulate and on the whole logical solution did not reflect or respond to all eras’ needs and beliefs. His reading of the Bible was but one interpretation, and the scriptures contained passages which supported different views. Take, for example, the story of the corpse recalled to life by contact with the dead body of Eliseus.6 This provided a text to inspire those who, like Peter the Venerable, might acknowledge that resurrection of the body would take place in the future and yet held that saints’ remains were, in a sense, already flourishing with their future incorruption and already living in God.7 And if the saints, why not other just and faithful

4 Augustine, De civitate Dei 1.12-13, 22.8-9; PL 41.26-28, 771-772; De cura pro mortuis gerenda 2.4-3.5, 7.9-13.16, PL 40.594-595, 598-605.
6 A Kings 13.21; see Séjourné 2315.
7 Peter the Venerable, Sermo IV: In veneratione quorumlibet reliquiarum, PL 189.1001-1003, recently reedited by Giles Constable, “Petri Venerabilis sermones tres,” Revue bénédictine 64.
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Christians? As to the saints, such beliefs seem largely responsible for the spread of the custom of dividing and translating their remains — particularly after the ninth century in the West. The appearance of similar customs regarding the bodies of less exalted human beings suggests the flowering of similar ideas concerning the nature of ordinary human remains, and it is striking that the burial practices which Boniface was to condemn became popular at the very time that Western society witnessed the hesitant but clear expression of the idea of the unique importance of the individual human being.

By Boniface’s time the customs that he condemned had, perhaps under the influence of the customs associated with saints’ relics, become elaborate variants of the biblical prototypes that could be cited. Joseph had carried his father’s embalmed remains to Hebron so that, in accordance with Jacob’s wish, they could be buried with his ancestors, and Joseph’s own bones were taken to Israel for burial long after his death. In early Christian times, individuals sought burial for themselves not only with their families but also near those saints who had died particularly Christian deaths, as if to insure the protection of those saints until the time of final judgment. But in the later Middle Ages these impulses were transformed into a range of practices which betray the increased power of the assumptions which Augustine's logic attempted to combat. As will be seen, the customs and the beliefs which the practices so well expressed proved too strong to be eradicated by Boniface’s prohibitions or to be undermined by the arguments of the theologians who questioned not only them but also the assumptions regarding the nature of saints’ relics. Thus, study of the practices and their underlying beliefs and assumptions promises access to a range of sensibilities strikingly different from our own and those of most of our contemporaries.

Recent events, in France and at the papal curia, prompted Boniface VIII to issue Deestandferitas. Why Boniface acted as and precisely when he did can be understood only in the light of his own personality, his relations with the secular rulers of northern Europe (and most notably Philip the Fair), and his dealings with ecclesiastics who possessed the right to inter the dead. But only in the light of the history of the practices that he condemned can the significance of Boniface’s pronouncement be fully understood, whereas the story of the opposition that his decretal aroused and of its ultimate ineffectiveness will clearly demonstrate the depth of the beliefs whose practical manifestations Boniface attempted — in vain — to modify.


*Séjourné (n. 5 above) 2329: Antoine Bernard, La sépulture en droit canonique du décret de Gratien au concile de Trente (Paris 1933) 2, 16-17, 105-107.
DIVISION AND BOILING OF THE BODY

During the two centuries before Boniface issued *Detestande feritatis*, the practice of dividing and boiling the body had come to be accepted in northern Europe. The earliest surviving evidence suggests that the roots of the practice were both practical and imperial; it also demonstrates that the customs that Boniface described in his bull had developed gradually. When Charles the Bald died after crossing the Alps in 877, his entrails were removed and the rest of his body treated with wine and spices so that it could be taken to Saint-Denis, where the emperor had wanted to be buried. The remains were carried as far as Nantua, near Bourg-en-Bresse, and there, because of their advanced state of decay, they were interred. After seven years Charles appeared (by God’s will, it was said) to a monk of Saint-Denis and also to a clerk of Saint-Quentin in Vermandois to tell them that God, Saint Denis and his companions, and all the other martyrs at Saint-Denis were unhappy that his body was not buried in the church which he had loved and honored all his life. He commanded both men to tell the king to have his remains transferred. Thus emissaries from Saint-Denis recovered his bones and transported them to the abbey for burial. As this story shows, the teachings of Augustine and other intellectuals regarding the dead’s separation from the affairs of this world had little relation to popular belief. But as to the actual treatment of his remains, although his body was indeed eviscerated, the other procedures did not deviate from those later endorsed by Boniface, since in the seven years that it had remained at Nantua Charles’s flesh had doubtless dissolved. Thus the abbey’s agents simply had to gather his bones and dust to take them to the abbey.

Similarly, when Emperor Otto I died in 973, he was eviscerated and his entrails buried in Memleben, his body transported to Magdeburg. Later German emperors followed the example of Otto I, and imperial corpses were not alone in being treated in this fashion. When Bishop Gerdag of Hildesheim died in 992 on his way home from a pilgrimage to Rome, his members were severed and placed in two containers to be taken to Germany for interment. Although his body was not boiled, this

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13 Schäfer 479-483, 486. For Foukques of Anjou, who died at Metz in 1040, see Charles Angell Bradford, *Heart Burial* (London 1933) 22, and Louis Halphen, *Le comté d'Anjou au XIIe siècle* (Paris 1906) 126-127, 234-236. The different versions of the *Chanson de Roland* give...
procedure is closer to that condemned by Boniface, since his corpse was dismembered.

By the mid-twelfth century the practice Boniface was to outlaw had appeared in fully-developed form, and it was apparently introduced to permit remains of those dying away from home to be buried in their own countries. In 1158 Count Ekkebert of Puntten was killed with his companions at Milan; monks living in the neighborhood hid the bodies to protect them from wild animals, then separated the bones from the flesh (which was buried) and returned them to the warriors' homeland. In the year of Ekkebert's death Bishop Frederick of Cologne died in Pavia, where his flesh and entrails were buried; his bones, disengaged from his flesh, were later interred in Cologne. Similar procedures were followed on a mass scale when, in 1167, Frederick Barbarossa's army was decimated by plague in Italy. The bodies of most of the secular and ecclesiastical leaders who died were boiled and their bones sent back to Germany. Little wonder, then, that when Frederick himself died on crusade in 1190, his body was disemboweled and boiled, and his bones removed. In his case, however, they were to be taken not to Germany, but to Tyre, the goal of his pilgrimage. The practice of disemboweling the corpse and preserving the remainder of the body continued, but separation of the flesh from the bones gained in popularity. In Brabant the bones of some of the dukes were extracted from their flesh during the twelfth and thirteenth centuries. Thus, the custom was not confined to Germany, but, given its genesis, it is not surprising that Boncompagano labelled it *mos Teutonicus*.

As the examples that have been cited suggest, the most common reason for eviscerating, dividing, and boiling the body was to permit a dead person's remains to be transported home for burial. The case of Frederick Barbarossa shows, however, that the practices were also used to fulfill other, more personal desires, reflecting the belief, or perhaps the wish, that the physical remains retained some connection with

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varying accounts of the treatment of the bodies of Roland, Oliver, and Turpin, but the Oxford version states that their hearts were removed and placed in a white marble chasse before their bodies were encased in decorskins to be taken home: *Les textes de la Chanson de Roland*, ed. Raoul Mortier, 10 vols. (Paris 1940-1944) 1.84; cf. 2.92-93 and 3.80.

14 Schäfer 487: note that six years later, when Count Adolf II of Holstein died fighting the Slavs, he himself ordered that his body be disembowed, roasted, treated with herbs, and taken home for burial.


18 Schäfer (n. 11 above) 493; Giesey (n. 11 above) 21.
the once-living individual. Thus, if Frederick himself could not accomplish the pilgrimage that he had undertaken, his bones could do it in his stead.

The practice of dividing the body to permit burial of its parts in different, particularly valued places appeared more than a century before Frederick’s bones were taken to Tyre. When Emperor Henry III died in 1056 at Bodfeld, his body was transported to Speier to be buried with his father’s. By his own command, however, his entrails were interred not at Bodfeld, where his life ended, but rather at Goslar, where his daughter Matilda was buried and where, he said, his heart was. In fact his heart as well as his entrails were interred there, near Matilda’s tomb. In 1117, after the death in Berry of Robert of Arrbissel, founder of Fontevraud, his body was taken to that establishment for burial, but his heart remained at the abbey of Orsan where he had died. In this case it was the religious of Orsan who prompted the division, since they were loath to lose all tangible remains of the holy man, and by their prompt action they succeeded in securing, in advance of his canonization, a precious relic of a person they rightly believed destined for sainthood.

In the twelfth century division of the corpse appeared in England, and there too separate burial of the different parts of the body came to have a significance transcending the practical considerations which can explain evisceration and separate interment of the entrails to permit transfer of the rest of the body. The arrangements for the burial of Henry I were admittedly utilitarian, and there seems no special reason for the interment of his viscera, brains, and eyes at Rouen before the transport of his body to Reading, where he wished it to lie. In contrast, Henry’s grandson Richard the Lion-Hearted gave explicit instructions that his heart should be buried at Rouen (where parts of his grandfather’s body were interred), his brain, blood, and entrails at Charroux, and his body at Fontevraud (where his mother, father, and sister Jeanne lay).

The thirteenth century saw the desire to control the disposal of the body and its parts flourish and spread. In addition to the precedents already cited, the example set by Edmund of Abingdon, archbishop of Canterbury and – like Robert of Arrbissel – destined for sainthood, seems to have exercised an important influence in this regard. Edmund was in voluntary exile in France when he died in 1240 at Soisy near Provins.

19 Schäfer 480-481.
20 Félix Andry, Recherches sur le coeur et le foie, considérés au point de vue littéraire, médico-historique, symbolique, etc. (Paris 1858) 106; “Robert d’Arrbissel: Fondation de l’ordre de Fontevraud,” Histoire littéraire de la France 10 (1756) 166: Bradford (n. 13 above) 5-6, 38-40.
21 Schäfer (n. 11 above) 495; Giese (n. 11 above) 20; Bradford (n. 13 above) 23.
Although, according to Matthew of Paris, he had ordered burial of his body at the Cistercian monastery of Pontigny where like Thomas Becket he had taken refuge, he commanded before dying that his heart should remain at the house of canons regular where he was spending his last days on earth, and his heart and entrails were accordingly buried there, or perhaps in a nearby church.  

Given the cult of Edmund of Abingdon which, after his canonization in 1246 and his translation in 1247, quickly developed in England and France, his deathbed instructions concerning his heart assumed special significance. Robert Grosseteste, bishop of Lincoln, may have been moved to forbid division of his own corpse, but Edmund’s act seems to have acted as a positive inspiration to many members of the English royal family, who were devoted to him and often visited his shrine. Richard of Cornwall, brother of Henry III, particularly admired the saint, and he had the heart of his son Henry of Almain (dead on crusade in 1271) placed near the shrine of Edward the Confessor in Westminster Abbey after his bones were buried in the abbey of Hailes which Richard himself had founded. Following Richard’s death in 1272, his body was buried at Hailes, his heart taken to the house of the Franciscans in Oxford. Henry III and his wife Eleanor of Provence were also devoted to Edmund and visited Pontigny in 1254. Twenty years later Eleanor had the heart of her grandson Henry interred at the house of the Dominicans at Guildford, and after her


34 For Robert Grosseteste, who died in 1253, see below at n. 86.


37 Richard’s body lay beside his son and second wife Sancia: Tout (n. 25 above) 1059. His third wife Beatrice is said to have been responsible for his heart tomb (“a sumptuous pyramid of wonderful workmanship”) in the church of the Grey Friars in Oxford, where she was buried, before the main altar, some years after his death: William Dugdale, Monasticon anglicanum, ed. John Caley et al., 6 vols. (London 1817-1830) 6.3.1529.

38 Powicke (n. 25 above) 1.240; Calendar of Close Rolls (1253-1254) 320.
death in 1291 her own heart was interred in the church of the Franciscans in London, whereas her body was buried at Amesbury. 29 Henry III himself, dead in 1272, elected burial in the very spot in Westminster Abbey where Edward the Confessor’s remains had once lain; on a trip to France he apparently also pledged his heart to Fontevrault, where his mother was buried, for in 1291 the abbess of Fontevrault successfully claimed his heart for her house. 30 Edward I and his wife Eleanor of Castile worshipped at the shrine of Edmund of Pontigny in 1286, and when Eleanor died in 1290 near Lincoln, her viscera were buried in Lincoln Cathedral, her heart and body returned to London for interment at the church of the Dominicans and at Westminster Abbey. 31 Two years later the heart of John Pecham, archbishop of Canterbury and Eleanor’s mentor in questions of conscience, was separated from his corpse for interment in the church of the Franciscans in London. 32 As to Edward I, whose sense of the dramatic was far greater than his parents’ or his wife’s, he decreed before dying in 1307 that his bones and flesh should be separated and his bones carried with the English army until Scotland was vanquished, his heart transported to the Holy Land by a hundred and forty knights. 33

During the thirteenth century such practices also became common in France. Here too the custom was first instituted in its simplest and most utilitarian form. Since in 1226 Louis VIII died in Clermont in Auvergne, it is hardly surprising that his body was disemboweled and his intestines buried before the corpse, enveloped in cerecloth and ox-hide, was returned to Saint-Denis for final interment. 34 Concern with the


30 Wall (n. 22 above) 249: Thomas Rymer and Robert Sanderson, Foederæ, ed. Adam Clarke and Frederick Holtbrooke, 4 vols. (London 1816-1869) 1:2758. In 1254 Henry visited Fontevrault and had his mother’s body translated to the church from the cemetery, where it had first been buried: Powicke (n. 25 above) 1.240.


33 Wall (n. 22 above) 254: Joseph Ayloffe, “An Account of the Body of King Edward the First, as it Appeared on Opening his Tomb in the Year 1774,” Archaeologia 3 (1775) 396. There is no evidence that these wishes were actually executed: W. H. St. John Hope, “On the Funeral Effigies of the Kings and Queens of England, with Special Reference to Those in the Abbey Church of Westminster,” Archaeologia 60 (1907) 528-530. See also Bradford (n. 13 above) 43, 102-104.

34 Erlande-Brandenburg (n. 12 above) 29-30, 93-94.
disposal of particular parts of the body was manifested later at the French than at the English court, and it is noteworthy that Blanche of Castile, the first member of the French royal family to be seriously interested in the question, particularly venerated Saint Edmund of Pontigny and with her son, Louis IX, had attended his translation in June 1247.35 Perhaps inspired by his example, she decreed before her death in 1252 that her heart should be buried in the Cistercian abbey of Lys near Melun, which she had founded.36

Blanche’s death occurred while Louis IX was on his first crusade. Eighteen years later Louis himself died on his second expedition, and the circumstances under which he and many of his crusading companions met their deaths in North Africa meant that the custom that Boniface VIII was to denounce in 1299 became firmly enshrined in French tradition. Like his son John Tristan and other crusaders, Louis died in his camp near Carthage, in heathen country. On his deathbed he confirmed his wish to be buried at Saint-Denis—a wish he had announced long before, although he had also specified that it should be realized only if he died near enough the abbey for burial there to be possible, or if he expired in a land which was not yet Christian.37 As these instructions suggest, Louis’s opinions regarding the proper treatment of the corpse were punctilious. In 1250, after the monks of Pontigny had, rousing general disapproval, severed an arm from the body of Saint Edmund, they offered the king a portion of the saint’s remains; Louis, however, refused, saying “It is not pleasing to God that on my account what God has kept whole should be destroyed.”38 In Louis’s own case, God’s will was evidently different. When the king died in 1270 he was on pagan soil, and thus his body and those of his companions were not buried at once. Their entrails were removed and their bodies boiled to separate bones from flesh. Charles I of Anjou, king of Sicily, count of Provence, and Louis’s brother, asked for and obtained the king’s heart and viscera (later buried at Monreale), although they, like his bones, were kept with the army until it left North Africa.39

35Matthew Paris (n. 23 above) 4.631, 6.129.
36Irlande-Brandenburg (n. 12 above) 95; Sebastien Rouillard, Histoire de Melun (Paris 1628) 419, 432-433; Marguerite Desfayes (male, for Desfarges), “Les tombeaux de coeur et d’entrailles, en France, au moyen âge,” Bulletin des Musées de France 12.8 (1947) 18-20, esp. 18; this article summarizes the thesis that the author wrote for the École du Louvre on heart and entrail tombs from the thirteenth through the early sixteenth century.
38Matthew Paris (n. 23 above) 5.113-114.
39HF 20.24 chap. 46; Lepronne, “Sur l’authenticité d’une lettre de Thibaud, roi de Navarre, relative à la mort de saint Louis,” Bibliothèque de l’École des chartes (BEC) 5 (1843-1844) 106-107, 109, 116-117; idem, “Sur l’authenticité de la lettre de Thibaud, roi de Navarre, à l’évêque de Tusculum,” Mémoires de l’Académie des inscriptions et belles-lettres 16.2 (1846) 399, 407-408, 411-414; and also idem, “Examen critique de la découverte d’un coeur humain faite à la Sainte-Chapelle, où l’on démontre que ce ne peut être le coeur de saint Louis,” ibid. 424-425, 506-507, 509-510; Natalis de Wailly, “Examen critique de la vie de saint Louis par Geoffroy de Beaulieu,” ibid. 15.2 (1845) 416, 434-436. The studies by Lepronne and Wailly establish that Philip III gave Louis’s heart and entrails to Charles and show that the heart and
Since Louis died in a heathen land, the treatment accorded his remains was unobjectionable according to the literal wording of Boniface’s later prohibition, which was explicitly directed at those dying on Christian soil. Louis’s own instructions for the disposal of his body (as well as his remarks concerning Saint Edmund) indeed implied that he would have opposed any division of his corpse had he expired in a Christian country, and thus that he would have approved of the pronouncement of 1299. Precisely because of sentiments such as Louis’s, expressed long before the issuance of Detestande feritatis, the case of those crusaders who died while the returning host was traveling through Italy was more problematical. First came the death of Louis’s son-in-law Thibaut of Champagne at the Carmelite convent of Trapani on 4 December 1270. Although he was eviscerated and his entrails buried at Trapani, the rest of his body was embalmed and taken to Provins, where his body was buried at the church of the Franciscans, his heart set apart in a special urn. 40 This procedure followed imperial custom, but the body of Isabelle, wife of Louis’s son Philip III, was treated differently. After her death on 28 January 1271 in Cosenza, her entrails were removed and her bones cleaned “according to French ancestral custom,” in the words of Saba Malaspina. 41 Her viscera were buried in Cosenza, where a monument in her honor was later erected, but her bones were placed in a small casket like Saint Louis’s, and this container, like his, was carried back to Saint-Denis for burial. 42 On 13 March 1271, while the crusaders were at Viterbo, Henry of Almain, son of Richard of Cornwall and cousin of Edward I, was cruelly murdered. After his body was eviscerated, his bones were separated from his flesh (which was buried in Viterbo), and his bones and heart returned to England, where, as has been seen, his bones were interred at Hailes, his heart placed in Westminster Abbey. 43 Saint Louis’s daughter Isabelle, wife of Thibaut of Champagne, died on 27 April 1271 near Marseille. How her body was treated is unclear, but the bulk of her remains were interred at Provins next to her husband, her heart buried in a splendid tomb at Clairvaux. 44 At the end of the summer Louis’s brother Alfonse of Poitiers died near Siena, and his body was dealt with as Louis’s had been. His entrails were buried in the cathedral church with solemn ceremony, and his bones were transported to France, where they were buried at Saint-Denis. 45 Before the end of

43See above at n. 26.
44Arbois de Jubainville (n. 40 above) 426-427.
45Annales lamensis, in MGH Scriptores 18.271-272. On Alfonse’s death see Michel Félibien, Histoire de l’abbaye royale de saint Denys en France (Paris 1706) 250, who reports that Alfonse’s
1271 the abbey also received the heart of Louis’s daughter Marguerite of Brabant, who had died in childbirth.46

The events of 1270 and 1271 reinforced and sanctioned two important funerary practices: the separate burial of both the entrails and the heart, and the extraction of bones from the body to permit their translation from the place of death, whether in pagan or Christian territory, to the place chosen for interment. The deaths that occurred in those years also showed the importance that had become attached to the selection and multiplication of sites of burial. If the location where the entrails were interred was largely dependent on the place of death, this was not true of the sites where the heart and bones were buried. These were selected with special care and thus provide precious evidence concerning the personal sentiments and attachments of the dead persons and their survivors, whereas the customs themselves serve as an indication of the significance attributed to corporeal remains.

The continuing popularity of these practices and the influence of the events of 1270 and 1271 were manifested at the deaths of Peter of Alençon, Louis IX’s pious son and a participant in his father’s last crusade, and of Charles I of Anjou, the brother of Louis IX who had secured the king’s heart and entrails in 1270. Peter decreed in the will he drew up in July 1282 that his “filthy flesh” should be buried in the church of the Franciscans in Paris, and his “evil heart” in the Dominican church there. If he died so far from Paris that his whole body could not be transported to these churches, his bones and heart were nevertheless to be returned to Paris for burial. Although, to judge from his words, he had little regard for his physical remains, he still believed them important enough to warrant the special treatment that he mandated. Peter died in Apulia in 1283, and, in accordance with his testament, his corpse, like Louis IX’s, was eviscerated and dismembered, the flesh and entrails buried in Apulia, and his bones and heart sent to Paris for burial in the churches that he had designated.47 After Charles of Anjou died at Foggia on 7 January 1285, his body was interred at Naples, but, presumably by his own wish, his heart was sent to the church of the Dominicans in Paris. There it was guarded until, in 1326, it was placed in a black and white marble tomb commissioned by his

46 Louis Le Nain de Tillemont, La vie de saint Louis, ed. Jules de Gaulle, 6 vols., Publications de la Société de l’histoire de France 47, 50, 53, 55, 57, 66 (Paris 1847-1851) 4.112-116, who does not note that as well as leaving money to honor his sister buried at La Barre, Peter of Alençon also bequeathed a sum to Saint-Denis in memory of the sister whose heart was buried there: Histoire de S. Louisys... écrite par l’Abbé Sire de Joinville, ed. Charles du Fresne, sieur du Cange (Paris 1668) pt. 1.182-183. The same process of elimination that led Tillemont to conclude that the body interred at La Barre must have been Marguerite’s indicates that the heart at Saint-Denis must also have been hers. This problem is discussed in greater detail in a monograph on the Capetian tombs at Saint-Denis which I am now completing.

47 For the phrases “nostre orde charoigne” and “nostre mauues cuer,” see Joinville pt. 1.185; for the fate of his body, William of Nangis’s life of Philip III, HF 20.524-525.
great-granddaughter Clementia of Hungary, by then dowager queen of France, who thus demonstrated her devotion to her venerated ancestor.48

Just as French blood-ties carried the ultramontane custom of division of the body south to Italy, so similar connections beyond the Pyrenees account for its appearance in Castile in the 1280s, in the testamentary dispositions of Alfonso X of Castile. Descended from Henry II of England and Eleanor of Aquitaine and the half-brother of Eleanor of Castile (Edward I’s first wife), Alfonso was the great-nephew of Blanche of Castile, the father-in-law of Louis IX’s daughter Blanche, and the great-grandson of Frederick Barbarossa. Alfonso was devoted to his French relatives: in his will of November 1282, having disinherited his faithless son Sancho in favor of one of his grandsons (grandsons of Louis IX as well), he stipulated that if he died without heirs, Castile should pass to the king of France.49 His testamentary instructions concerning his physical remains suggest that he shared his ultramontane relatives’ assumptions concerning their importance. His second will, drawn on 10 January 1284, devoted special attention to his body’s fate. It was not, he said, to be buried until all his debts had been paid; then it was to be interred in the monastery of Santa María de Murcia (called the caput istius regni) or, if his executors judged best, in Seville, in a tomb that was not to be “too high.”50 More important, he ordained that as soon as possible after his death his heart should be taken to Jerusalem for burial on Calvary, “where some of our ancestors are interred”; his entrails were to be buried at Santa María de Murcia or in the major church of Santa María in Seville.51 These

48 Anselme (n. 45 above) 1.395; Honoré Bouche, La chorographie ou description de Provence et l’histoire chronologique du même pays, rev. ed., 2 vols. (Paris 1736) 2.306; Aubin-Louis Millin, Antiquités nationales, 5 vols. (Paris 1790-1798) 4 art. 39 (“Couvent des Jacobins de la rue Saint-Jacques”) 59-61, and, for an engraving of his effigy holding a heart, pl. 6, fig. 2, facing 51: Millin also gives Charles’s epitaph, which erroneously states that Clementia was his niece.

Twenty years before his canonization in 1323, Thomas Aquinas’s body may have been boiled, when the Cistercian monks of Fossanova separated his head from his body in hopes of retaining at least a portion of his remains. Because Benedict XI, like Thomas, was a Dominican, the monks were particularly fearful of losing Thomas’s remains during his pontificate. When seen at the time of his translation to Toulouse in 1369, Thomas’s bones were reddish and seemed to have been separated “violenter” from his flesh; further, since the hand given to his sister had remained perfectly preserved, it was reasoned that his body would not have suffered normal processes of decay: AS Martii 1.724; cf. Tricott-Royé, “Décarnisation” (n. 17 above) 156, and (n. 16 above) 363.

49 For Alfonso’s lineage, see Alfonso Ballesteros-Beretta, Alfonso X el Sabio (Barcelona 1963) 38-39; see Georges Daumet, Mémoires sur les relations de la France et de la Castille de 1255 à 1328 (Paris 1913) iii for ties between Castile and France before 1255, and 75-85 for Alfonso’s wills. For the texts of Alfonso’s two wills, see Memoriał histórico español. Colección de documentos, opúsculos y antigüedades 2 (Madrid 1851) 110-135; Latin translations sent to Philip III of France are published by Georges Daumet, “Les testaments d’Alphonse X le Savant, roi de Castille,” BEC 67 (1906) 70-99.

50 Memoriał 2.124-125; Ballesteros-Beretta 1050-1051; Daumet, Mémoires 84, “Testaments” 89-90.

51 Alfonso’s body was interred with his father and mother, and his viscera in the monastery of Santa María de Murcia: Daumet, “Testaments” 89-90, esp. 90 n. 2, and see Ballesteros-Beretta pl. 3 for his viscera tomb. Just which of his ancestors (avi, abuelos) Alfonso believed were buried on Calvary is unclear, but his instructions show that he hoped, after death, to accomplish the pilgrimage to Jerusalem which his kingdom’s troubles prevented him from completing during his lifetime.
dispositions are strikingly unusual in their Castilian context, but Alfonso’s close ties with England, France, and the Empire suggest the origins of the practices that he followed in regulating the treatment of his body after death.

PHILIP THE FAIR, THE THEOLOGIANS OF PARIS,
AND THE HEART OF PHILIP III

Fifteen years after Louis IX’s death on crusade, his son Philip III found himself in the south of France, returning from his own so-called crusade against Aragon. Attended by his own son Philip the Fair, the king died in Perpignan on 5 October 1285, and the fate of his corpse is known in extraordinary detail because of the public discussions that his burial subsequently provoked. His body was first eviscerated and his members boiled. Where this was done is unknown, but on 7 October his flesh and entrails were buried in the cathedral of Narbonne. The ceremony marked a victory for the archbishop and canons of Narbonne, for it was their importuning that had persuaded Philip the Fair to alter his original intention to bestow his father’s perishable remains on the church of the Dominicans of Narbonne. The cathedral’s gain was the Dominicans’ distinct loss, and Philip’s change of mind distressed not only the friars of Narbonne but also Philip’s Dominican confessor Nicholas of Gorran. Doubtless playing on Philip’s pride and emotions, Nicholas secured from the new king the pledge that his father’s heart would be buried in the Dominican church in Paris, which, as has been seen, had recently received the heart of Philip III’s uncle Charles of Anjou. In his will of March 1285 Philip III had paid little attention to his body’s fate and had raised the subject only in making a bequest to Saint-Denis, where, he said, his body was to be buried. There is no evidence that

52 See below, following n. 60, and particularly the passage from Henry of Ghent, following n. 66.

53 My account of the death and burial of Philip III is based largely on the two recensions of the universal chronicle of William of Nangis, which are discussed by Léopold Delisle, “Mémoire sur les ouvrages de Guillaume de Nangis,” Mémoires de l’Académie des inscriptions et belles-lettres 27.2 (1873, sic for 1878) 287-372, esp. 324-326; see also the relevant passages of Nangis’s life of Philip III, in HF 20.538-539. These accounts are supplemented by the continuation of Gerard of Frachet’s chronicle (HF 21.7), by John of Saint-Victor’s Memoriale historiarum (HF 21.646 n. 3), and by an anonymous fragmentary life of Philip III, first edited by Duchesne and reprinted in HF 20.541. As has been indicated (n. 50 above), valuable details are provided by Henry of Ghent’s Quodlibet 9, q. 12, since the problem that he poses is modeled on the circumstances of Philip III’s death: Henri de Goethals de Ghent, Aërea quodlibeta, ed. M. Vitalis Zveccoli Patarini (Venice 1613) fols. 104-106v; cf. following n. 64 below. An anonymous chronicle ending in 1308 (HF 21.132) simply reports the separate burial of Philip III’s heart, without commenting on its propriety, whereas Bernard Gui, a staunch Dominican, indicates that Philip III himself ordered that his heart be buried in the church of the Jacobins: HF 21.707-708.

As Anselme demonstrates (n. 45 above) 1.88, 280-281, by 1319 at least a part (and perhaps all) of Philip III’s entrails had been translated to the abbey of La Noè of the diocese of Évreux: cf. Claude de Vic and Jean-Joseph Vaissète, Histoire générale de Languedoc, ed. Auguste Molinié, 15 vols. (Toulouse 1872-1893) 10.43 n. 7; on the abbey, Cottineau (n. 23 above) 2.2081-2082. In view of the chroniclers’ and theologians’ repeated allusions to the burial of the king’s entrails at Narbonne, it seems clear that the translation occurred well after 1285.
his intentions changed before he died. His son, however, had his own ideas, which — perhaps owing to the examples set in 1270 and 1271 — did not include burial of the body at Perpignan or Narbonne, both Christian cities. No more was Philip inclined to follow the spirit of his father’s wishes and bury all his father’s transportable remains at the abbey of Saint-Denis.

After leaving Narbonne, the solemn funeral cortège slowly and ceremoniously wended its way back to Paris. There the new king’s plans for his father’s remains excited considerable debate. Cardinal John Chollet, then papal legate in France, joined numerous prelates and barons in attempting to persuade Philip to reconsider his decision to give the heart to the Dominicans. They held that since Philip III had commanded burial of his whole body at Saint-Denis, denying the abbey his heart was to defraud the monks of their rightful privileges. Philip the Fair, “young, untried, and improvident,” as some said, was unmoved by these arguments. Having succumbed to the pleas of the clergy of Narbonne, he was doubtless ashamed to retract his subsequent pledge to the Dominicans. In the end the king had his way, for the cardinal and magnates withdrew their objections and the monks grudgingly yielded. His father’s bones were thus buried at Saint-Denis on 3 December 1285, in the presence of the cardinal and numerous clerics, and his heart was then interred in the Dominican church. Capitulating to the king, the papal legate and the local bishops carried the heart to the church and, with their own hands, laid it in the earth.

These events caused considerable scandal, not so much because of the separate

54Paris, Archives Nationales (hereafter AN) J 403 no. 11, dated March 1285. Philip left to Saint-Denis, “la ou nos elsins nostre sepulture,” 40 l.t. a year for the celebration of his anniversary: money was also bequeathed to support the perpetual burning of a candle at the abbey. Nangis states (HF 20.538) that Philip “testamentum suum... ordinavit” at Perpignan, and although no such document survives, he may have given more detailed directions concerning his burial immediately before his death. The chroniclers reported that Philip, while alive, had commanded that his entire body be buried at Saint-Denis: Chronique de Guillaume de Nangis et de ses continuateurs, ed. Hercule Géraud, 2 vols., Publications de la Société de l’histoire de France 33, 35 (Paris 1843) 1.267 and cf. Delisle (n. 54 above) 324-326; cf. HF 20.538-539. 570-571 for Nangis’s life of Philip III and his abbreviated chronicle: GCF 8.119-120; the fragmentary life of Philip III in HF 20.541; and, finally, the continuation of Gerard of Frachet, HF 21.7, which reports the oath to continue the crusade which Philip allegedly required his heir to swear.

55The dates of Philip’s death and burial are found in Éric Berger, “Annales de Saint-Denis, généralement connues sous le titre de Chronicon sancti Dionysii ad cyclos paschales,” BFC 40 (1879) 294; details concerning the cortège are found in the visitation acts of Simon of Beaulieu, archbishop of Bourges, published by Étienne Baluze, Miscellanea nova ordine digesta, ed. Giovanni Domenico Mansi, 4 vols. (Lucca 1761-1764) 1.308-309; see also the articles by Félix Lajard on both John Chollet and Nicholas of Gorran, Philip’s confessor, in Histoire littéraire de la France 20 (1842) 113-129, esp. 116-117: 324-356.

56See the first edition of Nangis’s universal chronicle, published by Delisle (n. 53 above) 324: Nangis’s life of Philip III, HF 20.538-539; and the continuation of Frachet, HF 21.7.

57See n. 56 above.

58“Qui se reputabat dedicere pudorosum,” in the second recession of Nangis’s universal chronicle (Delisle [n. 53 above] 325-326), translated as “qui cuidoit li des dre se honteuse chose” in Paris, Bibliothèque Nationale MS fr. 4946, fol. 51. In contrast, the French translation of Nangis’s life of Philip III says that “le joewe roy ne voult pas estre desdit a son commencement”: HF 20.539.

59Henry of Ghent (n. 53 above) fol. 104v arg. 9.
burial of the heart as because of the violation of Philip III’s intentions and the loss inflicted on Saint-Denis. If the cardinal, monks, and magnates were overawed by the young king, the masters of theology of the University of Paris were not. With characteristic boldness, they set for debate soon after the burials questions pointedly aimed at Philip the Fair’s actions. The problems for discussion were posed in various ways. The question set by Gervase of Mont-Saint-Éloi focused on the inviolability of the last will and testament: “Whether anyone except the pope (for example, the heirs of the dead person, the monks or priests of the place chosen for burial, or the person’s testamentary executors) can alter the last will of the dead person so that the body is not buried in the place selected for interment.” Godfrey of Fontaines concentrated on the same problem, but he specified as the place selected for burial a family mausoleum, a site recognized in canon law as particularly appropriate for interment. Thus he proposed the question “Whether a testament that ordains burial of the body in a holy place where the testator’s ancestors have traditionally been interred can be changed so that a part of the body is buried elsewhere.” Henry of Ghent, in typically blunt fashion, took the issue a step further to explore the practical consequences necessitated by a move such as Philip the Fair had made. “Should,” he asked, “those who have buried in their establishment a part of

69 On the quodlibetic method, see Palémon Glorieux, La littérature quodlibétique de 1260 à 1320, 2 vols., Bibliothèque thomiste 5, 21 (Kain and Paris 1925-1935) 1.11-42, and, on the problem of dating the quodlibets, 74-80, esp. 80 n. 1. If, as seems likely, the three questions discussed below were all debated during the same period customarily devoted to such debate, they must have been advanced in the Easter season of 1286, since Henry of Ghent’s question is known to have been posed then: ibid. 1.91, esp. n. 1.

61 Ibid. 1.137 no. 58, found in Paris, Bibliothèque Nationale MS lat. 15350, fol. 282, a collection of questions which belonged to Godfrey of Fontaines (cf. Glorieux 1.75): “Utrum alius a papa utpote herodes defuncti vel monachi vel presbyteri ubi educat sepulturam. ubi executores testamenti possint immutare aliquid circa ultiam voluntatem defuncti. uidelicet quod aliquis non sepeliatur in loco in quo eligat sepulturam.” For the full text, see the Appendix below.

62 Decrees of Leo III and Innocent III endorsing burial with ancestors were incorporated into Gregory IX’s collection of decreets, and Raymund of Pennafort held that, although the testator was free to choose the place of burial, the body should be interred “in sepulchro parentum” if no other site had been specified: Friedburg (n. 1 above) 2.548-549; Sancti Raymundi de Pennafort..., Summa, bk. 1 tit. 16 “De sepulturis,” ed. Honoratus Vincentius Laget (Verona 1744) 134-135. See also Lex (n. 1 above) 35-40, and n. 10 above.

63 “Utrum testamentum hominis quo dispositu ut eius corpus sepelieatur in aliquo loco sacro, in quo etiam patres sui communiciter sunt sepulci, possit ab aliquo immutari in hoc quod aliquum eius pars in alio loco sepeliatur.” Glorieux (n. 60 above) 1.152; quodl. 1 q. 11, published in Les quatre premiers Quodlibets de Godofroid de Fontaines, ed. Maurice de Wulf and Auguste Pelzer, Les philosophes belges, Textes et études 2 (Louvain 1904) 27-31. Glorieux is doubtless correct (1.149-150) in linking this question with the events of 1285, but it is curious that, at the end of the question, the bull that Boniface VIII issued in 1299 was introduced by the prefatory comment, “Et est circa praemissa amplius intelligendum quod propter inordinatem quae in huissmodi divisione corporum contingere consuevit, eo quo corpora cum integritate decet seperliri et occasione sepulturae circa illa nulla divisione fieri debet, summus pontifex dominus Bonifacius hic omnino fieri prohibuit”: Godfrey of Fontaines 30. It seems clear that this note and the text of the bull were added later, when the questions were copied and edited.

64 On Henry and his style of analysis, see Glorieux (n. 60 above) 1.87; cf. 91 for this question; on his life, see Franz Ehrle, “Beiträge zu den Biographien berühmter Scholastiker: Heinrich
the body of a person who chose to be buried without division be bound to restore that part, and should those in whose establishment burial of the whole body was ordained be bound to seek restitution of the part?"  66 Precedents from the 1280s, probably known in Paris, suggested that the answer should be in the affirmative, 66 but Henry did not refer to these incidents. Bolder than his colleagues, he hypothesized a case for discussion which precisely mirrored the circumstances following Philip III's death:

A most powerful king, traveling with his son and heir, determined that his body should be buried intact in the church of certain monks. Since his father died in a region far removed from that church, the son believed that it would be burdensome and dangerous to take the intestines and the body back to the chosen church, and therefore he decided that the intestines should be removed and buried in the church of certain friars. When the archbishop and canons of the mother church insisted that the intestines should be buried in their establishment, a certain Dominican secured the heir's pledge to give him his father's heart for burial in his own church, which was not far distant from the monks' church. Then the heart and body were taken to the royal capital. There the abbots and monks repeatedly demanded that both heart and body be given them for burial, and the king as often refused their request. In the end, however, persuaded by various righteous men after long debate, the abbots and monks unwillingly said that they would accept what the king had determined, and the king assumed from this their consent to the burial of the heart in the church of the friar and his brothers, as had been proposed. Thus the question: Whether the friars should be held to restore the heart to the monks, and whether the monks should be held to seek its restitution. 67

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65 "Vrum qui sepeluit in sua Ecclesia partem corporis illius, qui elegit sepulturam corporis simpliciter, teneat par tem illam restituiere, & illi apud quos fuit sepultura pro corpore simpliciter electa, teneatur illam repetere:" Henry of Ghent (n. 53 above) 104. See Glorieux (n. 60 above) 1.91 and 191. Pope Alexander III had decreed that churches which had buried the bodies of those who should have been interred elsewhere were bound to restore the remains, and his pronouncements were incorporated into Gregory IX's collection of decretals: Friedburg (n. 1 above) 2.550, V-VI. Alexander's position was cited in Raymund of Pennafort's Summa (n. 62 above) 135, which upheld the obligation of restitution if someone "recepterit alienum corpus in casu non concesso."

66 In 1280 and 1285 the Franciscans of Lübeck and Gloucester successfully claimed bodies which had been buried elsewhere: Bradford (n. 13 above) 49-50 n. 3.

67 "Rex quidam potentissimus, peregre proficiens cum filio herede suae successuro in regno, sepulturam corporis sui simpliciter elegit faciendam in ecclesia quorundam Monachorum. Mortuo autem rege predicto in regione longinquaque, visum est filio suo iam succedenti in regno onerosum, & periculosum corpus deferre cum intestinis ad locum sepulchri electum, & intestina extracta..."
DEATH AND THE HUMAN BODY

Central to the question posed by Gervase of Mont-Saint-Éloi and Godfrey of Fontaines was the issue of the licitness of modifying the last will and testament. Both agreed that the pope alone could alter testamentary dispositions, but they also implied that even he would be misguided to tamper with reasonable instructions regarding the body. They both admitted that if a person died far from the place chosen for burial, the viscera might be interred at once, whatever the testator’s instructions. The practice was customary (Godfrey added, “among high-ranking persons, particularly prelates and princes”), and Gervase judged it justifiable because of the possible danger of transporting the entrails with the corpse. Godfrey was less lenient and maintained that if the heir wished to demonstrate reverence for his father, he might convey the entrails with the body.  

Both Godfrey and Gervase raised the more general issue of the permissibility of separate burial of the body’s parts. Neither went as far as Augustine in dismissing the significance of the body’s fate, but both questioned the value of division of the corpse. Of the two, Gervase took the stricter position. He described separate interment of the viscera as a novel rite, and he rejected the contention that the practice helped the dead by multiplying prayers on their behalf. Intent as they were on spreading worship of God, the holy fathers, he maintained, had never endorsed the usage; further, prayers before different monuments would not be as intense and devout as those offered at a site where the whole body was known to be interred; in any case, the value of prayer depended more on “intention than on extension.” 

Godfrey did not totally condemn the practice. Holding that division of the body into parts was unnatural unless it was absolutely necessary, he argued that burying the body intact meant that it would be ready for resurrection — although he admitted that divine power could gather the parts of the body even if they were scattered. But in the end he called such division horrible and monstrous, thus foreshadowing the position that Boniface subsequently adopted. In any case, he said, the intention of the dead person should prevail unless there were good reason to alter it — if, for example, the burial site was under interdict, flooded, or occupied by enemies, or if public utility demanded alteration of the dead person’s wishes.

destinavit sepeliri in ecclesia quorundam fratrum, sed ad instantiam Archiepiscopi loci, & canoniconorum ecclesiae matris inquiratur, quod quaedam de ordine fratrum praedictorum procuratur erga dictum haeredem, quod cor ei conferretur ad sepeliendum in ecclesia sua non multum distant ab ecclesia dictorum Monachorum, quo facto, & corde cum corpore delato vsque in ciuitatem regionem: Abbis dictorum Monachorum cum suo conuentu constanter petijt sibi cor cum corpore tradi ad sepeliendum, quod cum eis denegaretur constanter ab haerede iam nouo rege, tandem per proborum intercessionem post multam contradictionem licet inuiti dixerunt dicti Abbis, & Monachi, quod sustinenter hoc, quod rex de corde faceret, ex quo praecumebat rex ipso adhibere consensum, vt cor sepeliretur in ecclesia dicti fratris, & confratrum suorum, quod & sic factum fuisset propositum erat, super quo est quiescio, vitrum fratres illi cor illud tenentur dictis Monachis restituere, & an Monachi teneantur illud repeterem”: Henry of Ghent (n. 53 above) 104.

98 Godfrey of Fontaines (n. 63 above) 28-29.
99 Paris, Bibliothèque Nationale MS lat. 15350, fol. 282; see the Appendix below.
100 “Huismodi separatio quandum atrociatem et inhumanitatem importet”: Godfrey of Fontaines (n. 63 above) 29.
101 Ibid. 29-30.
The arguments of Henry of Ghent were far more elaborate than those of Gervase of Mont-Saint-Éloi and Godfrey of Fontaines, but they simply substantiated and elaborated the fundamental positions his colleagues had adopted. Like them, he insisted that the last will should be observed in all particulars. In the specific case he had posed, he noted, the king’s instructions were completely reasonable, since, like Joseph, he had chosen burial in the mausoleum of his ancestors, and since he was moved by his devotion to the church’s patron and saints. In addition, burial of the body intact was laudable. Just as members of the Church wish to be interred together to be ready for their common resurrection, so, even more, should the members of the body be buried without division, since one member cannot rise unless joined to another.\footnote{Henry of Ghent (n. 53 above) 104v-105.}

Henry did not deal with the pope’s power to change wills, but he noted that the civil law did not permit the prince to alter a testator’s reasonable dispositions. Further, whatever the position of the civil law, the Church’s law prohibited any secular authority from disposing of ecclesiastical property, and no property was more precious to the Church than the bodies of the faithful awaiting resurrection.\footnote{Ibid. 106, resp. arg. IV.} Like his colleagues, Henry acknowledged that separate burial of the entrails was a different question, since transporting them might be perilous.\footnote{Ibid 105v, resp. arg. II.} Citing the case of Joseph, who ordered his bones divided from his flesh to facilitate their return to his ancestors’ burial ground, he held that under such circumstances necessity might prevail over the more laudable and rational decision to have the body buried whole, although he said that burial intact was preferable and agreed with Godfrey of Fontaines that, if possible, instructions to this effect should be scrupulously followed.\footnote{Ibid. 105. Cf. fol. 106, resp. arg. VI, where Henry says that the intestines were given to the church specifically for burial and that therefore neither they nor any part of them could be transported elsewhere for interment: note, too, fol. 106, resp. arg. VII, and fol. 104v, arg. VI and VII.} As to the benefits to be gained from the multiplication of prayers, he, like the other masters, denied the efficacy of ceremonies that were not rightly performed.\footnote{Ibid. 105, resp. arg. I.}

Henry raised additional issues which neither Gervase nor Godfrey had treated, and his detailed questions and responses were evidently focused on Philip the Fair’s disposal of his father’s heart. Rejecting the natural law fiction that the head is the chief and principal member of the body and that the body is thus presumed to rest where the head lies, he remarked that natural law favored the heart as the body’s most important part, and he called attention to the belief that the body would rise from the place where the heart was buried.\footnote{Ibid. 105v, resp. arg. III; cf. Digest 11.7.44.} Thus the monks who were denied the heart might suffer great damage. They would lose the offerings presented by worshipers at the tomb of the heart, and, even more important, their abbey might eventually
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forfeit its position as royal mausoleum if the king’s successors elected to be interred where his heart lay, with the friars.\(^{78}\) Therefore any consent the monks were presumed to have given was invalid. First, their acquiescence might have resulted from fear of losing what they had or of being deprived of future favors; second, they would have been acting to their church’s prejudice. As concerned superior authorities (who might also have been inspired by fear), any consent given by word or deed was worthless to the friars in God’s sight, whatever its effect under human law.\(^{79}\) Thus, he concluded, the friars were morally bound to restore what they had illicitly received, just as the monks were morally obligated to seek restitution of the heart of which they had been illegally deprived.

Despite the theologians’ eloquence, Philip III’s heart remained in the Dominican church in Paris. The accounts of the episode written by William of Nangis and the continuator of Gerard of Frachet’s chronicle all mention the masters’ debates but, without giving details, simply say that the theologians determined that neither the king nor the monks could give the heart nor the friars retain it without papal dispensation – which, of course, had not been secured.\(^{80}\)

The masters’ arguments thus failed to move the friars to restore Philip III’s heart to Saint-Denis. Nor did their objections to division of the body make the practice less popular – although it should be noted that in his will of August 1288 Philip the Fair, possibly chastened by the debates, decreed that his body should be buried intact at Saint-Denis.\(^{81}\)

Perhaps because the opinions voiced in 1286 had so little observable effect, the masters remained concerned with the general question of the propriety of dismembering the corpse. In 1291 or thereabouts\(^{82}\) Oliver of Tréguier posed the question “Whether in death it is lícit to divide the heart from the body,”\(^{83}\) and his positive resolution of the problem led Godfrey of Fontaines to respond by analyzing the

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78 Henry of Ghent (n. 53 above) 105.
79 Ibid. 106v, resp. arg. IX.
80 In one manuscript of Nangis’s universal chronicle, the phrase “nisi dispensatione duntaxat summi pontificis” was scratched out, which suggests that some of the monks at Saint-Denis agreed with the masters of theology that the pope would have had no grounds for intervening in the dispute, since right indisputably lay on the abbey’s side: Désile (n. 53 above) 326 n. 1; HF 20.651; Géraud (n. 54 above) 1.267 n. 1.
81 AN J 403 no. 12.
82 Godfrey of Fontaines’s question was the ninth of his eighth quodlibet, to which Glorieux assigns the date 1291 (Glorieux [n. 60 above] 1.150) on the basis of the logical chronological sequence of the quodlibets rather than the historical content of the questions. The similar question of Oliver of Tréguier Glorieux dated 1291-1292 (Glorieux 2.211), not only because the course of Oliver’s career suggested this as an appropriate date, but also because Glorieux believed that Oliver was moved to discuss the issue by the will of Jeanne of Alençon, which Glorieux mistakenly thought was drawn up in January 1291, rather than 1292: see below at n. 91.
83 “Utrom in morte licet cor dividere a corpore”: Paris, Bibliothèque Nationale, MS lat. 15850, fol. 27v: on this manuscript, the collection of Nicholas of Bar, see Glorieux 1.230-242, especially 235 n. 1, and on Oliver, ibid. 2.211. For the full text of the question, see the Appendix below.
question “Whether it is fitting to advise that a body be divided for burial so that its various parts should be buried in different locations.”

Oliver of Tréguier boldly contested the opinions unanimously expressed in 1286. Perhaps with a view to obtaining royal favor, he gave unqualified approval to the practice of burying the heart apart from the body. His argument was simple and straightforward. He held that this practice was a morally indifferent act, whose nature was determined solely by the good or evil intention of the actor. Since, he said, the practice was motivated by the desire to secure the prayers of different religious establishments, it followed naturally that it was good. Justifying his position, he maintained that these prayers took precedence over the unity of the corpse, just as the health of the living body took precedence over its unity. Since the welfare of the soul was more precious than the well-being of the body, and since the living body could be divided to insure its health, so, even more, could the corpse be divided to promote the soul’s salvation. Again, the body was buried in order to exclude air, and thus it made no difference precisely how it was interred. Further, division posed no problem for the resurrection of the body, since the scattered parts could easily be joined by the power of God – an argument Godfrey of Fontaines had conceded in 1286.

Oliver of Tréguier’s opinions were roundly opposed by Godfrey of Fontaines, who, while treating a question he himself proposed, specifically refuted all the arguments Oliver had advanced. But Godfrey went beyond this and, to buttress his position, amassed a multitude of proofs, many of them drawn from the case that Henry of Ghent had presented in 1286. Following the line of argument that he had adopted in 1286, Godfrey denounced the practice of division of the body as a novel rite which was a cause of public scandal, and he stated flatly that it should never be recommended. The holy fathers had not observed the custom, and at present it was followed only by the rich, said he, to secure burial in the churches of poor ecclesiastics.

First he considered the issue, raised by Oliver of Tréguier, whether the practice was a morally indifferent act, or whether it verged toward good or evil. He argued that division of the body in fact fell into the latter category, according to the standards of reason and custom. Thus it should not be done unless some overriding necessity required it. To prove that burial of the body intact was reasonable, Godfrey invoked various arguments advanced by Henry of Ghent: the analogies with the members of the church and the members of the family, buttressed by the examples of Joseph and Jacob, who elected burial with their ancestors: the contention that burial without division was consonant with the resurrection of the whole body (even though God’s absolute power could reunite what had been separate); the example of

\*\* “Utrum conveniens sit consulere quod corpus sepeliendum dividatur ad hoc quod in pluribus locis secundum partes sepeliatur”: Le huitième dixième Quodlibet de Godofroid de Fontaines, ed. Jean Hoffmans, Les philosophes belges, Textes et études 4 (Louvain 1924) 86-98, cf Glorieux (n. 60 above) 1.158-159.
Jacob, whose body had been buried intact. Godfrey also dwelled on the widespread natural reluctance to divide the body, since, he said, it seemed horrible and inhuman to mutilate a body which still retained its form. Rather, dissolution should be the work of nature, and even embalming—a practice which, it should be noted, the Bible affirmed in the cases of both Jacob and Joseph—he considered unnatural, saying that it had ceased to be customary because preservation of the body was recognized to be purposeless.

To show that burial undivided was a traditional practice of the Church, not to be replaced by a novel rite, he cited numerous examples. The holy fathers, patriarchs, prophets, and apostles had been buried intact, as had Christ. In modern times Robert Grosseteste had explicitly forbidden dismemberment of his body, and, as Godfrey pointedly remarked, neither Saint Francis nor Saint Dominic had had their bodies divided; nor, he noted, did the religious who commended the practice adopt it themselves. Godfrey acknowledged that Saint Edmund of Pontigny had commanded that his heart be buried apart from his body; this, however, was but a single instance, and Godfrey hypothesized that Edmund’s decision might possibly have been prompted by the special intervention of the Holy Spirit.

In exceptional cases, Godfrey admitted, division of the body might be necessary and thus permissible. He condoned burial of those parts of the corpse which could not be transported to the place chosen for burial (although he insisted that even then, properly speaking, the person should be said to have only one grave, where the principal portion of the body was interred). Another exception was admitted for great men whose funeral ceremonies required lengthy preparations; still, in this case he insisted that the entrails be interred in the place where the remainder of the body would eventually be buried. As to the division of the bodies of the saints, this custom was approved because it furthered common and spiritually useful ends and because, through their canonization, saints became quasi-public persons and thus the possession of the whole Church. Further, division of their bodies spread worship of God and reverence for the saints and increased the devotion of the faithful. Even so, such division should occur only after the saints’ bodies had been reduced to bones and ashes by natural process of decay.

Godfrey flatly denied that the practice could be considered generally beneficial. Given the fact that the custom was repugnant to nature and to religion, he maintained that it should not be employed to multiply prayers and thus hasten liberation from punishment. Division of the body into minute parts, which was clearly indecent, might indeed decrease respect for the efficacy of the Church’s prayers.

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85 Godfrey of Fontaines (n. 84 above) 86-89.
86 Ibid. 94. On Edmund, see above at n. 23.
87 Godfrey of Fontaines (n. 84 above) 92-93. Hence the horror felt when, in 1250, the monks of Pontigny severed an arm of the miraculously preserved body of Saint Edmund: Matthew Paris (n. 23 above) 5.113-114, and at n. 38 above.
88 Godefroid of Fontaines (n. 84 above) 91.
89 Ibid. 96.
Money, unlike bodies, could rightly be divided and could licitly be used to multiply prayers; he maintained, however, that if money was lacking, fewer prayers, pronounced in more orderly fashion, would be equally efficacious in promoting salvation. The contention that the practice would encourage the devotion of the deceased person’s friends to a larger number of religious establishments was rejected on the grounds that this was not the primary purpose of burial.90 Similarly, recommendation of the practice with a view to obtaining the wealth of the rich for a greater number of churches was condemned, since the practice was equally inappropriate for rich and poor. Thus the procedure was not to be advised, and those inclined to adopt it — illiterate, worldly persons, some simple women, a few men — should not be encouraged. Indeed, Godfrey said, anyone electing dismemberment spontaneously could be presumed to do so foolishly, and the wishes should not be followed.91

Godfrey of Fontaines ended as he had begun by leveling a direct attack on Oliver of Tréguier. His final thrust was aimed at Oliver’s analogy between the salvation of the soul and the health of the living body. The cases, he declared, were fundamentally dissimilar, since the multiplication of prayers sought through division of the body was in no way comparable to the preservation of the body’s health which was the purpose of amputating a diseased portion. At the very end he raised a point to which Henry of Ghent had alluded, the statement in the civil law that if the head was buried apart from the body, the body should be presumed to lie where the head was interred. This, he maintained, was simply a legal dictum and could not be interpreted to imply that the laws approved or recommended separate burial of the head.92

The complex and impassioned arguments of Godfrey of Fontaines might have given pause not only to the friars but also to those who found themselves termed illiterate, foolish, and simple — unless they could persuade themselves that, like Edmund of Pontigny, they were inspired by the Holy Spirit. No more than the theologians’ earlier statements, however, did the opinions voiced in 1291 discernibly influence popular practice, and there is no evidence that the propriety of dismembering the corpse was seriously questioned.

As has been seen, the body of Peter of Alençon was boiled and divided after his death in 1283. His widow, Jeanne of Châtillon, survived him by nine years, and, although her piety rivaled her husband’s, she was nonetheless influenced more by the traditions of her line and her class than by the recent pronouncements of the theologians when she arranged for the disposal of her body. In her will, drawn up at Blois on 27 January 1292,93 she decreed that if she died between Paris and Chartres, her
body was to be buried at the church of the Franciscans in Paris and her heart in the church of the Dominicans there (the same churches selected by her husband). If she died beyond Chartres she was to be interred in the Franciscan abbey of La Guiche (which her parents had founded and where they were buried). By the next day she was clearly moribund, and it was evident that her provisions for burial in Paris would be ineffectual. Therefore her physician asked her again where she wanted her body buried. She replied, "In the church of the Franciscans;" when asked about her heart, she said that it should rest in the church of the Dominicans. Reminded of the stipulations in her will, she still insisted that her heart should be interred in the Dominican church, "so that she might profit from the prayers of the two orders, and because of her love for her husband, the count of Alençon."* After her death the following day, she was buried at the abbey of La Guiche, but, because of her deathbed instructions, some historians have been convinced that her heart was taken to Paris. Yet another sign of the inefficacy of the masters' teachings is found in the testament that Philip the Fair sealed in March 1297. This document clearly shows that, whatever the immediate impact of the opinions expressed in 1286, their effect had faded ten years later. In the will Philip commanded that, whereas his body should be buried at Saint-Denis, his heart was to be interred in the church of the Dominicans in Paris, "next to the tomb of my dearest father."**

Ecclesiastics, and certainly cardinals of the church, might be expected to have been more attentive to the masters' admonitions than noblewomen and kings, even those as pious and punctilious as Jeanne of Alençon and Philip the Fair. That they were equally unresponsive to the theologians' pronouncements is suggested by the two wills drawn up on 24 August 1297 by Hugh Aycecin, a Dominican and since 1294 cardinal bishop of Ostia.* Hugh was a native of France and through his brother Giles had close connections with the French court. These ties were important to him, and it was the customs of his native land rather than the current doctrines of Louis IX's death immediately preceding the recitation of Jeanne's, are found in Paris, Bibliothèque Nationale MSS n. a. fr. 6882 (fols. 4v-19) and 10237 (fols. 147-161v). Victor Le Clerc states that she died at her castle at Blois, and as evidence he cites a passage in William of Nangis's universal chronical mentioning her death: "Relation anonyme des derniers moments de Jeanne, comtesse d'Alençon et de Blois," Histoire littéraire de la France 20 (1842) 109. The passage cited by Le Clerc can, however, be read "of Blois" (referring to Jeanne's position as countess) as easily as "at Blois": Géraud (n. 54 above) 1.280, esp. n. 2; cf HF 20.524. It nonetheless seems likely that she did die at Blois, since, as the disposal of her body demonstrates, her death occurred "beyond Chartres."

* Martène and Durand (n. 93 above) 6.1221.
** Frédéric Lesueur, Les élixirs de Loire-et-Cher (Paris 1969) 125; cf. Mercure de France (June 1741) 1362.
*** AN J 403 no. 13; cf. Millin (n. 48 above) 4.79 art. 39. Note too that on 20 January 1299 Marguerite, wife of Charles of Valois, decreed that her body should be buried in the Dominican church in Paris, her heart in the cathedral church of Saint-Maurice in Angers: AN J 403 no. 14. As a later act of her husband shows, her entrails were buried in the Premonstratensian house of Valsery in the diocese of Soissons: AN J 163A no. 27, dated 20 May 1305, in an exemplification by the abbot of Valsery of 26 May 1305.
**** Information concerning Hugh's career is found in Jo Ann MacNamara, Gilles Aycecin, the Servant of Two Masters (Syracuse 1973) 13-15, 40-42.
the masters of theology that affected his thinking as he drew up his two testaments, one regulating his bequests south of the Alps and one applicable north of the mountains. In the will drafted for the north he decreed that wherever he should die, he was to be buried in the Dominican house at Clermont; there, he ordered, his body or his bones should be carried. His flesh and entrails were to be interred where he died, preferably in a Dominican establishment, but in a Franciscan church if there was no Dominican house nearby.

BONIFACE VIII AND DETESTANDE FERITATIS

A few months after Philip the Fair approved his second will, Boniface VIII proclaimed the canonization of Louis IX, on 11 August 1297. Then, after little more than two years, the pope issued Detestande feritatis, which explicitly condemned as savage the procedure that Philip the Fair had employed when his father died -- the same procedure that was used after Saint Louis's death in North Africa and after the death of Philip the Fair's mother Isabelle in Cosenza. Literal interpretation of the wording of Boniface's decretal might suggest that the case of Saint Louis and his companions who had expired in heathen territory was distinguishable from the situation condemned by Boniface, and that the treatment accorded their bodies was licit because of these circumstances. The point was not, however, indisputable; and a later gloss held that, even in such circumstances, the practice was abhorrent and unlawful. In any case, the bull was a blow to the status of most Christian rulers traditionally claimed by the kings of France, particularly since it implied that the practice had always been as reprehensible as Boniface's constitution of 1299 declared it to be.

Indeed, a gloss written by Cardinal Jean Lemoine (probably before the end of

98 I am deeply grateful to Agostino Paravicini Baglioni for sending me the proofs of the sections dealing with Hugh's wills which appear in his edition of the testaments of the pre-Avignonese cardinals, I testamenti dei Cardinali del Duecento, Miscellanea della Società romana di storia patria 25 (Rome 1980). There the two wills are edited from the originals, XVIII a-b, 276-317; see also CH-CIII and 61-64. Hugh's will containing his Italian legacies implicitly reaffirmed the provisions for burial found in his other will and provided payment for members of his household on both sides of the Alps, wherever he should die.

99 Extravagantes communes omnes ... cum glossis Ioannis monachi Picardi (Lyon 1553) 203, gloss to Catholicae fidei, whose author is unidentified.

100 A gloss by Cardinal John Lemoine, one of Boniface's detractors during the pope's subsequent struggle with Philip the Fair, held that "iste modum esse illicitum ante istam constitutionem: quia corpus humanum, cuius facies ad similitudinem caelestis pulchritudinis est figurata, nec maculari nec defigurari debet," an argument perhaps based on Godfrey of Fontaines's statements: see above, following n. 83: for the gloss, Extravagantes 203, gloss to Ipso facto; cf. n. 61 above. On Lemoine himself, see Félix Lajard, "Jean Le Moine, cardinal, canoniste," Histoire littéraire de la France 27 (1877) 201-224; Johann Friedrich von Schulte, Die Geschichte der Quellen und Literatur des canonischen Rechts von Gratian bis auf die Gegenwart, 3 vols. (Stuttgart 1875-1880) 2.191-193; Paul Funke, Papst Benedikt XI: Eine Monographie (Münster 1891) 114-116; and Heinrich Finke, Aus den Tagen Bonifaz VIII: Funde und Forschungen (Münster 1902) 126-145, and note esp. 130 for Lemoine's contacts with Godfrey of Fontaines, as also Lajard 216 and n. 111 below.
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1303\textsuperscript{191} explicitly stated that this was the bull's true meaning. The bull suggested as well that no separation of the parts of the body was tolerable, and, as has been seen, a later rescript of Boniface VIII confirmed that this was so; further, a gloss by Cardinal Lemoine stated that the prohibition applied to evisceration as well.\textsuperscript{102} Thus, not only did \textit{Detestande feritatis} condemn the treatment accorded the bodies of Philip the Fair's mother and father and imply that they should not have been permitted burial in the Church, but it also suggested that Philip's recently expressed desire to have his heart interred next to his father's was abhorrent.

From a purely political perspective, it is puzzling that Boniface should have issued \textit{Detestande feritatis} in September 1299 and confirmed it five months later, for the winter of 1299-1300 was a peaceful interlude in the history of his often stormy relations with the great powers of Europe. Having recently succeeded in negotiating peace between England and France, Boniface needed the cooperation of both Edward I and Philip the Fair to ensure ratification of the agreement.\textsuperscript{103} Further, in September 1299 he feared the threat of the Colonnas and the possibility that the kings of England, France, and Germany were allying against him. Under the circumstances it would surely have been more prudent to issue statements designed to conciliate rather than a pronouncement sure to alienate the northern rulers.\textsuperscript{104} Later, in February 1300, he was counting on Philip the Fair to support his efforts to convince the Genoese not to aid papal enemies in Sicily; he also needed French financial aid for the campaign that Robert of Artois had agreed to undertake to defend papal interests in Sicily.\textsuperscript{105} Boniface was clearly making some attempt to win Philip's favor, for on 5 February 1300 he authorized the translation of Saint Louis's head from Saint-Denis to the Sainte-Chapelle, a move that the French king heartily desired.\textsuperscript{106}

On the other hand, the history of Boniface's pontificate demonstrates that the desire to conciliate was only one of the pope's traits. He was also known for his

\textsuperscript{191} Finke 132 for the opinion that Lemoine's glosses to Boniface's constitutions were completed before the pope's death in 1303.

\textsuperscript{102} Lemoine held that by the terms of Boniface's bull, evisceration was absolutely prohibited: \textit{Extravagantes} (n. 99 above) 202, gloss to \textit{Extenterant}. See also below, preceding n. 114.

\textsuperscript{103} Thomas Sherer Ross Boase, \textit{Boniface VIII} (London 1933) 207.


\textsuperscript{105} \textit{Registres Boniface} nos. 3868 and 3871, cf. no. 3650; see also Baronius and Raynaldus (n. 1 above) 1300, no. 13; Jean Leclercq, "Les bénédictins en France au temps de Philippe le Bel et de Boniface VIII," \textit{Revue Mathilien} 31 (1941) 94-96. In January 1300 emissaries of the count of Flanders denounced Philip to Boniface: their supporter, Cardinal Matthew of Aquasparta, spoke publicly of the supremacy of the pope over all temporal rulers in an address designed to persuade Boniface to move against Philip: Félix Rocquain, \textit{La cour de Rome et l'esprit de réforme avant Luther}, 3 vols. (Paris 1893-1897) 2:290-291.

pride, censoriousness, disdain for others, and maliciousness.\textsuperscript{107} Further, Boniface's deep-seated narcissism may have moved him to avenge the slights that he had suffered at Philip's hand. Nor did the pope shrink from insisting on principle if he believed it his duty to do so. When he decided to issue \textit{Detestanda feritatis}, it seems clear that a congeries of such motivations overpowered any more practical and pacificatory impulses which the logic of the political situation might be expected to have aroused.

The phraseology of the bull suggests that Boniface was profoundly shocked by the practice that he condemned. As papal legate Boniface had been in Paris in 1290, shortly before the second set of debates on the question of division of the body. Although at that time he was hostile to the theologians because of their opposition to a papal dispensation favoring the mendicants, he was seemingly affected by reports of the stands they had taken and would shortly adopt on the issue of dismemberment.\textsuperscript{108} These opinions reinforced sentiments voiced by the twelfth-century anatomists Nicholas and Richard of Salerno, who had pronounced Galen's description of the dissection of the human body, living and dead, as "inhumanum . . . et maxime apud catholicos," and whose outlook was typical of those whose opposition delayed the introduction of dissection to western Europe until the 1280s.\textsuperscript{109}

Conservative sentiments such as these, combined with opinions voiced in Paris concerning \textit{post mortem} division, in all likelihood prepared the ground for \textit{Detestanda feritatis}, but the bull's proximate cause appears to have been the dismemberment of the body of Nicholas of Nonancourt, cardinal priest of Saint Laurence \textit{in Damaso}, who died in Rome on 22 September 1299. Nicholas, a native of Normandy, apparently wanted his remains buried in the cathedral church of Évreux, and after his death his bones were apparently separated from his flesh and sent across the mountains, for, as his epitaph at Évreux recorded, "Haec praesens fossa Nicolai continet ossa."\textsuperscript{110} In his gloss to \textit{Detestanda feritatis} Cardinal Jean Lemoine (one of

\textsuperscript{107} Finke (n. 100 above) 291-292. Giesey (n. 11 above) 22 n. 12 asserts that the bull was not intended to spite Philip but also implies that Philip would have found it offensive.

\textsuperscript{108} Finke (n. 100 above) 14-19, and the source he prints as no. I, iii-vii; Boase (n. 103 above) 19-22; A. G. Little, "Measures Taken by the Prelates of France Against the Friars (c. A.D. 1289-90)," \textit{Miscellanea Francesco Ehrle}, 6 vols. in 3, Studi e testi 37-42 (Rome 1924) 3.49, 63; Brian Tierney, \textit{Origins of Papal Infallibility 1150-1350: A Study on the Concepts of Infallibility, Sovereignty and Traditions in the Middle Ages} (Leiden 1972) 64-65. As Finke and Tierney make clear, the issue in 1290 was not the proper limits of the friars' authority, but rather the pope's power to issue a dispensation on their behalf; Boniface's determination to uphold the prerogatives of the Franciscan pope Nicholas IV does not in itself mean that he sympathized with the substance of the declaration. Little stresses, however (63), that Boniface attacked the Parisian masters and declared his belief in the friars' soundness.

\textsuperscript{109} Walter Arlett: \textit{Die ältesten Nachrichten über die Sektion menschlicher Leichen im mittelalterlichen Abendland}, Abhandlungen zur Geschichte der Medizin und der Naturwissenschaften 34 (Berlin 1940) 3-11, 14-15, 18-19.

\textsuperscript{110} François Duchesne, \textit{Histoire de tous les cardinaux français de naissance, ou qui ont esté promus au cardinalat par l'expresse recommandation de nos roys . . .}, 2 vols. (Paris 1660) 1.331-332, 2.preuves 252; Léopold Delisle, "Anonyme, auteur du \textit{Grammaticale novum};" \textit{Histoire littéraire de la France} 31 (1893) 23-24; Paravicini Bagliani (n. 98 above) 64-66. For the customs that gradually developed regarding the burial place of cardinals, see Lex (n. 1 above) 135-136.
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Nicholas’s executors) recorded that Nicholas had prompted Boniface to issue the bull, which was in fact dated just five days after the cardinal priest’s death.111

Whatever Boniface’s personal aversion to dismemberment of the body, the decretal served another purpose, since it doubtless brought comfort to the secular clergy, who were then struggling against the growing power of the mendicants. One of Boniface’s goals as pope was to clarify and regularize the relations between the friars and the secular clergy, and by 1299 he had become convinced that it was the seculars rather than the mendicants who deserved his assistance. The friars were widely believed to encourage separate burial of different parts of the body to secure money for their establishments, and in the late thirteenth century William Rishanger compared the friars who tried to secure portions of the bodies of the moribund rich with dogs lurking near corpses, eagerly waiting to bite off some part. Dominican and Franciscan churches were indeed the favored repositories of dismembered segments of the body, and thus Deestande feritatis would strike a blow at their pretensions.112 It can therefore hardly be simple coincidence that on the same day he reissued Deestande feritatis, Boniface promulgated the bull Super cathedram, which so curtailed the rights of the friars to preach, hear confessions, and bury the faithful that the mendicants launched a campaign of protest which led Benedict XI to cancel the bull in 1304.113

The speed of Boniface’s reaction to the dismemberment of Nicholas of Nonancourt suggests that he gave little thought to the political repercussions his bull was likely to have in secular and ecclesiastical spheres. Yet he surely had time for reflection in the months that intervened before his second promulgation of the decree, and the possible effects of the decretal on his relations with France and England can hardly have escaped him. He may have judged the moment opportune to confirm a pronouncement in whose correctness he sincerely believed precisely because he was on good terms with Edward I and Philip the Fair; thus he could afford a move that he might have hesitated to make under other circumstances. Nonetheless, as regards his dealings with these kings, his decree appears as another example of what James Muldoon has termed Boniface’s “technically correct but politically insensitive solutions to problems.” At some level of consciousness Boniface must have realized that the decree would offend and disturb both royal houses, and he may indeed have

111 Extravagantes 202, gloss to Deestande: cf. Paravicini Bagliani (n. 98 above) 65 n. 1. Lemoine acted as executor not only for Lemoine but also for John Cholet: Paravicini Bagliani 54, 65-66. Lemoine himself died in Avignon on 22 August 1313; his body presumably lay there for a year, since only on 1 October 1314 was it interred in the chapel of the college he had founded in Paris: Lajard (n. 100 above) 209.

112 “Aliquid de corporibus quorumcunque potentium morientium sibimet vendicabant, more canum cadaveribus assistentium, ubi quique suum particulam avide consumendam expectat”: Riley (n. 29 above) 3.129, with reference to the heart of Eleanor of Provence.

113 Funke (n. 100 above) 124-125, 127-129; Boase (n. 103 above) 190-193; Tierney (n. 108 above) 150; Little (n. 108 above) 63-64; Bernard (n. 10 above) 4, 197; John Moorman, A History of the Franciscan Order from its Origins to the Year 1517 (Oxford 1968) 202, 339-340; Potthast (n. 1 above) no. 24913. On the origin of the friars’ right to inter the bodies of the lay, see Moorman 122, 177-178; and see Bradford (n. 13 above) 50 for Bonaventure’s opposition to this aspect of the friars’ activities.
taken perverse satisfaction in thus asserting his spiritual authority over them, particularly if he believed that the weight of tradition supported his position. Any hope he may have had that the constitution would radically alter the beliefs and desires of the French and English was, however, misguided — as later events would show.

THE EFFECT OF BONIFACE’S PRONOUNCEMENTS

The immediate impact of Boniface’s bull was widespread and profound. As has been noted, glosses written by Cardinal Jean Lemoine, probably before Boniface’s death, clarified and expanded the scope of Detestanda feritatis. Not only did Lemoine maintain that the condemned practice had always been illicit, but he also held that the decratal absolutely prohibited evisceration. He took special cognizance of the contention, voiced by Henry of Ghent and Godfrey of Fontaines, that under special circumstances evisceration might be permitted, as when great men died far from their homelands or had selected burial sites distant from the places where they died. He flatly rejected this argument, however, since he judged such “diuisio incommoda” absolutely forbidden. Like Godfrey of Fontaines he invoked in support of his position the examples of Jesus Christ and Jacob, clearly the greatest of men, whose bodies had not been mutilated.114

In accordance with Lemoine’s gloss, a halt was put to evisceration of the body without special dispensation. Henry of Mondeville, physician to Philip the Fair and Louis X, wrote that the entrails could be removed from the corpse for purposes of embalming only if “a Romana Ecclesia speciale privilegium habeat.” and Mondino dei Luzzi saw sin associated with boiling parts of the body to reveal their anatomical structure.115 For many years, it seems clear, the bull and its glosses discouraged some (although by no means all) surgeons from dissecting the human body for anatomical, if not pathological, purposes.116

As to burial of the body, the bull’s strictures were absolute. For those who simply wanted interment of the whole body in a special location, the bull posed no insuper-

114 Extravagantes (n. 99 above) 202, gloss to Extenterant. For the opinions of Henry of Ghent and Godfrey of Fontaines, see above, preceding n. 68, following n. 74, and preceding n. 85.


116 Artelt (n. 109 above) 17-18 for dissections performed in Bologna in 1302 and 1335 to establish whether death had occurred by poisoning, and 20 for dissections done by Mondino in 1316; cf. Tricot-Royer (n. 115 above) 61-62. Artelt 25 points out that Guy of Chauliac’s treatise on surgery (1363) referred to dissection, but he nonetheless believes that the bull discouraged both dissection and embalming.
able problems. According to Boniface's rescript of 1303, translation of the body after the flesh had been consumed was licit, and, as was true of ancient Jewish custom and the practices of other societies, the period of dissolution was apparently soon defined as a year. Provençal wills of the early fourteenth century specify that after a year the body was to be transported from a site of burial near the place of death to a distant, favored burial plot. A similar stipulation appears in the will that Charles II of Naples and Provence drew up at Marseille in 1308. There he ordered that his body should be interred at the church of Notre-Dame-de-Nazareth of Aix, but, doubtless aware of the recent papal decree, he specified that if he died in the kingdom of Naples, his body should be buried temporarily in the Dominican church of Naples; within two years, however, his heir Robert was to transport his remains to Aix on pain of forfeiting Provence, Forcalquier, and Piedmont. After his death in 1309, his body was eventually taken to Aix, but his heart remained in the Dominican church at Naples as "pignus amoris servandum."119

Some individuals apparently had no desire to have their bodies divided, whether because of their respect for the papal prohibition or because of their own distaste for

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117 For the Jewish custom of Likkut Azamot, which appeared in Palestine around A.D. 100, see Samuel Krauss, "La double inhumation chez les Juifs," Revue des études juives 97 (1934) 1-11; for similar practices, see Jack Goody, Death, Property and the Ancestors: A Study of the Mortuary Customs of the Logoda of West Africa (Palo Alto 1962) 25-27; and D. G. Mandelbaum, "Social Uses of Funeral Rites," in The Meaning of Death, ed. Herman Feifel (New York 1959) 190-192, 199-200; see also n. 4 above.

118 Jacques Chiffouleau, "Pratiques funéraires et images de la mort à Marseille, en Avignon et dans le Comtat Venaissin (vers 1280-vers 1350)." Cahiers de Fanjeaux 11: La religion populaire en Languedoc du XIIIe siècle à la moitié du XIVe siècle (1976) 279-280. Chiffouleau relates these stipulations to other societies' belief in the gradual separation of soul from body but does not connect them with Detestandi feritatis. In the will he drew up on 13 December 1314 Giles Aycelin of Montaigu, an Auvergnat who served Philip the Fair as chancellor and ended his life as archbishop of Rouen, made elaborate provisions for his burial in another church if he died so far from Saint-Corneul of Biliom (a church with which his family possessed close ties) that he could not be buried there. He stipulated, however, that his "ossa et totum aluid quod supererit de corpore nostro tempore competentior decenter portentur ad sepelium in ecclesia Biliomica memoria." At the end of the will he returned to the subject to insist that letters guaranteeing the eventual release of his remains to his executors should be obtained before his body was interred elsewhere: Paris, Bibliothèque Nationale MS n.a.lat. 3022, fols. 2v, 10v; G.-E. Aubert de la Faige, Le testament de Aycelin de Montaigu (Gilles), archevêque de Narbonne, puis de Rouen, chancelier de Philippe-le-Bel (Riom 1898) 64-65, 152-153, and also 40 for Giles's death on 23 June 1318 and his burial in Biliom on the following 17 August. On 1 August 1328 Guy of Châtillon, count of Blois, specified in his testament that if he died so far from the abbey of La Guiche that his body could not be interred there, "Si veu il que my os y sointe porte;" Bibliothèque Nationale MS n.a.fr. 20025 no. 93, Urban V, who died in 1370, ordered that his body be buried first at Avignon and then, "dum corpus suum esset incineratum," that his bones be taken to Marseille for burial in the church of Saint-Victor, before the main altar: Joseph-M. H. Albanésis, Actes anciens et documents concernant le bienheureux Urbain V. pape... , ed. Ulysse Chevalier (Paris and Marseille, 1897) 425. For similar instructions in a will drawn in Figeac in 1482, see Jean Lartigau, "Honneurs funèbres et legs pieux à Figeac au XV° siècle," Annales du Midi 89 (1977) 460 n. 15. See also n. 111 above.

119 Anselme (n. 45 above) 1,398-399; Noël Coulet, "Un couvent royal: Les Dominicaines de Notre-Dame-de-Nazareth d'Aix au XIII° siècle," Cahiers de Fanjeaux 8: Les mendiantes au pays d'Oc au XIII° siècle (1973) 253; Bouche (n. 48 above) 2,335.
the practice. Blanche of Navarre, Philip the Fair’s mother-in-law, decreed in the will she drew up “vers minuit” on 1 May 1302 that if Pope Boniface had truly forbidden division of the body, her remains should be interred in the Franciscan church of Saint-Louis at Nogent-l’Artaud, which she had founded.120 In contrast, his own aversion to dismemberment apparently prompted Béraud of Mercœur, a prominent noble of the Auvergne, to insist in his will of 26 May 1314 that under no circumstances should his body be divided. If he died in the Holy Land, all his remains were to be buried there; if not, the distances between the place of his death and, first, the Franciscan nunnery of La Déserte in Lyon (where his mother, its founder, was buried) and, second, the priory of La Voult in Auvergne (where his grandfather and other ancestors lay) were to be carefully computed, and his body was to be taken to the nearer of the two establishments, to be buried either at his mother’s or at his grandfather’s feet.121

For those determined on division of the corpse, however, the situation was more difficult. Among the lower-ranking aristocracy some conformed to the decrétal’s provisions,122 whereas others, to their peril, disregarded them. In England Sir John of Meriet himself removed his wife’s heart from her body for separate interment. When his deed was discovered, he was excommunicated; Bérenger, cardinal bishop of Tusculum and papal penitentiary, imposed penance upon him and ordered the wife’s heart restored to her body’s grave, and in 1314 John was at last reconciled with the Church.123 Likewise, John of Brabançon dismembered his father’s corpse and buried its parts “in divers places”; required to atone for his sin, he received absolution in 1317.124

People of higher rank were unwilling to flout the papal decree, but many of them were so loath to forego their traditional practices that they sought exemption from Boniface’s pronouncement. The situation posed a serious challenge to the Church – as, indeed, did all requests for dispensations. Just as such petitions indicated that

120Paris, Bibliothèque Nationale MS Baluze 14, fol. 22v.
122Michael Sheehan, who graciously permitted me to consult his extensive collection of English wills from the eleventh through the fifteenth centuries, has found no wills after 1300 which mandate separate burial of the heart or entrails. His files contain five documents (all drawn up by males), dating from 1291 to 1299, which ordain division of the body after death; all these documents are found in the register of Godfrey Giffard, bishop of Worcester, which suggests the existence of regional fashions in the treatment of the body after death. Four of these documents are wills, one a codicil; one was drawn up by a clerk, another by William Beauchamp, earl of Warwick, the remainder by men of property but no particular distinction. The four wills mandate separate burial of the heart (one specifies its interment next to the wife’s grave) and the codicil ordains separate burial of both the heart and the intestines, the former in a Franciscan church, the latter in a church founded by the testator. All but one of the testators ordered that his heart, body, or entrails should be buried in a Franciscan establishment: Worcestershire Record Office, MS 73, fol. 334r-335, 384v-385, 407, 428, 439v-440.
those who sought special favor denied the universal authority of papal decrees, so the privileges that they received showed that the popes who granted them were not fully convinced of the depravity of the condemned practices. In the case of dismemberment of the body, the multiple tombs that were erected provided visual testimony to the discrepancy between theory and observance. The gravity of the crisis was demonstrated when Berengar Frédol — cardinal from 1305 until his death in 1323, renowned canonist, and a member of one of Languedoc's leading families — asked for and in 1308 obtained from Clement V permission to divide his body and have it buried in as many churches as he wished.125 When a cardinal questioned the validity of a papal bull, lay people can hardly be blamed for having harbored certain doubts.

The thirst for exemption from the provisions of Detestande fertatis was most pronounced in France. In England the number of separate burials of different parts of the body declined radically during the fifty years following the bull's issuance.126 Edward I, it is true, is reported to have ordered that his body be dismembered after death, but there is no evidence that his wishes were executed.137 His second wife, Marguerite (half-sister of Philip the Fair), was buried intact in the church of the Grey Friars in London after her death in 1318.128 Following the death of Edward II (or a substitute victim) in 1327, a heart was presented to his queen, Isabelle,139 but, given the circumstances, it seems unlikely that papal permission for separate interment was ever sought. The immediate fate of the heart is unknown, but two years after Edward III’s accession to the throne a silver urn was commissioned to house it, and it was eventually encased "sub pectore imaginis" of Queen Isabelle above her body in the church of the Grey Friars of London.140 Isabelle herself obtained a papal indult permitting her to divide her body; the privilege, granted on 26 November 1323, was confirmed on 15 May 1345.131 Like some others who received such dispensations, she refrained from using it and was instead buried intact in the church of the Grey Friars with the heart she had received as Edward II's in 1327.132

Isabelle was the daughter of Philip the Fair, and her desire for exemption from

125 Paul Viellet, "Berenger Frédol, canoniste," Histoire littéraire de la France 34 (1914) 142-143; note, however, that the cardinal did not utilize the privilege that he obtained; cf. below, preceding n. 132, and also nn. 135 and 153.
126 See n. 122 above. See also Bradford (n. 13 above) 47-49, who caustically suggests that the popes carried on a handsome traffic in indults; his list (100-124) of separate burial of different parts of the body indicates, however, that in England the practice virtually disappeared until the late fourteenth century.
127 See n. 33 above.
128 Kingsford (n. 29 above) 70-71.
129 Kingsford (n. 23 above) 74; cf. Bradford (n. 13 above) 105-106.
130 The indult that Isabelle obtained on 26 November 1323 authorized her to have her body separated into three parts and buried in three churches, and Clement VI confirmed the privilege on 15 May 1345: Calendar (n. 124 above) 2.235, 3.168; Jean XXII (1316-1334): Lettres communes analysées d'après les registres dits d'Avignon et du Vatican, ed. Guillaume Mollat, Bibliothèque des Écoles françaises d' Athènes et de Rome, ser. 3, 1bis (Paris 1904-1914) no. 18543.
Boniface’s bull links her closely with her relatives across the Channel. There the reaction to Boniface’s pronouncement was immediate, and the intensity of the desire for separate burial of the body’s parts is reflected in the numerous exemptions sought and obtained by members of the French royal lineage and nobility in the fourteenth century.\textsuperscript{133} After Boniface issued \textit{Detestanda feritatis} in 1299, Philip the Fair momentarily accepted the slights against his ancestors and himself which the bull contained, but Boniface’s action could hardly have made him more sympathetic to a pope whose orthodoxy he had already begun to doubt.\textsuperscript{134} During his heated struggle with the pope, which ended only with Boniface’s death on 12 October 1303, there was nothing to be done, and since the king and his wife were still young, the issue of division of the body could hardly have seemed as important to Philip as the other issues raised by the conflict. On the other hand, the problem was not forgotten. As soon as Boniface had died and been replaced by the former Dominican general, Benedict XI, Philip the Fair sought to secure a pronouncement which would exempt him from the terms of Boniface’s bull and permit him and his family to follow the traditional burial practices of their ancestors. On 18 April 1304 Benedict responded to Philip’s request in a letter addressed to him and his wife Jeanne. He began by rehearsing the terms of Boniface’s constitution and then announced that, having favorably attended to the petition of the king and queen, he had decided to exempt them and their successors and all their relatives to the fourth degree from its provisions. The privilege that he granted was, however, carefully restricted. Any of them who died so far from the place chosen for burial that the body could not easily be transported could have the flesh separated from the bones and the bones taken for interment with due and solemn ceremonial.\textsuperscript{135} Nothing was said of division of the body under other

\textsuperscript{133} See Rudloff (n. 11 above) 11 for the separation of Emperor Henry VII’s bones from his flesh in 1313; this measure was unusual and was necessitated because of the heat in Siena, where Henry died in August.

\textsuperscript{134} John Marrone and Charles Zuckerman, “Cardinal Simon of Beaulieu and Relations between Philip the Fair and Boniface VIII,” \textit{Traditio} 31 (1975) 198-203.

\textsuperscript{135} Privilèges accordés à la couronne de France par le Saint-Siège, ed. Adolphe Tardif (Paris 1855) 107-108 no. 122, and note that on 108 “volentes” must surely be “nolentes.” See Finke (n. 100 above) 63-109 for a general assessment of Philip’s relations with Benedict and for a discussion of the embassy to Rome which obtained this and other favors in the spring of 1304; see also Finke (n. 100 above) 277-278. An early fourteenth-century inventory of papal bulls shows (Tardif 317 no. 3) that the royal archives once contained two copies of this bull.

Both Giesey (n. 11 above) 22 n. 12 and Erlande-Brandenburg (n. 12 above) 30-31 state that Benedict XI exempted Philip the Fair and his wife Jeanne from Boniface’s prohibition against division of the body. They cite as evidence the text of a bull mentioning a king Philip and queen Jeanne and allowing division of the body into two parts, which appears in a papal formulary edited by Michael Tangl, \textit{Die päpstlichen Kanzleorderungen von 1200-1500} (Innsbruck 1894) 344 no. 160. This bull cannot, however, have been issued by Benedict XI, but, like the other bulls among which it is found (ibid. 343-345 nos. 158-161), was granted by Pope John XXII to Marie, daughter of a king Philip and queen Jeanne. Philip the Fair and his wife died before John became pope, and they had no daughter called Marie; further, the king and queen are designated as rulers simply of France, not of France and Navarre, and thus the bull could not have been issued in their favor – nor for Philip V and his wife Jeanne: Jules Viard, “Le titre de roi de France et de Navarre au XIV\textsuperscript{e} siècle,” \textit{BEC} 61 (1900) 447-449. Instead, it must have been granted
circumstances, and since Boniface's bull was being interpreted as a general prohibition against any "unseemly division," including evisceration, the royal family was still prevented from disposing of their bodies as their forebears had done. As can be imagined (and as events would demonstrate), Philip had not obtained all that he wanted. A clever strategist who successfully resisted a number of Philip's demands, Benedict may have decided that, although he would grant the special exemption which even the masters most opposed to dismemberment had agreed might be justified by necessity, he would go no further.

Little more than two weeks before Benedict issued the limited dispensation, Queen Jeanne, "healthy in body and mind," had drawn up her testament. Perhaps because of the uncertainty then surrounding the question of burial, she included no provision on the subject except a general statement committing her soul to God, the Virgin Mary, and all the saints, and her body to the burial of Holy Church. Before a year had passed, Jeanne prepared another will. The act of 25 March 1305, evidently drawn up in expectation of death, again said nothing about the burial of her body. A chronicler of Saint-Denis reported, however, that under the influence of her Franciscan confessor (Durand of Champagne), she left secret instructions that her body should be interred in the Franciscan church in Paris. Her husband,
Philip the Fair, had desired her burial at Saint-Denis, but after her death on 2 April 1305 he acceded to her wishes, and two days after her death she was interred, undivided, in the church of the Franciscans. Thus her interment conformed to the letter and spirit of Boniface's legislation.

Philip the Fair's desires regarding his own body remained unchanged. An opportunity for effecting them arose when Benedict XI's successor, Clement V, ascended the papal throne in November 1305. Philip moved quickly to obtain a number of special privileges. Among these was the induit that he secured on 4 January 1306, which permitted him to determine that his body should be eviscerated, boiled, split, or divided in any other way and buried wholly or partly in as many churches as he wished. This pronouncement in effect ratified the provisions that Philip had made in his will of 1297. It also gave him the authority that he needed when, in 1311, he decided to change the site of his heart's interment from the church of the Dominicans in Paris to the Dominican church of Saint Louis at Poissy, the nunnery that he had established in his grandfather's honor. These provisions were not altered between 1311 and Philip's death in 1314, and thus his body was buried at Saint-Denis and his heart at Poissy.

The privilege granted to Philip the Fair was detailed and extensive, but it applied only to the king himself. At least one other member of the royal lineage, Philip's brother Charles of Valois, secured from Clement V similar permission to divide his body. On 8 April 1312 Clement decreed that because of Charles's affection for God and the Holy See, he might have his body divided and buried in different churches, despite the constitution of Boniface VIII which, Clement acknowledged, specifically forbade this. In this context it is particularly significant that on 29 December 1312 Clement granted to Philip the Fair's minister, Enguerran of Marigny, and his family special, if limited, permission to divide their corpses. In an induit issued on the same day on which Enguerran received other extraordinary privileges, Clement announced that Enguerran, his wife, their children, and Enguerran's son by his first

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141 Francesco Gonzaga, De origine seraphitae religionis franciscanæ (Rome 1587) 120. Anselme (n. 45 above) 1.90 states incorrectly that Jeanne's heart was buried in the church of Avon near Fontainebleau. As Letronne has shown ("Examen critique" [n. 39 above] 473-474 n. 3), it was her "cueur" (or coeur) rather than her "cueur" (or heart) whose tomb was located there.


144 William Baldrich, agent of the king of Majorca and an eye-witness of Philip the Fair's funeral, reported that Philip's entrails, as well as his heart, were buried at Poissy, and he said that Philip himself had ordered this done: Charles Baudon de Morny, "La mort et les funérailles de Philippe le Bel d'après un compte rendu à la cour de Majorque," BEC 50 (1897) 11-12.

145 Petit (n. 2 above) 386 no. 13, and 219.
wife might divide their bodies into two parts, so that one portion could be interred at the collegial church of Écouis which Enguerran had recently founded (but which had not yet been dedicated) and the other in another fitting location.\textsuperscript{146} The award of this special privilege to Enguerran and his family was testimony both to his own ambitions and to his influence at the papal court. Although the indult was not as extensive as those granted to Philip the Fair and Charles of Valois, it could not have failed to arouse envy among other members of the royal entourage who possessed no such privileges.\textsuperscript{147}

Others may have approached the pope and been rebuffed, or they may have resigned themselves, at least temporarily, to Boniface's decree. Mahaut of Artois, the mother of two of Philip the Fair's daughters-in-law, was extremely concerned with death and testaments and later succeeded in arranging for the division of her body; nonetheless, in her first will, drawn up on 19 August 1307, she commanded that her body be buried intact, at Maubuisson near her father if she died within the kingdom of France, at Charleu near her husband if she died outside the realm.\textsuperscript{148} None of Philip's children obtained from Clement authorization to divide their bodies, and when Louis X ascended the throne in 1316 it was impossible for him to secure a privilege similar to his father's because of the papal interregnum, which ended only after his death. Thus, when he drew up his final will and testament during the week before his death, in June 1316, he simply ordered that his body be buried at Saint-Denis, where it was interred intact.\textsuperscript{149} Evidently stunned, not only by her husband's early death but also by his inability to divide his body, Louis's widow Clementia of Hungary moved quickly to ensure that she would have greater liberty. On 9 September 1316, only four days after the installation of the new pope, John XXII,\textsuperscript{150} she secured a host of privileges, and prominent among them was the permission to have her heart and body buried in different places.\textsuperscript{151}

\textsuperscript{146} Cartulaire et actes d'Enguerran de Marigny, ed. Jean Favier, Collection de documents inédits sur l'histoire de France, 8e ser., 2 (Paris 1965) 158-160 no. 65; and for the other privileges issued on the same day, see nos. 62, 66, and 67. On the chapel of Écouis see Jean Favier, Un conseiller de Philippe le Bel: Enguerran de Marigny, Mémoires et documents publiés par la Société de l'Ecole des chartes 16 (Paris 1963) 50-53, and see 148-151 for Philip's relations with Clement V during 1312.

\textsuperscript{147} For Enguerran's enemies in the royal household, see Favier, Conseiller 193-194. It is noteworthy that his formerly close relations with Mahaut of Artois seem suddenly to have cooled at the end of 1313: ibid. 115 and see 117, 193, 211, 215 for their later enmity.

\textsuperscript{148} Pas-de-Calais, Archives départementales, A 53 no. 17.

\textsuperscript{149} Elizabeth A. R. Brown, "The Ceremonial of Royal Succession in Capetian France: The Second Funeral of Louis X," Traditio 34 (1978) 435, especially n. 26. Although Rudloff (n. 11 above) 18 indicates that Louis's body was embalmed, this seems to me unlikely. The source on which he relies, Henry of Mondeville, says simply that he and others had "prepared" (preparavimus) the bodies of two French kings for burial; he made this statement not in discussing exorcism, but rather in treating the question of the efficacy of anointing a dead person's face with balsam as a means of preserving it: Pagel (n. 115 above) 392; Rudloff 18, 33.

\textsuperscript{150} For John's coronation on 5 September 1316, see Martin Bertrand-Clacan, Recherches historiques sur l'origine, l'élection et le couronnement du pape Jean XXII (Paris 1854) 54-55.

\textsuperscript{151} Mollat (n. 131 above) no. 884, and, for other privileges issued to Clementia on 9 September 1316, nos. 882-889.
Less than a year after John's installation, and seven months after his own coronation, Philip V obtained a privilege similar to his father's. On 13 August 1317 John decreed, citing Clement's letter to Philip the Fair, that because of the king's devotion to numerous churches and other holy places, he could ordain division of his body as he wished; further, after his death his executors and friends could make such arrangements for his burial without incurring the penalties mandated by Boniface VIII. On the same day Philip's wife Jeanne, the daughter of Mahaut of Artois, was authorized to divide her body and have its parts buried in different churches. Other members of the royal family were soon successful in obtaining similar indults, and, as before, the extensiveness of the rights that they secured reflected the status of the petitioners. On 26 March 1318 John XXII permitted Louis, count of Clermont and grandson of Saint Louis, to have his body buried in two places; on 12 May the pope authorized Charles of La Marche, Philip V's brother, to have his body divided into two or more parts and buried in the churches or other honorable places of his choice, notwithstanding the bull of Boniface VIII or any other constitution.

Little time passed before Queen Jeanne utilized the privilege that she had obtained. In the will that she drew up on 27 August 1319 she ordained that her body should be buried in the church of the Franciscans in Paris, wherever she died; that her heart should lie at Saint-Denis at her husband's feet if he predeceased her and that he should determine its resting place if he survived her: and, finally, that her entrails should be interred in the Franciscan nunnery of Longchamp if she died in France and if her daughter Blanche, a nun there, was alive at the time of her death, and otherwise, if she died in Burgundy, that they should be buried in the church of the Franciscans at Gray.

Jeanne's will is unusual, for it is the first of the French royal wills which specifies triple division of the body, providing for separate interment of heart, entrails, and body. Its elaborate provisions stand in sharp contrast with the will that Philip V drew up on 26 August 1321, soon after he fell ill of the wasting sickness which caused his death in early January 1322. Despite the privilege that he had received, he simply decreed that his body should be buried with his ancestors at Saint-Denis. As death approached, however, other concerns displaced these pious sentiments. Thus, in the

Footnotes:

153 For Philip V, Tardif (n. 135 above) 141-142 no. 162; cf. 325 no. 22, and Mollat (n. 131 above) no. 4720; for Jeanne, see Mollat no. 4728.

154 For Louis of Clermont, see Mollat no. 6755, cf. no. 9139; for Charles of La Marche, Tardif (n. 135 above) 155-156 no. 176. Louis of Clermont's father, Robert, had died on 7 February 1317, and, presumably because he had not received permission to divide his body, he was buried undivided in the church of the Jacobins in Paris. Despite the authorization that he had received, Louis's body does not appear to have been divided after his death in 1341: his body was buried next to his father's tomb in Paris: Anselme (n. 45 above) 1.296-297: Pierre-Gaucher de Sainte-Marthe and Louis de Sainte-Marthe, Histoire genealogique de la maison de France, ed. 3, 2 vols. (Paris 1647) 2.8, 15.

154 AN J 404A no. 23. This provision was unchanged in the codicil Jeanne drew up at Asnières in May 1325: AN J 404A no. 30. Jeanne died on 21 January 1329, and the accounts of the Grande Commanderie of Saint-Denis record that in 1329-1330 the abbey spent 34 s. 6 d. para. for the container (archa) in which her heart was placed: AN LL. 1241, fol. 93v; Anselme (n. 45 above) 1.94.
codicil that he prepared on 2 January 1322, the day before his death, he decreed, like his wife, that after his death his body should be divided into three parts, with his body to be buried at Saint-Denis, his heart at the church of the Franciscans in Paris (where Jeanne's body was to lie), and his entrails in the church of the Dominicans in Paris (where the heart of his grandfather Philip III was interred). 155

As the privileges gained by Enguerran of Marigny, Charles of Valois, Louis of Clermont, and Charles of La Marche testify, desire for division of the body was not confined to reigning royalty. The testament prepared by Mahaut of Artois on 15 August 1318 shows that similar impulses continued to move the aristocracy. Doubtless aware of the privileges obtained by her daughter and son-in-law as well as her enemy Enguerran, Mahaut yearned for similar exemption. In her will she determined, as she had ordained in 1307, that her body should be buried at Maubuisson near her father, but she added that if she could secure permission from the pope to divide her body, she wanted her heart buried near her husband's tomb at Charlieu. 156 Her pleas were successful, and on 14 June 1320 she gained the permission that she sought, together with other special graces. 157 Thus the provisional division ordained in 1318 was confirmed in her will of 24 March 1328, although by then she had decided that her heart should not lie next to her husband, but rather in the church of the Franciscans in Paris, beside the tomb of her son Robert, who had been buried there in September 1317. 158

Eight years passed before Charles of Valois used the special privilege that Clement V had granted him. In the will that he drew up on 22 December 1320, he finally invoked it in determining that his body should be buried between those of his first two wives in the church of the Dominicans in Paris, his heart in the Franciscan church of Paris, as near as possible to the place where his wife Mahaut of Saint-Pol chose burial, and his entrails in the abbey of Chaalis, if this was possible, or in the Cistercian house nearest the place of his death. 159

Like his uncle, Charles of La Marche did not utilize his privilege of division immediately, and when he ascended the throne as Charles IV, he quickly secured from John XXII a fuller and more elaborate version of the indulg, precisely similar in form to the act his brother Philip had obtained. 160 In the will that he drew up in

155 For the will of 26 August 1321, AN J 404A no. 26; the codicil (J 404A no. 27) is published by Brown (n. 4 above), who discusses the circumstances of Philip's death in some detail.
156 Pass-de-Calais, Archives départementales A 63 no. 18.
157 Mollat (n. 131 above) no. 11609.
158 Aubert Le Mire, Opera diplomatica et historica, ed. 2 Johannes Franciscus Foppens, 4 vols. (Louvain 1723-1748) 4.267; on Robert, see Jules-Marie Richard, Une petite-nièce de Saint Louis, Mahaut, comtesse d'Artois et de Bourgogne (1302-1329) (Paris 1887) 15, 312, 316; for Mahaut's death and burial at Maubuisson and Paris in November 1329, ibid. 378-379.
159 Petit (n. 2 above) 219-220; for the will, AN J 164B no. 24. These provisions are also included in his last will (J 164B no. 54), dated 17 September 1325. See Petit 220 n. 4 for the attempt made by the Carthusians of Bourgfontaine-en-Valois (which Charles had founded) to secure his body.
160 Tardif (n. 135 above) 164-165 no. 188, dated 3 July 1322.
October 1324 Charles specifically mentioned this authorization and said that, relying on its provisions, he was ordaining the division of his body into three parts: his body was to be buried at Saint-Denis; his heart in the Dominican church in Paris; and his entrails at Maubuisson if he died near enough to permit this, or otherwise in the Dominican house nearest the site of his death.\footnote{AN J 404A no. 29 (AE II 333).} Clementia of Hungary, widow of Louis X, also mentioned John XXII’s privilege “sur la division de nostre corps” in a will drafted in Paris on 5 October 1328, eight days before her death. She commanded that if she died in Provence (which was unlikely, since in dictating her will she admitted herself “infermes de corps”) her body and entrails should, if possible, be buried in the church of Notre-Dame-de-Nazareth of Aix, where her grandfather Charles II of Naples and Provence was buried. If, however, she died in France, her heart was to be removed from her body, and her body and entrails to be interred in the church of the Dominicans in Paris, where her great-grandfather’s heart lay in the tomb that she had donated. Her own heart was to be kept at the church until there could be built at Notre-Dame-de-Nazareth a chapel like her grandfather’s, “facing it like a cross”; only then should the heart be removed from the Dominican church and transferred to Aix for interment in the chapel. As entries in the royal Treasury Journal for the Saint John’s term of 1330 demonstrate, this had been accomplished by mid-1330.\footnote{Pierre Moret de Bourcenu, marquis de Valbonnais, Mémoires pour servir à l’histoire de Dauphiné (Paris 1711) 235: Annie M. Huffelmann, Clemenza von Ungarn, Königin von Frankreich, Abhandlungen zur mittleren und neueren Geschichte 30 (Berlin 1911) 66-76. On Notre-Dame-de-Nazareth, see n. 119 above, esp. Coulet 233-262. On 24 July 1330 Theobald of Meaux, one of Clementia’s clerks, and Gilbert of Erbois, a royal sergeant, received some 136 l. par. fort. for expenses connected with services for Clementia’s burial at Aix; at the same time almost 400 l. par. fort. were paid for the construction of a chapel at the site where her heart was buried: Rouen, Bibliothèque municipale MS 3406 (Leber 5870, Monant IX) fol. 11: cf. Anselme (n. 45 above) 1.92.}

The Valois kings who ascended the throne in 1328 proved as eager as their Capetian cousins to obtain papal privileges permitting them to divide their bodies. On 25 May 1328, soon after becoming king, Philip VI secured an indulit like those granted to his royal predecessors and similar to the exemption his father had obtained in 1312.\footnote{Tardif (n. 135 above) 190 no. 217, and see n. 135 above for the privilege obtained by his daughter Marie.} On 15 July 1347, after Clement VI had become pope, he obtained another, slightly more elaborate version of the privilege.\footnote{Tardif 222 no. 250, and see n. 131 above for the similar confirmation which Isabelle of England obtained from Clement VI.} Before securing the second privilege, it is clear that Philip had doubts concerning his right to ordain division, doubtless because he questioned the validity of John’s dispensation after another pope had succeeded to the papal throne. In his will of 23 May 1347 he had carefully specified that “if we secure the privilege,” his body was to be buried at Saint-Denis and his heart in the Carthusian church of La Fontaine-Notre-Dame of Rest, which his father had founded;\footnote{See Anselme (n. 45 above) 1.103 for his burial in the charterhouse of Bourfontaine.} his entrails were to lie in the Dominican

church in Paris if possible, and otherwise in the Dominican church nearest which he died. If he did not obtain the privilege, his body was to be buried intact at Saint-Denis.\textsuperscript{166}

Soon after his accession to the throne in 1350, John II, Philip's successor, obtained from Clement VI a privilege far more sweeping than those awarded his predecessors, whose extensiveness suggested that the papacy had become resigned to a practice that it had been powerless to eradicate. This indulgences awarded him and his wife Jeanne and all their successors as king and queen of France the same privilege of division that Clement V had granted to Philip the Fair.\textsuperscript{167} Thus, after 20 April 1351, the kings and queens of France needed no special authorization for division, and the bull was incorporated into the collection of perpetual privileges granted to the French royal house that was compiled for Charles V between 1375 and 1380.\textsuperscript{168} Despite the unprecedented privilege that he had obtained, John II decreed on 6 April 1364, two days before his death, that his body should be buried undivided at Saint-Denis.\textsuperscript{169} Whatever the reasons for John's restraint, Charles V reverted to the traditions of his ancestors and decreed in the will that he drew up in October 1374 that his body should be divided into three parts, and his body laid in the chapel he had founded at Saint-Denis, his heart in the church of Rouen, and his entrails at Mau- buisson near his mother's tomb.\textsuperscript{170}

The persistent strength of the desire for separate burial of the parts of the body is demonstrated by the elaborate clauses found in the three wills of Charles the Bad, son of Louis X's daughter Jeanne and himself king of Navarre. In the will that he drew up in 1361, he ordered that if he died in France, his body was to be buried at Saint-Denis, his heart in the hospital of Roncevaux, and his entrails in the abbey of La Noé at Évreux, which his ancestors had founded; if, however, he died in Navarre, his body was to be buried at Roncevaux, his heart in the church of Notre Dame du Carme which he had founded at Valognes, and his entrails at La Noé. His second will, drawn up at Pamplona on 30 November 1376, referred specifically to the papal privilege that he had obtained to permit his body's evisceration, and he commanded that his executors receive the privilege immediately after his death. As to his body, he had asked the king of France, Charles V, for permission to be buried at Saint-Denis, where he wanted his body placed next to the tomb of his wife (Jeanne, the daughter of John II) or of his mother; his heart was then to be interred in the church of Santa Maria of Pamplona and his entrails at Notre Dame of Évreux. But if Charles refused his request (which, given the state of their relations, was not unlikely), his

\textsuperscript{166} AN J 404B no. 37.
\textsuperscript{167} Tardif (n. 135 above) 245-246 no. 270, dated 20 April 1351.
\textsuperscript{168} Paris, Bibliothèque Nationale, MS lat. 9814, fols. 2v, 21; cf. Léopold Delisle, Recherches sur la bibliothèque de Charles V, 2 vols. and atlas (Paris 1907) 1.319-320 no. 96.
\textsuperscript{169} The will, drawn up while John was a prisoner in England, is published in Germain Bapst, "Testament du roi Jean le Bon et inventaire de ses joyaux à Londres, publiés d'après deux manuscrits inédits des Archives nationales," Annaire de la Société des amis des livres (Paris) 4 (1883) 89, 93, 95. Hardyng (n. 22 above) 330 reports that John's "bowesles were buried at Poules with royaltie, his corps in Fraunce with all solemnitee."
body was to be buried in Pamplona, his heart at Évreux, and his entrails in the church of Notre Dame of Roncevaux near those of his wife. In his final will, drawn on or shortly before 20 March 1385, he again mentioned the privilege "que nous avons de nos sainz peres Papes successivemment" and again ordered that his executors receive it after his death. On this occasion, however, his provisions for his interment were simpler than before, for he commanded that his body should be buried in the choir of the church of Santa María of Pamplona, his heart in Santa María of Ujue (where it can still be seen), and his entrails at Roncevaux. 171

Thus the desire for division of the body remained strong, and, like Charles the Bad, numerous members of the royal family had separate tombs established in different churches for various parts of their bodies. Nonetheless, toward the end of the fourteenth century some of them began to elect simpler forms of burial, apparently as a token of their humility and desire to avoid vainshow. The case of Jeanne of Évreux, widow of Charles IV, is curious, and the details of her testamentary dispositions and of her funeral reveal the complexity and confusion of her feelings regarding the fate of her body and the relationship between earthly ceremonial and the eternal welfare of the soul. On the one hand, her intense concern for her material possessions and her corporeal remains is shown in numerous acts drawn up during her lifetime and up to the moment of death. Devoted to the abbey of Saint-Denis, she determined early on that she would be buried there, and in August 1343 she bestowed on the abbey money, relics, and treasures, including her most precious crown, which, she said, was to leave the abbey only to adorn her corpse until she was buried. 172 The provisions for the disposal of her body were also elaborate. She ordained triple division of her remains, with her body to be buried at Saint-Denis, her heart near her husband’s in the Franciscan church of Paris, and her entrails beside her husband’s at Maubuisson. By 1367 she had seen to the completion of the tombs for her heart and body and was making plans for the construction of her entrail tomb. 173 On the other hand, demonstrating her intention to avoid any "oustrage" in connection with her burial, she severely limited the number of candles to be used at her funeral—which thus seemed so niggardly that Charles V held an additional, well-lit service in her honor the day after her burial at Saint-Denis in 1371. 174


174 Delachenal 2.151-152; for Tucou-Chala's view of the rarity of such impulses in the later fourteenth century, see his "Honneurs" (n. 171 above) 351.
DEATH AND THE HUMAN BODY

This modest manifestation of piety deeply impressed Blanche of Navarre, Jeanne’s niece and the widow of Philip VI of Valois. In the will that she drew up on 18 March 1396, Blanche ordered her funeral ceremony to be conducted as Jeanne’s had been, and she specified that it should be “without pride and vanity,” although, paradoxically, she prepared elaborate and detailed instructions concerning all aspects of the service. Her provisions for her body, however, were far simpler than her aunt’s, and they show that she rejected division of the body as a sign of worldly pride. This is not to say that she was unconcerned about her body’s fate. Remarking that there was no space for her to be buried beside her husband Philip, she carefully stipulated that it should be interred immediately after her death in the chapel of Saint-Hippolyte which she had founded, and where her daughter Jeanne lay buried. More important for our purposes, she commanded that her body be buried without division or incision, following, “humbly and devoutly, the common custom of human burial.” Her testament inspired Isabeau of Bavaria, wife of Charles VI. When Isabeau drew her own will on 2 September 1431, she decreed that her body should be buried as quickly as possible near her husband at Saint-Denis and, paraphrasing Blanche’s orders, commanded that her corpse be interred “without division, opening, or incision, observing in all respects, humbly and devoutly, the common custom of burying the human body.” Again following Blanche’s example, she ordained that

173 Léopold Delisle, “Testament de Blanche de Navarre reine de France,” Mémoires de la Société de l'histoire de Paris et de l'Île-de-France 12 (1885) 6-7, and cf. 7-9 for the elaborate arrangements made for the funeral. The chronicler of Saint-Denis who described her funeral commented on the modest number of candles burned at the ceremony: Chronique du religieux de Saint-Denis, contenant le règne de Charles VI, de 1380 à 1422, ed. L. Bellaguet, 6 vols. (Paris 1839-1852) 2.658-659; for the author of this portion of the chronicle, Michel Pintoin, chanter of the abbey, see Nicole Grévy-Pons and Ezio Ornato, “Qui est l'auteur de la chronique latine de Charles VI, dite du religieux de Saint Denis?” BEC 134 (1976) 100.

174 Delisle (n. 175 above) 5-6.

175 Guillaume Bésse, Recueil de diverses pièces servant à l’histoire du roy Charles VI (Paris 1660) 364; Yann Grandjean, “Les dernières années d’Isabeau de Bavière,” Valenciennes et les anciens Pays-Bas 9: Mélanges offerts à Paul Lefrancq (1976) 419; cf. Paris, Bibliothèque Nationale MS fr. 2836 (De Mesmes 356) fol. 190. On the significance of these provisions, see Colette Beaume, “Mourir noblement à la fin du Moyen Âge,” in La mort au Moyen Âge: Colloque de l’Association des historiens médiévistes français réunis à Strasbourg en juin 1975 au Universitaire, Publications de la Société savante d’Alsace et des régions de l’Est, Collection Recherches et documents 25 (Strasbourg 1977) 128, cf. 125: see also Bradford (n. 13 above) 25, 34-36. In his article, Grandjean states (422) that Isabeau’s wishes were disregarded and her heart placed in the church of the Celestines in Paris, next to that of Charles VI, but this seems questionable. His statement is apparently based simply on a sketchy seventeenth-century list of royalty buried in the chapel of Orléans in the church of the Celestines, and the systematic survey of funeral monuments from which the list seems to be drawn contains no reference to the hearts of Charles and Isabeau: AN K 1716 nos. 14-12. Like Grandjean, Anselme (n. 45 above) 1.112 says that the hearts of Charles and Isabeau were placed in the church of the Celestines, but he gives no source for his statement, and one of the earliest historians of the house fails to include their names in his extensive list of persons whose hearts were interred in the church: Louys Beurier, Histoire du monastère et convent des pères celestins de Paris, contenant ses antiquités et privilèges ensemble les tombeaux et epitaphes des rois des ducs d’Orléans et autres illustres personnes avec le testament de Louys duc d’Orléans (Paris 1634) 277-373. In the will he drew up in January 1393 Charles VI did not indicate that he wished his body divided but ordained that it should be
her tomb and the candles and, paradoxically, the gold cloth used at her funeral should be ordained "without pride or vanity." 178

These stipulations recall the admonitions of the Parisian masters of theology of the late thirteenth century and demonstrate that some members of the royal lineage were finally attending to the doctrines that had inspired *Detestande feritatis* – and this, interestingly enough, at the very time the Church was torn by schism and conflict. The attitudes of these royal women were, however, unusual. The custom that had originated in the twelfth century and that had become a mark of distinction in the fourteenth retained its power, and the family of Foix and Béarn adopted the practice of division of the body, together with other royal funerary customs, as it attempted to secure for itself rule over the kingdom of Navarre. 179 Division of the body seems to have reached the zenith of its popularity between 1500 and 1800, and in late sixteenth-century France it was in fact assumed that when the body was embalmed, the heart would be reserved for the family. 180 Particularly widespread in France, 181 the practice continued to be found in other northern countries, 182 and although its appeal declined in the early nineteenth century, it did not disappear. When the duke of Berry was assassinated in 1820, his heart was encased in lead and preserved in a chapel constructed by his widow. The urn disappeared when the Germans sacked the chapel in 1942, but after its recovery in 1967, it was ceremoniously deposited at Saint-Denis, where it still rests. 183 More than a century after the death of the duke of Berry, the heart of Thomas Hardy was interred at Stinsford in Dorset, after his ashes had been buried at Westminster Abbey. 184

Thus, *Detestande feritatis* did not accomplish what Boniface VIII intended. Indeed, its immediate effect was inverse, for it made division of the body after death more desirable than before. After 1300 separate burial of the body’s parts was a privilege which only the most favored could obtain and it thus became a sure sign of

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178 Tucuo-Chala, "Honneurs" (n. 171 above) 348-351.
179 Bradford (n. 13 above) 28, 52-59.
180 See the list of hearts buried in the church of the Celestines in Paris, referred to in n. 178 above; Letronne, "Examen critique" (n. 39 above) 508-509; Max Billard, *Les tombeaux des rois sous la Terre* (Paris 1907) 52, 85, 169-172; and also the account of the death and funeral of John, duke of Berry, in June 1416, in Françoise Lehoux, "Mort et funérailles du duc de Berri (juin 1416)," *BEC* 114 (1956) 76-96, especially 76 and 80-81 for the separate burial of his entrails and heart.
181 Bradford (n. 13 above) 50 n. 1; 60, 102-108, and Round (n. 22 above) 103-104.
182 On the burial of the duke at Saint-Denis in 1820, see AN O 3 527, and cf. Bradford (n. 13 above) 59; for the deposit of his heart, Archives des monuments historiques, Section Objets d’art, Dossier Seine-Saint-Denis, Projet de dépôt, dans la basilique, de l’urne contenant le cœur du duc de Berry; cf. Archives des monuments historiques, Section Courrier et archives, Seine-Saint-Denis Basilique, Dossier Devis no. 78-023, 3 April 1978, for the recent plans to restore the duke’s monument to the basilica.
183 Bradford (n. 13 above) 60.
status and distinction. Had the practice been generally repugnant, this would not have been the result, but Boniface's bull proved incapable of counteracting the deep-seated belief in the value of the multiple prayers which division seemed to ensure and the intense feelings of comfort evidently derived from the prospect of burial close to relatives and other respected individuals – such as (in the case of Gaston IV of Foix and Béarn, who died in 1472) Roland and the other heroes who were believed to lie at Roncevaux. 185

The testaments of those who ordered division of their bodies did not explicitly state that they were making this provision in order to multiply prayers for their salvation, and those who divided their bodies used their wealth to endow a multitude of prayers in a variety of churches. Nonetheless, it seems clear that the masters of theology were correct in seeing this as one of the principal aims of division. When questioned on her deathbed, Jeanne of Alençon staunchly defended her desire to have her heart buried apart from her body by crying out that she would thus enjoy the prayers of both the Franciscans and the Dominicans. Her words suggest the significance that she attached to the material reminder to pray that an additional memorial would provide.

Godfrey of Fontaines and Henry of Ghent mentioned but did not lay such great stress on the other chief purpose of division, the desire to lie close to a number of relatives or in a variety of sites which were particularly cherished. Citing Biblical exempla, they noted the naturalness of the wish to be buried with other members of the family and church, and pronouncements of the canon law approved the custom of burial in family mausoleums. That the theologians did not emphasize this concern is understandable, for it could not logically be argued to promote the soul's salvation. Yet, to judge from the testaments, this was the paramount motive in the minds of those electing division. As has been seen, some wills were quite specific: Mahaut of Artois, for example, mentioned her father, her husband, and her son when selecting places of burial, whereas Charles of Valois referred explicitly to his three wives, and Charles the Bad to his wife and mother. Even if no such statements appear in the will, the testator's motivations can generally be deduced when the relationship of the individual and the individual's family with a particular church is established. 186

Such sentiments as these prevailed over the opinions of the theologians and the

185 Gaston IV died at Roncevaux, and, according to his biographer, it was chiefly because of Roland, Oliver, and their companions (who he thought were buried there) that he ordered his heart interred in the church there – although he also stressed his devotion of the church itself: Guillaume Leseur, Histoire de Gaston IV, comte de Foix... Chronique française inédite du XVIe siècle, ed. Henri Courtcault, 2 vols., Publications de la Société de l’histoire de France 263, 277 (Paris 1896) 2.269-270; cf. Tucos-Chal, “Honneurs” (n. 171 above) 348-350 and n. 13 above. See also Bradford (n. 13 above) 51 for a discussion of the motivations prompting separate burial of the heart.

authoritative pronouncement of Boniface VIII. By the middle of the fourteenth century, the Church had begun to give way, and Clement VI’s blanket permission for all French kings and queens to divide their bodies foreshadowed the end of the official opposition to the practice. By the end of the century the custom was regaining its former popularity in England as well as in France, and thereafter its rise in favor was meteoric. As to embalming and dissection, the bull’s effect was also short-lived. Special permission for embalming was no longer sought after the middle of the fourteenth century, and the popes of the later fourteenth century, like their successors, were apparently themselves embalmed. In the late fourteenth and fifteenth centuries dissection was widely practiced, and the problems posed by Detestandae fertitatis were formally and finally resolved by Clement VII in 1531 and by Prospero Lambertini, archbishop of Bologna and the future Pope Benedict XIV, in 1737.

The belief in the importance of the division of the body was rooted in a profound conviction of the significance of the material and an equally profound uncertainty regarding the nature of the hereafter. The pervasive and obsessive concern with the fate of the individual’s corporeal remains testifies to belief in the reality of an afterlife and of eventual resurrection, but the practices that have been examined also suggest that the hereafter was seen in the image of a present dominated by the power of the flesh and earthly possessions. Burial near many loved ones not only promised temporal solace for the remains of those confronting death; it also offered the prospect that, at the resurrection, the different portions of the body would rise with those of relatives and friends to enjoy, with them, the same sort of companionship in heaven that they had had on earth. For those who linked multiple prayers with salvation (and it was inconvenient for the Church to contest the view), division of the body also made it possible for the soul’s eternal welfare to be brought into close and meaningful relationship with the material world. The prayers that the wealthy could purchase, the rich tombs that would prompt viewers to implore intercession on their behalf, the privilege of division that would guarantee the right to a number of these tombs were all believed to ensure to the rich and noble post mortem benefits of a spiritual sort consonant with the advantages that they had had on earth. And if earthly poverty was a spiritual desideratum, the prayers of the poor, in whose houses these tombs were customarily placed, could accomplish what the wealthy were incapable of effecting on their own behalf.

In considering the novel attitudes to death and dying which he hypothesizes

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188 Ibid. 24-25; Rudloff (n. 11 above) 20, 26, 36-37.
189 Rudloff 20-22; Bradford 54 for later popes.
dominated Western thought from the eleventh or twelfth through the seventeenth centuries, Philippe Ariès mentions the practice of dividing the body only in connection with the desire to preserve the whole body through embalming, which, for reasons that are not completely clear, he associates with the fifteenth century. More strikingly than his evidence for the earlier period, however, the popularity of division from the late eleventh through the fourteenth century demonstrates both society’s attachment to things material and individuals’ concern for themselves and their own bodies, traits that Ariès links with the era which, he says, was preoccupied with the idea of “death of self.” The practice of division reveals a general unwillingness to admit that after a person’s death the body did not, in some sense, live on, or that, after death, earthly ties with family and friends did not endure. Why else the desire to have the body buried next to particular loved ones or in particularly cherished places — or indeed the belief that the dead body could continue to serve the soul by attracting prayers on its behalf?

The practice that Boniface VIII condemned in 1299 originated in the twelfth century and continued into modern times, but it was most popular from the thirteenth through the eighteenth centuries. Before and after this time, the decision to divide the body reveals more about the idiosyncracies of those who made it than about the society in which these individuals lived. The flowering of the custom in the thirteenth, fourteenth, and fifteenth centuries suggests that this was the era when the feelings the custom reveals were most firmly and widely rooted in human consciousness in the West.

Attitudes such as these have never been permanent, and they have seldom existed in isolation from other competing and contradictory sentiments. In the first quarter of the fourteenth century, when these feelings reached their full development, other sentiments intruded. Then it was that a sense of the unbridgeable gulf between the living and the dead manifested itself in the occasional veiling of the corpse’s face during the funeral procession and the first use of the effigy or representation to...

192 Particularly relevant is Philippe Ariès, “Richesse et pauvrete devant la mort au Moyen Age,” first published in 1974 and reprinted in his Essais sur l’histoire de la mort en Occident du Moyen Age à nos jours (Paris 1975) 79-97; see also, in the same volume, “Les attitudes devant la mort” (first published in 1974 as Western Attitudes toward Death from the Middle Ages to the Present) 32-33. Note, however, that in another paper, delivered in the fall of 1974, Ariès linked the appearance of the new attitude with the thirteenth century: “Les grandes étapes et le sens de l’évolution de nos attitudes devant la mort,” Archives de sciences sociales des religions 39 (1975) 10, although cf. 11 and 15 for references to the twelfth century. The chronological scheme established in his most recent work also emphasizes the thirteenth century, although the origins of the novel attitude are set in the clerical world of the eleventh century: L’homme devant la mort (Paris 1977) 161-164, 170, 599-600; see also 190-191, 215-216. Ariès discusses boiling and division of the body on 335. He believes that the practices date from the fourteenth century and sees in them “un curieux mélange de respect à l’égard du corps ainsi concentré et d’indifférence à son intégrité.” For the views of Lawrence Stone, who attempts to assign the appearance of the new view of death to the sixteenth century, see his “Death and its History” (a review of Ariès’ Western Attitudes and L’homme devant la mort), The New York Review of Books 25.15 (12 October 1978) 22-32, and esp. 28-30.
replace the corpse at the funeral ceremony. In this altered context, the signs of unease with the practice of division found in some late fourteenth-century testaments appear less an indication of the resurgence of simpler and more trusting ideas about God’s power and the afterlife than an expression of the realization of the finality of the body’s temporal death. Those who forbade division evidently judged it futile to divide the body in the interest of salvation or resurrection because they had concluded that neither was to be gained through such means. Curiously, some testaments that prohibited division also forbade the covering of the body’s visage, as if the testator, having recognized the finality of death, wanted all spectators to confront the reality of the breach between the living and the dead. On the other hand, displaying the corpse with face (and sometimes hands and feet) uncovered had become a symbol of earthly rank, and adherence to the practice may simply signify the testator’s reluctance to renounce this particular display of temporal status.

In the thirteenth century Thomas Aquinas insisted on the insensibility of the dead body, matter which was powerless when separated from its form, the soul; more explicitly than Augustine, he stressed that it was God who worked the miracles accomplished in the presence of saints’ remains, not the remains themselves. These positions presaged the distinctions that some people were then drawing—and that many more would later draw—between the rules that governed this world and those believed to operate outside it.

*Detestanda feritas* and the determinations of the theologians that preceded it challenged practices which appropriately expressed attitudes toward death and the human body that prevailed in northern Europe in the late thirteenth and fourteenth centuries—attitudes whose validity the papal pronouncement and the theologians’

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192 Ariès is unclear concerning the date when the face of the corpse began to be veiled. Having first assigned the practice “au XIIIe siècle environ,” he later says that it appeared “dès le XIVe siècle au moins.” Ariès, *L’homme devant la mort* 168, 601. The first use of a veil to cover the deceased’s face in a royal funeral ceremony in France, in 1322, is discussed by Brown (n. 3 above); cf. Gieseys (n. 11 above) 22-24. A wax effigy may have been employed at the funeral of Henry III of England in 1272: one is known to have been used for the ceremony of Edward II in 1327: St. John Hope (n. 33 above) 327: Gieseys 26, 46-47, 79-82. Cutino and Lyman (n. 129 above) 525 have shown that there may have been extremely practical reasons for using an effigy at Edward II’s funeral in 1327, but it is nonetheless true that the practice became common, first in England and later in France. On the use of effigies by French nobles, see Beaune (n. 177 above) 128-130. Particularly enlightening concerning the changed attitude to death found at the end of the fourteenth century are the comments of Marie-Simone de Nucé de Lamothé, “Piété et charité publique à Toulouse de la fin du XIIIe siècle au milieu du XIVe siècle d’après les testaments,” *Annales du Midi* 76 (1974) 17-19, 39.


195 See the will of Blanche of Navarre of 1396, Delisle (n. 175 above) 7. Writing in the second decade of the fourteenth century (before the death of Philip V), Henry of Mondeville, physician at the French royal court, assumed that the faces of kings, queens, popes, and prelates would be exposed after their deaths: Pagel (n. 115 above) 390. Forty years later Guy of Chauliac also assumed that many corpses would be similarly displayed: Rudloff (n. 11 above) 37. In the early fifteenth century Pietro di Argellata of Bologna outlined procedures to permit the body of a pope to be kept for at least eight days with face, feet, and hands uncovered: Rudloff 37-39.
opinions did not seriously question. Why Boniface VIII and the masters chose to fly in the face of custom is not precisely clear, although the secular masters are known to have been disturbed by the friars’ increasing power and Boniface to have shared their sentiments. Nor can other, more personal impulses be discounted. Whatever the specific motivations, however, the leaders of the late thirteenth-century Church, themselves imbued with the materialism of their society, did not persuade their followers of the virtues of humility and simplicity, allay their anxieties concerning the fate of their bodies and souls, lead them to perceive a radical difference between matter and spirit, or convince them that the wealth of this world had no connection with the riches of the next. The bull modified the practices of those who could not resist, but how deeply it affected their emotions is another question. It clearly had little influence on the ideas and actions of those high-born individuals whose attitudes set the fashion for and reflected the aspirations of their society, and by the early fifteenth century its provisions had been virtually forgotten. The numerous dispensations that robbed Detestande feritatis of its moral effectiveness led eventually to the Church’s tacit repudiation of its provisions. The history of the decretal thus provides sure testimony that the Church’s power to master and control the practices of the faithful is not limitless but will always be restricted within boundaries set by custom and the deeper sensibilities of the human mind.

APPENDIX I

Gervase of Mont-Saint-Éloi, Questio 58. (Paris, Bibliothèque Nationale MS lat. 15350, fol. 282; cf. Glorieux 1.133-134, 137, and nn. 61 and 69 above.)

Utrum alius a papa utpote heredes defuncti uel monachi uel presbyteri ubi elegit sepulturam. uel eundem testamento possint immutare aliquid circa ultimam voluntatem defuncti. uidelicet quod aliquis non sepeliatur in loco in quo elegit sepulturam.

Dico sine preludio quod cum idem iuris debeat esse in parte & in toto. quia secundum Augustinum. iii. confesionum196. turpis est pars unius suo non congruens. non congrueret autem si non sequeretur totum & condiciones eius. que sibi debent & possunt conuenire. ideo dico quod pars totum sequi debet. unde. Hugo. ii. de sacramento parte xi. c. xii.197. totum pars sequi debet. et cum constet ut probabatur. quod nullus alius a papa potest ordinacionem ultime voluntatis defuncti immutare in toto. sequitur ex hoc quod nec in parte & maxime notabili & nobili parte de toto. scilicet. de corpore habet expresse extra de sepulturis cum liberum sit198. si dicatur. sicut arguebatur alatere [sic]. cum hoc uergat in bonum dezentorum multiplicatuir. sibi oraciones per hoc & nullum detrimentum fit loco illi. quia habet quod mortuus ordinavit. secundum corpus presumendum erat quod

196 Augustine, Confessionum 3.8, PL 32.689.
197 Hugh of Saint-Victor, De sacramentis Christianae fidei 2.11.12, PL 176.490.
198 Decretals of Gregory IX, 1. iii, tit. xxviii, De sepulturis, cap. vi, Quam liberum sit, Friedberg (n. 1 above) 2.550-551.
ratum haberet hoc factum ipse defunctus. et eciam papa. uel habens in hoc aucto-
ritatem pape. ergo ex ratihabiceone pape uel habentis auctoritatem pape & defuncti 
potuit hoc fieri. maxime cum similiter factum fuerit de usiceribus. nec dicitur quod 
malefactum fuerit. dico quod non est consuetum sic fieri. quamuis ex aliqua causa 
posset fieri. nec legimus de sanctis patribus quod sic seferint. quamuis multum 
dilexerint ampliationem cultus diuini. nec ita intense & deuoite rogatur pro tali in 
pluribus locis. sicut si cogitataret esse totus in uno loco. sicut michi uidetur. ualor 
autem orationis magis consistit in intencione quam in extensione secundum lerony-
mum de consecratione. distinctione. v. non mediocrerit.199. melior est quinque 
psalorum cantacio cum cordis puritate ac serenitate. et eciam spirituali hyllaritate. 
quam psalterium cum anxietate cordis atque tristicia. & ex illis dico quod non est 
presumptione nec de eo. nec de papa. uel de alio qui super hoc habet auctoritatem 
quod ratum tunc habuisset. cum dicat. bernardus. ad lugdunenses in epistola. 
lix200. nulla ratione deo placebit contra ritum ecclesie presumpta nouitas mater 
temeritatis. de usiceribus autem alius est. quia hoc consuetum est in taliter depor-
tandis. nec possent sic deferri sine detrimento aliarum parciurn. iede ex ratihabi-
cione illorum ad quos spectat de hoc ordinare sic potuit fieri.

APPENDIX II

Oliver of Tréguier, Questio 67. (Paris, Bibliothèque Nationale MS lat. 15850, fol. 
27v-28; cf. Glorieux 1.235, n. 1, and n. 83 above.)

Utrum in morte licet cor diuidere a corpore.

Dicendum quod actus qui per se includit circonstanciam malam non potest bene 
fieri sicut furtum nisi ex dispensatione diuina. Aliquis est actus includens bonum 
virtutis ut dare eleemosinam uel actus indifferens & huismodi actus possunt bene uel 
male per intentionem siue boni siue mali. sed huismodi actus est diuicio cordis a 
corpore & iede potest bene fieri. scilicet. propter suffragia diuersorum locorum.

Item prius transcendunt suffragia vnitatem corporis quam sanitas vnitatem cor-
poris viui eo quod melior est salus anime quam corporis. sed propter sanitatem fit 
diuicio partis a parte corporis viui iede &c.

Item finis sepulture corporis est ne aer incarnatur & quo ad hoc non est differentia 
ec etiam hoc repugnat resurrectioni quia in quibuscumque partibus mundi sint 
partes corporis diuina virtute facile erit eas congregare Digestum de religiosi & 
sumptibus funerum. I. cum diuiersis locis.201

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199 Gratian, Decretum, pars iii, De consecratione, dist. v, cap. xxiv, PL 187.1862: Friedberg 
1.1418.

200 Bernard, Epistola CLXXIV Ad canonicos Lugdunenses de conceptione S. Mariae, PL 
182.336.

201 Digest XI.7.44.