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reviews the strategies that were pursued by the main southern lineages either in resisting or in collaborating with Montfort's invaders. Finally, Woehl addresses the issue of what proportion of those crusaders who received lands in the conquered south put down solid roots there, and concludes that the result was far from being the northern take-over which southern myth-making has tended to favour.

Woehl's study does not make for easy reading and her exposition could be a lot clearer: a crucial point about the unending financial problems which de Montfort faced is included almost as an afterthought in a footnote on page 68. Regrettably, she avoids examining *mentalités* because of recent published work by Kay Wagner. It is a pity too that she conducted her research in line with a methodology which does not consider the Albigensian Crusade to have been a ›real‹ Crusade at all, so that the contribution made by the crusading vow towards the cohesion and functioning of Montfort's army fails to receive the attention it deserves. It must also be said that Woehl has been poorly served by her publisher. There are far too many typographical errors, and the book is drab and looks cheaply produced. Nonetheless, if used with care her study will be a mine of information for future historians of de Montfort's campaigns in the Midi, and more generally for the social networks which underpinned the conduct of large-scale warfare in this period, before central governments began to organise military activity through contracts and pay. It contains detailed prosopographical information on many of the men who stuck by Simon de Montfort through thick and thin, and for each of them the sources and literature are listed in full. A vast amount of work, including long spells in the archives, has gone into this book and Woehl's judgements on complex issues of interpretation are sure-footed and judicious. Her book deserves to be welcomed as a scholarly contribution towards a war that is widely perceived as a turning point in the European Middle Ages and yet continues to pose many difficult questions.

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Franz-Reiner ERKENS, Kurfürsten und Königswahl. Zu neuen Theorien über den Königswahlparagrafen im Sachsenspiegel und die Entstehung des Kurfürstenkollegiums, Hannover (Hahnsche Buchhandlung) 2002, XXX–125 p. (Monumenta Germaniae Historica, Studien und Texte, 30).

A modest study originally intended for the Boshof *Festschrift* of 2002 transformed itself into a major investigation of the formation of the imperial college of electors. The value of Erkens' book lies neither in its scope – it does not greatly exceed the length of some of the *Deutsches Archiv* articles alongside which at one point it was intended to appear – nor in its incisiveness – little advance is made here to our understanding of the college's formation, with the exception of a particular issue noted further below. Rather, this book is important because it provides a definitive refutation of a set of source criticisms offered by Armin Wolf in support of the idea that inherited right was the most influential factor in the college's formation. In his ›Entstehung des Kurfürstenkollegs‹ (1998) Wolf described a hypothetical process of the college's restriction to seven electors, where an ideological current already prominent in Rudolf of Habsburg's election (1273) becomes the basis of positive law associated with Albert of Habsburg's election (1298). The present reviewer noted (in *Francia* 27/1, 2000, p. 345–347) that Wolf's assumption of a late interpolation into the *Sachsenspiegel*, necessitated by that source's testimony about an already formed electoral college, did not sit comfortably with the reader. In the book currently under consideration, Erkens decides this question once and for all. He demonstrates that the *Sachsenspiegel*'s passage on the electoral college cannot reasonably be regarded as a post-1273 interpolation, since similar assumptions would need to be made of other sources, including the law books of southern Germany that derive from the *Sachsenspiegel*. Accordingly, Wolf's interpreta-

tions of the law-book texts are erroneous, and a visible part of the scaffolding of his thesis comes tumbling down.

The *Sachsenspiegel* was authored between 1220 and 1235 and is the earliest text to define the electoral college explicitly. It offers the opinion that the college is restricted to the three Rhenish archbishops (Trier, Mainz, Cologne) plus the count palatine of the Rhine, the duke of Saxony, and the margrave of Brandenburg. It also states that the king of Bohemia is excluded from the college on the basis of not being German. According to Erkens, the *Sachsenspiegel's* exclusion of the Bohemian king paradoxically contributed to his formal inclusion during the later stages of the college's formation – this surprising interpretation is quite plausible. The issue of whether the *Sachsenspiegel's* passage about the college was in any way interpolated may never fully be resolved. It loses its importance, however, when we observe that an interpolation cannot reasonably have been made with prior knowledge of the events of Rudolf of Habsburg's election in 1273. Erkens' references to the chronological possibilities are copious and incisive, and the argument becomes thoroughly convincing when the pre-1273 testimony of various sources is analyzed for its standpoint regarding the activities of electors who appear in the *Sachsenspiegel*. Clearly the notion of the restriction of the college to seven electors existed before 1273, as did the identities of the duke of Saxony and margrave of Brandenburg as electors. Since duke and margrave were prominent participants in elections held in 1252 and 1257, it is reasonable to suppose that the *Sachsenspiegel's* passage bears a specific relationship with those elections. Assuming with Erkens that the *Sachsenspiegel* did not simply reflect the formation of the electoral college but actually exerted an influence on it, there is not much reason to suppose that any kind of interpolation took place subsequent to the original composition of the source between 1220 and 1235.

On this basis, Erkens then proceeds to reject the entirety of Wolf's interpretation of the college's formation. He claims that there is no credible evidence for a constitution of the college deriving from an inherited right to elect. The absence of explicit source information regarding a hereditary basis must be accepted, according to Erkens, as proof that there was no such basis. Unfortunately, this argument *e silentio* is specious, as so often elsewhere, and despite his extravagant claims he does nothing to undo the relevance of a possible hereditary basis, which is essentially a separate question from those that he is examining. The mishandling of the *Sachsenspiegel* by Wolf is rightly exposed and would appear at first sight to call Wolf's theories into serious question. Yet Erkens should pay heed to his own lesson and refrain from asserting ›scientific‹ consequences, of which there are as yet none. Much of Wolf's ›Entstehung des Kurfürstenkollegs‹ may reasonably stand – especially his suggestion that positive law was a direct outcome of the election of 1292. Erkens does nothing to undermine individual conclusions among Wolf's further inferences. The one exception concerns Wolf's refusal to admit a distinction between the terms *kesen* and *irwelen*, but here the validity and significance of the two opposing standpoints is not fully clear.

The book also treats recent investigations of the college's formation by Bernward Castorph and Heinz Thomas (not to mention the somewhat less recent discussion by Martin Lintzel with its opinion that the final reduction of the number of electors resulted in part from a lack of interest in the elections). Castorph's book, ›Die Ausbildung des römischen Königswahlrechtes‹ (1978), sought to trace the impact of the decretal *Venerabilem* on thirteenth-century papal law regarding imperial elections, while Thomas argued in a paper of 1992 that the ceremonial court offices became the criteria for electoral competence in a secret and abortive electoral plan of 1239. By adding these studies to the subject matter of his book, Erkens is able to represent his contribution not only as up-to-date, but also as comprehensive and impersonal. Yet his discussions of those authors are limited. A four-page chapter devoted to Thomas contains only a minimal presentation of that author's study plus a few minor points of disagreement, while Castorph's book receives even shorter shrift, presumably because its focus on ecclesiastical law does not correspond well with Erkens' chosen theme.

In a concluding chapter Erkens notes some factors that might affect the genesis of law in a society that bases itself on oral tradition. In this rather pedestrian discussion he proposes that change was very unlikely to be precipitous, and indeed he stresses gradual change as the initial premise of his study. (He incorrectly cites the integrity of the *Sachsenspiegel* as a second premise. The apparent integrity proceeds, however, from his discussions.) The manner in which the origin of the electoral college is understood will always be affected by how one interprets the essence of legal change, however; and Erkens' criteria are vague. He imposes the prejudices of the social historian on the problem, disregarding the significant fact that law is formulated predominantly in a juristic context. It is not subject to specific patterns of change, but to details of the problem that is to be addressed through law and the juristic means that are available for resolution.

Erkens, like many before him, has tried to solve a problem that is seen as unitary. To the extent that Wolf also treated it as a unitary problem, Erkens is right to discredit Wolf's approach; yet he then proceeds to supply his own sweeping ›solution‹. The confrontation lays bare the apparent inability of contemporary scholarship to provide a credible interpretation of a major historical phenomenon. This is eminently clear when we examine Erkens' conclusion. The *Sachsenspiegel* paragraph is likely to have exercised a major influence on the formation of the college from as early as 1252 – yet an equally important question is how the paragraph originally came into being, which does not receive adequate consideration. Erkens states that there is proof of the *Sachsenspiegel's* influence in that the highly influential duke of Braunschweig played no role in the election of 1252 and could only have been excluded by referring to the written text. What was the original legal reason, one must therefore ask, for the duke of Braunschweig's omission from the *Sachsenspiegel*? In a vague and disconnected manner Erkens seeks out political currents that might have influenced the *Sachsenspiegel's* composition. To the contrary, however, the paragraph in question breathes an atmosphere of legalistic precision, leaving the unavoidable impression that these ideas reflect a specific event or events – connected with imperial elections – of which they faithfully preserve the juristic tenor while omitting the historical rationale.

Even within the microcosm of a precedent or set of precedents there will be shades of meaning, inference and interpretation, such that the contribution of the microcosm to the large problem becomes indirect, indistinct or inconclusive. One must inevitably accept that positivistic historical inquiry is unable to fulfil the task of explaining the origin of the imperial college of electors. A more integrative and less polarising approach to the substance of history would seem not merely indispensable but actually the only reasonable direction to follow if significant progress is to be made on the problem of the electoral college's origin. As to Erkens' contribution, debunking the *Sachsenspiegel* ›interpolation‹ thesis is an important achievement, and the role of the *Sachsenspiegel* as an influence on electoral law is believable to some extent. Conversely, the polemicization of the subject – its reduction to a confrontation between ›systems‹ (or worse, academic ›personalities‹, with that of Erkens emerging victorious) – seems regressive. It can have no advantage other than to underscore gaping deficiencies in the current method of historical inquiry. Erkens tells us that an inherited right to elect cannot be upheld, yet at no point does he specifically address Wolf's underlying theory of the college's formation and the inferences that support it. It would appear that more oblique methods and a more integrative approach are in urgent need of development.

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