

Stephan Freund, Klaus Krüger (Hg.), Kaisertum, Papsttum und Volkssouveränität im hohen und späten Mittelalter. Studien zu Ehren von Helmut G. Walther, Frankfurt a.M. (Peter Lang Edition) 2017, 166 S., 17 s/w Abb. (Jenaer Beiträge zur Geschichte, 12), ISBN 978-3-631-71505-5, EUR 37,40.

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Stephan Freund and Klaus Krüger have done much to celebrate and preserve the legacy of Helmut G. Walther, long-time professor of medieval history at the universities of Kiel (1980-1993) and Jena (1993-2009). In 2004 they (along with Matthias Werner) edited a massive tome reprinting 23 articles published by Walther on the occasion of his 60th birthday¹. And they organized a *Festcolloquium* at the Friedrich-Schiller Universität Jena on 7 July 2009 to honor Prof. Dr. Walther upon his retirement at 65 years of age. The present volume publishes some of the papers presented by former students and »langjährigen Weggefährten« at that colloquium with apparently an addition thereafter by Johannes Fried to round out the collection.

Festschriften can be challenging publications to produce, as they often contain contributions that are portions of larger projects already underway which may or may not share a common theme. The editors chose to retain for this volume the title of the 2009 colloquium, »Kaisertum, Papsttum und Volkssouveränität im hohen und späten Mittelalter«, whose thematic constraints assured that the essays reflected their mentor's scholarly areas of research. Walther wrote widely in the field of *Ideengeschichte*, with interest in perceptions of »the Other« such as heretics and Muslims, as well in the more traditional research in the social origins and transmission of political ideas in settings as diverse as the empire's political institutions, universities, and regional associations. The colloquium papers appearing in this *Festschrift*, however, do not engage with »the Other« or (despite its title) with *Volkssouveränität*, and Fried's addendum essay is an exercise in intellectual *Kulturgeschichte* rather than in any of the volume's stated themes. Therefore, the colloquium-based essays, ranging widely in length from Freund's 50 pages to Leppin's 9, share a common theme of political theory and symbolism within the German Empire. That it took eight years to produce this volume of six articles, delayed as the editors indicate »aus unterschiedlichen Gründen«, suggests the usual challenges in producing *Festschriften* proved greater still in this case. Happily, however, its jubilarian surely felt honored upon its reception in his 73rd year of life.

Stephan Freund (University of Magdeburg) begins the volume with his sizeable article, »Die ostfränkisch-deutsche Königserhebung im frühen und hohen Mittelalter – Zeitgenössische Quellenaussagen und



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¹ Stephan Freund, Klaus Krüger, Matthias Werner (ed.), Von der Veränderbarkeit der Welt. Ausgewählte Aufsätze von Helmut G. Walther. Festgabe zu seinem 60. Geburtstag, Frankfurt a. M. 2004.

retrospektive Forschungskonstrukte«, in which he argues persuasively that the selection of a German monarch should not be seen (as in traditional scholarship) as a struggle between the principles of inheritable kingship and princely electoral right, but rather as the functioning of a polycentric and consensual decision-making tradition in which the nobility collaborated with monarchs in an equilibrium of authority. Moving out of the historiographical shadows of 19th-century *Verfassungsgeschichte* and into the light of primary-sources from the early and central Middle Ages, Freund demonstrates that royal elections were normatively understood as consensual governing decisions. When consensual decisions were in fact achieved the result was a successful kingship (e. g. Henry I, Otto I, Otto II, Otto III, Conrad II, Henry III, Frederick I), but when such consensus-building (*electio per compromissum*) was overridden by power moves of factions, the result was inevitably a failed kingship (e. g. Conrad I, Henry II, Lothar, Conrad III). Even when the princes elected infant or child monarchs while their fathers were still on the throne, these elections carried the proviso that hereditary succession always depended on their suitability (*idoneitas*) to rule as proven by the ability to rule justly and mediate conflicts between princes to keep the peace (e. g. Henry IV, Henry V, Conrad III's minor son Frederick of Rothenburg). Only from the double-election of 1198 did the »age of consensus« politics come to an end, and the ideal of a two-thirds majority threshold for ecclesiastical elections established at the Third Lateran Council (1179) increasingly influenced German royal election protocols. The notion of a preordained circle of royal electors was first mentioned in a letter of Pope Innocent III, and the concept continued to evolve until Charles IV issued the Golden Bull of 1356. Only at this point in time were princely electoral rights (*Wahlrecht*) and royal dynastic aspirations (*Erbrecht*) competing interests, yet it was the later Middle Ages that older *Verfassungsgeschichte* took to be the norm for the entire Middle Ages. Ultimately, therefore, Freund proffers a historiographical lesson about modern political ideas regarding medieval political ideas, which are well past time for correction as *zeitbedingt* in both historical and historiographical senses.

Robert Gramsch-Stehfest (Jena) follows with an article considering papal interventions in this evolution of German electoral theory and protocols during the fractious era of Staufer-Welf conflicts (1198–1254). His article, »Ius et potestas principum«: Die päpstliche Politik gegenüber den deutschen Fürsten. Theorie und Praxis zwischen 1198 und 1254«, shares Freund's view that 1198 was a watershed election because princely schism replaced consensus elections. And only by the early 13th century did the papal curia develop its own theory of empire and imperial election as a result of the ongoing Thronstreit. Innocent III's 1199 letter to the German princes takes on a central role here, since the pope argued that given competing royal authorities, only the princes stood as the unitary political organ to defend the interests and honor of the empire. Though Innocent criticized the prince's failure to elect a consensus candidate, he clearly implied that this was their sovereign right. However, he also added that the princes elect their king but the pope decides the said king-elect's suitability for the imperial crown – essentially using the protocol for a bishop-elect. This view, though disputed roundly in parts of the German ruling elite, eventually formed the decretal view of a *Kurfürstenkollegium*, whose failure to find consensus opens the way by default for papal intervention in the same way that a disputed episcopal



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election would. Pope Gregory IX's failure to blend diplomacy with claims of *plenitudo potestatis* resulted in a much less effective implementation of Innocent III's claimed papal imperial authority, and this policy further devolved under Innocent IV into the use of papal political power to destroy the Staufer dynasty. Papal diplomacy succeeded during Innocent IV's pontificate in achieving enough collaboration with German princes to elect two anti-kings (Heinrich Raspe and William of Holland) and to end Staufer kingship. Only after the death of both Innocent IV and Frederick II did papal interest in the German princes fade, leaving a deeply divided nobility which produced yet another double-election. Yet by that time Innocent IV had forcefully used the protocol for episcopal election as the legal model for the election of German kings: the electoral princes were akin to a cathedral chapter whose goal was a consensus election, yet one that would have to stand the scrutiny of the pope with an imperial coronation in view. As Helmut Walther had originally recognized, this papal theory of German royal elections assumed that the royal office was ultimately »ein kirchliches Amt«, hence the use of episcopal election as the normative protocol. The princes were thus autonomous in their election but bound to the good of the empire and subject to papal oversight. Only in the 14th century did the German princes (with the prince-bishops leading the way) openly free themselves from this obligation to the pope in the *Weistum* of Rhense (1338), yet Gramsch-Stehfest argues that the popes were an important »Geburtshelfer« of late medieval German imperial constitutional development and of the German prince-electors' imperial corporatism. The article is quite stimulating, but relies only on the papal voice; it would have been helpful to see sources giving the voices of German princes (both dissenting and agreeing), and some consideration of the fact that the *Kurfürstenkolleg* was created by the emperor rather than the pope or the German clergy

Volker Leppin (Tübingen) provides a brief yet engaging study of the political implications of William of Ockham's creation theology of property to justify the spiritual Franciscans' understanding of apostolic poverty. »Schöpfungstheologie und politische Theorie bei Wilhelm von Ockham«, considers Ockham's theological work while an excommunicate exile at the German emperor Louis the Bavarian's court during Pope John XXII's persecution of the Franciscan order. Though never as overtly political as Marsilius of Padua (though he did declare that the pope was a heretic), nonetheless Ockham's theology of property and poverty contained profound political implications. While at the emperor's residence in Pisa and then in Munich, he was free to develop his theological defense of the spiritual Franciscans, which he did in the following manner. He turned to the biblical account of creation and there argued that humans were not given divine *dominium* to possess creation as property, but rather were granted *potestas utendi*. Only after the Fall did sinful humans begin to exercise *dominium* over creation and divide it up into portions of private property, and thus a universal and harmonious *potestas utendi* was replaced with a competitive *dominium*. The Church (and the pope as its leader) should therefore shun *dominium* and embrace *potestas utendi* as Jesus and the apostles had done, and the Franciscans were doing: shun wealth and embrace apostolic poverty. Leppin notices in all this that not only was an opening created for a secular view of private property under positive law, but also that there was a political corollary embedded here: if the wealthy should reject *dominium* over property (as Jesus called the rich young ruler to do) as an act of restoring pre-



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lapsarian human relationships, so too political lords could be exhorted to foreswear their dominium over their people. Ockham apparently skirts this implication but draws another instead: namely, that temporal power was not established by the Church (or the popes) but rather was the result of creation and had existed well before either the Church or the papacy began. Thus medieval Roman emperors inherited this ancient and therefore pre-papal *dominium*. Hence, creation theology not only contradicted papal claims to *dominium* of propertied wealth, it also (along with all subsequent human history) contradicted papal claims to the authority to constitute emperors (as seen in Gramsch-Stehfest's article above). What is even more, the claim to Weltherrschaft had a much more ancient pedigree among Roman emperors than among Roman popes. Leppin argues that Ockham's political theories of temporal power were extensions of his theological theories of Franciscan poverty and not the other way around, and thus theology in fact had real-world political effects and those well beyond the precincts of the institutional Church or papal curia.

Klaus Krüger (Halle) considers Hanseatic civic appropriation of imperial identity in his article, »Zur Symbolik des Reichs in Hansestädten und hansischen Niederlassungen«. The Hanseatic cities regularly argued in lawsuits against them that the Hansa was not an established legal community with juridical responsibilities for its individual municipal members, but rather it was merely an umbrella of independent cities that enjoyed the same benefits when trading abroad. In legal parlance, the Hansa was not a *societas*, *collegium*, or a *universitas* since it did not have common property, a common treasury, a common seal, a common *syndicus*, a common business manager, or a common coat of arms. Even during the 1428 war with King Eric of Denmark ships in the Hanseatic flotilla each bore their own city's coat of arms (yet for mutual recognition they all emblazoned a bright blue cross on both sides of the mainsail). This observation begs the question: what emblems, coats of arms, and allegorical symbols did Hansa cities use in daily practice at home and in their foreign *Kontore*? The answer proves to be those of the German empire – even though most Hansa cities were not imperial cities (with the striking exception being Lübeck). The remainder of the article reads like a museum exhibition catalog, with very useful black-and-white plates given the visual nature of the subject matter. The leading symbols of the German empire used throughout Hanseatic cities were images of (a) the emperor amid the *Kurfürstenkollegium*, (b) the two-headed imperial eagle (even with double nimbus in later medieval depictions), (c) representations of the German *Stände* in groupings of four (*Quaternion*). We are left with the impression that the Hanseatic cities pursued this imperial identity branding in order to deflect criticisms of their collective identity as a Hansa, yet no case studies of such a civic strategy are presented. We are therefore left to interpret the meaning of these symbols by their imagery alone without any historical or cultural context or analysis.

Jürgen Miethke (Heidelberg, retired since 2003) offers virtually the exact paper he presented as the Jena colloquium, in which he presented general observations rather than substance of new research regarding the historical significance of scholastic theologians for the emergence of the modern state. Miethke begins with the common complaint by late medieval university faculties of philosophers and theologians that jurists of both civil and canon law were *idiotae politici* (ignorant political



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thinkers) because, though they could memorize and quote the canons for precedent, they had no theoretical education to interpret the sometimes contradictory passages so well remembered. Here of course what they meant is an education in Aristotelian dialectic and ethics as a theoretical framework and method for synthesizing canons, but in a wider sense this was a recognition that political theory was not yet a separate discipline with its own methodology and thus was commented on by theologians, philosophers, and jurists alike. In this situation *iudicium* was always to be preferred to *memoria*, as memorably pointed out by William of Ockham. Miethke then proceeds to argue that political theory nonetheless had an intellectual history well before Machiavelli. He then surveys this history, shaped as it was by the long tradition of theologians producing innumerable *Fürstenspiegel* (e. g. John of Salisbury's »Policraticus«) at royal, noble, and episcopal courts through the 12th century. In the 13th century, the universities became the new centers for political theorizing: here the new scholastic method of dialectic, a growing number of scholars in one place competing with this method, the emergence of a body of authoritative texts in each discipline (e. g. theology, philosophy, law), and commentary traditions and methodological preliminaries and problem-solving developed in each of these disciplines. And since none of these disciplines located its core competency either primarily or exclusively on questions of political theory, every faculty and every discipline were asked to formulate answers to the political conflicts of the day. Dominican scholars like Vincent of Beauvais and Thomas Aquinas thus enriched the *Fürstenspiegel* tradition with a new theoretical basis of Aristotle's »Politics« and dialectical reasoning (we have generally forgotten, for example, that late in his life Aquinas wrote his own *Fürstenspiegel* entitled »De regno ad regem Cypri«). Aegidius Romanus likewise produced his *Fürstenspiegel* dedicated to King Philip IV of France entitled »De regimine principum«, which was translated into vernaculars all over Europe and thus reached beyond an academic or court audience. This long excursus finally meets the obvious question: what does this all have to do with the modern state? Miethke answers by asserting that ecclesiastical work by theologians left a legacy of thought on human society, since the place of the laity was a constituent subject in this discourse on the Church. Hence lay political power and clerical authority were corollary theological studies, with attention to the laity led by the mendicant theologians in the later Middle Ages. Jacob of Viterbo, Alvarus Pelagius, and Johannes Quidort brought to bear pseudo-Dionysian predilections for hierarchy to bear on discerning the relationship between clergy and laity in the Church, and their work was employed in turn by Aquinas and Aegidius Romanus in their own theological studies. Out of all this theoretical work came ideas about the temporal order as created by God and not by papal power (e. g. see William of Ockham above), which while not »secularizing« Christian society still made intellectual room for notions of the state we now consider modern. Though the threads from scholastic theology's recognition of secular life to the modern state are not woven here, Miethke confidently concludes nonetheless that scholastic theology played an essential role in the emergence of the modern state.

Johannes Fried (Frankfurt am Main, retired since 2009) in the volume's final article notes at the outset that his contribution had already been published in a slightly modified form under the same title, »Wissen als soziales System. Wissenskultur im Mittelalter« in a volume he co-edited with Michael Stolleis, *Wissenskulturen. Über die Erzeugung und*



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Weitergabe von Wissen (Frankfurt am Main 2009). Hence this is the only article in the volume without any footnote documentation, and it leaves the impression that it was added during the years of difficulty between colloquium and publication to pad the volume with pages and prestige. Nonetheless, the article has its own merits, one of which is that the *Ideengeschichte* covered here reaches beyond the knowledge base of political theory and into a more global geography of knowledge. In a rather stream of consciousness approach this sprawling essay begins with the Augustinian caution to leave well enough alone with the secrets of God's creation and then proceeds to show how medieval intellectuals observed this patristic admonition more in the breach than in fact. Fried thus challenges the rather prideful modern stereotype of the entire Middle Ages as a time of prayer rather than research, the building of monasteries and cathedrals instead of laboratories, fear of heresy and thus a degraded philosophy as a handmaiden of theology, and enlightenment sacrificed to blind faith and mythology. The article then swiftly moves into the new knowledge generated which lay beyond the bounds of biblical information, such as geographical knowledge of Asia gleaned by papal missionaries followed by merchants, adventurers, and scholars – here the *Erfahrungswissen* of West Europeans as well as the ancient *Überlieferungswissen* of Asian cultures was brought home and mixed with Europe's own classical *Überlieferungswissen* at new institutions and with new modes of thought. Fried argues that as a result, a *Vernunftskultur* was generated well before the »Enlightenment era« through the combination of Aristotelian categorical dialectic with the Carolingian educational legacy of the seven liberal arts and the intellectual heritages of Byzantium, Islam, and Jewish scholars. Indeed his thesis statement is extensive and typically all-encompassing: »Die bereitwillig und mit wachsender Intensität rezeptierten Einflüsse aus Byzanz oder den arabischen Wissens- und Wissenschaftskulturen des Orients, des Maghreb, des muslimischen Siziliens und aus al-Andalus, auch aus der Judenheit mit ihrem weitgespannten interkulturellen Wissen gewannen Einfluß auf das christliche Menschenbild, das Selbstverständnis der eigenen Kultur und auf die Bereitschaft, das Fremde in seinem Anderssein wenn nicht schon zu akzeptieren, so doch zu würdigen« (p. 144–145). The value of language study as the medium of new learning, the establishment of networks of institutions from royal-noble-papal courts to monasteries, cathedral schools, universities, *studium generale* of religious orders, foundation schools, urban Latin schools, and in the 15th century the Platonic Academy in Florence were all vibrant expressions of common scholarship, knowledge exchange, libraries and archives. Since all this new knowledge was still conveyed mostly by oral means, education was the key conduit for the formation of a common *Vernunftskultur*, and Fried is sure to acknowledge the massive patronage of the Church in this endeavor. Thus, medieval society was not static but vigorously dynamic, capable of absorbing Viking culture, capable of crusader settlers learning from the majority population and cultures, capable of initiating diplomacy with the Mongol Khanate. The appearance of late medieval world maps, combined with expansion of political ideologies, economic ethics and finance, government administration, historical writing, urban literacies, even book production using paper from the Arab world are all presented as further evidence of a vibrant Europe capable of learning from the wider world and adapting this new knowledge to its own needs. Fried concludes with



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a confident assertion that medieval Europe was distinctive: »Kulturelle Lernbereitschaft verstärkte den Wissensaustausch mit fremden Kulturen. [...] Die Neugier hat sich die Welt erobert.« This article reads like a »Big History« survey without many specific case studies or any documentation to support it, the only agency here being described as a culture of reason. As pure *Ideengeschichte* therefore it lacks a rootedness in social reality beyond the privileged world of intellectuals, and leaves open the question of proof that the West was so unique in world history. What is of real value though is the wise assertion that elite intellectual culture in medieval Europe was not solely and simply an organic and *sui generis* creation of West Europeans alone – European civilization has always been part and parcel of other world civilizations, and in this sense one could respond that »Die Welt hat sich die Neugier erobert«.

How to make a summary assessment about a volume with these quite disparate articles? Reading it will require specific and specialist knowledge in both German and papal political and intellectual history, and most will find only part of the volume of use for their own research and learning. Yet reading it will reward anyone with a curiosity about the power and transmission of ideas, which always have long, winding, and often surprising pathways. Is that not what makes them fascinating in the first place? This insight has led each of the authors into their individual fields of intellectual history, whose breadth taken as a whole does indeed honor Prof. Dr. Helmut G. Walther, since his own professional career embodied wide-ranging lateral thinking and questing for connections between ideas and social groups.



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