

durée und konzeptionellen Ansätzen. Diese methodischen Mängel bewirken, dass der Autor keine Deutungshoheit über sein Material gewinnt und ihm keine befriedigende Einbettung in den politischen, sozialen oder mentalen Kontext gelingt. Das korrespondiert mit einem ermüdenden Stil, der in kaum einem Satz ohne Quellenzitat auszukommen meint. Die Unsicherheit im Umgang mit dem Material zeigt sich beispielsweise dann, wenn ritualisierte Gruppenkonflikte junger (männlicher) Leute, politischer Protest oder die Austragung privater Konflikte gleichermaßen als »Unfug« oder »ungeregeltes Freizeitverhalten« (202) kategorisiert werden (Abschnitt 5.2 und 5.3). Alle drei Phänomene sind in den letzten fünfzehn bis dreißig Jahren von Volkskultur-, Kriminalitäts- und Protestforschung intensiv beschrieben worden und dort hätten auch Anregungen für einen systematischen und interessanteren Zugriff zur Verfügung gestanden.

Diese Kritik sollte aber nicht darüber hinwegtäuschen, dass das Buch aufgrund der genauen und facettenreichen Darstellung der Normen durchaus einen lesenswerten Überblick städtischer Rechtsentwicklung im Spätmittelalter bietet. Dies gilt vor allem für die Bereiche

Aufwandsordnungen, Feuer- und Baupolizei sowie öffentliche Hygiene. Neben der eigentlichen Beschränkung des Aufwands scheint immer wieder das Interesse des Rates durch, soziale Beziehungen innerhalb der Stadt gegenüber denen nach außen zu begünstigen, um die Stadt als geschlossenen rechtlichen und sozialen Raum zu konstituieren. Die Verbote waren bewehrt mit Geld- und Haftstrafen sowie Stadtverweis. Andere Regulierungen betrafen den Hausbau hinsichtlich der Standsicherheit, dem Verhältnis zu Nachbarbauten in Bezug auf Wasser, Licht, Abfälle und Blickwinkel der Fenster. Daneben regulierten Bauvorschriften und andere präventive Normen den wichtigen Bereich der Feuerpolizei. Oftmals mussten detaillierte Baugenehmigungen des Stadtrates eingeholt werden, der die Ausführung inspizierte. Zunehmend wichtiger wurden auch die Abgrenzung der privaten Häuser zum öffentlichen Raum hin und die Beschränkung der Straßennutzung durch Misthaufen, Gewerbetätigkeit und Läden. Das wurde ergänzt durch legislative Bemühungen um eine geordnete und hygienische Beseitigung von Abfällen.

Gerhard Sälter

Papacy and Political Theory*

The publication of Jürgen Miethke's book is an event because it marks the culmination of more than two decades' research into theories of papal power in the period from the pontificate of Boniface VIII to the death of William of Ockham. Miethke's many articles on political thought in these years have helped consolidate

the perception that the end of the thirteenth century and the first half of the fourteenth marked a decisive turning-point in the development of political ideas. Twenty or so years ago, he argued that a new scholastic genre of political writing emerged at this time – treatises *De potestate papae*. In this book he gives

* JÜRGEN MIETHKE, *De potestate papae*. Die päpstliche Amtskompetenz im Widerstreit der politischen Theorie von Thomas Aquinas bis Wilhelm von Ockham, (Spätmittelalter und Reformation. Neue Reihe 16), Tübingen: Mohr Siebeck 2000, X, 347 S., ISBN 3-16-147480-5

exhaustive and definitive treatment to his approach to this theme.

A question can be raised at the outset. Did such treatises on the power of the pope amount to a specific genre? It is certainly true that the most notable aspect of political thought in the period, c.1290–c.1350, was a fresh concentration on ideas of power, with reflection both on the nature of power and the experience of it. The whole problem of responses to and recognition of the realities of power was approached in new ways by theologians, philosophers and jurists. It is clear that a new phenomenon of theoretical tracts overtly devoted to the question of power emerged from the beginning of the fourteenth century, initially with a greater or less connection to the disputes between Boniface VIII and King Philip IV of France – notably those of Giles of Rome, James of Viterbo and John of Paris. It is also revealing that a wide range of writings up to the mid-century, including those of Marsilius of Padua and William of Ockham, can be usefully viewed from the standpoint of their contribution to discussions of power – Miethke's approach is very helpful in this respect. But these texts by many authors, taken together, discuss a wide range of bearers of power: the emperor, kings, Italian *signori* and city-republics – as well as the pope. It is undeniable that a genre of scholastic treatment of power in general was itself established, but the treatment of papal power would perhaps be more usefully perceived as part of this wider category.

Miethke's book is a detailed overview of all the relevant texts placed in their historical contexts, both in terms of events and available ideas. His avowed aim is to illuminate the connection between theoretical reflection and practical politics. In particular, he stresses the two-way interaction between ideas and political reality, and

the use which rulers made of the ideas of theorists to justify their actions. His book is a compendium and conveys a vast amount of information about the texts and is especially illuminating about the role of political and religious disputes in bringing forth theoretical tracts. Study of such crises helps reveal why some questions came to the fore at certain times. His meticulous footnotes are particularly helpful. Miethke has not set out to give an in-depth analysis of ideas concerning the power of the pope. One would have to look elsewhere for that.

The structure of the book is all-encompassing. Miethke begins with the university context and what he sees as the fundamental importance of Aquinas' *De regno* for the application of Aristotelian political theory. He devotes considerable attention to the reign of Boniface VIII as a turning-point, giving detailed attention both to the works produced at or in support of the papal curia and to those responses produced at Paris. Next, he considers tracts associated with the Council of Vienne, before proceeding to cover works also produced in the early days of the Avignon papacy: those of Dante and his critics, writings rooted in the controversies surrounding Pope John XXII, and the extreme papalist treatises of Augustinus Triumphus and Alvarus Pelagius. The Councils of Paris and Vincennes are also treated in so far as they relate to the author's theme. Finally, Marsilius of Padua and William of Ockham are considered. Needless to say, Miethke's discussion of Ockham is particularly perceptive.

The works considered were the product of universities. Miethke assists our understanding of these writings by placing them firmly within this institutional context. His range includes theological, philosophical and juristic discourse. Above all, he rightly stresses the interdisciplinary

borrowings between different university disciplines. Most notably, he underlines the fundamental importance of jurists in the formulation of the language of power and shows that writers who were antithetical to a juristic approach nevertheless used juristic language. Marsilius of Padua would be a case in point. The jurists themselves, of course, were heavily indebted to theology and Aristotelian philosophy; theologians used canon law (and indeed Roman law). The apparent boundaries between disciplines and their languages were permeable.

The subject which Miethke has chosen reflects his opinion, reiterated here and expressed elsewhere, that the basic question of medieval political thought is the legitimacy of *Herrschaft* and of its exercise. This view of the primacy of questions of rulership and power is to some degree persuasive. It is a formulation from deep within the Germanic tradition of historical scholarship and, of course, owes a great deal to Max Weber. But I wonder whether the basic question lies more at the interface of power and the common good. Miethke's approach might well not be so applicable to city-republics.

That said, Miethke is at his sharpest in dealing with Ockham. He maintains that, before Ockham wrote, medieval political thought was primarily concerned with *Herrschaft* of men over men, but that Ockham made the question of *Herrschaft* of men over things his starting-point – that, for him, questions of poverty and property occupied centre stage. This broad-

brush interpretation is stimulating. But employing the word, *Herrschaft*, to reflect the two main fourteenth-century meanings of *dominium* as rulership and ownership, only serves to underline that the modern term, *Herrschaft*, does not have a precise meaning when applied to such late medieval concepts.

There is a great deal of potential in Miethke's treatment of Marsilius' historical approach. He stresses that the Paduan was acutely aware that Aristotle lived in a historical period before the existence of the church, a circumstance which, Marsilius considered, limited the philosopher's usefulness for elaborating defences against papal plenitude of power – the cause of strife which Aristotle could not have known.

Overall, Miethke's book is a highly useful and informative work of meticulous scholarship, which is no less than one would expect from one of the foremost exponents of the study of political ideas in the fourteenth century. He has indeed achieved what, in his conclusion, he says that he hopes to have done. He has shown the importance of the sources which he has studied in two ways: both as responses to questions specific to the time in which they were composed, and as contributions to questions of perennial interest. This book should certainly be bought by university libraries and is essential reading for anyone interested in late medieval political thought.

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