B10

Legal Security and Order as Joint Tasks of Secular and Church Institutions (8th–11th Centuries)

SFB 700

Governance
in areas of limited statehood

Research Questions

1. What intellectual and practical resources did the Christian religion provide in order to increase legal security?

2. What role did religious forms of self-commitment (baptism, oath) play as a means of building trust and generating legitimacy?

3. To what extent were religious sanctions (i.e. excommunication, penance) deployed as preventative measures and punishment for offenses that were not primarily religious?

4. In the long term, did this lead to a religious evaluation, internalization, and reshaping of the law?

Project Team

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Implementation

Swearing an oath on relics, in the Sachsenspiegel, Heidelberger Bilderhandschrift, 13th century

"Since nothing good is happening here ..."
Maintaining peace through religious self-commitment (11th century)

"From Wednesday Vesper until Monday dawn there shall reign peace and truce among all Christians, friends and foes, neighbors and strangers.

"Whoever has promised peace [under oath] and willfully breaks it shall be excommunicated from God and his holy saints. Such persons shall be damned and cursed like Judas, who betrayed the Lord, and they shall be hurled to the pits of hell like Pharaoh to the middle of the sea, should they fail to repent.

"Whoever kills another person during the Peace of God shall be banished. Whoever breaks the Peace of God through any other means shall be judged according to worldly laws. Following the Holy Canon, however, he shall be laden with a double penance.

"We believe it is right to be condemned to dual – spiritual and worldly – punishment if we break our promise. Because we believe that God in Heaven has prescribed this to us, since nothing good is happening here."

(Stipulations from the Peace of God of Arles, 11th century)

Topic and context

Starting in the 8th century, we can observe a coproduction of governance that became typical for the middle ages. Ecclesiastical and secular mechanisms worked together to reinforce norms through commitments (baptism, oath) and sanctions (excommunication, penance). During the political and societal transformations around the year 1000, bishops increasingly took initiative to maintain the peace. To what extent can we view secular and ecclesiastical sanctions as conscious attempts to safeguard endangered norms and rules by grounding them in metaphysical legitimacy in areas of waning statehood?
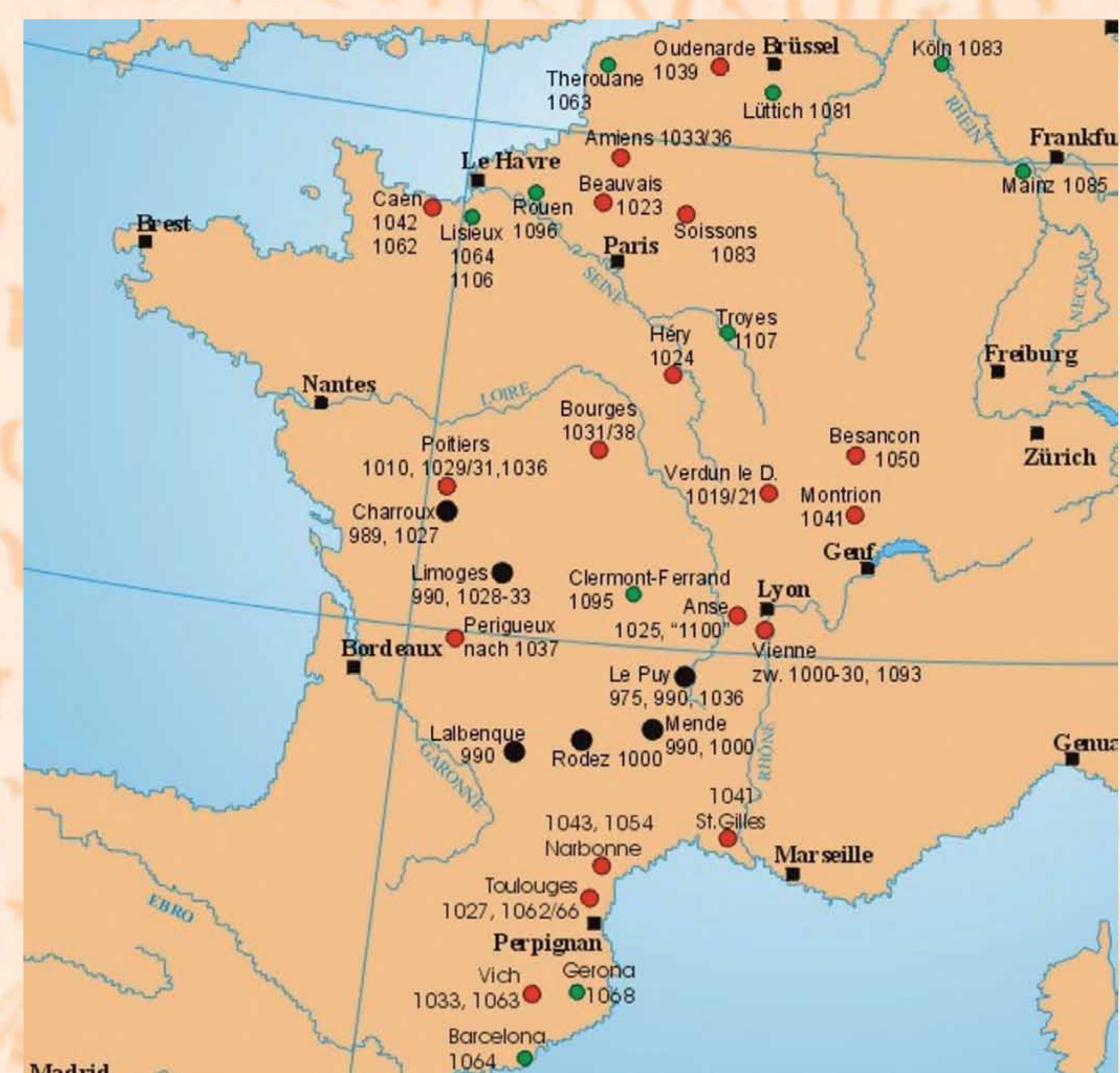
The B10 project examines:

- church sanctions against certain offences through excommunication and public penance in the Carolingian kingdom
- the idea of double self-commitment through baptism and promissory oath
- the founding of a new legal and social order through the Peace of God

Spreading the Peace of God in the 10th and 11th centuries (H. Hattenhauer)

Period of study: 8th to 11th centuries
Region of study: The Carolingian and Capetian Frankish kingdoms
Sources: Decrees and ordinances (*capitularies*), Canon law provisions, penitentials and visitation handbooks, Peace of God statutes, oath forms, Episcopal vitae and chronicles

Contribution to the SFB 700

This project analyzes long-term conditions for successful governance as well as their consequences. Taking a historical perspective, B10 assesses the importance of establishing and justifying legitimacy through procedures and actors and asks whether this is decisive for effective governance.

Background image: Handwritten fragment of Lex Romana Lex (Codex Theodosianus) (Grenoble 13, Nouv. Bibliothèque municipale de l'Université catholique, Fragment M, Cahier 5 v, f. 2r, fir.)

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