

# COMMUNITAS REGNI

## La « communauté de royaume »

de la fin du x<sup>e</sup> siècle au début du xiv<sup>e</sup> siècle  
(Angleterre, Écosse, France, Empire, Scandinavie)





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Les historiens médiévistes hésitent à parler d'État ou de nation quand ils évoquent les entités politiques du Moyen Âge central ; quand il s'agit de désigner une entité politique correspondant à une province, le terme *royaume* – parfois même en l'absence d'un roi – est moins conflictuel. Existait-il pour autant des communautés politiques spécifiques à l'échelle des royaumes, des « communautés de royaume » ? D'ailleurs, dans plusieurs régions d'Occident, l'usage du syntagme *communitas regni* caractérisait plutôt la terminologie des programmes politiques des mouvements d'opposition au roi. Les contributions réunies dans ce volume prennent toutefois appui sur cette notion pour proposer un questionnement renouvelé des fondements politiques d'une partie de l'Occident médiéval (Scandinavie, Empire, France, Angleterre et Écosse, pays tchèques), afin de comprendre ce qui en faisait la singularité.

ARISTOTLE AND THE EMPIRE. IMPERIUM, REGNUM, AND COMMUNITAS  
IN ALBERT THE GREAT AND ENGELBERT OF ADMONT

*Karl Ubl*

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ARISTOTLE AND THE EMPIRE. *IMPERIUM, REGNUM,*  
AND *COMMUNITAS* IN ALBERT THE GREAT  
AND ENGELBERT OF ADMONT

*Karl Ubl*  
*Université de Cologne*

Aristotle described the city-state as the perfect community: "When several villages are united in a single complete community (*communitas perfecta*), large enough to be nearly or quite self-sufficing, the city-state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of a good life. And therefore, if the earlier forms of society are natural, so is the city-state, for it is the end of them, and the nature of a thing is its end."<sup>1</sup> Medieval readers of Aristotle's *Politics* took considerable effort to show that this view is incomplete and that monarchy is a political community required for the well-being of man.<sup>2</sup> Fitting the concept of empire into the framework of Aristotelian political thought was, however, even more difficult. It is therefore no coincidence, that the so-called "imperial publicists" of the 14<sup>th</sup> and 15<sup>th</sup> centuries relied more on juristic and historical evidence than on the political ideas of Aristotle. Hermann Heimpel already pointed to the significance of Aristotelianism in the discourse about the French monarchy and to the relevance of history and legal arguments in the discussion on the Empire of the Germans.<sup>3</sup> This view of a French-German

- 1 Aristotle, *Politica I 2 (1253b)*, ed. Franz Susemihl, Leipzig, Teubner, 1872, p.6.
- 2 Aegidius Romanus, *De regimine principum libri III*, ed. Hieronymus Samaritanus, Roma, 1607, III, i, 1-5, pp.401-11. Cf. Roberto Lambertini, "Philosophus videtur tangere tres rationes. Egidio Romano lettore ed interprete della *Politica* nel terzo libro del *De regimine principum*", *Documenti e studi sulla tradizione filosofica medievale*, 1, 1990, pp.277-325; Tilman Struve, "Die Begründung monarchischer Herrschaft in der politischen Theorie des Mittelalters", *Zeitschrift für Historische Forschung*, 23, 1996, pp.289-323.
- 3 Hermann Heimpel, *Deutschlands Mittelalter, Deutschlands Schicksal: Zwei Reden*, Freiburg im Breisgau, Wagner, coll. "Freiburger Universitätsreden", 1933, p.9; *id.*, "Das Wesen des deutschen Spätmittelalters", *Archiv für Kulturgeschichte*, 35, 1953, pp.29-51. For classical statements of the French case cf. Thomas Renna, "Aristotle and the French monarchy, 1260-1303", *Viator*, 9, 1978, pp.309-24; Jacques Krynen, *L'Empire du roi. Idées et croyances politiques en France (XIII<sup>e</sup>-XV<sup>e</sup> siècles)*, Paris, Gallimard, coll. "Bibliothèque des histoires", 1993, pp.91-100.

contrast in late medieval political thought held sway over scholarship for a long time.<sup>4</sup>

In his recently published book, Len Scales, however, considers this a minor difference and makes a very convincing case that the time between the deposition of Frederick II and the council of Constance was a crucial period for the construction of German identity. According to Scales, this shaping of an ethnic German identity took place in a way quite similar to other European monarchies, even though the process of state-formation was located not at the level of the Empire, but at the level of the territorial principalities.<sup>5</sup> In this regard, Scales successfully deconstructs any notion of a German *Sonderweg* rooted in the later Middle Ages. He also devotes considerable space in his book to the idea of empire, claiming—and for this matter, in agreement with previous scholarship—that attempts at splitting up the empire and reshaping it into a conventional monarchy were met with a square refusal in Germany. German identity was so closely connected to the idea of a Roman universal empire, its Christian mission, and its exceptional status, that attempts at separating them, which surfaced in the second half of the 13<sup>th</sup> century, were considered an assault on the pride of the Germans. With respect to such notions of German exceptionalism, Scales is engaging intensively with the writings of the so-called imperial publicists, such as Alexander of Roes, Lupold of Bebenburg, Konrad of Megenberg, and others. Despite his exhaustive exposure of this, and other, debates—what Scales has left out of his picture is the question of how the idea of empire was affected by the reception of Aristotle's *Politics*.

The debate about the impact of Aristotelianism on the later Middle Ages already has a long historiography itself. Walter Ullmann's thesis regarding a revolution being set off by the reception of Aristotle has long been relegated to footnotes, and rightly so.<sup>6</sup> But the contrary opinion, advanced by Antony Black, that Aristotelianism only constituted an additional political language besides Ciceronianism, Biblicism, Canon, and Roman Law, and therefore made no significant or special mark in the history of political thought, has also proved unsatisfactory and been met with serious criticism.<sup>7</sup> The impact of new

4 A guarded critique in: Helmut G. Walther, *Imperiales Königtum, Konziliarismus und Volkssouveränität. Studien zu den Grenzen des mittelalterlichen Souveränitätsgedankens*, Munich, Fink, 1976, pp.213-29.

5 Len Scales, *The Shaping of German Identity. Authority and Crisis, 1245-1414*, Cambridge, Cambridge University Press, 2012, p.68.

6 Walter Ullmann, *Principles of Government and Politics in the Middle Ages*, London, Methuen, 1961; cf. Francis Oakley, "Celestial hierarchies revisited: Walter Ullmann's vision of medieval politics", *Past and Present*, 60, 1973, pp.3-48.

7 Antony Black, "Political languages in later medieval Europe", in Diana Wood (dir.), *The Church and Sovereignty, c. 590-1918. Essays in Honour of Michael Wilks*, Oxford, Blackwell, coll. "Studies in Church History. Subsidia", 1991, pp.313-28; cf. Roberto Lambertini,



concepts like polity, politics, and the political was not confined to the sphere of linguistics alone.<sup>8</sup> On the contrary, Aristotle tied those same concepts to a sharp separation of political rule over free citizens from despotic rule in the household or in the family. Medieval readers of Aristotle learned that political rule was a concept *sui generis*.

In addition, medieval Aristotelians were confronted with the contingent nature of political rule. Contrary to a deep line of thought that conceived of monarchy as natural, divinely sanctioned, and cosmically ordered, Aristotle entered into a debate about the different virtues and vices of constitutions which were invented by human lawgivers.<sup>9</sup> It is this second aspect which I am most interested in here. Aristotle not only discussed the question of the ideal constitution, but he also addressed more pragmatic questions, like how constitutions can be best adapted to fit with the interests of the community, or be superficially modified in order to pacify a rebellious population. Aristotle was interested in the manifold techniques of power, and asserted the legitimacy of various constitutions whenever they guarantee peace and social order.<sup>10</sup> Because of this astonishing flexibility in Aristotle's political thought, medieval readers could use his writings to very different ends: justifying the reign of a king, idealizing the wide participation of citizens in a city-state, accepting the oppressive rule of a despotic signore in view of the common good, or favoring a mixture of constitutional elements in a parliament-based monarchy. Yet, despite this flexibility, one medieval polity went well beyond the scope of Aristotelian political thought, the empire: a polity that was potentially universal and eschatologically significant, but *de facto* precisely circumscribed in space

<sup>8</sup> "La diffusione della 'Politica' e la definizione di un linguaggio politico aristotelico", *Quaderni storici*, 102, 1999, pp.677-704; Christoph Flüeler, "Politischer Aristotelismus. Einführung", *Vivarium*, 40, 2002, pp.1-13. For more recent views, cf. Alexander Fidora (ed.), *Politischer Aristotelismus und Religion in Mittelalter und Früher Neuzeit*, Berlin, Akademie Verlag, coll. "Wissenskultur und gesellschaftlicher Wandel", 2007; Jürgen Miethke, "Spätmittelalter: Thomas von Aquin, Aegidius Romanus, Marsilius von Padua", in Christoph Horn and Ada Neschke-Hentschke (ed.), *Politischer Aristotelismus. Die Rezeption der aristotelischen Politik von der Antike bis zum 19. Jahrhundert*, Stuttgart, Metzler, 2008, pp.77-111. For a more detailed account of this debate, see my article: Karl Ubl, "The concept of *princeps* in late medieval political thought: a preliminary survey", in Thorsten Huthwelker, Jörg Peltzer and Maximilian Wemhöner (ed.), *Princely Rank in Late Medieval Europe. Trodden Paths and Promising Avenues*, Ostfildern, Thorbecke, coll. "Rank: politisch-soziale Ordnungen im mittelalterlichen Europa", 2011, pp.259-80.

<sup>9</sup> Eckart Schütrumpf, *The Earliest Translations of Aristotle's Politics and the Creation of Political Terminology*, Paderborn, Fink, coll. "Morphomata Lectures", 2014.

<sup>10</sup> James M. Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages*, Princeton, Princeton University Press, 1992.

<sup>11</sup> Cf. Michel Senellart, *Les Arts de gouverner: du regimen médiéval au concept de gouvernement*, Paris, Le Seuil, 1995; Karl Ubl et Lars Vinx, "Zur Transformation der Monarchie von Aristoteles bis Ockham", *Vivarium*, 40, 2002, pp.41-74.

and time.<sup>11</sup> The empire was a *sacrum imperium*, its head an emperor crowned by an external force, the pope, itself divided up in city-states, kingdoms (Bohemia, Italy, Burgundy) and territorial principalities claiming a high degree of autonomy. This polity is apparently incommensurate with Aristotelian political thought. How did philosophers working in Germany react to this conflict of ideas? The following article is devoted to precisely this question, and will address it by surveying the work and ideas of two authors between 1250 and 1300, Albert the Great and Engelbert of Admont.

Albert the Great usually stands in the shadow of his greater student Thomas Aquinas, but he actually was the first who wrote a commentary on Aristotle's *Politics* and set the tone for future commentators.<sup>12</sup> Albert's interest in political theory even predates his acquaintance with the *Politics*, since he already dealt with constitutions in his *Sentence Commentary* from the mid-thirteenth century (ca 1249). In that work, he bases his ideas on a few remarks in the *Nicomachean Ethics* of Aristotle, and casually mentions three different constitutions: monarchy, aristocracy and "timocracy".<sup>13</sup> Later, in his first commentary on the *Nicomachean Ethics*, he repeats this distinction, showing that he perfectly understood the significance of this doctrine of constitutions.<sup>14</sup> Only later, from the 1260s on, did he give this doctrine a rather different twist. In his second commentary on the *Ethics*, in his commentary on the *Politics*, and in a collection of sermons delivered in front of the Augsburg citizenry, he offered a new interpretation, departing radically from the teaching of Aristotle.<sup>15</sup> Albert

11 Cf. Karl Ubl, "Roman Empire", in Henrik Lagerlund (ed.), *Springer Encyclopedia of Medieval Philosophy. Philosophy Between 500 and 1500*, Berlin, Springer, 2011, pp.1164-68.

12 No article is dedicated to his political theory in Irven Michael Resnick (ed.), *A Companion to Albert the Great: Theology, Philosophy, and the Sciences*, Leiden, Brill, coll. "Brill's companions to the Christian tradition", 2013. But see Gianfranco Fioravanti, "Politiae Orientalium et Aegyptiorum. Alberto Magno e la Politica aristotelica", *Annali della Scuola Normale Superiore di Pisa. Classe di lettere e filosofia*, 9, 1979, pp.195-246; Ulrich Meier, *Stadt und Bürger. Die Stadt im Denken spätmittelalterlicher Theologen, Philosophen und Juristen*, München, Oldenbourg, 1994, pp.35-47; Matthew Kempshall, *The Common Good in Late Medieval Political Thought*, Oxford, Clarendon Press, 1999, pp.26-76; Francisco Bertelloni, "Die 'Philosophia Moralis' als Enzyklopädie menschlicher Handlungen: Zu Alberts des Großen Kenntnisnahme von der Aristotelischen 'Politik'", in Matthias Lutz-Bachmann and Alexander Fidra (ed.), *Handlung und Wissenschaft=Action and science: Die Epistemologie der praktischen Wissenschaften im 13. und 14. Jahrhundert*, Berlin, Akademie Verlag, coll. "Wissenskultur und gesellschaftlicher Wandel", 2008, pp.45-59.

13 Albertus Magnus, *Opera omnia*, ed. Auguste and Émile Borgnet, Paris, Apud Ludovicum Vivès, 1890-99, t. XXIX, 1893-94, *Super Sententiarum*, IV, dist. 19, art. 6, p.807.

14 *Id.*, *Opera Omnia*, ed. Wilhelm Kübel, Münster, Aschendorff, 1951-, t.XIV/2, 1987, *Super ethica. Commentum et quaestiones, Libros VI-X*, VIII, 10, p.631.

15 *Id.*, *Opera Quae Hactenus Haberi Potuerunt*, ed. Pierre Jammy, Lyon, Prost, 1651, 21 vol., t. IV, *Ethicorum Lib. X*, VIII, 3.2, p.304 sq.; Albertus Magnus, *Opera omnia*, ed. Auguste and Émile Borgnet, t. VIII, 1891, *Politicorum Lib. VIII.*, I, 1, p.8; II, 8, p.171; III, 9, p.290; III 10, p.307. The sermons are edited in Johannes Baptist Schneyer, "Alberts des Grossen Augsburger

the Great argued that the three different constitutions form part of a single polity: the king as head of the polity, aristocratic dignitaries subordinated to the king, and democratically elected rulers governing in the towns. Whereas Aristotle conceives of competing concepts of rule, Albert blends them into a single vision of a hierarchically organized community. That which constituted the provocative element of the Aristotelian doctrine—his emphasis on the contingency of human rulership—was radically dismissed by Albert the Great. Monarchy again was framed as a natural and divinely sanctioned rule.<sup>16</sup> Why did Albert dissociate himself so strictly from Aristotle?

This question may best be answered by looking more closely at his sermons to the citizens of Augsburg. It is in these texts that one can most clearly observe his attempt to adapt the new Aristotelian concepts to the constitutional reality of his own time. To be sure, in his seven sermons, he did not spare his audience a detailed account of Aristotle and his doctrine on constitutions. Monarchy is clearly identified as the ideal constitution because of the unity necessary to every political community. Albert even calls the king a “*communis persona: rex est communis persona et in eo communitas tota ostenditur.*”<sup>17</sup> He refers to the emperor Hadrian as a role model of a perfect king, and admonishes that in electing a king, one should attend to the impartiality of the candidate, his *bona voluntas*, and his knowledge of law.<sup>18</sup> These qualities should rank higher than might, wealth, and nobility. The reference to the *imperator* Hadrian and to election leaves no doubt that Albert has the German empire in mind. To be able to estimate and appreciate the relevance of this discussion, we have to keep in mind that in the early 1260s Germany was effectively lacking a king, because the two elected rulers, Alfons of Castile and Richard of Cornwall, battled for recognition and were conspicuous by their absence from Germany.

However, according to Albert the Great, the king alone is not sufficient for governing a kingdom. The king has to appoint deputies in the towns who answer to the grievances of the populace. He should choose some according to their wisdom and learning in legal science, and select others who, because of their wealth and stature, can provide armed forces in case of necessity.<sup>19</sup> Yet, despite such delegations, the king still remains in full power. “*Semper tamen rex debet esse superior et ad eum tam consiliarii quam divites et potentes debent habere*

Predigtzyklus über den hl. Augustinus”, *Recherches de théologie ancienne et médiévale*, 36, 1969, 100–47.

<sup>16</sup> Albertus Magnus, *Politicorum Lib. VIII.*, ed. cit., II, 3, p.128; III, 9, p.290.

<sup>17</sup> Johannes Baptist Schneyer, “Alberts des Grossen Augsburger Predigtzyklus über den hl. Augustinus”, art. cit., p.125.

<sup>18</sup> *Ibid.*, p.112.

<sup>19</sup> *Ibid.*, p.111.

*recursum.*"<sup>20</sup> In his commentary on Aristotle's *Politics*, Albert is even more explicit: the king disposes of fullness of power (*plenitudo potestatis*), whereas the nobles and the citizens are only called to a share of solicitude.<sup>21</sup> Assimilating the Empire to the papal monarchy was probably not what the citizens of Augsburg were pleased to hear from Albert the Great. In his sermons, he rather stresses the participation of the free towns, whereas in his Commentary to the *Politics* he also mentions dukes and other princes who share in the governance of the monarchy.<sup>22</sup> The sermons are finely tuned to the audience of the citizens of Augsburg. What emerges from the sermons as well as from his Commentary is the way Albert reshapes Aristotle in order to make sense of the distinctive, layered hierarchy in the Empire.

In the second part of my article I will now turn to a lesser known author, the abbot Engelbert of Admont.<sup>23</sup> Engelbert is the author of more than thirty treatises on a wide range of topics, including works on constitutions, on the world monarchy, and on the governance of princes. He is known to have made an intensive study of the entire Aristotelian corpus during his nine-year stay in Padua, where he studied for five years at the Faculty of Arts and another four with the Dominicans. Even after his return to Austria in 1287 he did not

<sup>20</sup> *Ibid.*, p.118.

<sup>21</sup> Albertus Magnus, *Politicorum Lib. VIII.*, ed. cit., I, 1, p.8; I, 9, p.75; III, 10, p.307; V, 8, p.533. On this formula see Robert Louis Benson, "*Plenitudo potestatis*: evolution of a formula from Gregory IV to Gratian", *Studia Gratiana*, 14, 1967, pp.193-217; Kenneth Pennington, *Pope and Bishops. The Papal Monarchy in the Twelfth and Thirteenth Century*, Philadelphia, University of Pennsylvania Press, 1984, pp.43-74; Karl Ubl, "Der Mehrwert der päpstlichen Schlüsselgewalt und die Tradition des heiligen Clemens", in Andreas Pecar and Kai Trampedach (ed.), *Die Bibel als politisches Argument. Voraussetzungen und Folgen biblizistischer Herrschaftslegitimation in der Vormoderne*, München, Oldenbourg, coll. "Historische Zeitschrift Beihefte", 2007, pp.189-217.

<sup>22</sup> Albertus Magnus, *Politicorum Lib. VIII.*, ed. cit., II, 9, p.181; II, 10, p.190; VI, 6, p.611.

<sup>23</sup> Karl Ubl, *Engelbert von Admont. Ein Gelehrter im Spannungsfeld von Aristotelismus und christlicher Überlieferung*, Wien/München, Oldenbourg, coll. "Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband", 2000; Max Schmitz, "Zur Verbreitung der Werke Engelberts von Admont", *Codices manuscripti*, 71/72, 2010, pp.1-26; Thomas M. Izbicki and Cary J. Nederman, *Three Tracts on Empire: Engelbert of Admont, Aeneas Silvius Piccolomini, and Juan de Torquemada*, Bristol, Thoemmes Press, 2000; Herbert Schneider, "Geschichte als Argument? Engelbert von Admont und die Historiographen", in Johannes Gießauf (ed.), *Päpste, Privilegien, Provinzen: Beiträge zur Kirchen-, Rechts- und Landesgeschichte. Festschrift für Werner Maleczek zum 65. Geburtstag*, Wien, Oldenbourg, coll. "Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband", 2010, pp.393-402; Karl Ubl, "Die Laster des Fürsten. Theorie und Praxis der Königsabsetzung um 1300", in Christoph Flüeler and Martin Rhode (ed.), *Laster im Mittelalter*, Berlin/New York, De Gruyter, coll. "Scriinium Friburgense", 2009, pp. 167-85; *id.*, "*Clementia oder Severitas*. Historische Exempla über eine Paradoxie der Tugendlehre in den Fürstenspiegeln Engelberts von Admont und seiner Zeitgenossen", in Christine Reinle and Harald Winkel (ed.), *Historische Exempla in Fürstenspiegeln und Fürstenlehren*, Frankfurt am Main etc., Peter Lang, coll. "Kulturgeschichtliche Beiträge zum Mittelalter und zur frühen Neuzeit", 2011, pp.21-41.

lose contact with the most recent developments in philosophy and theology. Like Albert the Great, who became bishop of Regensburg for a short time and acted as a mediator in conflicts within the town of Cologne,<sup>24</sup> Engelbert was also involved in the politics of his time. As a partisan of the Habsburg cause, he had to interrupt his study in Prague after the war between King Rudolph and Ottokar II broke out. Later he was elected abbot first in Salzburg, and then in the rich Styrian monastery of Admont. There he was initially caught in the crossfire of the conflict between the archbishop of Salzburg and King Albert I. Later, in the run-up to the famous battle between Louis of Bavaria and Frederick of Hapsburg, he apparently was asked for his advice, which was subsequently ignored as Frederick lost his case in Mühlendorf. Finally, Engelbert himself was deposed from office, after he ran his monastery down by incurring enormous debts to the neighboring Jews.

In short, Engelbert knew a lot about the politics of his age; he even was a *homo politicus* himself. This experience is reflected in his treatise on the governance of princes, *De regimine principum*, written around the year 1300, in which he constantly draws parallels to contemporary constitutions. Before I turn to these comparisons and to Engelbert's appreciation of the empire, it is essential to mention his idiosyncratic classification of constitutions. Contrary to any other author of the later Middle Ages, he does not adopt the threefold division laid out in Aristotle's *Politics* and *Ethics*, but draws instead on the fourfold classification which he knew from the recently translated *Rhetoric* of Aristotle.<sup>25</sup> Consequently, Engelbert accepted oligarchy, which was commonly regarded as a deviant form of government, to be a full-fledged alternative to monarchy, aristocracy, and democracy. He justifies this novel classification by observing that, like the traditional three forms, oligarchy, too, points to a common good which is essential for every political community: monarchy points to the unity of reason, aristocracy to virtue, democracy to freedom, and oligarchy to wealth.<sup>26</sup>

Taking into account only these simple forms of government Engelbert assigns monarchy to a kingdom ruling a nation (*gens*) and the other three forms to the ministry of cities over a *populus*.<sup>27</sup> Democracy, according to Engelbert,

24 Elias H. Füllenbach, "Albertus Magnus als Bischof von Regensburg", *Analecta Coloniensia*, 10/11, 2010/11, pp.131-150; Manfred Groten, *Albertus Magnus und der Große Schied (Köln 1258): aristotelische Politik im Praxistest*, Münster, Aschendorff, coll. "Lectio Albertina", 2011.

25 James M. Blythe, *Ideal government*, op. cit., pp.118-38; Karl Ubl, *Engelbert von Admont*, op. cit., pp.103-17.

26 Engelbert of Admont, *De regimine principum*, ed. Johann Georg Theophil Hufnagel, Regensburg, Johann Pez, 1725, I, chap. 5, pp.14-8.

27 *Ibid.*, I, chap.12, pp.30-1.

implies the government of the middle class and is common among the cities of Italy, where the people elect consuls from among its citizenship and where the majority decides important issues. Aristocracy is identified with the rule of the senate in ancient Rome, whereas he considers oligarchy to be the most widespread form of government in cities and political communities: “because—as common sense dictates—excellence is attributed to those who are rich and potent.”<sup>28</sup> Monarchy, however, is the paradigmatic form of rule over a territory larger than a city what Engelbert incidentally calls a *communitas regni*.<sup>29</sup> He mentions in the first place the king of the Germans, *rex Alemanniae*, then the king of France, the king of Spain, and the king of Greece.<sup>30</sup>

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This picture is more or less what we may have expected from a keen observer of political constitutions around 1300 after Aristotle’s *Politics* had been made available. Engelbert adapted Aristotle’s remarks on monarchy to large medieval kingdoms, while he applied his analysis of aristocracy and democracy, in contrast, to medieval city-states. But Engelbert’s theory of constitutions does not end here. Rather, by picking up a suggestion of Aristotle about mixing elements of constitutions, he designed a system of blending two, three, and all four constitutions into a single polity. In addition, he states that the simple forms exist only on rare occasions, because it is very hard to find a monarch strictly representing reason or aristocrats strictly representing virtue. In fact, mixed forms of constitutions are much more common in Engelbert’s view, since men tend to make a compromise between different claims to power and influence. From a strictly ethical standpoint, Engelbert criticizes this idle and negligent nature of men, but he also appreciates the stability of polities if its members are able to strike a good balance among the wealthy, the middle-class, and the poor, and thereby allow for peace and tranquility. In the end, Engelbert does not adopt a clear position on which constitution he considers to be most preferable; he quotes Aristotle, who asserted that the best constitution may not yet have been invented or found. Nevertheless, Engelbert does single out two criteria of a well-ordered polity: first, if the people remain for a long stretch of

<sup>28</sup> *Ibid.*, I, chap.5, p.16.

<sup>29</sup> *Ibid.*, II, chap.3, p.45 sq. In his other treatise, *Speculum virtutum*, he also uses the concept of *communitas regni*: *Die Schriften des Alexander von Roes und des Engelbert von Admont*, 2 vol., t. II, Engelbert of Admont, *Speculum virtutum*, ed. Karl Ubl, MGH Staatsschriften, 1 and 2, 2004, XII, chap.20, p.453: “[...] *communitas regni aut principatus, que constituitur ex pluribus civitatibus distantibus secundum longitudinem et latitudinem regionis eiusdem lingue et patrie et morum ac legum earundem [...]*.” Engelbert puts kingship and principality on the same level, emphasizing the royal quality of the Habsburg principality in his dedicatory letter to the dukes Albert and Otto, the sons of King Albert I.

<sup>30</sup> Engelbert of Admont, *De regimine principum*, ed. cit., I, chap.12, p.31: “*Et proinde reges vicorum seu civitatum distantium per latitudinem et longitudinem terrarum appellantur proprie reges gentium, quales reges sunt reges magni sicut Alemanniae, Franciae, Hispaniae et Graeciae et consimiles.*”



time under the same political institutions; and second, if no or few seditions or tyrannical usurpations take place. These two criteria are most likely to be fulfilled, explains Engelbert, if the middle class is in the majority and guarantees the concord and peace of the polity.<sup>31</sup>

Having outlined Engelbert's rather peculiar approach to the question of the best constitution, it remains to be seen where Germany enters into his discussion. It is not at all surprising that Engelbert uses both notions, *Alemannia* and *Teutonia*, for designating Germany. However, what is surprising is that he never mentions the Empire explicitly. Rather, he considers the king of the Germans to be just another king beside the French, Spanish, and Greek king, thus negating for his own time the existence of both the Byzantine and the Western Roman Empire. Engelbert refrains from calling Germany a *regnum*, a kingdom, preferring the notion of *principatus Alemanniae*. He identifies the mixture of monarchy, aristocracy, and oligarchy as the most common constitution in both the German *principatus* and in the German duchies, provinces, and towns.<sup>32</sup> Other German towns prefer the mixture of democracy and oligarchy, thereby giving more power to the decisions of the entire citizenry.<sup>33</sup>

Engelbert's standpoint is therefore conspicuously similar to Albert the Great's view, even though we can be pretty certain that Engelbert did not know either Albert's sermons or his commentary on the *Politics*. It is striking that both men describe Germany as a mixture of monarchy, aristocracy, and oligarchy, a mixture which is totally absent from Aristotle's own discussion. It is also striking that both men emphasize the layered hierarchy of the German constitution. Engelbert explicitly makes room for duchies and provinces under the empire, which are governed by the noble and wealthy, and which have a monarchical head, hereby probably referring to the duke of Austria or the territorial princes in general. Finally, it is striking that both men do not expand on the exceptional role of the medieval Empire. Engelbert sees no difference between the kings of *Alemannia* and the king of France, and compares the constitutional mixture of Germany with other mixtures in Hungary or among the Slavic kingdoms.<sup>34</sup>

This is all the more surprising when we take into account that, during the campaign of Henry VII to Rome, Engelbert was the only author north of

31 *Ibid.*, I, chap. 17, pp. 38-40.

32 *Ibid.*, I, chap. 8, p. 23: "*Ex regno igitur et aristocratia et olicratia composita est illa politia seu illud regimen, in quo principatur et regit unus secundum rationem et alii simul secundum generis nobilitatem vel potentiam vel divitias, quale regimen iam quasi communiter in multis regnis et ducatus et provinciis et civitatibus, maxime in principatu Alemanniae.*"

33 *Ibid.*, I, chap. 7, p. 22: "*Ex democratia autem et olicratia est illud regimen, in quo principantur aliqui aut secundum generis nobilitatem vel potentiam vel divitias et in aliquibus magnis vel novis statuendis vel faciendis requiritur consensus populi vel maioris partis, quod regimen quam in pluribus Teutoniae civitatibus et provinciis est in usu.*"

34 Hungary: *ibid.*, I, chap. 8, p. 23; Slavic kingdoms: *ibid.*, I, chap. 8, p. 24.

the Alps who lent his intellectual support to the cause of the emperor.<sup>35</sup> In 1312, Engelbert wrote his treatise *On the origin, the progress, and the end of the Roman Empire*.<sup>36</sup> Much to the chagrin of nearly every modern German historian interested in the imperial publicists, Engelbert never engages in a discussion of the Empire's distinctive German character. Even Len Scales, in his incisive book on the shaping of German identity, notes Engelbert as the most salient exception in this respect, in comparison to contemporaries such as Alexander of Roes, Lupold of Bebenburg, or Conrad of Megenberg.<sup>37</sup> This disregard is why Engelbert's writings are comparatively neglected in both earlier and recent scholarship, and this also why we still await a critical edition of his two most important contributions to political thought. In short, Engelbert does not mention Germans once in his treatise on the Roman Empire. He strictly adheres to the notion of *imperium Romanum* or, slightly less often, to *regnum Romanum*. He identifies Henry VII as the 97<sup>th</sup> emperor after Augustus, and comments on the elective nature of the *reges Romani* in contrast to hereditary kingship in France and in Spain.<sup>38</sup> This opposition between the Empire and the other kingdoms is also emphasized in additional passages of his treatise on Empire. The nations (*gentes*) constitute a specific political community, larger than the first community of the household, the second community of the village, and the third community of the town. Nations are, according to Engelbert, characterized by a common language, a common *patria*, and common customs and laws.<sup>39</sup> The community of the realm (*communitas regni*), however, encompasses many different villages, towns, and nations under a single head. The Empire, in his view, transcends even this community because it is universal and Roman, and therefore exceptional.

Whereas the Empire is thoroughly Romanized, Engelbert accepts the dissociation from the empire for various reasons. According to Engelbert, the separation from the Roman Empire was originally due in late Antiquity

35 Karl Ubl, *Engelbert von Admont*, *op. cit.*, p. 140-169; *id.*, "Die Rechte des Kaisers in der Theorie deutscher Gelehrter des 14. Jahrhunderts (Engelbert von Admont, Lupold von Bebenburg, Konrad von Megenberg)", in Claudia Märtl, Gisela Drossbach and Martin Kintzinger (ed.), *Konrad von Megenberg (1309-1374) und sein Werk. Das Wissen der Zeit*, München, Beck, coll. "Zeitschrift für bayerische Landesgeschichte, Beihefte", 2006, pp.353-87.

36 English Translation in: Thomas M. Izbicki and Cary J. Nederman, *Three Tracts on empire*, *op. cit.*, pp.37-93.

37 Len Scales, *The Shaping of German Identity*, *op. cit.*, p.529, n.9. Echoing Hermann Heimpel, "Das Wesen des deutschen Spätmittelalters", *art. cit.*, pp.41-5.

38 Engelbert von Admont, *De ortu et fine Romani imperii*, in *Politica Imperialia*, ed. Melchior Goldast von Haiminsfeld, Frankfurt am Main, Bringer, 1614, pp.754-73; *ibid.*, chap.10, p.759; *ibid.*, chap.16, p.765.

39 "Ita et communitas quinta est communitas regni, habens per vicos et civitates et gentes distantes ac remotas sub uno rege et domino subiectorum multitudinem segregatam." (*ibid.*, chap.12, p.761.)

to the refusal of stipends for the soldiers of the army.<sup>40</sup> Other reasons were arrogance (*superbia*), avarice, malignity, cowardice, and disobedience to the church on the part of the emperor. As a result, the following nations detached themselves rightfully from the Empire: the Saracens, the Lombards, the Goths, the Vandals, the Huns, the Slavs, the Greeks, and finally (or recently) the French and the Spanish. Engelbert is not a revisionist: he does not want to subordinate the kingdoms of Europe to the emperor, but he is cautioning against a further diminution of the Empire in Italy. For this end, he brings forward arguments in favor of the world monarchy and ultimately refers to the eschatological significance of the fourth Empire in sacred history.<sup>41</sup>

When we compare this viewpoint with his earlier statement in *On the governance of princes*, we reach the following conclusion: Engelbert compartmentalizes his account of the medieval Empire. On the one hand, in the Aristotelian framework, the Empire is considered a regular kingdom, comparable to other kingdoms concerning the mixing of constitutional elements, and concerning a national substratum of monarchical rule. On the other hand, in the context of imperial theory, Engelbert emphasizes the exceptional status of the Empire: lacking a national substratum, having an eschatological significance, and being located on a different level than the political communities Aristotle has discussed.

What is the reason for this compartmentalization? Following the methodological approach of the history of ideas, one could certainly argue that it just mirrors and makes manifest the fact that Aristotle was not compatible with the concept of a universal empire. Consequently, in order to justify the necessary existence of a supranational structure, Engelbert was forced to pursue a different path and depart from the Aristotelian framework. This explanation, however, does not address the fact that contemporary authors such as Dante did at least attempt to reconcile Aristotle with the concept of a world empire.<sup>42</sup> As an alternative explanation, one might plausibly connect this compartmentalization to the changing reality Engelbert faced during his lifetime, thereby emphasizing historical context as a crucial element of understanding the evolution of political thought.<sup>43</sup> When Engelbert wrote his work *On the governance of princes*, Albert I

<sup>40</sup> *Ibid.*, chap. 23, pp.771-2.

<sup>41</sup> Cf. Herbert Schneider, "Der Antichrist im Doppelpack. Zur Rezeption Engelberts von Admont († 1331) in Sammelhandschriften des 15. Jahrhunderts", in Edoardo Crisci and Oronzo Pecere (ed.), *Il codice miscellaneo: tipologie e funzioni*, Cassino, Università degli Studi, coll. "Segno e testo", 2004, pp.409-27.

<sup>42</sup> For a recent reappraisal see Joseph Canning, *Ideas of Power in the Late Middle ages, 1296-1417*, Cambridge, Cambridge University Press, 2011, pp.60-80.

<sup>43</sup> I am referring to the well-known "Ideas in Context" series and to the seminal article by Quentin Skinner, "Meaning and understanding in the history of ideas", *History and Theory*, 8, 1969, 3-53.

ruled Germany without being crowned emperor. Engelbert, himself born after the death of Frederick II, did not experience the rule of an emperor before writing his treatise. Rather, it was a hallmark of this period that the concept of empire was itself for the first time called into question.<sup>44</sup> The reign of Henry VII constituted a clear turning point, as the empire once again became relevant, in Germany, Italy and beyond.<sup>45</sup> Engelbert reacted to Henry's effort, and to the challenges he faced when he entered Italy. His two treatises thus reflect two different points in time, and evince the different ways he tried to analyze contemporary situations with the conceptual resources at his disposal. As a third alternative explanation, one could point to a long tradition among Christian authors who suspend their Christian affiliation in a specific genre of theoretical exercise.<sup>46</sup> Beginning with the *Consolation* of Boethius in late Antiquity up to the Aristotelians of the 13<sup>th</sup> century, it was perfectly acceptable to argue in a strictly secular and non-Christian mode. Engelbert, who knew some writings of the so-called radical Aristotelians, was manifestly influenced by this tradition. In his *On the governance of princes*, he accordingly perceived the Empire as a secular monarchy, comparable to other monarchies in Europe without taking into account its Christian mission and its eschatological significance.

Let me end my article by referring back to the title of this book: was there a community of the realm in German political thought around 1300? It is beyond doubt, that beliefs in the coherence of the polity were deeply rooted.<sup>47</sup> Albert the Great showed that it was indeed possible to frame the different layers of authority in the Empire with the concepts of Aristotle's *Politics*. He considered the three different forms of constitutions as different aspects of a single polity,

44 Cf. Carl Rodenberg, "Zur Geschichte der Idee eines deutschen Erbreiches im 13. Jahrhundert", *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 16, 1985, pp.1-43; Len Scales, *The Shaping of German Identity*, *op. cit.*, pp.165-71.

45 Cf. Malte Heidemann, *Heinrich VII. (1308 – 1313): Kaiseridee im Spannungsfeld von staufiger Universalherrschaft und frühneuzeitlicher Partikularautonomie*, Warendorf, Fahlbusch, coll. "Studien zu den Luxemburgern und ihrer Zeit", 2008.

46 This is the line of thought I proposed in my book: Karl Ubl, *Engelbert von Admont*, *op. cit.*, pp.221-4, relying on the work of Peter von Moos, *Hildebert von Lavardin (1056-1133). Humanitas an der Schwelle des höfischen Zeitalters*, Stuttgart, Hiersemann, coll. "Pariser Historische Studien", 1965; *id.*, *Geschichte als Topik. Das rhetorische Exemplum von der Antike zur Neuzeit und die historiae im „Poliraticus“* *Johanns von Salisbury*, Hildesheim/Zürich/New York, Olms, coll. "Ordo. Studien zur Literatur und Gesellschaft des Mittelalters und der frühen Neuzeit", 1988.

47 Cf. Ernst Schubert, *König und Reich. Studien zur spätmittelalterlichen deutschen Verfassungsgeschichte*, Göttingen, Vandenhoeck & Ruprecht, coll. "Veröffentlichungen des Max-Planck-Instituts für Geschichte", 1979; Len Scales, *The Shaping of German Identity*, *op. cit.*, pp. 52-203; Jean-Marie Moeglin, *Kaisertum und allerchristlichster König. 1214 bis 1500*, Darmstadt, WBG, coll. "Deutsch-Französische Geschichte", 2010, pp.191-215; *id.*, "Corps de l'empire et corps de l'empereur (XI<sup>e</sup>-XV<sup>e</sup> siècle)", in [coll.], *Le Corps du prince*, Firenze, SISMEL/Edizioni del Galluzzo, 2014, pp. 37-67.

thereby favoring the monarchical rule of a king and, at the same time, justifying the participation of citizens and nobles in the governance of the Empire. In general, Albert was more interested in the municipal than the monarchical regime, and the way guilds, fraternities, and other townsfolk should contribute to the wealth and peace of local communities. Engelbert's approach is both broader and more detailed in his references to contemporary polities. It is beyond doubt that he regards Germany as just another kingdom besides France, Hungary, and the Spanish monarchies. He even uses the concept of *communitas regni* several times, meaning the monarchical polity on the whole. Separating this community from its monarchical head, as in the English case, would have seemed absurd to both Engelbert and Albert the Great. Albert explicitly identifies the king with the political community and considers monarchy to be a natural and divinely sanctioned form of government. Engelbert, however, betrays some ambiguities in how to name this community (*Teutonia* or *Alemannia*), and whether to call it a *regnum* or a *principatus*. These ambiguities hint at a deeper concern which surfaced after Henry VII resurrected the concept of empire. In his second treatise, Engelbert locates the empire at a different level: it is not a "community of the realm", but a community of realms or above realms. From this point of view, it is therefore only consistent and sensible if Engelbert dissociates the Empire from any notion of German nationhood. The exceptional stature of the Empire is not rooted in "German-ness", but rather in its universal and Roman heritage.





## LISTE DES ABRÉVIATIONS

<i>Actes de Pierre de Dreux</i>	Marjolaine Léimeillat, <i>Les Actes de Pierre de Dreux, duc de Bretagne (1213-1237)</i> , Rennes, PUR, 2013.
BEC	<i>Bibliothèque de l'École des chartes</i> .
CCR	<i>Calendar of Close Rolls</i> , London, Public Record Office, coll. « PRO Texts and Calendars » 1892-.
CChR	<i>Calendar of Charter Rolls</i> , London, Public Record Office, coll. « PRO Texts and Calendars », London, 1903-1927, 6 vol.
CFR	<i>Calendar of Fine Rolls</i> , London, Public Record Office, coll. « PRO Texts and Calendars », 1911-1962, 22 vol.
CIM	<i>Calendar of Inquisitions post mortem and other analogous documents</i> , London, Public Record Office, coll. « PRO Texts and Calendars », 1904-.
CPR	<i>Calendar of Patent Rolls</i> , London, Public Record Office, coll. « PRO Texts and Calendars », 1891-.
<i>Complete Peerage</i>	Vicary Gibbs <i>et al.</i> (éd.), G. E. Cockayne, <i>The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom</i> , London, St Catherine Press, 1910-1959, 13 vol.
<i>Grandes Chroniques de France</i>	<i>Les Grandes Chroniques de France</i> , éd. Jules Viard, Paris, Champion, coll. « Société de l'histoire de France », 10 vol., 1920-1953
MGH	<i>Monumenta Germaniae Historica</i> .
<i>Const.</i>	<i>Constitutiones et acta publica imperatorum et regum</i> .
<i>DD</i>	<i>Diplomata regum et imperatorum Germaniae</i> .
<i>Dt. Chron.</i>	<i>Deutsche Chroniken</i> .
<i>Dt. MA</i>	<i>MGH Deutsches Mittelalter. Kritische Studentexte</i> .
<i>Epp. sel.</i>	<i>Epistolae selectae in usum scholarum</i> .
<i>Leges Const.</i>	<i>Constitutiones et acta publica imperatorum et regum</i> .
<i>Schriften</i>	<i>Schriften der Monumenta Germaniae Historica</i> .
<i>SS</i>	<i>Scriptores (in Folio)</i> .
<i>SS rer. Germ.</i>	<i>Scriptores rerum Germanicarum in usum scholarum</i> .
<i>SS rer. Germ. N.S.</i>	<i>Scriptores rerum Germanicarum, Nova Series</i> .
<i>Staatsschriften</i>	<i>Staatsschriften des späteren Mittelalters</i> .
ODNB	<i>Oxford Dictionary of National Biography</i> , Oxford, Oxford University Press, 2004-.

ORF	<i>Ordonnances des rois de France de la troisième race, recueillies par ordre chronologique</i> , éd. Eusèbe de Laurière, 21 vol., Paris, Imprimerie royale et Imprimerie nationale, 1723-1849.
PL	<i>Patrologiae cursus completus, series latina</i> , éd. Jean-Paul Migne, 222 vol., Paris, Garnier, 1844-1855.
RHGF	<i>Recueil des historiens des Gaules et de la France</i> , éd. Dom Bouquet, nouv. éd., 24 vol., Paris, Imprimerie impériale et nationale, 1869-1904.
RS	Rolls Series, London, Record Commission.
SHF	Société de l'histoire de France.

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