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Der Bischof als Richter. Recht und Rechtspraxis bei Augustin von Hippo

Die Rolle und die Bedeutung der Bischöfe für die Rechts- und Herrschaftsgestaltung im christlich werdenden Imperium Romanum ist ein ungebrochen wichtiges und weiterhin kontrovers diskutiertes Themenfeld. Insbesondere bleiben wegen der oft wenig eindeutigen Quellenlage die großen Fragen zur örtlichen Rechts- und Gerichtspraxis der Bischöfe weitgehend offen. Die Arbeit nimmt die strukturellen Bedingungen und die konkreten Umstände der lokalen Rechtsfürsorge unter der Leitung der christlichen Kirchenführer in den Blick. Ausgehend von der Überlieferung bei Augustin, dem Bischof der numidischen Hafenmetropole Hippo von 395 bis 430, und in Zusammenschau mit anderen Quellen zur bischöflichen Rechtstätigkeit aus der Zeit des vierten bis sechsten Jahrhunderts soll näher ergründet werden, wie die christlichen Anforderungen an ein rechtsgläubiges Leben und die über die Rechtspraxis kommunizierte Autorität und Normenumsetzung der Bischöfe die Gesellschaft in den Provinzstädten, in ihrer Umgebung und darüber hinaus im römischen Reich insgesamt beeinflusst und verändert hat.

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Summary in English:

The bishop as judge. Law and legal practice at Augustine's episcopal residence at Hippo

Augustine of Hippo's declared goal in writing about the *civitas Dei* was to teach his "son" Marcellinus, the imperial high commissioner and appointed judge in the Donatist controversy of 411, how to live in this world. The idea being of course that Christians like Marcellinus should "live by faith", while "awaiting the (re)turn of justice in the heavenly court". In writing his *magnum opus* Augustine took on being the advocate of what he perceived to be the fragile earthly branch of the divine city in a peregrine world. Famously, he called this an arduous task. And no doubt a task he only completed over a decade and twenty-two books later, when the godly city was mapped out in entirety. According to his biographer, Augustine pursued his daily judicial duties with similar perseverance, although he regarded hearing cases as burdensome and all too profane duty. Augustine himself used similar language for the administrative and judicial aspects of his office. However, one must look beyond such descriptions which are often riddled with traditional topoi and hidden Captationes benevolentiae. In fact, nowhere else were 'the care for divine things and the concern for human matters' – so well distinguished by emperor Justinian (Nov.6) – more profoundly jumbled together as in a bishop's courthouse. The legal sources concerned with the so called "episcopalis audientia" reflect but an outsider's, i.e. the imperial legislator's perception of the clerical institution attached to each bishopric. They tell only little about what actually went on there or how religion interacted with judicial decision-making. The dissertation investigates the local religious legal practice of bishops in Late Antiquity, taking into consideration especially Augustine's judicial entanglements in the worldly city of Hippo. The study explores the connections between the bishops' work as judges and their deployment of the pending heavenly court with regard to Christian obligations. Augustine's and other bishop's strategies of legitimisation, their philosophical views and biographical tracings provide an understanding of the general impact religious legal practice could have in a late Roman city. In light of synodal networking and lobbying at the imperial court to sanction heresy and schism, religious instruction and civic privilege overlapped. Considering the theological institutionalisation of religious visions with forensic imagery, local episcopal law practice must be viewed as yet little mapped out key enhancer for the evolution of Christianity.