Japan Academy Prize to:

Masaki TAGUCHI Professor, Graduate Schools for Law and Politics, The University of Tokyo Professor Emeritus, Hokkaido University

for Königliche Gerichtsbarkeit und regionale Konfliktbeilegung im deutschen Spätmittelalter: Die Regierungszeit Ludwigs des Bayern (1314–1347)



Outline of the work:

From the twelfth century onwards, the medieval German kingship put the royal jurisdiction to good use as a means to convey his kingdom toward an integrated statehood. Prof. Masaki Taguchi's book *Königliche Gerichtsbarkeit und regionale Konfliktbeilegung im deutschen Spätmittelalter: Die Regierungszeit Ludwigs des Bayern (1314–1347)* [Duncker & Humblot, Berlin, 2017] explains the effects of how the royal jurisdiction functioned under the reign of Ludwig IV, famous as a patron of the democratic thinker, Marsilius of Padua who wrote *Guardian of the Peace*, and as a bearer in favor of the positive law as well.

Following the publication of Otto Franklin's synthetic work in two volumes in 1869, entitled *The Imperial Court Jurisdiction in the Middle Ages*, historians accepted Franklin's rather negative evaluation of the role that the royal jurisdiction played in integration of the kingdom in Germany during in the later Middle Ages. Franklin pointed to a lack of specialists as well as the institutionalization of the royal jurisdiction, a narrow competence of jurisdictions, and a weak executive ability to endorse judgements given by the king's court.

Prof. Taguchi conducted a research project using two methodological approaches that were neither adopted nor conceived yet by specialists. The first approach was to evaluate the effects of the royal jurisdiction by following case by case, not only the judicial procedure itself but also the situation before and after the phase of the royal jurisdiction.

To do this, Prof. Taguchi examined documents relevant to the settlement of disputes from the perspective of social history. The second method comprised largely of a regional history approach to three observation areas: the Middle Rhine, Alsace/Upper Rhine and Westphalia districts. The author investigated how the royal jurisdiction functioned in each district.

At the outset of his inquiries, he addressed Middle Rhine district and confirmed that a number of groups such as famous leagues of towns and various aristocratic leagues, favored the royal jurisdiction with the king as arbitrator. The hegemonic power in the district, the Archbishop of Mainz also dealt with settlements. Therefore, Prof. Taguchi concluded that in the Middle Rhine district, Ludwig's jurisdiction served its expected function.

Conversely, the Alsace/Upper Rhine district differed in its relation with king because the area belonged to Ludwig's hostile dynasty of the Habsburg. For Ludwig, it was only imperial monasteries and the local magistrate (*Landvogt*) whom he should rely on for the administration of

his jurisdiction in the area. The kingship was often obliged to send a man of confidence from the royal court to settle dispute as an agent of the king. To overcome this incommodity, the king made great use of *"the order of peace,"* called *Landfriede* as a means to bring judgments into effect. In this respect, the relationship between the king and the district remained largely indirect.

The last area investigated in Prof. Taguchi's study is the Westphalia districts. In this region, the royal jurisdiction was, in a practical sense, the weakest among the three districts. Ludwig solely dominated Dortmund, an imperial town in the area; therefore, during his reign, he was completely absent in Westphalia. Just like as the Archbishop of Mainz in the Middle Rhine, the Archbishop of Cologne was a hegemonic power in Westphalia and judicial conflicts between the archbishop and aristocratic and municipal groups were settled through compromise or reconciliation, without intervention by the kingship.

The comparative studies of three more developed regions of Medieval Germany made clear not only the functioning of the royal jurisdiction itself but also more complex features of its working associated with various circuits of judicial means including arbitration, mediation, trial, and *Landfriede*. Prof. Taguchi claimed that capabilities and limits inherent to the royal jurisdiction under the reign of Ludwig IV required the various judicial channels described above, which corresponded to the level of juridical and political conditions of his government, considering regional differences.

As a number of book reviews in Germany have suggested, Prof. Taguchi's masterwork, through its elaborate and insightful observations, made possible a revaluation of the importance of the royal jurisdiction under the reign of Ludwig IV.