



Corpus Iuris Canonici X 1, 6, 14 - Electio debet esse in libertate eligentium, nec valet contraria consuetudo (German Edition)

Dirk Diehm

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Quellenexegese aus dem Jahr 2005 im Fachbereich Jura - Rechtsphilosophie, Rechtssoziologie, Rechtsgeschichte, Note: summa cum laude, Bayerische Julius-Maximilians-Universität Würzburg (Juristische Fakultät), Veranstaltung: Promotion zum Dr. iur. utr., 129 Quellen im Literaturverzeichnis, Sprache: Deutsch, Abstract: Die Kirche des 12. Jahrhundert war trotz des Wormser Konkordats von 1122, welches den beinahe fünfzig Jahre dauernden Investiturstreit beendet hatte, vom Einfluss der Laien bei der Wahl von Bischöfen und Äbten überschattet. Insbesondere Landesherren und andere weltliche Obere pflegten an den geistlichen Wahlen zum Nachteil der Integrität der Kirche aktiven Anteil zu nehmen. Während die Papstwahl durch das III. Laterankonzil von 1179 unter Papst Alexander III. (1159–1181) geregelt wurde, schufen die amtierenden Päpste nach Anlass von Einzelfällen durch Dekretalen Vorgaben, wie die übrigen klerikalen Wahlen innerhalb der Kirche zu erfolgen hatten. So rügt die von Papst Coelestin III. (1191–1198) im Jahre 1192 verfasste und in den Corpus Iuris Canonici eingegangene Dekretale „Electio debet esse in libertate eligentium, nec valet contraria consuetudo“, X, 1, 6, 14, einen weltlichen Einfluss auf die Wahl von Bischöfen und Äbten. Der Pontifex maximus fordert demgegenüber die Rückbesinnung auf die Wahlentscheidung durch Maiorität und Saniorität unter den beteiligten Klerikern.

Zum Autor:

Dirk Diehm, im März 1979 in Würzburg geboren, studierte ab dem Wintersemester 1999/2000 Rechtswissenschaft an der Bayerischen Julius-Maximilians-Universität in Würzburg. Nach dem Ersten Juristischen Staatsexamen im Wintersemester 2003/2004 wurde er wissenschaftlicher Mitarbeiter am Lehrstuhl für Strafrecht und Strafprozessrecht von Professor Dr. Frank Zieschang. Neben seiner Promotion über den Einfluss der Menschenrechte der EMRK auf das deutsche Strafgesetzbuch fertigte er dort seine Magisterarbeit über strafrechtsrelevante Maßnahmen der Europäischen Union gegen Insidergeschäfte und Kursmanipulationen an. Seit April 2006 ist der Autor Rechtsreferendar am Landgericht Würzburg.

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