

Levels of the Social Dynamic in Medieval Corporations: Portuguese University in the 13-15 cc.

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In studies of the social dynamics in medieval corporations – in the context of the old problem of “social institution as a psychological reality”¹ – it’s easy to observe the fragmentation of the investigation object – and respectively differences in determination of the dynamics and statics. In my PhD thesis (“Corporation of Portuguese University in 13-15 cc.”) I try to retrace one of the most important aspects of this question – the hierarchy of the “general” and “local” levels in understanding of the corporation by its members.

The history of universities – which are “medieval European institutions *par excellence*”² and in the same time the corporations that conserved its main form to our days³ – always presupposed the concentration on the searching of the cornerstone of this structure in the Middle Ages. In the beginning of the 19th c. this search (mostly for the further rupture) often correlated to the reflections about French Revolution and new system of education created by A. von Humboldt, F. Schleiermacher etc., to the Kant’s *Contest of Faculties* and Fichte’s philosophy of science. Later the idea of continuity became more important – and it echoed in the historical researches proper. Since time of the first authors of the general university studies – H. Denifle and H. Rashdall (and even since Meiners and Savigny) to nowadays it’s underlined that “the Universities of all countries and all ages are in reality adaptations under various conditions of one and the same institution”,⁴ i.e. of the *Idea of University* which is (using medieval term) called the *Studium Generale*.⁵ It was based on the experience of archetypical *universitates* of Bologna, Paris and Cambridge, of the emperor’s university of Naples and papal universities of Toulouse and Rome,⁶ and these institutions got patterns for their structures from the Roman law (for the idea of privileges⁷), from tradition of *cojurations (universitates)*⁸ or monasteries,⁹ and also from specificity of the forming city culture¹⁰ etc. Of course there are many contradictions in the interpretations of the university unity. For example *Jus ubique docendi* – that is the base of the *medieval university* concept in the most part of the works in the 20th c.¹¹ – is often reviewed as “red herring for university history”¹² for it was “an artificially forced concept imposed upon the university by papal or imperial decree”,¹³ as a form of papal control.¹⁴ So these researches are part not only of the pure history of Law – but of the mind history too.

In that field there are two important aspects for my theme: by this focus of investigation it’s often noted that later universities got their “forms from these already existing models”,¹⁵ but the studying of dynamics of the *Studium Generale* leads researchers to the construction of the general chronologies (maybe the best of them – one of P. Moraw, it consists of “universal period” and “national and regional era”, started with the Great Schism¹⁶). So we should consider the *Studium Generale* (and “University” too) in context of the history of concepts. In this context it can be named one of the “basic concepts”¹⁷ of the Middle Ages – and studying different aspects of its dynamics, of its internal “temporal structure” accepted by contemporaries¹⁸ can be rather productive. Anyway its changes form the general level of the university dynamics.

In our case *idea* of continuity of Portuguese university is a base of a local level. This university was founded in 1288-1290 by the group of prelates and king Dinis. The most notable trait of its early period is the intermittence of its existence: Portuguese University moved to Coimbra in 1308, than back to Lisbon in 1338, than again to Coimbra near 1354, than in Lisbon in 1377 – until the ultimate removal to Coimbra in 1537. Its successes in the sciences (the main faculties were two of the Law – Civil and Ecclesiastical) always were modest, as well as careers of its graduates – even in Portugal higher positions were held by graduates of foreign prestigious universities. This intermittence may show us the duality of the *idea* of any concrete medieval university, which is a key factor of its conserving in spite of resettle-

ments and the years of inactivity. The continuity in the medieval universities is a burning issue reviewed in different aspects.¹⁹ For my investigation it's important that the *reformationes*²⁰ of Portuguese university are marks of both gaps in its history and reception of its law tradition.

So we may describe three levels of existence and dynamics in observed social institutions. On the 1st level there are lives and opinions of the members of corporation, and also their acts as its members (in case of universities: study, gatherings etc.). In terminology of Bourdieu this level can definite as *habitus*. On the 2nd level there is idea of continuity of law and traditions, and even of existence of the particular corporation. On the 3rd level there is idea of the type (or group) of corporations – for example concept of the *Studium Generale*. The base of the both these concepts is historical memory, and it's more expressive in the structure with active collective defense mechanisms (as Bourdieu noticed) as universities always were.²¹ Historical (and juridical) memory is a primal factor of understanding of the social dynamics by its participants – or maybe the dynamics of their understanding²²; for the medieval university scholars their role in the forming of social elites, in maintaining of the social harmony (so-called myths) was very important²³ (in spite of obscure role of *amor sciendi* in their lives²⁴). And in this case two spheres that A. de Libera notes in studying of medieval intellectuals – understanding of social discourses and pretensions and claims for intellectuality as it was²⁵ – become intertwined. In the other words both the 2nd and 3rd levels formed the university social field for the medieval scholar.

The aim of generalization leads to the classifications of the unique combinations of the dynamic levels in different corporations. Major part of them base on territorial groups with inclusion of some temporal and structural aspects.²⁶ The first of these groups are *Studia Generalia respectu regni* (generally Iberian) – the term borrowed from the Italian juridical tradition and reviewed by H. Rashdall.²⁷ Later classifications are diverse and numerous, it's necessary to mention the detailed and versatile model of J. Verger,²⁸ New and Old Europe of P. Moraw;²⁹ some of these classifications don't limit itself to the Christian world: for example in the group of Mediterranean Universities D. Pryds included some Muslim schools as well as *Studia Generalia*.³⁰ Of course in some directions of work (for which they were developed by researchers) such classifications can be placed between 2nd and 3rd levels in "hierarchy of dynamics, but universal *Studium Generale* and particular *Alma Mater* where the constant levels of the dynamics in the consciousness of the members of the university corporation. The most important field for use of the patterns revealed by the named researchers and echoed in their classification is understanding of the "internal dynamics" of the general level's dynamics conditioned by the European processes of longue durée and some events kept in these hypotheses as "key" (for example, conflict between Parisian university and bishop); it's been already said that these patterns were used in creation of the image of any new university. But we must take into consideration the "feedback" of the experience of any university (even rather marginal ones like Portugues) that influenced the universal level.

For investigation of the relation between dynamics of these levels I use sources generally from the juridical sphere (papal bulls, *supplicate*, *rotuli*). All of them are published³¹ and – in spite of too big role of the context of the modern history (for example – the active participation of the professors of the University of Coimbra in making of the New State in the 1920s)³² – my sources are rather well-studied in many fields,³³ but never have been studied with the combination of the three said research focuses.

The most important trait of these documents is their existence in complexes which were used as sources of corporate law during the long time. The main complex is the *Livro Verde* – cartulary made in the 2nd part of the 15th c. on the base of earlier collections that contains copies of documents since the end of the 13th c. The order of items, marginalia and especially index³⁴ may give interesting information about freezing of the past dynamics in the juridical field of perception. Also it's necessary to mention the documents which have the series of confirming and citations, in the other words series of perceptions of the previous social act, and these perceptions formed both continuity and dynamics of the uni-

versity life. A good example is the big diploma of 1367 where king Fernando confirmed more than 30 earlier diplomas (some of them are confirming ones too) and cited their texts,³⁵ and in turn it was included in the *Livro Verde*. In this case not-including of a document – which seems to be important³⁶ – may be determinate as a negation of the past, creating a new view of the understanding of social dynamic and unity of social institutions by its members.

Other aspect is using of both Latin (in papal bulls and corporative statutes) and Portuguese (since the beginning of the 14th c. the only language of the Royal Chancellery³⁷) in documents often dedicated to the same social acts, for example re-establishment of the university.³⁸ And the analysis of the differences of the language contexts (for the conceptions – *Studium Generale* and *estudo geral, universitas* and *universidade*) may show some nuances in the general and local university history.³⁹

And maybe most important aspect is the through perception of the universal concept of the *Studium Generale* and of its realization in other countries. One of the kind is the straight citation, mostly there were the common places for the scholar juridical tradition (from *Institutiones*⁴⁰ or *authentica Habita*⁴¹) dedicated to the key role of the *scientia* in the society. And as it has been said these myths (in their changes) were really important factors of the university social life in its local dynamics. Also in so-called *Charta magna privilegiorum* (1308)⁴² we can see citation from the *Siete Partidas* of Alfonso X of Castile (grandfather of Dinis of Portugal). It's interesting to note that the *Siete Partidas* was by one hand one of the interlinks between universal (mostly Italian and Parisian) and Iberian (including Portuguese) understanding of the *Studium Generale*, and by the other hand – on of the fundamental in the European scale. In this case it may be observed a complicated system of mutually influencing dynamic levels.

But also we can review comprehension of the international university context in which the Portuguese university existed. For example king Afonso IV proclaiming near violent removal of the Universitiy from Coimbra applied to the authority of the *letrados* of his Council for they had been in the other *Studia Generalia*.⁴³ And then, in the time of King Fernando, these "universal" references remained in the rhetoric of the diploma ensuring *The New Founding* of the University in Lisbon in 1377 and formed new wider circle of University privileges.⁴⁴ Such dual mentions (which are numerous) suppose both dynamics of the European understanding of the role of *Studium Generale* and changes of the place of the Portuguese University in changing Portuguese society.

So the scrupulous researches of "co-rhythmicity" and "dis-rhythmicity" of the general and local dynamic levels in the case of medieval Portuguese *Studium Generale* may be rather productive.

¹ Bloch M. Liberté et servitude personnelles au Moyen Age, particulièrement en France: contribution à une étude des classes // Bloch M. Mélanges historique. Vol. I. P., 1983. P. 355.

² Rüegg W. University as an European institution // A History of the University in Europe. Vol. I. Universities in the Middle Ages. Oxford, 2003. P. XIX.

³ See for example: Cobban A.B. The Medieval Universities: Their Development and organisation. L., 1975. P. 35; Уваров П.Ю. Университеты Российской империи глазами медиевиста (В защиту «Идола истоков») // Долгое Средневековье. Сборник в честь профессора Аделаиды Анатольевны Сванидзе. М., 2011. С. 356 etc.

⁴ Rashdall H. The Universities of Europe in the Middle Ages. Oxford, 1895. Vol. I. P. 6. See also: Denifle H. Die Universitäten des Mittelalters bis 1400. B. I. Die Entstehung der Universitäten. B., 1885. S. 33.

⁵ I'm not going to dwell on the problem of the contraposition of *universitas* and *Studium Generale*, the university history as a part of history of thought or a part of social history (see for example: Moraw P.

Zur Sozialgeschichte der deutschen Universität im Späten Mittelalter // Giessener Universitätsblätter. Moyen Age. 1975. Bd. 8 (2). S. 44-60.)

⁶ Especially in such determinative field as idea of the university privileges: they were products of the social needs of their time, that later were guarded in the changing social and political situation. (See: Kibre P. Scholarly Privileges in the Middle Ages. L., 1961. P. XIVss, 325ss; Verger J. The University of Paris at the End of the Hundred Years' War // Universities in Politics: Case studies from the Late Middle Ages and Early Modern Period. Baltimore, 1972. P. 47-49.)

⁷ Kibre P. Scholarly Privileges: Their Roman Origins and Medieval Expression // American Historical Review. 1954, № LIX. P. 543ss.

⁸ Michaud-Quantin P. Universitas: expressions du mouvement communautaire dans le moyen âge latin. P., 1970. P. 266-270; Oexle O.G. Die mittelalterlichen Gilden: ihre Selbstdeutung und ihr Beitrag zur Formung sozialer Strukturen // Miscelania Medievalia. Bd. 12/1: Sociale Ordnungen im Selbstverständnis des Mittelalters. B., N.Y., 1979. S. 215-219. (Russ. transl.: Эксле О.Г. Средневековые гильдии: их самосознание и вклад в формирование социальных структур // Эксле О.Г. Деятельность и знание: очерки социальной истории Средневековья. М., 2007. С. 116-119.)

⁹ Izdebski A. The monasticism of a university – the influence of the monastic ideal on the form of the university life // Kronos. Metafizyka – kultura – religia. 2011. № 1. P. 243-257.

¹⁰ Le Goff J. Pour un Autre Moyen Age: Temps, travail et culture en Occident. P., 1977. P. 144 (Russ. transl.: Ле Гофф Ж. Другое Средневековье: Время, труд и культура Запада. Екатеринбург, 2002. С. 124.)

¹¹ See: Stelling Michaud S. L'histoire de Universités au Moyen-âge et à la Renaissance au cours des vingt-cinq dernières années // XI^e Congrès International des Sciences Historiques (Stockholm, 21-28 août 1960). Rapports. Vol. I. P. 100.

¹² Cobban A.B. The Medieval Universities... P. 28-32.

¹³ Even H. Rashdall wrote that *Jus ubique docendi* was used "only for honour" (Rashdall H. The Universities of Europe ... Vol. I. P. 14). Also see for example: Borst A. Krise und Reform der Universitäten im frühen 14. Jahrhundert // Konstanzer Blätter für Hochschulfragen. Bd. 9 Dachau, 1977. S. 55; Rüegg W. Themes // A History of the University in Europe... Vol. I. P. 16-18.

¹⁴ Swanson R. N. Universities, Academics and the Great Schism. Cambridge, 2002. P. 14.

¹⁵ Verger J. Patterns // A History of the University in Europe. Vol. I... P. 36.

¹⁶ Moraw P. Career of Graduates // Ibid. P. 253-277.

¹⁷ In terminology of R. Koselleck and his school of *Begriffsgeschichte* as far as it can be used for the medieval period. (Richter M. The history of Political and Social concepts. A critical introduction. N.Y.; Oxford, 1995. P. 26-36.)

¹⁸ See: Koselleck R. Hinweise auf die temporalen Strukturen begriffsgeschichtlichen Wandels // Begriffsgeschichte, discursgeschichte, metaphorengeschichte. Göttingen, 2002. S. 39. (Russ. transl.: Козеллек Р. К вопросу о темпоральных структурах в историческом развитии понятий // История понятий, история метафор, история дискурса. М., 2010. С. 27.)

¹⁹ See, for example: Moraw P. Die Prager Universität des Mittelalters // Spannungen und Widersprüche. Sigmaringen, 1992. S. 109-123.

²⁰ They were not only the re-establishment of dissolved universities and reenactment of old statutes but also the act which led to the founding. (See: Classen P. Studium und Gesellschaft im Mittelalter. Stuttgart, 1983. S. 170.)

²¹ Bourdieu P. Homo Academicus. Stanford, 1984. P. 19-20.

²² O.G. Oexle writes that in these institutions “the life in the temporal extent” and “the social reality based on the continuity of ideas and social and political categories” are closely related and hardly can be recognized. (Oexle O.G. Op. cit. S. 219.)

²³ See for example: Verger J. Teachers // A History of the University in Europe... Vol. I. P. 77.

²⁴ Rüegg W. University as an European institution... P. XVIII-XIX; Janin H. The university in medieval life, 1179-1499. Jefferson (N.C.), 2008. P. 27.

²⁵ Libera A. de. Penser au Moyen Age. P., 1991. P. 12. (Russ. Transl.: Де Либера А. Средневековое мышление. М., 2004. С. 8.)

²⁶ The classification based on the ecclesiastical or secular authority of university law which was for the argumentation of H. Denifle and G. Kaufmann isn't in use now. (See about the place of the Portuguese university in this classification: Denifle H. Die Universitäten des Mittelalters... B. I. S. 527-529; Kaufmann G. Die Geschichte der deutschen Universitäten. Vol. I. B., 1888. S. 377-378.) The concepts of the Bolognese and Parisian models of university is mentioned with a number of reserves. (d'Irsey S. Histoire des Universités Françaises et Étrangères des origens à nos jours. T. I. Moyen Age et Renaissance. P., 1933. P. 140; Scott J.C. The influence of the medieval university on the Latin Church and secular government politics: from the later Middle Ages to early modern times. San Francisco, 1992. P. 149; Gieysztor A. Resources // A History of the University in Europe. Vol. I... P. 180-206). It originated in the works of Savigny (Savigny F. K. von. Geschichte des römischen Rechts im Mittelalter. Heidelberg, 1822.).

²⁷ Rashdall H. The Universities of Europe... Vol. 1. P. 12-15; Vol. 2. P. 101-106.

²⁸ The Portuguese university is classified as one of the Mediterranean Universities with the key role of the Law, initially without the faculty of Theology, founded before the middle of the 14th c. (Verger J. Les gens de savoir dans l'Europe de la fin du Moyen Age. P., 1997. P. 65.)

²⁹ Moraw P. Einheit und Vielfalt der Universität im alten Europa // Die Universität in Alteuropa. Konstanz, 1994. S. 11-27.

³⁰ Pryds D. Studia as royal offices: Mediterranean Universities of Medieval Europe // Universities and schooling in medieval society. Leiden, Boston, Köln, 2000. P. 83-99.

³¹ There is practically complete collection of the sources connected with the medieval history of the university of Coimbra (Chartularium Universitatis Portugalensis. Vol. I-XII. (1288-1525). Coimbra, 1968-1995). Also, the critical editions of the most important complexes of these sources were published separately (Livro Verde da Universidade de Coimbra: cartulário de século XV. Coimbra, 1990. [Facsimile, also contains some new transcriptions]; Estatutos d'el Rei Dom Manuel I. Coimbra, 1991 etc.).

³² See: Taveira da Fonseca F. Universidades portuguesas. Historiografía y líneas de investigación // Historia de la Universidad de Salamanca. Vol. IV. Vestigios y entramados. Salamanca, 2009. P. 469-500.

³³ History of the Portuguese university in 19th and in the begining of 20th cc. (Ribeiro J.S. História dos Estabelecimentos científicos, litterarios e artísticos de Portugal nos sucessivos reinados da monarchia. T. I. Lisboa, 1876; Notice historique de l'Université de Coimbre. Lisbonne, 1878; Villa-Maior J.M. de Oliveira Pimentel de. Exposição succincta da organização actual da Universidade de Coimbra. Coimbra, 1878.) were based on the work erudite of the 17th c. F. Brandão (Brandão F. Monarchia Lusytana. Quinta Parte. Lisboa, 1650.) In the 20th c. some general works were made. But then some general works were written, though they contained some polemical pointes oriented to the present they still have some value (Braga T. História da Universidade de Coimbra nas suas relações com a instrução portuguesa. T. I. 1289 a 1555. Lisboa, 1892; Brandão M., Almeida M. Lopes de. A Universidade de Coimbra. Esboço da sua história. Coimbra, 1937). This works were based on the rather scrupulous work with the primary sources (It's necessary to mention the most important works concentrated on the source problems: Vasconcelos A. de. Notas e dados estatísticos para a História da Universidade de Coimbra. Vol. I-II.

Coimbra, 1901-1902; Moreira de Sá A. Dúvidas e problemas sobre a Universidade Medieval Portuguesa. Lisboa, 1964.). After the end of the New State the period of the researches of the university in the context of city history began (Veríssimo Serrão J. História das universidades. Porto, 1983). Also the interest to the cultural and juridical fields of its existence remained (Caetano M. História do direito português. I. Fontes. Direito público (1140-1495). Lisboa, 1981; Saraiva A.J. O crepúsculo da Idade Média em Portugal. Lisboa, 1986). In the 1990s a number of the collaborative works connected with the rise (especially with the CRE project) and also with its anniversary were published and they generalized different lines of the medieval Portuguese university researches (Universidade(s). História, memória, perspectivas. Vol. 1-4. Coimbra, 1991; História da Universidade em Portugal. Vol. I. T. I (1290-1536). Coimbra, 1997.) But now it's evident the decline of the interest to this object in Portugal (except some works in which the University is reviewed as a part of the cultural tradition of the cities where it stayed: Gomes S.A. Escolares e a Universidade na Coimbra Medieval // Estudos a homenagem a João Francisco Marques. Vol. I. Lisboa, 2003; Cruz Coelho M.H.da. Coimbra et l'université: complémentarités et oppositions // Les universités et la ville au Moyen Âge. Leiden, 2007.)

³⁴ Transcrição dos índices // Livro Verde... P. 19-33.

³⁵ Carta de D. Fernando confirmando e outorgando ao Estudo Geral de Coimbra os privilégios, cartas e mercês dos Reis suos antecessores, que transcreve (246)// CUP Vol. I. P. 265-266.

³⁶ For example diploma of the 1338 removal (Carta de D. Afonso IV transferindo o Estudo Geral, de Coimbra para Lisboa (Doc. 109) // Chartularium Universitatis Portugalensis... Vol. I. P. 131-132.

³⁷ See: Costa A. de J. da. A Chancelaria Real Portuguesa e os seus registos // Revista da Faculdade de Letras: História. Série II. Vol. 13. Porto, 1996.

³⁸ For example for the 1308 removal (in this case also the difference of sources of law are important): Bula de Clemente V autorizando a concessão de seis igrejas paroquiais ao Estudo que ia ser transladado para Coimbra (Doc. 22) // Chartularium Universitatis Portugalensis... Vol. I P. 39; Bula de Clemente V autorizando a transferência do Estudo para Coimbra e confirmando-lhe os privilégios e graças concedidos por Nicolau IV (Doc. 23) // Ibid. Vol. I. P. 40-41; Carta de D. Dinis fundando e establecendo em Coimbra o Estudo Geral e condecorando-lhe os privilégios (25) // Ibid. Vol. I P. 43-47. [in Latin]; and series of the royal diplomas (1308-1311) included in the mentioned diploma of 1367.

³⁹ By the way in modern Portuguese the term *Estudo Geral* became a proper name for the medieval university of Lisbon-Coimbra.

⁴⁰ Mostly the passage: "Imperatoriam maiestatem non solum armis decoratam, sed etiam legibus oportet esse armatam, ut utrumque tempus et bellorum et pacis recte possit gubernari" (Proemium de confirmatione Institutionum). See for example: Petição dirigida ao Papa por alguns prelados portugueses para pagarem, das rendas dos Mosteiros e Igrejas, os salários dos Mestres e Doutores do Estudo Geral de Lisboa, que ia ser criada (Doc. 2) // Chartularium Universitatis Portugalensis... Vol. I. P. 6; Carta de D. Dinis... (Doc. 25) Vol. I. P. 43.

⁴¹ See for example: Petição... (Doc. 2) P. 6.

⁴² Carta de D. Dinis... (Doc. 25) 43-47.

⁴³ Carta de D. Afonso IV... (Doc. 109) P. 131.

⁴⁴ Carta de D. Fernando transferindo o Estudo Geral, de Coimbra para Lisboa, regulamentando a sua instalação e confirmando-lhe os privilégios que tinha recebido (299) // Chartularium Universitatis Portugalensis. Vol. II. Lisboa, 1969. P. 3-7.

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