

## ***Social dynamics of the Portuguese university in the 14<sup>th</sup> c.***

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### **1. Introduction**

My PhD thesis is dedicated to the early social history of the University of Coimbra – one of the oldest in Europe and first one in Portugal. Though universities are sometimes called “medieval European institutions par excellence”<sup>1</sup> (like medieval society in toto) they were full of inner and outside dynamics.

So, characterizing the social dynamics in the medieval university we should start with noting some difficulties. The first one is a traditional danger of anachronism which gets some specificity in this case. P. Bourdieu once compared the investigation of university life to his experience of ethnological analysis of his native region:<sup>2</sup> thus differences in the university life (evident in the studies of intellectual history) become less visible in the course of the social investigation – the idea of continuity between early and modern universities remains significant for the all of the university culture.<sup>3</sup>

This difficulty is evident and can be resolved easily. More important is the problem of the main term – the university (for my period *Studium Generale*). An answer to the questions: what is the medieval university as social structure? What kind of dynamics should be analyzed? – is one of the central problems of my research project. In this short overview I'll try to demonstrate central problems of its multilateral studies and methods of their solving.

The first Portuguese university was founded in 1288-1290 by the group of prelates and King Denis I. The most notable trait of its early period is the intermittence of 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 Portuguese Royal Chancellery higher positions were held by graduates of foreign prestigious universities. The most important trait of these documents is their existence in complexes which were used as sources of corporate law during the long time.

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<sup>1</sup> 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.

<sup>2</sup> Bourdieu P. Homo Academicus. Stanford, 1984. P. XI.

<sup>3</sup> It is represented for example in terms: rectors, doctors, masters etc.

This intermittence shows us the idea of any definite medieval university as a key factor of its conserving in spite of outward inactivity.

## 2. Sources

For investigation of the relation between dynamics of these levels I generally use sources from the juridical sphere (papal bulls, supplicate, rotuli). All of them are published: there is practically complete collection of the sources connected with the medieval history of the University of Coimbra – “*Chartularium Universitatis Portugalensis*” (the initiator and the first editor of *Chartularium* was A. Moreira de Sá).<sup>4</sup> Also, the critical editions of the most important complexes of these sources were published separately.<sup>5</sup>

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)<sup>6</sup> – my sources were rather well-studied in various fields. Though the history of the Portuguese university in 19th and in the beginning of 20th cc.<sup>7</sup> was based on the work erudite of the 17th c. F. Brandão<sup>8</sup> more then on the immediate studying of the sources, scholars of this periods successfully threw light upon some aspects of the institutional history of *Studium Generale*. In the 20th c. some general works were made: though they contained some polemical pointes oriented to the present they still have some value.<sup>9</sup> This works in spite of their polemic character were based on the scrupulous work with the primary sources.<sup>10</sup> After the end of the New State the period of the university studies began in the context of city history,<sup>11</sup> although interest to the cultural

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<sup>4</sup> *Chartularium Universitatis Portugalensis*. Vol. I-XII. (1288-1525). Coimbra, 1968–1995.

<sup>5</sup> *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.

<sup>6</sup> 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.

<sup>7</sup> Ribeiro J.S. *História dos Estabelecimentos scientificos, litterarios e artisticos de Portugal nos successivos reinados da monarchia*. T. I. Lisboa, 1876; *Notice historique de l'Université de Coïmbre*. Lisbonne, 1878; Villa-Maior J.M. de Oliveira Pimentel de. *Exposição succinta da organização actual da Universidade de Coimbra*. Coimbra, 1878 etc.

<sup>8</sup> Brandão F. *Monarchia Lusytana*. Quinta Parte. Lisboa, 1650.

<sup>9</sup> 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

<sup>10</sup> 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.).

<sup>11</sup> For example: Veríssimo Serrão J. *História das universidades*. Porto, 1983.

and juridical fields of its existence remained.<sup>12</sup> In the 1990s some collaborative works connected with the international programs (especially with the CRE project) and also with its anniversary of the University were published and they generalized different lines of the medieval Portuguese university researches.<sup>13</sup> But now the decline of the interest to this object in Portugal gets evident (except some works in which the University is reviewed as a part of the cultural tradition of the cities where it stayed).<sup>14</sup>

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 *Livro Verde* (the Green book) – cartulary made in the 2<sup>nd</sup> part of the 15<sup>th</sup> c. on the base of earlier collections that contains copies of documents since the end of the 13<sup>th</sup> c. The order of items, marginalia and especially index<sup>15</sup> may give interesting information about freezing of the past dynamics in the juridical field of perception. Also it's necessary to mention 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 university life. A good example is a big diploma of 1367 where king Fernando confirmed more than 30 earlier diplomas of his great grandfather, grandfather and father (some of these diplomas are confirming ones too); also their texts were cited there in full.<sup>16</sup> In turn it was included in *Livro Verde*. Non-including a document which seems to be important<sup>17</sup> may be determinate as a negation of the past, creating a new view of understanding of the social dynamic and unity of social institutions by its members.

But before analysis of the “social institution as a psychological reality”<sup>18</sup> I'd like to identify our object as one of the “basic concepts”<sup>19</sup> with its internal “temporal structure” accepted by contemporaries.<sup>20</sup>

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<sup>12</sup> 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.

<sup>13</sup> Universidade(s). História, memória, perspectivas. Vol. 1-4. Coimbra, 1991; História da Universidade em Portugal. Vol. I. T. I (1290-1536). Coimbra, 1997.

<sup>14</sup> 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.

<sup>15</sup> Transcrição dos índices // Livro Verde... P. 19-33.

<sup>16</sup> Carta de D. Fernando confirmando e outorgando ao Estudo Geral de Coimbra os privilégios, cartas e mercês dos Reis seus antecessors, que transcreve (246)// CUP Vol. I. P. 265-266.

<sup>17</sup> 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.

<sup>18</sup> 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.

### 3. Problems with definition of Medieval University

Authors of classical university studies (H. Rashdall, H. Denifle) often underlined that “the Universities of all countries and all ages are in reality adaptations under various conditions of one and the same institution”.<sup>21</sup> It isn’t a kind of mentioned anachronism but when we speak about dynamics of social institution during its forming period (and even of terms for this) it’s impossible to accept such scheme. Of course, we can suppose there were some “central” places and institutions, some “creators” of terms and concepts. For my theme they would be the Roman Curia and Empery, theologians of Paris and lawyers of Bologna (and later ones of Salamanca because of the region). Thereby we suppose the “marginality” of some other institutions (for example the Portuguese University) that “adapted” concepts and in experience of their archetypical antecedents in special conditions. But even if we agree with conventional differentiation of general and local levels (this differentiation seems to be productive) we can’t neglect possibility of “feedback” of any university’s experience (even rather marginal ones like Portuguese) that influenced the universal level. So the relations between “levels” can’t be reduced only to the “adaptation” and need to be researched in detail in every particular case.

It’s obvious that later universities got their “forms from these already existing models”,<sup>22</sup> but studying of dynamical *Studium Generale* leads researchers to the construction of the general classifications (maybe the best of them – one of P. Moraw, it consists of “universal period” and “national and regional era”, started with the Great Schism<sup>23</sup>). Among shortcomings of the majority of this classifications it’s necessary to mention that periods are marked out mostly by rising some new universities – with less attention to the changes of existing ones (of course except Paris, Bologna and Oxford). Also too little attention is paid to the mechanisms of borrowing and other specificity of permanent interaction between the European universities.

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<sup>19</sup> 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.)

<sup>20</sup> See: Koselleck R. Hinweise auf die temporalen Strukturen begriffsgeschichtlichen Wandels // Begriffsgeschichte, discursgeschichte, metapherngeschichte. 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.)

<sup>21</sup> 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.

<sup>22</sup> Verger J. Patterns // A History of the University in Europe. Vol. I... P. 36.

<sup>23</sup> Moraw P. Career of Graduates // Ibid. P. 253-277.

Thereupon the question of terms becomes urgent. Actually, what “objective” criteria that enable to distinguish between universities and other schools can we use? For example *Jus ubique docendi* (graduate’s right of teaching in any university) – that is the base of the medieval university concept in the most part of the works in the 20th c. – is often reviewed as “red herring for university history”<sup>24</sup> for it was “an artificially forced concept imposed upon the university by papal or imperial decree”,<sup>25</sup> as a form of papal control.<sup>26</sup> But all these theories describe university like already formed concept and not do for 13<sup>th</sup> c. or even 1st part of the 14<sup>th</sup> c.

#### 4. Definition of *Studium* in *Siete Partidas*

As it was said for the Iberian universities we have a wonderful source where we can see an unique thing: explicit definition of the term “*studium generale*”, maybe the earliest definition of the university as particular social institution. It’s the famous *Siete Partidas* of the king Alfonso X of Castile.<sup>27</sup> Along with multilateral generalization of various aspects of the Canon and Civil Law they contain detailed description of the *Estudio* – all the Title XXXI of the Second Partida is dedicated to it.<sup>28</sup>

In the text of the *Partidas estudio* is indicated as “a gathering (ayuntamiento) of the masters and scholars that is realized in some place with wish and intention for comprehending of the wisdom”.<sup>29</sup> Further two species of the *Stuido* are noted. The first and most important one is *Studium Generale*. It’s a kind of school where main sciences (Quadrivium, Trivium and the both Laws) are lectured. This institution must be established by “the Pope or the Emperor or the King”<sup>30</sup> (the last statement is typical for Iberian theory of the King as an Emperor in his kingdom). Also this law contains definition

<sup>24</sup> Cobban A.B. Op. cit. P. 28-32.

<sup>25</sup> Even H. Rashdall wrote that *Jus ubique docendi* was used “only for honour” (Rashdall H. Op.cit. Vol. I. P. 14). Also see for example: Borst A. Krise und Reform der Universitäten im fruhen 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.

<sup>26</sup> Swanson R. N. Universities, Academics and the Great Schism. Cambridge, 2002. P. 14.

<sup>27</sup> About influence and translations of the *Siete Partidas* in Portugal in the 14-15<sup>th</sup> cc. see: Caetano M. Op. cit. P. 342-343; Ferreira J.de A. A obra legislativa de Afonso X em Portugal // Diacrítica, Revista do Centro de Estudos Portugueses. I. Braga, 1986; Gomes S.A. As políticas culturais de tradução na corte portuguesa no século XV // Cahiers d’études hispaniques médiévales. 2010. Vol.33. N. 33.

<sup>28</sup> In my research I use this edition: Las Siete Partidas del Sabio Rey Don Alfonso El nono, nuevamente Glosadas por el Licenciado Gregorio Lopez del Consejo Real de Indias de su Magestad. Segunda Partida 1555. (Reprinted: Madrid, 1985. Vol. I.).

<sup>29</sup> “Estudio es ayuntamiento de maestros e de escolares que es fecho en algunt logar con voluntad et con entendimiento de aprender los saberes ». (Part. II., Tít. XXXI, L. I.)

<sup>30</sup> “E son dos maneras de él. La una es la que dicen Estudio general, en que hay maestros de las Artes, así, de Gramática, Lógica, Retórica, Aritmética, Geometría, Música y Astronomía y también en que hay maestros de Decretos e de Leyes. E este Estudio debe ser establecido por mandato de papa, emperador o rey”. (Ibid.)

of *Studium Particulare* – a school where only one schoolmaster lectures – so they could be established by the bishop or the council,<sup>31</sup> but this term as opposed to the *Studium Generale* was used only by the narrow circle of lawyers and never appeared in the non-theoretical documents.<sup>32</sup> So the first species of the *estudio* is the university.

In the context of these statements *Estudio* can be translated as “school”. But in the same Title XXXI we can meet the word “estudio” nearly as a synonym of the comprehending of “saberes” or “ciencias” which were the aim of its creation.<sup>33</sup> Duality of the meaning can be expressed in one phrase like “fazer estudio”<sup>34</sup> or “començar estudio”.<sup>35</sup> So the gathering (as a corporative phenomenon<sup>36</sup>) and the process of studying were accepted as two sides of one term.

The key aspect of these laws is detailed description of the studio (in both meanings) characteristics definitely in the social (and juridical) context: it contains directions about election of rectors, relation with citizens etc.<sup>37</sup> These directions were addressed to the “ideal university” but they combine the interpretation of the juridical theoretical traditions and the experience of the university of Salamanca. For example, in the corporative system declared by so-called *Charta magna privilegiorum* (1308) – the first document that can be called constitution of the internal order in the Portuguese ty<sup>38</sup> - we can see influence the juridical thought of Alfonso X of Castile (grandfather of Denis of Portugal).

Thereby two spheres that A. de Libera notes in studying of medieval intellectuals – understanding of social discourses and pretensions and claims for intellectuality as

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<sup>31</sup> “La segunda manera es la que dicen Estudio particular, que quiere decir que un maestro enseña en alguna villa a un grupo de pocos escolares. Un Estudio como éste lo puede mandar hacer un obispo o el concejo. (Ibid.)

<sup>32</sup> See: Cobban A.B. Op. cit. P. 35.

<sup>33</sup> For example: “quando [escolares] se levantaren cansados del estudio” (Part. II., Tít. XXXI, L. II.)

<sup>34</sup> Ibid.

<sup>35</sup> Part. II., Tít. XXXI, L. III.

<sup>36</sup> Compare, for example: «Pueblo llaman el ayuntamiento de todos los omes comunalmente, de los mayores, e de los medianos, e de los menores. Ca todos son menester, e non se pueden esear, porque se han de ayudar unos a otros, porque puedan bien biuir, e ser guardados, e mantenidos» (Part. II, Tít. X, L. D).

<sup>37</sup> For example: “Maestros e escolares del Estudio general pueden elegir un mayoral, al que, en latín, llaman rector, que significa regidor del Estudio, al que deben obedecer en las cosas convenientes. Y el rector debe vigilar que los escolares no anden alborotando por las noches ni pegándose con los vecinos de las villas donde estuviere el Estudio, sino que, sosegados en sus posadas, se empeñen en estudiar e aprender e facer vida honesta e buena, que los Estudios para eso fueron establecidos”. (Part. II., Tít. XXXI, L. II.)

<sup>38</sup> Carta de D. Dinis... (Doc. 25) 43-47.

it was<sup>39</sup> – become intertwined. It happens because of duality of the term *Studium Generale* even in normative documents. As a rule the university history is observed separately as a part of history of thought or a part of social history.<sup>40</sup> But in the definition of the object of the university studies it's necessary to take all its sides into account.

In the beginning I'm going to observe the most abstract concept – *Studium* as *Studies* – but regarding to the history of one definite university.

## 5. Concept of *Studium* as *Studies* in the documents of the Portuguese University

Use and honour of *Studium* and *Scientia* were one of the commonplaces in medieval discourse since the time of Jordanus Chronica – where three powers were named: Sacerdotium, Imperium, Studium<sup>41</sup> or even earlier. There were a mythologem representing the *Studium Generale* as an inexhaustible source of *juris periti* that were necessary for the peace and stability of the kingdom. It's significant that most part of the common places of the scholar juridical tradition, i.e. in the preambles of the medieval university documents (were dedicated to the key role of the *scientia* (and in the Peninsula - especially of the Laws) in the society. The majority was citations from *Institutiones*<sup>42</sup> or authentica *Habita*.<sup>43</sup> But this myth sustained by the Pope, the Emperor and the Kings didn't ensure the forming of the constant local corporation – in opposition to all-European one.

Those mythologems could be used as a part of power representation. For example, by king Denis I who was named “zealot of justice” (*iustitie zelator*) in one of the papal bulls.<sup>44</sup> In this context the passage from *Proemium de confirmatione Institutionum* of Justinian often was cited: “*Imperatoriam maiestatem non solum armis decoratam, sed etiam legibus oportet esse armatam, ut utrumque tempus et bellorum et pacis recte*

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<sup>39</sup> Libera A. de. *Penser au Moyen Age*. P., 1991. P. 12. (Russ. Transl.: Де Либеры А. Средневековое мышление. М., 2004. С. 8.)

<sup>40</sup> See for example about this differentiation: Moraw P. *Zur Sozialgeschichte der deutschen Universität im Späten Mittelalter* // *Giessener Universitätsblätter. Moyen Age*. 1975. Bd. 8 (2). S. 44-60.

<sup>41</sup> See: Rashdall H. *Op. cit.* P. 4-5.

<sup>42</sup> 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.

<sup>43</sup> See for example: *Petição...* (Doc. 2) P. 6. Also there was subnational influence of the *Siete Partidas* tradition (especially Part. II., Tit. XXXI, Ley VIII dedicated to the significance of the Law.)

<sup>44</sup> *Bula de Clemente V autorizando a transferência do Estudo para Coimbra e confirmando-lhe os privilégios e graças concedidos por Nicolau IV* (Doc. 23) // *Chartularium Universitatis Portugalensis...* Vol. I. P. 41.

*possit gubernari*". In other diploma scholars are even compared with prophets.<sup>45</sup> However concept "*Studium Generale* is a base of the just rule" could be used against the king too – but not by University Corporation in the 14<sup>th</sup> c. For example in 1371 the Cortes blamed king Fernando for his neglect to the university "that makes a land noble".<sup>46</sup>

It's easy to see that this conception of *studium* is static – but it plays important role in the university. In some cases performing a function that wasn't directly connected with the destiny of the University it combined with definite social problems (like it was said about laws of the *Siete Partidas*). For example detailed metaphor – the king sows the seeds in his land, then *palmae* (palm-trees and glory) of justice grow, and scholars are their fruits – turns by word game to promise of stability (including ceasing of removes): he "plants the university in ineradicable mode".<sup>47</sup>

But before observing echoes of the difficulties of the university in its mythology (and vice versa) I'd like to show what we can say about its "pure" and "real" social – and economical history.

## 6. The Portugues university as economical subject

As it was said "real" social status of the university was closely related to its mythological role. Its importance for the forming of the Royal Chancellery that is often underlined as a reason of its foundation<sup>48</sup> is debatable for the first century of its existence. In addition it's necessary to remember that in the first university documents the

<sup>45</sup> "Hanc itaque, ut cum propheta loquamur, petiimus a Domino hanc requiremus, ut domo Domini habitemus" (Carta de D. Dinis ampliando os privilégios concedidos ao Estudo Geral de Lisboa (Doc. 4) Chartularium Universitatis Portugalensis... Vol. I. P. 10)

<sup>46</sup> "huma das majs nobres cousas que no mundo o Rej pode auer por que mais prol uem aa sua terra ssij he auer em ela letrados e entendudos E que porem os Reijs que ante nos fforom... trabalharom se dauer em este rreijno estudo geeral de que os homens pudessem aprender çiençia pera per ella seer sua terra mais nobre" "E pedjam nos por merçee que queseemos esto oolhar e ffezesemos rreformar o dicto estudo de boons leentes em cada çiençia quanta lhj faz mester" "...noso talante he de dauer leentes em no estudo cada que os podermos auer taaes com que os escolares posam profeijtar E pera esto nunca negamos as rrendas das egreias que som emneijxas pera el e do noso quando comprir assij o entendemos de fazer cada que enterdermos que conpre" (Artigos das Cortes realizadas em Lisboa, onde se pede que a Universidade de Coimbra seja reformada nos seus lentes (Doc. 276) // Chartularium Universitatis Portugalensis... Vol. I. P. 296–298.)

<sup>47</sup> "Quippe hec rex culte justitie nusquam mellius poterit ducere ad efectum quam si terram et regnum sibi comjsum faciat semjne multiplicabillem semjnari vt sic demum per illius graciam quj de mortificato semine plurimum frutum afert regnum emictas palmas justitie et terra germjnet fructos suos scilicet viros eloquiorum doctrina multipliciter insignatos... in ciujtate nostra colinbriensi... fundamus et plantamus jrradicabiliter studium generale..." (Carta de D. Dinis fundando e estabelecendo em Coimbra o Estudo Geral e condecendo-lhe privilégios (Doc. 25) // Chartularium Universitatis Portugalensis... Vol. I P. 43-44.). The constitutions written in Latin were included in the royal confirming diploma written in Portuguese.

<sup>48</sup> And raditionally as the characteristic of all the Iberian universities.



theology and education of the clergy were proclaimed as its aims.<sup>49</sup> Later after the papal ban of the Theological faculty its function were given to the Convent which nevertheless was regarded as related to *Studium Generale*.<sup>50</sup>

Of course only the status of *Studium Generale* as Study, as the base of the just rule couldn't always be guaranteed for its members. For example Denis I turned over the maintenance of the university to the Order of Christ (Portuguese heir to the Order of the Temple)<sup>51</sup>. Most probably it was "token coin" where during the civil war with his son, future king Afonso IV, the old king needed supporting of this powerful ally.

But usually this high status definitely secured the university maintenance such as salaries of the lecturers from the *tertia regia* – the part of the tithe that Popes leaved to the Iberian kings for the *sacred war* with the Muslims. But most of the privileges given to the University by the King and the Pope regulated private problems of scholars: rent of an accommodation, food delivery etc.

In this context it's possible to suppose the effectiveness of the prosopographical studies. But in the case of early history in the most of the universities they wouldn't be very useful because of fuzzy bounds. So, *the honour of the study* was rather individual than corporative. Later it could apply to the scholars' leaseholders and majordomos in their lands.<sup>52</sup> But very seldom the whole corporation could be "object of privilege".

It's necessary to remember the conflicts between scholars and citizens (especially in Lisbon for example in lost petition of the king cited in the papal bull about the remove of 1308<sup>53</sup>). During the whole 14<sup>th</sup> c. scholars didn't want to be "the part (even privileged) of the city". For example they asked the King to free them from dues and

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<sup>49</sup> "Nam per scientiam mundus illuminatur et vita subiectorum ad obidientiam Deo et ministries eis plenius et fidelius informatur fides coroboratur ecclesia exaltatur et per viros ecclesiasticos defenditur contra hereticam prauitatem". (Petição... (Doc. 2) // Chartularium Universitatis Portugalensis... Vol. I. P. 6-7.)

<sup>50</sup> "volentes vt vbidem apud religiosos conuentos fratrum predicatorum et mjunorum jn sacra pagina doceat" (Carta de D. Dinis fundando e estabelecendo em Coimbra o Estudo Geral e concedendo-lhe privilégios (Doc. 25) // Chartularium Universitatis Portugalensis... Vol. I P. 44.)

<sup>51</sup> Ordenação da Ordem de Cristo sobre o quantitativo a pagar anualmente pelas igrejas de Pombal e Soure, ao Estudo Geral de Coimbra (Doc. 72) // CUP Vol. I. P. 97-99.

<sup>52</sup> Carta de D. Fernando regulando, pedido do Estudo Geral de Lisboa, diversos assuntos e confirmando-lhe os privilégios até então recebidos (305) // CUP Vol. II P. 15; Carta de D. Fernando isentando de dízimos e portagens tudo que os escolares trouxessem para seu mantimento no Estudo Geral de Lisboa (358) // CUP Vol. II. P. 99.

<sup>53</sup> "concedendo verum cum propter grauiam dissentiones et scandala exorta postmodum inter ciues Ciuitates eiusdem ex parte una et scolares ibidem studentes ex altera nequerit nes esse posit commode in eadem ciuitate studium supradictum idem Rex nobis humiliter supplicatum ut studium ipsum ad ciuitatem Colimbriensem" (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.)

fees for the building of walls and paving of the streets, and the King gave them this privilege. So being foreigners (that stay in inimical environment just for necessary time) the scholars could take their corporations as reminding of the early *conjuraciones* (the importance of these institutions for the further medieval social history was described by O.G. Oexle). In the Siete Partidas *confradias* were mentioned as predecessor institution of Studium generale (only peculiarity of the latter was the remission of the higher power).<sup>54</sup>

The few early documents made in by the corporation don't contradict this comparison. In 1317 "rectors, officials and scholars of the University of Coimbra unanimously" approved the constitutions (the earliest known document made by the corporation itself).<sup>55</sup> In the preamble of this document it's said that they did it *ad regimen sui studii* because according to "the both laws" the multitude (*multitudo*) is inclined to division due to the "diversity of souls" when it has no constitution.<sup>56</sup> So corporation without constitution turns to the multitude in spite of its high aim, *amor sciendi*.<sup>57</sup> But it already had some elements of unity: for example all the corporation could be notorious for disgrace of its member ("et universitas difametur"). In addition this constitution didn't presuppose anything more than temporary coexisting of the group of the scholars.

We can observe duality in the social life of intellectuals – in the petitions to the Papal court – where they appeared not as a members of the University corporation but as "simply" *scholar* or *peritus*.<sup>58</sup> For example, there are some supplicae and papal bulls about Estevão Miguel who was a doctor of Canon Law in Coimbra (nearly since 1334, earlier he'd mentioned as bachelor), got some graces from the Pope at the petition of the king Afonso IV, then, in late 1330s (perhaps after transition of the University to Lis-

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<sup>54</sup> «Ayuntamiento e confradias de muchos omes, defendieron los sabios antiguos, que non se fiziessen en las villas, nin en los Reynos, por que dello se leuanta mas mal que bien. Pero tenemos por derecho, que los maetros e escolares puedan esto fazer, en estudio general, por que ellos se ayuntan con entencion de fazer bien» (Part. II., Tít. XXXI, L. VI.)

<sup>55</sup> The most of earlier dionysian diplomas were answers to lost petitions of the scholars (Some of these petitions could be oral).

<sup>56</sup> "Quoniam secundum utriusque juris statuta multitudo facilis est ad disciendum propter animorum diversitatem et nisi Constitutionibus restringantur... ideo rectores officialles scolares studji colimbricensis universali congregatione ad regimen sui studii sequentes constitutiones duxerunt unanimiter aprobandas &c" (Carta de D. Dinis confirmando as contituições celebradas entre os escolares e a Universidade de Coimbra (48) // Chartularium Universitatis Portugalensis... Vol. I. P. 75.)

<sup>57</sup> In the same document studies are underlines as the main – and only – aim of being in Studium Generale: "Statujmus ut si aliquis pospositis hijs propter que ad studium venjre debujt et adiecta verecundia notorie se jnmescuerit turpibus... innojnose de studio a consortio scolarium expelatur..." (Ibid.)

<sup>58</sup> About the problem of this "fuzzy" terms see: Renardy C. Le monde des maîtres universitaire du diocèse de Liège, 1140-1350: Recherches sur sa composition et ses activités. P., 1979.

bon) he moved to Montpellier.<sup>59</sup> We can only we know a certain data about Miguel's predecessor, Lourenço Martins (including date of his death in 1331).<sup>60</sup> But even in this case we can not be sure about his permanent belonging to the corporation.

We should suggest greater shaping of corporation (considering scholars' membership feeling) only from the moment *Rotuli* appeared. First of them were from Paris and Oxford.<sup>61</sup> The *rotulus* of the Portuguese University only in 1378 and was addressed to antipope Clement VII<sup>62</sup> (though earlier its supposed members had appeared in *rotuli* on behalf of other corporation and persons<sup>63</sup>). *Rotuli* are complicated for prosopographical analysis as well<sup>64</sup>. First mentions of the university archive are dated 1378<sup>65</sup> in context of the tangled all-European situation in the time of the Schism (when the King could free the university from some papal extra dues<sup>66</sup>). This "archival event" is the crucial point for corporation's forming.

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<sup>59</sup> Súplica de Estevão Miguel, doutor em Direito Canónico pela Universidade de Montpellier e lente, que foi, do Estudo Geral de Coimbra (Doc. 118) // CUP Vol. I. P. 138; Bula do Papa Clemente VI concedendo graças a Mestre Estevão Miguel, doutor em Decretos, lente, que foi, do Estudo Geral de Coimbra (119) // CUP Vol. I. P. 139; Bula do Papa Clemente VI concedendo graças a Mestre Estevão, de Lisboa, doutor em Decretos (Doc. 120) // Chartularium Universitatis Portugalensis... Vol. I. P. 139. Скорее всего, он же фигурирует в суплике и булле, относящихся к июню того же года: Súplica de Mestre Estevão Miguel de Lisboa, doutor em Decretos (Doc. 122) // Chartularium Universitatis Portugalensis... Vol. I. P. 141; Bula do Papa Clemente VI concedendo graças a Mestre Estevão Miguel, doutor em Decretos (Doc. 123) // Chartularium Universitatis Portugalensis... Vol. I. P. 141. Bula do Papa Clemente VI concedendo graças a Estevão de Lisboa, doutor em Decretos (Doc. 154) // Chartularium Universitatis Portugalensis... Vol. I. P. 169.

<sup>60</sup> Bula do Papa João XXII concedendo certas graças a Lourenço Martins, Jurisperito (Doc. 88) // Chartularium Universitatis Portugalensis... Vol. I. P. 114; Registo de óbito de Mestre Lourenço, doutor em Decretos (Doc. 92) // Chartularium Universitatis Portugalensis... Vol. I. P. 116.

<sup>61</sup> See: Watt D.E.R. University clerks and rolls of petitions for benefices // Speculum. XXXIV. № 2. Cambridge, 1959; Linehan P.A., Zutshi P.N.R. Fiat A: the Earliest Known Roll of Petitions Signed by the Pope (1307) // English Historical Review. Vol. CXXII (Doc. 498). Oxford, 2007. P. 998-1015.

<sup>62</sup> Rótulo enviado pelo Reitor dos estudantes do Estudo Geral de Lisboa, pedindo certos benefícios ao antipapa Clemente VII (314) // CUP Vol. II P. 38-51.

<sup>63</sup> For example: in the *rottuli* of Nicolo, the bishop of Tusculum in 1340s. (Rótulo apresentado pelo Bispo de Tusculum e súplica dos Doutores, reitores e Universidade do Estudo Geral de Coimbra, a favor de vários escolares e sabedores de Direito Canónico (Doc. 221) // Chartularium Universitatis Portugalensis... Vol. I. P. 232-234; Rótulo do bispo de Tusculum, a favor de João Afonso Coelhinho, professor de Direito Canónico no Estudo Geral de Coimbra, e de vários escolares e sabedores (Doc. 224) // Chartularium Universitatis Portugalensis... Vol. I. P. 236-239; Rótulo do bispo de Tusculum, a favor de João Afonso Coelhinho, lente de Decretais no Estudo Geral de Coimbra, e de outros lentes, escolares e sabedores (Doc. 226) // Chartularium Universitatis Portugalensis... Vol. I. P. 241-246.)

<sup>64</sup> See, for example: Brockliss W. B. Patterns of Attendance at the University of Paris, 1400-1800 // Histoire sociale des populations étudiantes. T. 2. P., 1989. P. 460-509.

<sup>65</sup> Carta de D. Fernando mandando passar certidão de diplomas relativos ao Estudo Geral de Lisboa (Doc.310) // CUP Vol. II. P. 22.

<sup>66</sup> Carta de D. Fernando recomendando que não fosse obrigado o Estudo Geral de Lisboa a pagar redízimas para o Papa, das rendas que tinha para seu mantimento, mas que os priores as pagassem (Doc. 371) // CUP Vol. II. P. 112.

So during the 14<sup>th</sup> c. we can't see continuity (that is necessary for analysis of the dynamics) in the corporation of the Portuguese university. But we can't do it only while we neglect the "imaginary part" of it.

### **7. Imaginary continuity of medieval Portuguese university**

Nevertheless the royal power and the university corporation by itself supported the idea of permanent *studium* on simply in the kingdom (as it could follow from cited argumentation) – but in the definite city. This *studium* in spite of its instability could be removed – and (as it was said) repeatedly was.

One of these removals gave us a unique document where we can see "what was removed" i.e. "what formed and re-formed the university". In 1338 proclaiming in the diploma the move of the university from Coimbra to Lisbon king Afonso IV described this process by those words: "I order all students and learners in the mentioned city of Coimbra and all others from my land who would like to study sciences (aprender sciências) to go to the mentioned University of Lisbon (studo), and also because of God's pleasure, to give doctorate, master's and bachelor's degrees in every kind of science there, like it should be in the university (*studo geeral*). Also I order rectors and bedel of the university, that is situated in Coimbra, to move at once to mentioned University of Lisbon and to bring along privileges, charters and other articles and things, that the University of Coimbra should own and that concerned it"<sup>67</sup>. All the instability of the university structure echoes in these directions. Listed points (and also presence of some professors<sup>68</sup>) describe the entire university corporation. Of course in this case it's difficult to retrace indications of the permanent corporative economical life. Also I can't suppose the uninterrupted studies in the university. On the contrary documents of the 14<sup>th</sup> c. contain nothing about copyists or bookseller (though for example the *Siete Partidas* contained the special law about them<sup>69</sup>).

*Studium Generale* could be reformed (in the medieval meaning of the word *reformatio*)<sup>70</sup> and those reformations didn't consist only in movements. For example the king in answer to the mentioned accusations promised the Cortes to "reform" the uni-

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<sup>67</sup> "E porem mando a todolos scolares e studantes na dicta Cidade de Coimbra e a todolos outros do meu Senhoryo que quiseren aprender sciências que daqui endeante se vaam pera o dicto estudo de lixbõa... Outrosi mando aos Rectores e Bedel. desse estudo que foy em Coimbra que sse uenham logo pera o dicto estudo de Lixbõa e adugam sigo os priuilegios cartas e peças e todolas outras cousas que teem que forom desse Studo de Coimbra e a el perteençiam" (Carta de D. Afonso IV... (Doc. 109). P. 132.)

<sup>68</sup> "e deus querendo hy auera auondamento de doctores e de Mestres e de Bachaleres em cada huma das sciências assi como deue auer em estudo geeral." (Ibid.)

<sup>69</sup> Part. II, Tit. XXXI, Ley XI.

<sup>70</sup> See: Classen P. *Studium und Gesellschaft im Mittelalter*. Stuttgart, 1983. S. 170.

versity and find some better lectors for it<sup>71</sup> (later this reformation became the formal reason the usual one: in the diploma initiating removal to Lisbon it was that famous foreign teachers want live and work in this city only).<sup>72</sup> But the most part of its internal changes weren't reflected in the sources. For example in 1290 it was proclaimed the Chancellor of the university – the person who can *approve licentia docendi* – was the bishop of Lisbon.<sup>73</sup> But while the University was in Coimbra there was no diploma about new chancellor – so we can suppose that this post was vacant. Also we can review comprehension of the international university context in which the Portuguese university existed. For example king Afonso IV proclaiming mentioned near violent removal of the University from Coimbra applied to the authority of the *litterati* (letrados) of his Council for they had been in the other *Studia Generalia*.<sup>74</sup>

But it is “imaginary continuity” that we can name the main forming feature of the early history of this corporation. It is only idea of the existing *studium generale* in the definite place, idea of the *studium* that had been founded in the definite year could conserve this unstable object. And after forming of the corpus of the corporate law (conserved for our time as the *Livro Verde*) this imaginary continuity became part and parcel of the regulatory texts, of the corporative tradition and self-consciousness and collective memory of its future members. And by this way influence continuity went over from the imaginary to reality.

The concept of “imaginary corporation” is superimposed on dynamical development of university by its members and in this way gets the opposite to dynamism or even holds it back - though for the concept of continuity constructing of an imaginary corporation is exactly the most useful. This concept permits existence of dynamism in

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<sup>71</sup> “E pedjam nos por merçee que quezesemos esto oolhar e ffezesemos rreformatar o dicto estudo de boons leentes em cada çiençia quanta lhj faz mester” “...noso talante he de dauer leentes em no estudo cada que os podermos auer taaes com que os escolares posam profiejtar E pera esto nunca negamos as rrendas das egreias que som emneijxas pera el e do noso quando comprir assij o entendemos de fazer cada que enterdermos que compre” (Artigos das Cortes realizadas em Lisboa... (Doc. 276) P. 297.)

<sup>72</sup> “E veendo e consirando que se o nosso studo que ora sta na çidade de cojnbra fose mudado na çidade de lixboa que nan nossa terra poderia auer mais leterados que aueria se o dito studo na dita çidade de coimbra steuesse por alguuns lentes que de outros Regnos mamdamos vijñr nom queriam leer se nom na cidade de lixboa.” (Carta de D. Fernando transferindo o Estudo Geral, de Coimbra para Lisboa, regulamentando a sua instalação e confirmando-lhe os privilégios que tinha recebido (Doc. 299) // Chartularium Univesitatis Portugalensis. Vol. II. Lisboa, 1969.)

<sup>73</sup> “Quodque Scholares in artibus et iure Canonico et Ciuili ac Medicina quos Magistri reputabunt ydoneos possint per vlixbonensem Episcopum qui pro tempore fuerit uel vlixbonense sede uacante per vicarium ab vlixbonense Capitulo in spiritualibus constitutum in studio licentiarum predicto Et quicumque Magister in Ciuitate prefata per Episcopum uel vicarium supra dictos examinatus et approbatus fuerit in facultate quacumque theologica dumtaxat excepta ubique sine alis examinatione regendi liberam habeat potestatem”. (Bula... (Doc. 6) P. 14.)

<sup>74</sup> Carta de D. Afonso IV... ( Doc. 109) P. 131.

Middle Ages to progress more efficiently, to progress on the friendly basis: members of the corporation are not demanded to create it again from scratch.

Thus there were neither *Studium* as studies nor – naturally – *Studium* as existing corporation in those periods; but status of the *Studium* and idea of its existence in the definite place was remaining intact. There is just one snag to it. This field belongs to Irnerius, Gratian and Bartolus – not to Abelard, Aquinas or Ockham, – but the problem of names, especially *universalia*, had the influence not only on debate in Parisian Faculty of Arts. History of understanding terms like *corporation*, *process* is an intentional part of history of philosophical problems along with juridical and social context. Of course “map-territory” problem (even in such particular case) lies beyond the field of History researches and can’t be totally resolved by historical methodology. But when we speak about retrospection of this problem – about dynamics of “maps” (and probably “territories”) – we can try to retrace some relations and correspondences between non-static *social imaginary* and terms – so real on paper, so immense in mind.

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In conclusion of the overview I’d like to mention some directions of further research in my project. The first and evident direction is the investigation of the university history in the end of the 14 and the beginning of the 15 cc. (till the time of the final forming of *Livro Verde* in the 1450-1470s) – and this period includes one of the turning points in the Portuguese history – the war and crisis of 1383-1385 and the rise of the House of Aviz after so-called *Revolution*. This Revolution brought new status to the university because the scholars supported future king John I, Master of the Order of Aviz. The increased significance of *Studium Generale* in the kingdom was confirmed in the series of diplomas in 1384.<sup>75</sup> New privileges became one of the factors of the further stability in the university life, thus the new features of the university dynamics appeared. The second – and also important – direction is the expansion of the context analysis: especially of the all-European factors that must have an influence on changes in understanding of the university terms and concepts, of self-consciousness and self-

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<sup>75</sup> Carta de D. João, Mestre de Avis, confirmando todos os privilégios e liberdades concedidos ao Estudo Geral de Lisboa (Doc. 376)// CUP Vol. II. P. 117; Carta de D. João, Mestre de Avis, determinando que o Estudo Geral ficasse perpétuamente em Lisboa e não mudasse para Coimbra nem para qualquer outro lugar do Reino (Doc. 377) // CUP Vol. II. P. 118-119; Carta de D. João, Mestre de Avis, concedendo e confirmando, ao Estudo Geral de Lisboa, o estatuto pelo qual ninguém podia ensinar sem primeiro ser examinado e só podia ensinar nas Escolas Gerais (Doc. 378)// CUP Vol. II. P. 120-122; Carta de D. João, Mestre de Avis, restituindo ao Estudo Geral de Lisboa o direito a rendas de algumas igrejas (Doc. 379)// CUP Vol. II. P. 122-123; Carta de D. João, Mestre de Avis, confirmando o antigo privilégio concedido aos escolares e oficiais da Universidade do Estudo de Lisboa de poderem citar e demandar perante o conservador (Doc. 380)// CUP Vol. II. P. 123-124.

representation of the scholars. I hope correspondence between turbulent Papal history of 14-15 cc. and social dynamics of the one definite university can be rather representative. The third and maybe most productive direction is studying of the development of the jurisprudence (both in Canon and Roman Law) in the 13-15 cc. in the context of forming of the new corporations relating both to the intellectual and social spheres.

Origin of the structure of the university is a problem that needs further researches. Now I can only suppose that it was based on the experience of archetypical *universitates* of Bologna, Paris and Oxford, of the emperor's university of Naples and papal universities of Toulouse and Rome,<sup>76</sup> and these institutions got patterns for their structures from the Roman law (for the idea of privileges<sup>77</sup>), from tradition of *cojuraciones (universitates)*<sup>78</sup> or monasteries,<sup>79</sup> and also from specificity of the forming city culture<sup>80</sup> etc. But all these general theories should be examined on the particular material.

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<sup>76</sup> 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.)

<sup>77</sup> Kibre P. Scholarly Privileges: Their Roman Origins and Medieval Expression // American Historical Review. 1954, № LIX. P. 543ss.

<sup>78</sup> 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.: Экле О.Г. Средневековые гильдии: их самосознание и вклад в формирование социальных структур // Экле О.Г. Действительность и знание: очерки социальной истории Средневековья. М., 2007. С. 116-119.)

<sup>79</sup> 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.

<sup>80</sup> 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.)