Privileges of Universitas Magistrorum et Scolarium and their justification in charters of foundation from the 13th to the 21st centuries

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Abstract. Analysing foundation charters, this article explores the various purposes universities have been said to serve at different periods of time, how the distinction between universities and other educational establishments has been made, and how the actions of the academic community have been justified. The data consist of 225 charters of foundation from the year 1224 to 1999. Granted by rulers, the charters depict universities as being suited to serve widely differing purposes, such as furthering the material and spiritual prosperity of the nation and the local community, strengthening the right faith and training public servants. Charters granted universities privileges such as the status of studium generale and ius ubique docendi, a universal teaching licence. These privileges created a foundation for all later principles generally applicable to the academic world. The universities originating in academic guilds founded for the protection of scholars have always been answerable to societal demands. A certain degree of loyalty by academic people to those in power has, in turn, secured the universities and the academic community their vital integrity and freedom of opinion, publication and research.

Keywords: academic community, academic privileges and their justification in charters of foundation, establishment of universities, guilds, status and functions of universities

Research framework, data and previous studies

The university has been a popular subject for writers throughout history, but there is a relatively small number of studies about the academic establishment attempting a comprehensive historical compass. The Universities of Europe in the Middle Ages by Rashdall (1895/1936), published as early as the late 19th century, is probably the best known. Other significant studies from the same period include Die Entstehung der Universitäten des Mittelalters bis 1400 by Denifle (1885/1956), and Die Geschichte der Deutschen Universitäten (in two volumes) by Kaufmann (1888–1896/1958). Dealing with universities in the Middle
Ages, those works are still used for studies in the field. *A History of the University in Europe* edited by Hilde de Ridder-Symoens, is meant to cover the entire history of academia since the Middle Ages. The two first volumes, *Universities in the Middle Ages* (1992) and *Universities in Early Modern Europe* (1996), have already been published, and the two unpublished volumes will deal with the history of the academic establishment up to the present. In the countries with the oldest academies, Italy, France, Spain, Britain and Germany, the national and local history of universities has been researched very closely in places. Furthermore, almost every university in the world has probably had some kind of historical account written.

Our data contain 225 university charters of foundation, the first of which dates back to 1224; the last was issued as recently as 1999 (see Appendix). These charters have been the medium for the Popes, rulers and other authorities to grant a locality the right to found a university by supplication. Yet, let us point out at the very beginning that the date of issue on the charter of foundation and the actual start of university work do not nearly always coincide. In some cases the work started several years later, and sometimes a new supplication for a charter of foundation was an absolute prerequisite before the daily work could begin. Some establishments only obtained their *studium generale* rights after decades of academic achievement, while others never started in spite of a charter having been issued. (Cobban 1975, p. 118; Rüegg 1992, pp. 6–7; Verger 1992, pp. 35–36) One of the more problematic issues for research into academic history is the academic status of some of the establishments. Even the most recent studies do not offer completely identical lists of universities. Our definitions of academic status are based on *A History of the University in Europe*, edited by de Ridder-Symoens, although it also contains some contradictions. For instance, Verger (1992), included in the first volume, lists 85 universities founded in Europe by the 16th century, but Frijhoff (1996) only lists 72 in the second volume. Our own material consists of 82 charters of foundation from this period of time.

The charters of foundation for the establishment of a university have not been comprehensively surveyed before our project. Individual analyses have been published (such as Bulas, Constituciones y Estatutos … 1999; see Rexroth 1992), as well as a specific study on the charters of foundation of the universities associated with what is known as the Coimbra group (Charters of Foundation … 1994). A study with the title *Sapientie Immorcessibilis* by Erik Van Mingroot (1994) on the bull of the University of Louvain merits a special mention.