



The Privileges of Medieval Universities in Europe

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Abstract: Medieval universities are one of the legacies of the European Middle Ages that have lasted for more than a thousand years, and they enjoy many privileges, including civil rights such as the right of safe residence, independent judicial rights, tax exemption and exemption from servitude, and academic privileges such as the right to strike and relocate, and the issuance of teaching licenses. These privileges were obtained on the one hand because of the special status of the university and its teachers, and on the other hand, by the university taking advantage of the special relationship between the king and the pope. With the establishment of the nation-state, some of the privileges granted to medieval universities were either revoked by those in power or intervened by those in power and gradually declined.

Keywords: European middle ages; university privileges; privilege acquisition; privilege declines

1. Introduction

Medieval universities are one of the legacies of the European Middle Ages that lasted for more than a thousand years, and corporations, charters and privileges are the three key words of medieval universities and their autonomy [1]. Privilege, which in Roman law meant "a commensurate condition for a person or a class, immunity from its burdens or other obligatory rules"[2] had the dual meaning of favor and immunity. From the point of view of the right of grace, the medieval university had the freedom to reside and move, to self-administer, to seek help from the pope or emperor, and to certain burghers and nobles; From the point of view of immunity, members of the university are exempted from the jurisdiction of military service, taxation, and secular affairs. In the Middle Ages, the privilege of universities began in 1158 with the Law of Safe Residence issued by Emperor Frederick I of Germany, which granted the University of Bologna faculty and students the right of safe residence and judicial jurisdiction [3], which became a model for later rulers to follow. Subsequently, King Henry III, King Edward I, King Richard II, King Philip II, King Philip IV, Pope Innocent III, Pope Gregory IX, and Pope Nicholas IV granted new privileges to the University.

2. Key events and acquisition of rights

2.1 The right of Safe Residence

Around the 12th century, the basic system of urban autonomy gradually took shape, and each city was an autonomous civil society, which could make its own laws, collect taxes, and administer justice[4], and teachers and students who entered the city first had to obtain legal status to live in the city and become legal residents of the city in order to survive. But in the early days of the university, teachers and students were often seen as the source of urban unrest and were not welcomed by the citizens. The Safe Residency Act grants teachers and students who wish to study in Bologna the right to live and move freely in the city. [3] In addition, cities need to provide suitable, rent-friendly housing for teachers and students to study and live; Scholars can be compensated if their homes are stolen; Landlords who charge high rents are punished, etc. [5] In Oxford, in 1305, King Edward I of England decreed that all sorts of competitions and equestrian activities were forbidden in close proximity to the city, as it would disturb scholars. [6] At the University of Heidelberg in Germany, the ruling authorities, fearing that students would be suppressed by the citizens, stipulated that after Christmas each year, a university expert and an impartial citizen negotiate the rent of the dormitories, and that the dormitories be quiet through the bailiffs. [7] It can be seen from this that the scope of the right of residence of university teachers and students is very wide, and even in disputes over the right of residence, the right of adjudication belongs to the university, making the rights of university teachers and students more privileged than ordinary clergy and citizens.

2.2 Independent judicial rights

As a guild organization in the Middle Ages, the university had internal governance rights similar to those of other guild organizations, such as stipulating the conditions for membership and working standards, which was embodied in the ability to independently select candidates for teaching licenses, formulate internal rules - university constitutions, and

independently elect university representatives. Unlike other organizations, the University has also secured an independent judiciary, a privilege that is crucial in its dealings with the outside world. The Safe Residency Act provides that when a student is charged, the student decides whether the judge is a professor or a bishop. [3] Since then, different rights holders have granted independent jurisdiction to different schools. Beginning in 1244, King Henry III of England continued to grant extensive judicial powers to university faculty members in any case involving members of the university, including debt disputes, house leases, food sales, horse rentals, and many other matters. [8] In 1288, Robert, the Governor of the Borough of Northgate, imprisoned a university magistrate for opposing the jurisdiction of the Chancellor of the University of Oxford over the case of an offence, and issued summons to the Chancellor and faculty of the University under royal law to attend the trial of the Borough of Baihu, insisting that the university enjoyed "immunity from the trial of the ordinary civil courts"[3] and refused to attend, and the stalemate was transferred to the King's Court for trial, and Robert was removed from his post for not respecting this privilege. The University of Oxford defeated the municipality in 1355 and took control of Oxford's administration. [9] In 1390, Richard II reissued the 1355 charter: "The Rector shall have the right to adjudicate any offence within his jurisdiction, whether the offender is a member of the university or a citizen", [10] a situation that lasted until 1974, when the University of Oxford lost its substantive right to administer the city. [11]

In France, the independent judiciary of universities was acquired as a result of a conflict between citizens and students. In 1200, several German students at the University of Paris united to take revenge on the tavern owner after his servants were wounded in a brawl while buying wine in a tavern, and the Paris gendarmes then led the citizens to the students' residences to fight back, killing several students and their entourage, and the students turned to King Philip II, who sentenced the gendarmerie commander to life imprisonment and granted the students the right not to be subject to the jurisdiction of the ecclesiastical courts. The king then issued an edict stipulating that all cases involving university teachers and students must be brought before the ecclesiastical courts, with no secular courts to interfere with. [12] Balson found that until the 16th century, the university and all its members, as well as their relatives and servants, continued to enjoy immunity beyond local jurisdiction. [13]

2.3 Tax exemption and exemption from servitude

In the Middle Ages, the nobility and clergy were exempt, and ordinary citizens and peasants contributed most of the country's tax revenues. As the university grows, so do its faculty and students with tax exemptions. In France, in 1340, Philip IV granted a charter to the University of Paris that they could not be extorted under the pretext of taxes, local taxes, customs duties, poll taxes, etc. [7] The exemption included not only regular taxes, but also other extraordinary taxes, such as those apportioned by the king to taxpayers for fiscal and military expenditures. [14] In Germany, the charter of the University of Heidelberg in 1386 exempted students and teachers from import and supervisory duties on goods carried to and from the university, as well as on the necessities of daily life. [7] In the tax-heavy Middle Ages, the independence of the university finances benefited in large part from the exemption from all kinds of exorbitant taxes and miscellaneous taxes, allowing the university to earn a large amount of hidden income.

The privilege of exemption from military service for university teachers and students exempted them not only from wartime obligations, but also from the obligation to join the militia regiments. For example, the city of Bologna stipulates that teachers and students are their citizens, "and we allow teachers to be exempt from military service, from participating in drills and from the guards of castles". [15] The existence of the right of immunity allowed university teachers and students to maintain normal teaching order even in times of war, and it also showed that there was an essential difference between university teachers and students as intellectuals and peasants and ordinary citizens.

2.4 The right to strike and relocate

In universities under the intertwined jurisdiction of many forces, such as the church, the king, and the municipal authorities, the faculty and student groups often adopt the method of collective strikes and migrations, and use the advantages of the groups to cope with the challenges of different management entities and the external environment. Fearing the loss of the financial benefits and honor that the university brings, the authorities often choose to accept the university's request. The most basic, initial, and effective privilege of universities is the right to strike and move. Teachers mainly oppose the church's monopoly on the right to run schools, and students mainly oppose the infringement of their rights by civil society. [16]

In United Kingdom, in 1209, when a student at the University of Oxford escaped after accidentally killing a woman in an archery class, the mayor and citizens searched the student dormitory, and two or three of the students living with him were arrested. [17] Since then, the University of Oxford has been attacked several times, and its teachers and students have fled to Cambridge, where it co-founded the University of Cambridge with the local academic community. After the closure of Oxford, the king asked Pope Innocent III to intercede in the matter, and the pope ordered all the citizens of Oxford to escort

the hanged bodies of the students to the cemetery. In 1214 the Pope issued a charter stipulating that the citizens of Oxford, in order to make up for their mistakes in the conflict, should charge only half of the sojourn rent for the next ten years, and that the rent after ten years should not be higher than the price before 1209,[17] and a joint committee of two teachers and two citizens was responsible for the implementation of this policy.

In France, at the 1229 Carnival, after a violent clash between teachers and students of the University of Paris and the townspeople, the regent Blanche did not budge. During the strike, the teachers and students of the University of Paris received an invitation from the British king, and some of the teachers and students settled in Cambridge, which contributed to the revitalization of the University of Cambridge. An anxious Pope Gregory IX interviewed Blanche's son, Saint-Louis, and it was not until Saint-Louis apologized and made amends that the University of Paris ended its two-year strike. In 1231, Pope Gregory IX passed a charter of the Fathers of Knowledge, which allowed the University to immediately suspend teaching in the event of physical injury, property damage, or illegal arrest,[7] which effectively freed the University of Paris from the control of the local bishop and granted it the right to strike.

In Italy, in 1321, students of a Bologna student union, with the assistance of their classmates, attempted to kidnap the daughter of a city notary, and the students were severely punished by the municipal authorities, triggering the last large-scale conflict in the history of the city and the school. Most of the students and teachers fled, and a year later a settlement was reached, and the municipality forced the magistrate to accept Dominican discipline and instruct the citizens to build a church for the university. After this incident, the university was finally able to freely control the rights in its hands, such as personal rights and property rights. [17]

2.5 The privilege of issuing teaching licenses

The right to teach, to take examinations, and to confer degrees was one of the most important privileges of medieval universities, and these privileges were granted by the Holy See, a religious authority. [17] Although these privileges have always been recognized, the Holy See grants them formal recognition independent of local bishops and geographical restrictions. To become a teacher, you need to obtain a degree certificate, a teaching license, and pass the rigorous admission review of the Teachers' Guild. Students can apply for a degree from the university only after completing the required number of years of study and all the required courses, and after passing the examination, they can obtain a degree certificate awarded by the university, and a master's degree is a prerequisite for obtaining a teaching license. Due to the difficulty of studying, the high cost of tuition, etc., it is very difficult to obtain a degree, "only three or four out of ten students are awarded a bachelor's degree, and only one in ten students are awarded a master's degree" [14].

The local churches and universities have always competed for the privilege of issuing teaching licenses, which were issued by the "superintendents" of the church in charge of education at the beginning of the medieval universities. From 1209 to 1229, the teachers and students of the University of Paris appealed to the Pope or the King several times, until a charter issued by Pope Gregory IX in 1231 stating that the rector of the university, not the bishop's agent, should carefully consider the student's knowledge, ability, love of learning and other qualities within three months of receiving the student's application, and decide whether to grant the student a teaching certificate according to his own moral will, without being prejudiced by nationality and status. [7] In 1292, Pope Nicholas IV promulgated the "Law of Professorship", which stipulated that students who had obtained a teaching qualification after studying in the city of Paris would also be entitled to teaching qualifications without additional examinations and examinations. [7] Subsequently, the University of Bologna and the University of Oxford also obtained the right to confer international university teaching qualifications.

3. Conclusion

The privileges of medieval universities derived, on the one hand, from the special status of the university and its teachers. Prior to the emergence of the medieval university, other guilds acquired rights such as the protection of personal liberty of the inhabitants, the reduction of taxes, and the work and rest of the population, either peacefully or violently, and these privileges were granted by the universities as teachers' guilds at the beginning of their existence. Most of the teachers in medieval universities were clergy and enjoyed the same privileges as the clergy, including immunity from the secular judicial system, exemption from military duty, and access to the consecration of the Church. On the other hand, it was obtained mainly by taking advantage of the special relationship between the king and the pope. Before the birth of the university, the church schools were the only educational institutions at the time, but as the university grew, the secular rulers began to vie for control of the wealth, prestige, and talent that the university could bring to the kingdom. The medieval university had no ability to confront the state and the church, and could only choose the most powerful and least costly strategy for itself, so as to obtain a series of rights granted by the state and the church.

The 12th and 14th centuries were the golden stage of the development of universities in the Middle Ages, and after the

14th century, as the secular regimes in Europe tightened their control over universities, the autonomy of universities gradually faded. The University of Paris was deprived of many privileges for its religious divisions and participation in secular politics in favor of different factions, especially the establishment of an absolute monarchy, which deprived it of its independent judiciary. The universities of Oxford and Cambridge were less affected by the religious changes due to their distance from the Holy See, especially since Henry VIII had become the supreme head of the political and religious circles, and they naturally began to accept the leadership of the state, and the stable guarantee of privilege has continued until modern times, but they have also been disturbed to varying degrees in foreign relations and in handling internal affairs, making them to some extent a tool for the ruler to exercise control in the spiritual and cultural spheres. By the 16th century, countries on the continent had abolished local immunity and class privileges inherited from the Middle Ages. In the Middle Ages, under the strong intervention of the royal power, the universities gave up their existing rights and began to accept the new institutional arrangements, and the universities gradually assumed their own responsibilities and obligations, and took the initiative to adapt to the general requirements.

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