



NATIONAL RESEARCH UNIVERSITY
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**VAGUE IDEA OF STUDIUM:
PETITIONS AND BULLS OF THE
PORTUGUESE UNIVERSITY AT
THE BEGINNING OF THE GREAT
SCHISM (1377–1380)**

BASIC RESEARCH PROGRAM

WORKING PAPERS

SERIES: HUMANITIES
WP BRP 153/HUM/2017

VAGUE IDEA OF *STUDIUM*: PETITIONS AND BULLS OF THE PORTUGUESE UNIVERSITY AT THE BEGINNING OF THE GREAT SCHISM (1377–1380)²

The article analyzes argumentation that was used by the Papal curia and the University of Lisbon in the bulls and petitions during the short period when the kingdom of Portugal supported Anti-Pope Clement VII (1380–1381). Rhetoric of observed sources includes legal concepts and images borrowed from earlier theoretical texts and academic privileges. In the Curial practice the main legal conception of medieval university, the *Studium generale*, could be interpreted in the different ways, as it is demonstrated by the case of the Gregory XII's bulls addressed to the Portuguese university in 1377. In 1380 the Portuguese academic corporation expected some grants and authorization of its status in exchange for support of the Avignon Pope. But controversial formulas and concepts of Clement VII's bull *In Superne dignitatis* (that *de jure* founded a new *Studium generale* in Lisbon) rather strengthen his authority in Portugal than favoured realization of proclaimed university privileges.

JEL Classification: Z

Keywords: history, medieval universities, Portugal.

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² The research was conducted within the framework of the Basic Research Program at the National Research University Higher School of Economics (HSE) and supported within the framework of a subsidy granted to the HSE by the Government of the Russian Federation for the implementation of the Global Competitiveness Program. The article was prepared within the framework of the Basic Research Program at the National Research University Higher School of Economics (HSE) and supported within the framework of a subsidy granted to the HSE by the Government of the Russian Federation for the implementation of the Global Competitiveness Program.

Academic privileges that formed basis for the medieval university always were related to rhetoric that was used in dialogs between main political actors pertaining both to temporal and ecclesiastical powers³. In the late XII – XIII cc. the idea of *studium*, its foundation and destination of university corporation's activity was used by the Emperor and the Pope⁴, by the kings (especially on the Iberian peninsula⁵) and bishops in their political proclamations and manifestations. Since the XIII c. this cumulative thesaurus of concepts, images and metaphors (closely connected with theories of the Civil and Church Law) was used by members of academic corporations to obtain a new status and new privileges – personal and collective. So diplomas and bulls that had reminded a battlefield became similar to an alchemic laboratory where rhetoric of one epoch revives and transmutes to real privileges and political situation in other time (and vice versa).

This article is dedicated to the dialog between the university of Lisbon and the Papal curia in the first years of the Great Schism. It analyzes what were the strategies of the academic corporation and the Pontiff when they used traditional rhetoric in the new situation of the weak Papal authority during the short period when the kingdom of Portugal officially supported Anti-Pope of Avignon Clement VII (1378–1394). So the elements of new understanding of the social, cultural and political phenomenon of university could be observed in the Curial documents.

In the bulls that were sent to the Iberian sovereigns we can see how unstable was the Papal authority on the eve of the Great Schism. For example in 1376 Gregory XI (1370–1378) asked monarchs of Portugal and the Crown of Aragon for a considerable credit because of his return to Italy and the start of military confrontation⁶. In such context it is remarkable that King Ferdinand I of Portugal (d. 1383) neither petitioned the Pope for a confirmatory bull for his accession to the throne in 1367 nor asked for pontifical admission before the forth removal of the Portuguese university from Coimbra to Lisbon in 1377 (unlike he did in previous similar cases of 1308, 1338 and probably 1354)⁷. Similarly, in the Cortes of Lisbon (1371) the Portuguese clerics discussed with the king a reformation (actually restauration) of the *Studium generale* without any references to the Papal Curia⁸ (in contrast to the similar discussions in Portugal in the late XIIIth c.⁹).

³ Kibre P. *Scholarly Privileges in the Middle Ages. The Rights, Privileges, and Immunities of Scholars and Universities at Bologna, Padua, Paris, and Oxford.* London: Mediaeval Academy of America, 1961.

⁴ See: *Post G. The Papacy and the Rise of the Universities / Ed. W.J. Courtenay.* Leiden: Brill, 2017.

⁵ See: *Fleisch I. Sacerdotium – Regnum – Studium. Der westiberische Raum und die europäische Universitätskultur im Hochmittelalter. Prosopographische und rechtsgeschichtliche Studien.* Münster: LIT, 2006.

⁶ *Portugalia pontificia: materials for the history of Portugal and the Papacy, 1198- 1417 / Ed. P. Linehan.* Lisboa, 2013. Vol. I. P. 740–741 (Doc. 1254).

⁷ See: *Martins A. Lisboa, a cidade e o Estudo: a Universidade de Lisboa no primeiro século da sua existência // A Universidade Medieval em Lisboa, Séculos XIII-XVI.* Lisboa: Tinta-da-China, 2013. P.81–82.

⁸ CUP. Vol. I. Doc. 276. P. 296–297.

⁹ See: the petition to Nicholas IV about founding of a university in Portugal that was written by the group of Portuguese prelates after discussion with King Denis (1275–1325) (CUP. Vol. I. Doc. 2. P. 7–8; LV. Doc. 2 a. P. 9–10).

We should allow for this political situation when analyzing three bulls of Gregory XI (granted on 2 October, 1377 in Anagni shortly before Papal return to Rome)¹⁰. As far as we can see, the main aim of the petitioning Portuguese university was a confirmation of its authority for graduation. In the earlier solemn bulls (the late XIII – early XIV cc.) in spite of the official use of the term “studium generale” the Popes never confirmed its status and authority *de jure*¹¹. The glossators’ and postglossators’ works (along with the *Second Partida* of Alfonso X the Wise of Castile¹²) contained some considerations on the status of universities and (sometimes controversial) definitions of the “studium generale”¹³. However as we can assume basing on the Portuguese university’s solemn bulls its practical Curial use did not presuppose any prescribed list of obligatory conditions¹⁴ (including official graduations and *jus ubique docendi* for graduates¹⁵).

In conditions of such vague legal tradition by the middle of the XIV c. the Roman curia attached bigger importance to the *glory* of the higher school in the Christian world and moral quantities of its students. Therefore in the bull of 1377 Gregory XI addressed to the Portuguese *studium* the following passage: “we receive reliable testimonies that the University of Lisbon flourishes with science, is filled with virtues and brings up great number of students”¹⁶. The mention of testimonies could be borrowed from the petition but such rhetoric runs through the entire text of the bull. We can observe it in the fragment dedicated to the university’s authority for graduation: “...in order that after their due labors, after numerous efforts, after diligent lectures and multiple sleepless nights that almost always are grades of the ascent to the sweetest fruits of the science ([that is] the hearty aliment of virtue), looking for insignias that inspire worthy scholars and encourage in study, the students may embellish themselves with them [insignias], – we command with the Apostolic authority that in the mentioned university on every licit faculty licenses for doctors and masters and insignia of bachelors should be

¹⁰ CUP. Vol.II. Doc. 301–303. P. 10–13. Copy of one bull was included into the cartulary of the Portuguese university (so-called Green book): LV. Doc. 20 a. P. 112–113.

¹¹ The texts of petitions (or their fixation in form of *supplica*) are not known.

¹² See: *García y García A.* La enseñanza universitaria en las Partidas // *Glossae. Revista de Historia del Derecho Europeo*. 1989-1990. 2. P. 107-118; *Rusanov A.V.* Juridicheskoe nasledie korolja Alfonso X Mudrogo i korporativnoe pravo Portugal'skogo universiteta v konce XIII—XIV vv. [Juridical heritage of the king Alfonso X and corporation law of the Portuguese university in the late XIII – XIV cc.] // *Istoricheskij vestnik*. 2015. T. 12 (159). S. 102–121; *Popova G.A.* Universitet, kakim on dolzhen byt' (31 Titul Vtoroj Partidy Alfonso X) [University as it should be (Title 31 of the Second Partida of Alfonso X)] // *Universitas historiae. Sb. statej v chest' Pavla Jur'evicha Uvarova*. Moscow: Institute of Word history, Russian Academy of Sciences, 2016. P. 151–157.

¹³ *Ermini G.* Concetto di “Studium generale”. (Estratto dall “Archivio Giuridico. Vol. CXXVII. Fasc. 1 (Ser. V. Vol. VII, Fasc. 10.) Modena, 1942.

¹⁴ The term “studium generale” was used in the following solemn curial document related to the Portuguese university: one bull of Nicholas IV (1290; CUP. I. Doc. 6. P. 12-14, LV. Doc. 1 a. P. 3-5), and two bulls of Clement V (1308, CUP. I. Doc. 22-23. P. 39-42; LV. Doc. 1 b, 2 b. P. 5-6, 11-12). The university of Lisbon was called “studium generale” in two bulls of Clement VI in 1345 (CUP. I. Doc. 133. P. 149-151, LV. Doc. 19 a. P. 99-101; CUP. I. Doc. 135. P. 152-153;.), but in 1350 the same Pope called it just “studium” (2 bulls: CUP. I. Doc. 176-177. P. 188-191; LV. Doc. 32 a – 32 b. P. 156-159.)

¹⁵ *Cobban A. B.* The Medieval Universities: Their Development and Organization. London: Barnes & Noble, 1975. P. 28–32.

¹⁶ “Ad Stuidium Ulixbonense quod, sicut fidedignis testimoniis accepimus, propitia Divinitate, Scientia floret, virtutibus habundat et multitudine scolarium est fecundum” (CUP. II. Doc. 301. P. 10; LV. Doc. 20 a. P. 113.)

conferred, granted and issued to the deserving and meriting scholars according to the ceremonies and customs that are observed on similar occasions”¹⁷.

The Pope emphasized the role of ceremonies that became an integral part of the university idea: they were transmitted from attributes of permitted communities (e.g. *universitates*)¹⁸ to the “*studium generale*”. And in the privilege of the university status that should be based on his authority he appealed to the traditions – as we can suppose – owned by the well-known “model” university corporations: Paris and Bologna.

Those terminological and legal conditions of the curial correspondence related to the university of Lisbon on the eve of the Great Schism influenced on the later rhetoric of Portuguese professors and students in their dialogue with the Apostolic See, especially in the roll of petitions of 1378–1380¹⁹. The both pretenders were looking for support among powerful sovereigns – and other authoritative actors including academic communities²⁰.

The Portuguese university corporation took advantage of this situation that derives from three rolls of petitions sent to Avignon to Antipope Clement VII: by King Fernando²¹, by Bishop of Lisbon Martinho of Zamora (1379/80–1383)²² and by the rector of the university corporation²³. These documents were dated 1378, but Martinho, who was an ardent adherent of the Avignon pontiff, obtained the diocese of Lisbon only on February 1379 (or even later) and the king supported the Anti-Pope only in the beginning of 1380²⁴. As we can suppose, the older date should confirm earlier initiation for petitioned benefices and commends, and the rolls were sent in 1380 (though some supplications could be prepared in 1378 or earlier)²⁵. The roll of Infant John, master of Avis (king of Portugal in 1385–1433) was dated February, 29 1380²⁶ and probably was summited soon after the Portuguese ambassador’s list of petitions (June, 2 1380)²⁷. We should take in consideration that submission of these rolls (including the rector’s roll that is analyzed in this

¹⁷ “...inibi studentes post legitimos labores, post sudores innumeros, post lectiones assiduas et lucubrationes multiplices, quibus quasi quibusdam gradibus ad dulcissimos fructus scientie pervenitur honoribus, qui virtutis sunt uberrimum alimentum, et desideratis insignibus qui generosorum scolarium animi tanquam quibusdam stimulis ad studium incitantur, se conspexerint decorari, ut in dicto Studio in omni licita facultate doctoratus et magisterii licentie et bachalariatus insignia sufficientibus et benemeritis scolaribus conferri, concedi et exhiberi valeant, observatis solemnitatibus et consuetudinibus observari in tallibus consuetis, autoritate apostolica, indulgemus”. (Ibid.)

¹⁸ About corporations of students and professors as legal organizations in the Common Law see: *Ullman W.* The Medieval Theory of Legal and Illegal Organisations // *Law Quarterly Review*. 1944. LXII. P. 285–291.

¹⁹ About academic rolls of petitions addressed to the Papal Curia see: *Watt D.E.R.* University clerks and rolls of petitions for benefices // *Speculum*. 1959. XXXIV. № 2. P. 213–229; *Linehan P., Zutshi P.N.R.* Fiat A: the Earliest Known Roll of Petitions Signed by the Pope (1307) // *English Historical Review*. 2007. Vol. CXXII (498). P. 998–1015; *Rotuli Parisienses: Supplications to the Pope from the University of Paris* / Ed. W.J. Courtenay and E.D. Goddard. Vol. I–III. Leiden: Brill, 2002–2012.

²⁰ See: *Swanson R. N.* Universities, Academics and the Great Schism. Cambridge: Cambridge university press, 2008

²¹ CUP. Vol. II. Doc. 311. P. 23–32.

²² CUP. Vol. II. Doc. 312. P. 33–37.

²³ CUP. Vol. II. Doc. 314. P.38–51.

²⁴ See: *Baptista J.C.* Portugal e o Cisma do Ocidente // *Lusitania Sacra*. 1956. Vol. I. P. 78–84.

²⁵ About the similar incorrect dates of the Parisian *rotuli* of 1378–1381 see: *Courtenay W.J., Goddard E.D.* Introduction // *Rotuli Parisienses...* Vol. III. P. 8.

²⁶ CUP. Vol. II. Doc. 340. P. 74–77.

²⁷ CUP. Vol. II. Doc. 348. P. 86.

article) was realized by the Portuguese temporal and Church sovereigns as a regular procedure. Thus, the Portuguese king sent the next list of petitions already on June 13, 1380²⁸.

The university corporation directly says in its rector's roll that petitions were not sent earlier because of the king's neutrality in the Schism²⁹. Ferdinand lingered his answer explaining that this question was outside his temporal authority. At the same time it was obvious that the pretenders needed financial and political support of Portugal and the Crown of Aragon³⁰. Ferdinand's first official decision was made in 1380 on the assumption of political conjuncture. So from January, 1380 to August, 1381 during the period of long negotiations about a project of political alliance of Portugal and France there was the Clementist time of the Portuguese Church (and university). But after the failure of this project the king decided to renew the alliance with England (August, 1381) – and the kingdom of Portugal supported Roman Pope Urban IV (1378–1389)³¹. It enabled Ferdinand to start a new war with Castile that subordinated the claimant of Avignon (1381–1382; one of so-called *Guerras fernandinas*). Later the Schism remained an important part of Iberian political rhetoric, for example during the Portuguese interregnum of 1383–1385³².

We cannot be sure if the university of Lisbon was an independent actor in the international discussions about the Schism. R.N. Swanson suggests that in spite of the sent petitions most members of the Portuguese academic corporation did not give its active support to Clement VI – and this consistent position was openly demonstrated when the Master of Avis obtained the crown³³. But it seems more important to observe how Portuguese professors and students found pragmatic ways for consolidation of their legal and social status using political and religious struggles. Other Iberian *studia generalia* used this possibility as well: in 1378 the universities of Perpignan (that was re-established at the same time) and Lleida sent their own rolls of petitions to Clement VII³⁴. We do not know if there were any staunch “Urbanists” or “Clementists” in the University of Lisbon. Anyway the rector of the university corporation found practical argumentation for the Anti-Pope. His roll of petitions includes a solemn preamble along with the list of candidates for the benefices. Though texts of rolls were often adopted to the *stilus*

²⁸ CUP. Vol. II. Doc. 353. P. 93–94.

²⁹ “Pater S. cum usque nunc propter domini nostri regis indifferentiam non potuerimus S. V. aliquo modo supplicare” (CUP. Vol. II. Doc. 314. P. 51.) See also: *Farelo M.* La représentation de la Couronne portugaise à Avignon et ses agents (1305-1377) // *Anuario de Estudios Medievales*. 2010. 40/2. P. 723–763.

³⁰ *Martins A.* Lisboa, a cidade e o Estudo... P. 82–83

³¹ *Baptista J.C.* Op. cit. P. 118–122.

³² *Sánchez Sesa R.* El Cisma de Occidente en la Península Ibérica: religión y propaganda en la guerra castellano-portuguesa // *Estudos em homenagem ao professor doutor José Marques*. Vol. IV. Porto: Faculdade de Letras da Universidade do Porto, 2006. P. 316–320.

³³ *Swanson R. N.* Universities, Academics and the Great Schism... P. 33

³⁴ See: *Ibid.* P.30–32;

curiae before copying to the Register of *supplicae*³⁵ (the originals of the Portuguese rotuli did not survive), we can be sure that the unusual for the current type of documents³⁶ preamble was composed in Portugal.

Naturally, the leading idea of this text was the reduction of the Schism. The corporation and its rector wrote that according to the natural reason “everything strives for its similar”, so they firmly believed that God constituted His Vicar who was “not dissimilar but appropriate” for Him. And this true pontiff’s reign would be a redemption of their people and would not permit the lost sheep to decline in the Schism³⁷. Authors of the roll underlined that the *studium* was subordinate directly to the Pope writing “in dicto *vestro* Studio”³⁸. After that they passed to request for new grants and privileges. In their rhetoric³⁹ the clemency (*clementia*, transparent allusion to the pretender’s name and one of cardinal virtues) should be conjunct with the liberality (*liberalitas*). We can suppose that this conjunction was based on the beginning of the Fifth book of Valerius Maximus’ *Facta et dicta memorabilia*⁴⁰. At the same time the conception of clemency should be considered as a part of divine *virtus* (according to Augustine’ and later tradition⁴¹ from the first passage of the preamble it corresponds to the likeness to the Lord) and the liberality – as an attribute of nobleman and temporal sovereign⁴². So authors of these petitions tried to mark their place in the European political space. In fact, with the liberality (of grants) the Antipope should confirm his similarity to God and thereby his own divine authority. After this significant passage the petitioners noted⁴³ that all the grants were needed for the “pearl of science”⁴⁴ that was

³⁵ Courtenay W.J. Introduction // Rotuli Parisienses... Vol. I. P. 11–13.

³⁶ Courtenay W.J., Goddard E.D. Introduction // Rotuli Parisienses... Vol. III. P. 1–28

³⁷ “urgente ratione naturali, que habet quod unumquodque appetit suum simile, compelluntur non inmerito firmiter credere et tenere quod liberalissimus et propitius Dominus non dissimilem sed convenientem potius sibi in vobis constituerit vicarium Iesus Christus, dum ad ecclesiam suam universalem regendam Beatitudinem Vestram disposuit assumendam, Redemptorem in nobis populo suo mittens, ne permetteret eum tanquam oves errantes in devium scismatis declinare” (CUP. Vol. II. Doc. 314. P. 38.)

³⁸ Ibid.

³⁹ “ipse est de quo scribitur ut melius novit V.S. benedicta, quod dat omniis afluenter et non revocat sed cumulos gratiarum liberalitatis amplificat, sciens quod hanc sibi liberalitas quodammodo legem imponit ut debere se quod sponte tribuit extimet et nisi in bene creverit, nichil se prestisse putetur, ad quod credendum firmiter et tenendum, Pater Sancte, eos viri sancti nominis declaratio alias derivatio non modicum inducer videtur quod recte de clementia derivatur, que a liberalitate non multum creditur esse remota, ymo coniuncta potius et anexa, cum in omni liberalitate clementia non sit dubium contineri”. (Ibid.)

⁴⁰ “Liberalitati quas aptiores comites quam humanitatem et clementiam dederim, quoniam idem genus laudis expetunt? quarum prima - inopia, proxima occupatione, tertia ancipiti fortuna praestatur...” (Val. Max. 5.1.)

⁴¹ See: *Bejczy I. Cardinal Virtues in the Middle Ages: A Study in Moral Thought from the Fourth to the Fourteenth Century.* Leiden, Boston: Brill, 2011. P. 278–279.

⁴² For example, in opposition of *liberalitas* and *caritas* that was popular since the Early Middle Ages (See: *Kloft H. Liberalitas principis. Herkunft und Bedeutung. Studien zur Prinzipatsideologie.* Köln: Böhlau, 1970. S. 173–178). In spite of various uses in Theology (including Bonaventura’s *Liberalitas Dei*) we can observe relation between this virtue and idea of temporal sovereign: e.g. Thomas Aquinas considered it as a *pars potentialis* of *iusitia* (See: *Bejczy I. Cardinal Virtues...* P. 301–302.)

⁴³ “quatinus sibi pro scientie margarita in dicto vestro Studio continue laborantibus spiritualem gratiam facientes, de beneficiis in Dei ecclesia et alias ut petuntur, dignemini misericorditer providere ut sic in sudoris vultus sui manuum suarum manducantes lobores, in ipsa Dei ecclesia fructus afferant qui non perit et ceteri hec oculo interiori cum diligent recensentes, ad supportandos labores predictos, in quibus rei publice sine dubio versatur, utilitas facilius inducantur et ipsa Dei ecclesia que, ut melius nosc., ad sui regimen viris eget permaxime tanquam vittis habundans filiis suis, sic novelle olivarum in circuito domus et mense sue specialibus constit. talium muro inexpugnabili bellatorum fortiter resistere valeat insurgentibus ex adverso”. (CUP. Vol. II. Doc. 314. P. 39.)

⁴⁴ “Scientiae margarita” became common image for an academia in the... of the Papal Curia in the XIVc. Cf. “sapientiae et scientiae margarita” in the Papal bull to the University of Salamanca of 1333 (Bulario de la Universidad de Salamanca (1219-1549) / Ed. V. Beltrán de Heredia. Salamanca: Universidad de Salamanca, 1966. P. 335 (Doc. 28.)).

demonstrated not only as a center of temporal wisdom but also as an integral part of the Church (using a paraphrase of the Psalm 125)⁴⁵. Such integration was emphasized with the traditional comparison between the sages (and respectively, their corporation) and the wall of warriors that defends the Faith world from heresies – it goes without saying that this passage seemed urgent in the time of the Schism. This rhetoric topos was used in the Curial documents related to the universities at least since the Honorius III's famous bull *Super specula* addressed to the Parisian university in 1219⁴⁶. But we should notice that in the observed case it was rather unfounded: the University of Lisbon did not have permission for the faculty of Theology. So juridical *studium* appropriated different types of rhetoric mostly in its dialog with the pretender from Avignon.

In the preamble of the rector's roll grants and benefits for the university corporation (and for its members personally) were considered as a necessary attribute of the Papal power, i.e. an approval of the roll of petition could be interpreted as a part of Clement VII's legitimation (at least for the territory of the Portuguese kingdom). So the *studium generale* of Lisbon bracketed itself with the most famous European schools, its significance of "regional" university founded and supported by the king was supplemented with the image of "glorious" center of science. Because of the urgent problem of legitimation (including legal procedures) the temporal and ecclesiastical powers paid great attention to the expert opinion of the most famous universities⁴⁷. Some monarchs (including Ferdinand I of Portugal) proposed to convene a council of *juris periti* who could choose the true Apostle Peter's successor in terms of the Common Law.

Such rhetorical tactics of the Portuguese university were successful: by the Papal order all the petitions of the roll were approved (clerics without academic degree should be benefited if there were no other sufficient candidates)⁴⁸. At the same time we cannot be sure if all these personal nominations and grants were realized, especially in view of the soon return of the kingdom to Urban IV. During all the observed period there were two nominal bishops of Lisbon⁴⁹, struggles and litigations between Clementist and Urbanist candidates on the level of parishes are also known⁵⁰. Though the profit for personal petitioners stayed dubious (the roll

⁴⁵ "...uxor tua sicut vitis fructifera in penetrabilibus domus tuae filii tui sicut germina olivarum in circuitu mensae tuae". (Ps. 125.3); Cf. the use of this phrase for description of the Church in the Catholic liturgy: «Sicut novellae olivarum ecclesiae filii sunt in circuitu mensae domini».

⁴⁶ Chartularium Universitatis Parisiensis / Ed. E. Chatelain, H. Denifle. T. I. Paris: Delalain, 1889. P. 90 (Doc. 32). Also included into the Decretals of Gregory IX: Dec. 3. 50. 10.)

⁴⁷ Swanson R. N. Universities, Academics and the Great Schism... P.23–25. About earlier tradition of academics' opinions and councils in political and social questions see: *Marmursztejn E. L'Autorité des maîtres: Scolastique, norms et société au XIIIe siècle*. Paris: Les Belles Lettres, 2007.

⁴⁸ "Fiat pro omnibus, non servata regula de non graduatis, dum tamen sint alias sufficientes" (CUP. Vol. II. Doc. 314. P. 51.)

⁴⁹ See: *Sánchez Sesa R. El Cisma de Occidente...* P. 309-310.

⁵⁰ Such controversies could have long history: for example, in 1392 during the legal process the Portuguese academic corporation tried to annul the action of the prior of one university's incorporated parish appealing to his excommunication in 1378 (CUP. II. Doc. 392. P. 136–144; LV. Doc. 19. P. 95–112).

gave them just an instrument for the future litigations without guaranty) and the whole academic community strengthened its position with this roll.

If suggestion about the rolls submitted at the beginning of June, 1380 is true, it seems logical that the petition dedicated to the main of the university corporation itself, authority for graduation, was given at the same time and was favored with an Apostolic answer, the bull *In Superne dignitatis* (June, 7 1380)⁵¹. The petitioners were the bishop of Lisbon and the king of Portugal⁵². The Anti-pope sent this bull as an order to ensure the rents of the University to the bishop of Lisbon and the dean of Coimbra⁵³.

The bull *In Superne dignitatis* is a controversial document. Along with the official approval of the grades conferred in Lisbon it formally proclaimed the foundation of the new *Studium generale* in this city at the place of an old *studium particulare*. The second term was known since the middle of the XIII c. as a non-privileged opposite to the *Studium generale* and by the middle of the XIV c. was still discussed in the works of Batolus from Sassoferrato (1313–1357) and other Italian postglossators⁵⁴. But it was hardly ever applied to any real institution.

In the case of the Portuguese university we can suppose intentional misunderstanding. The idea of good location and attraction of Lisbon noted by curial authors of the bull corresponds with traditional idea of the *studium* as a privilege of the whole city⁵⁵, but it leads to the juridical contradiction: in this context *studium generale* could be interpreted as a “school” of *civitas* (e.g. center of diocese), and *studium particulare* as a school of any other town or settlement⁵⁶. However the Papal Curia did not give renewed status to the existing schools of Lisbon (as it was supposed in the petition⁵⁷) and preferred to initiate a new *studium*⁵⁸. Describing activity of the “future” university the bull mentioned “fidei

⁵¹ CUP. Vol. II. Doc. 351. P. 89–90.

⁵² “Nuper siquidem per venerabilem fratrem nostrum Martinum, episcopum Ulixboñ, carissimi in Christo filii nostri Frenandi, regis Portugalie illustris, ambaixiatorem, pro parte ipsius regis fuit expositum coram nobis” (Ibid. P. 89.)

⁵³ CUP. Vol. II. Doc. 352. P. 91–92.

⁵⁴ *Ermini G. Concetto*...

⁵⁵ See: *Rusanov A. Locus Studii: Portuguese University and Urban Space (from the late 13th to the middle of the 15th century)* // *Istoriya*. 2016. V. 7. Issue 6 (50) [Electronic resource]. Access for registered users. URL: <http://history.jes.su/s207987840001536-8-1-en> (circulation date: 05.10.2017). DOI: 10.18254/S0001536-8-1

⁵⁶ *Ermini G. Concetto*... P. 23–24.

⁵⁷ See in the text of the bull: “...in regno Portugalie Generale Studium, quod in illispartibus summe foret expediens, non habetur quodque civitas Ulixboñ, in ipsius regni loco saluberrimo sita et a diversarum partium gentibus frequentata ac in victualibus aliisque vite necessariis copiose ad huiusmodi Generale, cum particulare dudum in ea fuerit Studium, accomoda multum existeret”. (CUP. Vol. II. Doc. 351. P. 89)

⁵⁸ “...paternis affectibus hannelantes dicti regis supplicationibus inclinati, de fratrum nostrorum consilio, auctoritate apostolica statuimus et etiam ordinamus ut in dicta civitate de cetero sit Studium Generale illudque perpetuis temporibus inibi vigeat tam in iure canonico et civile quam alia qualibet licita, preterquam in theologica facultate ac quod legentes et studentes ibidem omnibus privilegiis libertatibus et immunitatibus concessis doctoribus et magistris legentibus et commorantibus in Studiis Generalibus, etiam in corpore iuris inclusis, gaudeant et utantur quodque illi qui processu temporis scientie margaritam illius facultate in qua studuerint, assecuti ac sibi docendi licentiam ut alios erudire valenat, et doctoratus seu magisterii honorem seu titulum petierint, impertiri per doctores seu doctorem ac magistros seu magistrum illius facultatis in qua examinatio fuerit facienda, episcopo Ulixboñ...” (Ibid. P. 90.)

cultus” along with “iustitia”⁵⁹ and later it directly named the Faculty of Theology (that was not established in the university of Lisbon until 1400). Hereby we can suppose the use of other “studium generale” concept: the Pope founded the new (and main) faculty that pretended to change the status of the whole *studium*. But by such “foundation” Clement VII cast doubt to the corporation legal continuity, and consequently earlier privileges of the university (when it was *studium particulare* according to the bull) could be contested. For example this controversy could be used in litigations connected to the university corporative possession of benefices. The proclaimed “foundation” seems to be a kind of political manifestation. As P. Nardi states during the Avignon period the founding and approval (or rejection) of universities was used by Emperors as an instrument of political struggle with the power of the Church⁶⁰. After 1377 such foundations became instruments of the new struggle – between the Pope and the Antipope expecting to reinforce their control over certain territories.

We can observe other kind of argumentation related to this process in the preamble of the bull. In spite of real circumstances it presupposes that scholars from all the Christian world would direct their steps towards Lisbon and underlines that it was the Pope only who assured access for every person wanting to come to the *studium litterarum*,⁶¹. As we can see by 1380 such “global” status already was an integral part of the “studium generale” changing concept. It was oriented to model of the Authentic *Habita* (1155)⁶². This privilege of Frederic I Barbarossa assured safe passage to the men who were going to the *studium*. It was included in the *Corpus Juris Civilis* and became a pattern for all the sovereigns that pretended to proclaim their power over certain land (as the Emperor proclaimed it over all the Universe). So the emphasis on the “universal” character of the “new” *studium* aimed at proclaiming and strengthening Clement VII’s power.

Certain elements that should strengthen the authority of the Avignon Pope were included even in the main grant of the bull. After the detailed description of the examination procedure the bull stated that all the grades should be certified by Bishop Martinho, the main Clementist of the kingdom. Though the chancellor (who usually was a bishop) authorizing the graduation was a traditional actor in

⁵⁹ “ad querenda litterarum studia, per que divini nominis sueque catholice fidei cultus protenditur, iustitia colitur, tam publica quam privata res utiliter geritur omnisque prosperitas humane conditionis augetur, gratiosos libenter favores impendimus et oportune commoditatis auxilia impertimur”. (Ibid. P. 89.)

⁶⁰ See: Nardi P. Relations with Authority // A History of the University in Europe. Vol. 1: Universities in the Middle Ages / Ed. H. de Ridder-Symoens. Cambridge: Cambridge University Press, 2003. P. 97–99.

⁶¹ “ut regnum ipsum, quod divina bonitas multitudine populi rerumque copisa predotavit, scientiarum muneribus ampliatur fiatque litterarum fertilitate fecundum ut viros producat consilii maturitate conspicuos, virtutum redimitos ornatibus ac diversarum facultatum dogmatibus eruditos sitque ibi scientiarum fons irriguus, de cuius plenitudine auriant universi litteralibus cupientes imbui documentis, ex hiis omnibus et presertim ydoneitate et amenitatibus civitatis prefate diligenti meditatiōne pensatis, ad huiusmodi universale Studium non solum premissorum eiusdem regni et regnorum circumadiacentium incolarum, sed etiam aliorum qui de diversis mundi partibus ad eadem confluent civitatem commodum et profectum...” (Ibid. P. 89–90.)

⁶² Ullman W. The medieval interpretation of Frederick I's authentic "Habita" // L'Europa e il diritto romano: studi in memoria di Paolo Koschaker. Milano: Giuffrè, 1954. Vol. I. P. 99–136; Stelzer W. Zum Scholarenprivileg Friedrich Barbarossas (Authentica "Habita") // Deutsches Archiv für Erforschung des Mittelalters. 1978. Bd. 34.

legal documents of “model” *studia generalia* (especially Paris), this office was not mentioned in privileges and statutes of the Portuguese university since the late XIII c. As we can suppose, because of numerous removals there was no firm institutional relation between the academic corporation and the bishop of Lisbon or Coimbra⁶³. Therefore the possibility of realization of all the procedure described in the bull stays dubious.

On the one hand, the Schism was a great danger for universities because it destroyed the unity of the Christian world and thereafter eliminated the *jus ubique docendi*. On the other hand, it gave new political possibilities to the universities, especially to the schools that did not have glory, as it is demonstrated in our case. The observed dialog of bulls and petitions of the university of Lisbon should be characterized as a process of so-called “reversed legitimation”. Only the true Pope could charter and assure a university status, and every true king should protect the *juris periti*. Thus, the rhetoric of the documents dedicated to the granted privileges of the Portuguese university assumed a character of an open polemic. The argumentation related to the image of the true authority as a founder and a patron of the *studium* was used by the clerics in dialog with the king during the Cortes and by the king himself while negotiating with the pretenders to the Holy See. Clement VII and his curia tried to extend papal influence for Portugal using special rhetoric and combination of juridical conceptions in the bull *In Superne dignitatis*.

The most of observed documents were not included in the corpus of the university corporation law, we cannot find their copies in its cartulary (known as the Green book) or any references to them in judicial documents of the Portuguese *Studium generale* either. The rhetoric of observed documents influenced conceptions of the university status used in Portugal. Thesaurus of such argumentation was rich: it contained images of the university as a key institution for the both, church (as a “defender of the faith”) and temporal (as “fundamentals of the justice”) authorities. Unfortunately we do not know if it continued to use observed argumentation in petitions sent to Urban IV (this type of documentation from his pontificate did not survive⁶⁴), but in the later diplomas we can observe how the Portuguese university corporation tried to manoeuvre between two powers during all the XIV c.

In the curial documents of 1377–1380 we can see how the conceptual gap between university as a corporation (*universitas*) and university as a privileged center of knowledge (*Studium*) was disappearing in the legal practice. By the end of the century the same process became evident both in the Common Law and in the corpuses of the corporation privileges. A very important direction for the future investigation can be the question on how those conceptual changes influenced the

⁶³ See: *Marques J.* Os corpos académicos e os servidores // História da universidade em Portugal. Vol. I. T. I. (1290–1536). Coimbra, Lisboa: Universidade de Coimbra, Fundação Calouste Gulbenkian, 1997. P. 126.

⁶⁴ *Courtenay W.J., Goddard E.D.* Introduction... P. 3–4.

political rhetoric of the universities at the end of the Great Schism, especially during the Council of Constance (1414–1418).

Abbreviations

CUP – Chartularium Universitatis Portugalensis. Vol. I-XV. Lisboa: Instituto da Alta Cultura, 1967–2003.

LV – Livro Verde da Universidade de Coimbra / Ed. M.A. Rodrigues. Coimbra: Arquivo da Universidade de Coimbra: Arquivo da Universidade de Coimbra, 1992.

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