INTRODUCTION

The period following the barbarian invasions and the over-
throw of Rome was the darkest age in the intellectual history
of Europe. The Germanic conquerors were too backward to
continue the work of the Romans, and, as a consequence, the
Roman imperial and municipal schools were swept away, the
knowledge of Greek practically disappeared, and even the Latin
language threatened to disappear. This intellectual decline
reached its lowest point in the seventh century, though there was
not much actual improvement before the eleventh century. Before
there could be an intellectual revival in Europe, it was necessary
that there should be a fusion in race and in civilization, and es-
pecially that the barbarians be brought to a comprehension of the
results of Roman civilization. And, in this process of assimila-
tion, the great agent was the Christian Church—a fact which
largely explains the religious trend of the thinking mind during
the Middle Ages.

When the Roman imperial and municipal schools disappeared,
it was the needs of the Church that kept in existence a certain
amount of learning. Some secular education was considered nec-
essary in ecclesiastical training; and so to meet this demand
schools arose in connection with the monasteries and cathedrals.
In these schools the course of study was somewhat narrow, as
it included only what was considered essential for the priest and
the monk, but it should be remembered that in them alone were
educational and intellectual ideals maintained during the confusion
of the earlier Middle Ages. They attained high influence and

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reputation and became the basis for the rapid advance of the twelfth and thirteenth centuries.[1]

The Carolingian renaissance marked the first important step in advance. This renewal of intellectual activity is explained by the political consolidation of western Europe and by the personal influence and aims of Charles the Great. A revival of education was an important part of Charlemagne's far-reaching schemes of ecclesiastical reform. It was his desire to make the Franks capable of appreciating their inheritance from Rome and, to that end, he called a number of foreign scholars to his court and set about a thorough reorganization of the Frankish schools. The chief of these foreigners was the famous English scholar Alcuin, one of the leaders of the Northumbrian revival of education and letters in England, who was given the task of organizing and diffusing learning throughout the Frankish dominions. In 782 he was made master of the palace school; and for the next eight years he labored to carry out his educational projects, first in the palace school and later throughout the kingdom.[2]

Under Alcuin's influence Charles issued in 787 his famous capitulary in regard to education. This capitulary shows several very important ideas: firstly, the head of the State undertakes to compel a general attention to education; secondly, the principle is laid down that without the study and teaching of secular subjects the servants of the Church would be unable to fulfil their proper functions and would be hampered in understanding the Scriptures; and, finally, it is desired to raise up a body of teachers willing and able to carry on the work of education, thus giving teaching a definite standing as one of the professions.[3] The

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[1] Rashdall, The universities of Europe in the middle ages, I. 26, 27.

[2] Mullinger, The schools of Charles the Great, chs. i, ii; West, Alcuin, chs. iii, v; Eginhard, Life of Charlemagne, 61, 62.

[3] Mullinger, op. cit., 97-99, gives a translation of this document see also Pennsylvania translations and reprints, VI. no. 5, 12-14.

importance of such ideas is readily seen.   Between the years
787 and 802 there followed a series of capitularies and letters of
instruction designed to reënforce and extend these essential prin-
ciples of Charlemagne's educational system.

The results of this activity were important, even though the
permanent effects fell far short of what the revival seemed to
promise.   A system of schools was built up with the palace school
at its head.   In this school were gathered together the members
of the royal family and the chief men of the court, and from it
the impulse of this intellectual activity spread to other schools
that had been established or revived through the influence of
Charles the Great and Alcuin.   Because of this impulse a few
schools continued to give a more thorough instruction in the me-
dieval curriculum, as was the case at Paris, Orleans, Rheims,
Chartres, St. Martin of Tours, and elsewhere.[1]

This Carolingian revival would certainly have proved some-
what permanent if only social and political conditions had con-
tinued favorable.   But the succeeding age was one of great con-
fusion, largely due to Norman, Saracen, and Danish incursions,
and in the two centuries after Charles the Great we do not find
any great degree of advancement in learning.   However, here
and there some improvement was made.   Thus in the latter half
of the ninth century a controversy over the doctrine of transub-
stantiation arose at the court of Charles the Bald, in which all
the leaders of West Frankish learning took part. Another doctrinal
controversy, waged over the question of predestination, was car-
ried on by Gottschalk, Scotus Erigena, and other writers of the
time.[2]

Somewhat later England experienced a revival of intellectual
activity through the efforts of Alfred the Great.   Alfred continued
the work of Charles the Great by founding a palace school at

[1] Rashdall, I. 30.
[2] Emerton, Mediaeval Europe, 440-442.

Winchester and by calling in foreign scholars. But the best work was done by the king himself, as scholar, as translator, and as writer of English prose.[1] The influence of this work, too, was short-lived, the decline being due to the religious and social condition in England and to the second Danish invasion. Saxony, also, in the tenth century became a center of education through the development of the Carolingian schools in that country. Encouraged by the Ottos, the monasteries of Hersfeld, Corvey, and Hildersheim, for men, Quedlinburg and Gandersheim for women, became seats of classical activity and culture.[2]

The strictly religious tendency soon began to rival this more practical spirit, and learning passed more completely under the control of the monasteries. The monks regarded the early Church writers as the source of all that was worth knowing. Classical learning was not to be enjoyed; it was to be carefully used only as an aid to the work of the Church. We find the expression of this idea in the Clugniac order, the ideal of which was the ascetic life. The opposition of Clugny to the study of the classics partly explains the decline of learning in the course of the tenth century.

In the eleventh century there is to be seen a great change gradually taking place in Europe. This change revealed itself in many ways—in reform and the founding of new monastic orders, in the revival of architecture seen in the building of cathedrals, in the crowded schools and the new passion for inquiry, and in the rise of scholasticism and of the universities. The culmination of this movement was the important twelfth century renaissance, the creative age of scholastic philosophy; while the thirteenth century saw the intellectual life of the Middle Ages at its height.

There are several causes for this rapid advance after the

[1] Alfred the great, 149-205.
[2] Emerton, 445.

year 1000. One of these was the restoration of political, ecclesiastical, and social order, attained primarily through the conversion of the Scandinavian pirates into Christian and civilized Normans, through the enlightened rule of the Ottos and their regeneration of the Papacy, and through the beginnings of civic life in Italy. The greater order and security thus obtained gave one of the most indispensable conditions necessary for intellectual activity.

Another influence is to be found in the curriculum of the preceding age. There was no sudden movement or discovery; the revival of the eleventh and twelfth centuries grew out of the old conditions, and it may not be too much to say that its direction was completely determined by those conditions, as, for instance, the revival of logic at Paris, of law at Bologna, and of medicine at Salerno. It is necessary, then, to notice more closely the traditional education inherited from the past. As has already been indicated, the object of this education was ecclesiastical, that is, to expound the scriptures and the writings of the church fathers. For the proper understanding of these a certain amount of secular education was considered necessary, represented by the elementary trivium, grammar, rhetoric, and logic, and by the more advanced quadrivium, music, arithmetic, geometry and astronomy. The content of the quadrivium was very meager before the twelfth century renaissance, and so the secular education of the "dark ages" was in reality the trivium.

Before the time of Charles the Great the secular culture that had survived was based upon the Latin classics and sometimes upon the Roman law, but at this time the heart and center of secular education in Northern Europe had become dialectics or logic. This was the one study of the past that the student was encouraged to make his own, not only because it could not be regarded as pagan in its influence but also because it was thought essential for the right comprehension and teaching of Christian truth.

And besides, the material at his disposal was much richer than in most other branches of secular knowledge. In the early middle ages, as well as later, Aristotle was supreme. Yet in the formation of the scholastic philosophy the influence of Plato upon medieval thought was of considerable importance, the different views of these two philosophers regarding the nature of "ideas" furnishing the great central subject—and for a time the only subject —of medieval speculation and controversy.[1]

Before entering upon a history of these scholastic arguments, two other causes that help to explain the twelfth century renaissance will be noticed namely the Arabian civilization and the crusades. During the ninth, tenth, and eleventh centuries a brilliant civilization had been developed among the Arabs. After a wonderful career of conquest, the Mohammedans turned their spiritual force in fresh directions, and as a result jurisprudence, science, art, and philosophy rose and flourished at a time when Europe was in comparative darkness. Every mosque had its school, academies and universities were instituted, and great libraries were collected at Bagdad, Alexandria, Cairo, Cordova, and other centers of culture. The Arabs were strongly attracted by the survival of Greek learning; translations from the Greek were numerous, and Aristotle and Euclid were the starting points of this new intellectual activity, except in the fields of poetry and jurisprudence. Christian students were welcomed to their schools, and these on their return home, disseminated a considerable part of the Arabian learning. Spain especially was the country through which this learning penetrated into Europe, the university at Cordova being famous.[2]

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[1] Rashdall, I. 37, 38; Sandys, History of classical scholarship, 505, 506.

[2] Draper, History of the intellectual development of Europe, II. 30-53; Laurie, The rise and early constitution of universities, 88-90; Rashdall, I. 77-82, II. 115-118, 780-785.

Of considerable importance in the second place were the cru-
sades, which undoubtedly had their part in shaping the changes
in thought and life that characterize the Europe of the twelfth
century. The movement was a sign of the reawakened energy of
Europe and at the same time an important cause of increased in-
tellectual activity and change. Those taking part were given a
view of distant lands, were brought in contact with new peoples
and new ideas and were imbued with a common enthusiasm and
with common interests and ideas. Intellectual quickening and a
general enrichment of education and culture followed, broader
and more human notions of the world were awakened. The deeds
of the crusaders furnished new and rich material for historical
literature and did much to stimulate the development of romantic
literature. The period following the crusades is marked by a
great increase in the number of books, by rapid advancement in
the studies of law, medicine and theology, by the scholastic phil-
osophy, and by the rise of the universities. Of these the two
latter are the most important in the intellectual history of the
Middle Ages.

In the history of scholasticism there are two fairly distinct
periods. The first of these periods extended from the beginning
of the movement to the latter part of the twelfth century and
embraced the work of Roscellin, Anselm, William of Champeaux,
and Abelard. The second period extended from the beginning
of the thirteenth century to the renaissance; it is the period of
the culmination of scholastic thought and its consolidation into a
system by Albertus Magnus, Thomas Aquinas, and Duns Scotus,
to be followed by a decline in the fourteenth and fifteenth cen-
turies.[1] It was during the first of these periods that the universi-
ties arose as the great intellectual achievement of the Middle
Ages. Consequently it is only by a study of the growth and in-
fluence of the scholastic philosophy that many questions connected

[1] Encyclopaedia britannica, Scholasticism, 417.

with the origin and development of the early European universities can be satisfactorily explained.

A revival of learning and speculation had marked the rise of the Carolingian schools and it is from these schools that the term "scholasticism" is derived.   Any teacher was originally a "doctor scholasticus" but the term soon came to be applied to those especially occupied with logic and philosophy.   The two influences that shaped this scholastic activity were the traditions of ancient logic as preserved in the early medieval curriculum and the system of Christian theology; fully developed scholasticism is in reality little more than the combination of these influences into an intellectual system with rather well-defined characteristics.   The intellectual activity of the schoolmen, however, was largely that of interpretation rather than of original investigation, as they never wandered far from their inherited materials and their works were apt to take the form of commentaries upon Aristotle or the Church fathers.[1] The usual way of expressing this is to say that reason was subject to authority, or, that their conclusions were generally predetermined.   Reason, subordinate at first, in the thirteenth century entered into an intimate alliance with faith, but the two authorities were not thoroughly reconciled, and so there soon came a period of separation and of scholastic decay.

And yet, from one point of view, it is unjust to regard scholasticism as a barren and unprogressive system of thought.   Under its influence the universities and schools of the Middle Ages trained the intellect of Europe for the work of the modern world. In fact scholasticism stood for the appreciation of subtle logic and metaphysical distinctions and a recognition of the rights of reason, even though still overshadowed by authority.   It may be regarded as a stage in the growth and gradual emancipation of reason, a process which was practically completed at the time of the renaissance and the reformation.[2]

[1] Bacon, The advancement of learning, IV. 5.
[2] Adams, Civilization during the middle ages, 368, 369, note.

The question as to the nature of universals formed the central theme in the scholastic debates. The nominalists claimed that universals exist only as conceptions in our minds, while the realists asserted that they have a substantial existence of their own. But the further question arose, Do they have an existence apart from sensible phenomena, or do they exist only in and with the objects of sense as their essence? These differences were embodied in the three medieval formulae, universalia post rem, universalia ante rem, and universalia in re. The question whether the only real things were the general or the particular had vital importance in the Middle Ages. For instance, suppose these views are applied to the Church; the realist would say that the Church is a sacred entity, the nominalist would claim that the Church is a mere name by which all individual churches are conveniently grouped. As the same process applies to all other great medieval conceptions, as state, guild, or Trinity, it is seen at once that the controversy struck at the root of medieval thought and institutions.[1]

Though this characteristic question became prominent in the ninth century, the dispute did not become an absorbing one until the eleventh and twelfth centuries; when intellectual activity was aroused it became a very natural impulse to investigate and to interpret, to attack or to defend, what was found in the Scriptures, in the Church Fathers, or in the doctrinal systems of the time. This combination of theology and logic is the distinctive mark of scholasticism. At first the results of this combination were decidedly heterodox, and the excitement that followed lifted the scholastic disputations into their central position in the Middle Ages.

About 1051 Berengar of Tours attacked the doctrine of transubstantiation by denying the possibility of a change of substance in the bread and wine without some corresponding change in its accidents. The real founder of nominalism, however, was

[1] Emerton, 449-451.

Roscellin, a teacher at Paris. He refused to recognize the reality of anything but the individual; to him general terms were little more than mere names used to sum up the knowledge gained from individuals. Roscellin stated his position boldly, and, like most innovators, he probably went too far in his nominalism. Possibly he did not intend to go so far as to make universality merely subjective, but his doctrine of the Trinity shows that he was prepared to carry out his individualism. If we are not ready to say that the three Persons are One, then, he says, we ought to speak of them as three Gods.[1] His extreme views probably brought about the strong expression of realism found in the theories of Anselm and William of Champeaux. At any rate the discussion was now carried on with a full understanding of the issues at stake and, naturally, realism became for several centuries the orthodox philosophical creed.

From Roscellin the speculative impulse was communicated to Peter Abelard, in whose hands the scholastic treatment of theology attained its full development. As a pupil both of Roscellin and of William of Champeaux, Abelard had become familiar with both nominalism and realism, and this probably explains the fact that he mapped out for himself something of an intermediate position on the question of universals. This question, however, was probably not one of supreme interest to him as he belonged more especially to the classical phase of the intellectual revival.[2] He was an unrivaled dialectician, who, while still a student at Paris, gained considerable reputation by defeating his master, William of Champeaux, in disputation. He entered into the scholastic movement with such audacity, enthusiasm, and ability, that he soon became the central figure in the discussions of the time. As so many of the intellectual forces at work in the Europe of the twelfth century seem to meet in him and receive from him their highest

[1] Emerton, 450, 451.
[2] Rashdall, I. 62, 63.

expression, it is necessary to notice his career more closely and in some detail.

The biography of Abelard is a remarkable and fascinating one. Born at Pallet in Brittany in 1079, he left home at the age of fifteen or sixteen in search of knowledge, wandering from place to place, "wherever dialectics flourished." Encouraged by his brilliant victory over William of Champeaux, he soon established himself as a master, first, at Melun in 1102, and, later, at Corbeil, nearer Paris. He soon drifted back to Paris, however, and, after a period of bitter controversy, he succeeded in making himself supreme in the intellectual capital of Europe. Then there came, in 1118, the scandal of his liaison with Héloise, which brought about his sudden downfall. From this time on to his death there is little more than blundering or unmerited persecution in every attempt that he made to regain his position and influence. Though he lectured again at Paris and elsewhere with some success, his efforts to exalt reason and to bring about reform always resulted in relentless persecution from his enemies, especially from Bernard of Clairvaux, and as a consequence he was twice condemned for heresy, at Soissons in 1121 and at Sens in 1141. During the last year of his life he fervently sought to find peace in the strict discipline and the religious observances of the famous monastery of Clugny, and it was there that he died, in April, 1142, at the age of sixty-two.[1]

This persecution came to Abelard not so much for his heresy as for the whole tone, spirit, and method of his teaching. He was, as has been intimated, the fullest and best exponent of that power of thought which Roscellin had awakened in the schools of Europe by his attack on the established beliefs and modes of thought. He admirably sums up this new spirit; he doubted, he investigated, and he dared to apply the test of reason to all the scholastic prob-

[1] McCabe, Peter Abélard; Compayré, Abelard.

lems of the time.[1] His great success was due to various causes, but chiefly to the possession of a mind of remarkable clearness and penetration and to an extraordinary ability in imparting knowledge.

Abelard lived at a time when Paris was advancing very rapidly as a commercial and political center. This growing importance, together with the popularity of the lectures of William of Champeaux, had given considerable fame to its schools even before the coming of Abelard upon the scene. And now his renown drew crowds of students from different parts of Europe at the same time that his enthusiasm, his oratory, and his attractive manner, as well as the novelty of the content of his lectures, tended to popularize learning.[2] With him the scholastic philosophy began clearly to identify itself with the rise of the universities. Though the earliest of these universities did not come into existence for about a generation after Abelard, still he is rightly given the first place in the history of their origin and the causes of their rise, and he has been called the "forerunner" and the "real founder" of the university of Paris. He aided in its development by attracting foreigners to Paris, by popularizing the studies and the methods of the education of the time, and, to a less degree, by raising the level of instruction.[3]

Scholasticism always depended on intellectual processes for its results. But the rival medieval system, aiming at precisely the same end, reached its conclusions in quite a different way. Mysticism felt no need to confirm the body of faith handed down by the Church by any intellectual process whatever; the truth was to be gained, not through reason but through contemplation—the

[1] Rashdall, I. 41–62. Draper, Intellectual development of Europe, II. 11, gives an interesting extract from the report of the council of Sens upon Abelard's methods.

[2] McCabe, Abélard, 82, 83; Compayré, Abelard, 18, 19.

[3] Ibid., 22.

devout soul looking into itself for a response to the formal state-
ment of the creeds.[1]   Naturally then, mysticism was opposed to the
rationalistic tendencies of scholasticism.   For instance, Abelard
was called to account for his heresies by that great champion of or-
thodoxy in France, Bernard of Clairvaux.   Bernard, who had fallen
under ascetic Clugniac influences, had founded a monastery at
Clairvaux, where he soon gathered around him a body of men
specially fitted for his purpose, namely, the regeneration of society
through the example of the lives of devout men.

When the trend of scholasticism revealed itself in Abelard,
Bernard entered into an intellectual crusade against it.   And the
defeat of Abelard at the council of Sens proved that scholasticism
was not strong enough to withstand the general drift of medieval
ideas.   This council marks the triumph of the conservative element
in education; nominalism received a severe blow, and scholasticism
more definitely entered the service of the Church.[2]   Yet there con-
tinued a current of independent thought represented by Roger
Bacon in the thirteenth century and by William of Occam and the
revival of nominalism in the fourteenth century.

With the decline of the speculative impulse in the first half of
the twelfth century, the first period of scholasticism was at an end.
Significant of this decline is the fact that John of Salisbury, the
ablest man of the latter part of the century, was not so much a
philosopher or theologian as he was the historian of the opinions
and of the schools of his time.   This first period was followed by
an interval of about fifty years that was marked by no noteworthy
philosophical activity.   But it was in this interval that the great
results of the creative period of scholasticism became apparent, and
gradually the universities of Paris, Bologna, and Oxford, were

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[1] Emerton, 56-58.
[2] Fisher, History of the christian church, 203, 204, 213, 214; Emer-
ton, 458-461.

definitely established and took their place amongst the intellectual forces of Europe.

It is impossible to be definite or exact in giving the history of the rise and early development of the universities, as they were not "founded" in the strictest sense of that word, but were the result of a number of causes at work from the eleventh to the thirteenth century. The old monastic and cathedral schools are generally recognized as the basis out of which they arose,[1] modified by all the influences that have been considered in connection with the intellectual revival, such as the Saracenic civilization, the crusades, and the new methods and activity of the schoolmen, which necessarily had more or less influence on their origin and development as great centers of education.

Besides these general influences, there were a number of special causes that had a more direct bearing on the university movement. One of these causes was the specialization of learning at this time. There had gradually grown up a great mass of traditionary learning on the subjects of most interest to man and most essential to his welfare; and, in addition, new interests and new materials for study had been revealed by the revival of intellectual life. The result was a tendency to specialize in the studies of law, medicine, and theology, and this tendency had the effect of drawing thousands of students to certain noted centers of instruction that emphasized these subjects. This seems to be one of the chief explanations for the rise of the higher schools.[2]

Along with this tendency to specialization came a demand for secular education. This demand is to be explained by the growth of an anti-monastic feeling and by the needs of the rising civic communes of Italy which in the eleventh century began to obtain

[1] There are only two exceptions in the thirteenth century to the rule of a long previous preparation—Palencia (1212-1214) and Naples (1224). Compayré, Abelard, 25-29.

[2] Ibid., 29, 30; Laurie, Rise of universities, 94-96.

charters and privileges.[1] The idea arose that the schools should be open to all without restriction, as opposed to the more restricted ecclesiastical schools, and that education should be more secular in its character. As a consequence, schools were established in many of the important commercial centers which were probably not under the control of the Church nor always taught by priests.[2]

Of even more importance was the growing tendency towards organization, which was so characteristic of the Middle Ages. It was an era of municipal corporations and of various kinds of guilds for the purpose of protection, self-government, or trade. The trade guilds, for example, were voluntary associations for the attainment, in varying degree, of each of these three general purposes. The university, also, is a natural result of this movement towards free association. When large numbers of masters and students were drawn to some important center of education, they soon began to feel the need of protection and of organization, and, following the example of the trade guilds, they rapidly developed the famous organization of the "Nations." Indeed the word "universitas" originally meant the same as that of guild or corporation—the association of men for some common purpose. There were universities of citizens, or of tailors, as well as universities of scholars.[3]

The term "universitas" was not the common medieval designation for one of the higher schools of learning. When used at all some descriptive word had to be added to distinguish it from other universities, or corporations, as, for example, universitas magistrorum or universitas studiorum. The term generally used, at least during the thirteenth century, was that of "studium generale." A "studium generale" had certain distinctive characteristics,

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[1] Rashdall, I. 98, 99; Laurie, loc. cit.

[2] Examples of this are Bologna, Milan, Brescia, and Florence, in Italy; and later, Lubeck, Hamburg, Leipsic, and others, in Germany.

[3] Laurie, Rise of universities, 177-179; Emerton, 466, 467.

the most important of which were that it should be a specialized school and open to all without any restriction. It was also self-governing and enjoyed the privileges of promotion and of unrestricted migration. It should further be kept in mind that there were no buildings nor laboratories, almost nothing in fact that is now associated with the name of university, but that each student sought the teacher he wished and attended his lectures. Such was the character of the early medieval university.

The three earliest of these universities were at Salerno, at Bologna, and at Paris, and arose in answer to the demand for a more specialized and practical education than was to be found in the traditional curriculum of the cathedral and monastic schools. First in point of time was the revival of the study of medicine at Salerno in southern Italy. Little is known of the early history of medicine at Salerno, or of the origin and development there of a purely medical school. Such a school probably existed as early as the ninth century, but it did not gain a European celebrity before the middle of the eleventh century—about half a century before the revival of Roman law at Bologna or the rise of the scholastic fame of Paris. Its history is of very little importance, however, and in 1258 it became merely the medical department of the university of Naples. During the later thirteenth and early fourteenth centuries it still continued to decline, due primarily to the rise of other centers of medical instruction and to the growth of an independent Arabic system of medicine.[1]

The university of Bologna, too, arose in answer to the call for instruction beyond the range of the Benedictine schools. And again, the character of the new instruction was determined by peculiar local conditions in Italy. Education had never been as completely extinguished in Italy as it had been north of the Alps, and, besides,

[1] Rashdall, I. 77-85. For the contrary view, upholding strong Saracenic influence on the university movement, see Laurie, Rise of universities, 99, 100, and also Edinburgh review, CLXXXIV, 97-102.

there was a great difference in the subject matter dealt with in their respective schools.   While logic and theology had absorbed most of the intellectual energy of the North, grammar and rhetoric had been emphasized in the South, and on their practical side as well as on their speculative side.   It is also noteworthy that in Italy, and especially in Lombardy, the traditions and the study of the Roman law had been kept up throughout the earlier medieval period.   A revival of legal science, then, was a natural result of the educational traditions that existed in the northern part of Italy at the time of the twelfth century renaissance.[1]   This tendency in education was further quickened and hastened by the growth of a great number of municipalities with an active commercial and political life which created a demand for the practical science of law.   Is it not significant that such conditions gave rise to that most democratic of institutions—a university of students?

About 1113 Irnerius began at Bologna his lectures on the civil law.[2]   For a time this instruction was looked upon with distrust because of its secular and imperial character, but this feeling soon passed away as the Church began to recognize a strong ally in the Roman law.   A body of canon law was soon developed, and from the time of Irnerius to the close of the thirteenth century Bologna stood forth as the center of the study of both civil and canon law.

As crowds flocked to Bologna, the students of the various countries represented there organized themselves into "universities," or guilds, for purposes of protection in a foreign country. Through such combinations, strengthened by the privileges granted to them by Frederick Barbarossa, the students gained power and superiority over the masters, who, in turn, had to form guilds in their own defense.   It has been estimated that in the year 1200 there were about ten thousand students at Bologna,[3] organized into

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[1] Rashdall, I. 91-99.
[2] Ibid., I. 99-127.
[3] This is probably an exaggeration.   Ibid., II. 581-590.

a considerable number of confederations of the different nations, each presided over by a rector and subdivided into consiliariae. By the middle of the thirteenth century the various confederations were blended either into the "Ultramontani" or the "Citramontani," and much later these in turn were united under one rector. About 1200, also, there were organized the two faculties of medicine, and philosophy or arts. Colleges existed early and were designed for needy non-resident students; but they did not become well organized before the fourteenth century.[1]

During the eleventh century, the study of logic had received a great impetus in northern Europe and especially at Paris. So when, in the first decade of the twelfth century, William of Champeaux opened a school in Paris for the study of dialectics, his teaching met with considerable success. But it was the methods and the popularity of his famous pupil Abelard that really prepared the way for the rise of the university by bringing together a great crowd of students and by raising the Parisian schools to a preeminent position. Out of these conditions the university of Paris soon developed. It seems that at first the teachers lived in separate houses, and that it was only by degrees that they formed a society or guild of masters with the privilege of admitting new members. This community of masters had probably developed into a real university by 1170, though its organization at that time must have been inchoate and rudimentary.[2] Its first legal recog-

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[1] Encyclopaedia britannica, Universities, 833, 834; Rashdall, I. 178-253.

[2] The first trace is about 1170. This evidence, the only evidence before the thirteenth century for a guild of masters, is based on a passage in Matthew Paris' Life of Johannes de Cella. Rashdall, I. 293; Chronica monasterii S. Albani, Gesta abbatum monasterii Sancti Albani (Rolls series),* I. 217.

* Works belonging to the Rolls series will be indicated by (R. S.), the abbreviation used for
RERUM BRITANNICARUM medii aevi scriptores, or chronicles and memorials of Great Britain and Ireland during the middle ages. Published under the direction of the master of the rolls. London, 1858, etc.

nition as a corporation was that by Pope Innocent III, about 1211.
In 1231 the right of the several faculties to regulate and modify the
constitution of the entire university was fully recognized by Pope
Gregory IX. The university of Paris soon became the Transalpine
center of orthodox theological teaching.

There is reason for believing that Paris availed itself of many
precedents established by the earlier code of Bologna, and that its
rectorship, praetorships, and organization of the four "nations"
were all borrowed from the latter school.[1] The four nations,
which included both masters and students, were the French nation,
the Picard nation, the Norman nation, and the English nation,
which embraced the English, Irish, Scotch, and Germans. These
nations were in existence before 1219, and at first all of them be-
longed to the inferior faculty of arts. There were three superior
faculties, theology, canon law, and medicine. There was a dean
at the head of each of the faculties, and a proctor at the head of
each of the nations; while the rector, at first at the head of the
faculty of arts, in the course of time became the head of the uni-
versity, through incorporation under him, first, of the students
of canon law and medicine and, later, of the theologians. Each of
the nations and each of the faculties had in a great measure the
power of self-government. The rector presided over congregations
of the faculty of arts and also over all general congregations of the
whole academic community. In the former the vote was by na-
tions, in the latter it was by faculties and nations. The right of
attendance and of voting belonged only to the masters actually
engaged in teaching.[2]

The universities of Paris and Bologna, together with the
English university of Oxford, became the greatest and most influ-

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[1] The university of students at Bologna, though perhaps later than the
Parisian society of masters, probably completed its organization earlier.
Rashdall, I. 20; Encyclopaedia britannica, Universities, 835.

[2] Ibid., 835; Rashdall, I. v.

ential universities of the Middle Ages.   Those at Paris and Bologna were the two archetypal or primary universities—Paris being the model for the universities of masters and Bologna for the universities of students.   Every later university in its developed form is a more or less close imitation of one or the other of these two types.[1]   Oxford, also, exerted considerable influence upon the university movement, but, though it probably had an independent origin, it seems to have closely followed Paris in its constitutional development and so can not be said to represent a distinct or primary type.

After the way had once been prepared by the founding of these primary or archetypal universities, the founding of others became largely a question of imitation.   During the thirteenth century the universities multiplied very rapidly, largely through the exercise of the privilege of migration, though some, as for instance, the university of Naples, were founded in a more formal way.[2]   This privilege of migration is an interesting one as it gives such a clear conception of the real nature of a medieval university.   Briefly stated, it was the right gained and at length well recognized that students, or masters, or both, might leave a university town in a body, if circumstances seemed to justify it, and establish themselves in some other center.   The fact that the colleges had not yet arisen made such a migration easy, and consequently this danger was a continual guarantee of good behavior on the part of the town towards the masters and scholars.   As the number of universities grew, the practice of asking for a formal charter from the Pope or the Emperor began, and, later, such a grant was considered of great importance.   In the twelfth century there was only one official institution, namely, Bologna; but in the thirteenth century there were nineteen or twenty, most of them founded between the years 1200 and 1250.[3]

[1] Rashdall, I. 19; Compayré, Abelard, 61-66.

[2] For a chronological list of the early universities, with dates and methods of foundation, see Ibid., 50, 51.

[3] Ibid., 35-45.

With this definite establishment of a new educational system and its rapid spread throughout western Europe, the movement becomes of much less significance as an explanation of similar developments in England, and, consequently, later phases of its history lie without the scope of this introduction.

CHAPTER I

From the general survey in the introduction it is seen that the universities of Europe came into existence after a long period of preparation and in answer to the needs of a new age. It is also seen that much obscurity surrounds their origin and early development, but that the movement when once begun became a general one throughout western Europe. It is now the purpose in this and the following chapters to study more closely this university movement of the thirteenth century as it is revealed in the rise and development of the early English universities. In the early stages of their growth the universities of England were closely connected with the movement on the Continent, and in England there are found the same obscurities and the same difficulties that surround the question of the origin of Paris and Bologna. Indeed, the question is rendered even more perplexing on account of the claims and arguments of the champions of the two great rival universities. It is only in the light, therefore, of the general European movement in education that a satisfactory explanation of the early stages in the growth of Oxford and Cambridge and their development into important studia generalia can be given.

In the study of these two English universities, however, much will probably be gained in clearness and definiteness of statement if they are considered separately. Oxford was not only the earliest in point of time but until the end of the Middle Ages it almost completely overshadowed the less favored university of Cambridge. It follows naturally from this that the material for a history of the universities in the thirteenth century relates mainly to the university of Oxford,[1] and, as a consequence, it is in a large measure

[1] The rarity of the allusions to Cambridge and its affairs that we find in the pages of historians is surprising—perhaps once for every ten or twenty times that the name of Oxford occurs in the chroniclers. Rashdall, II. 557.

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necessary to depend upon a detailed treatment of the history of Oxford to explain what was taking place at Cambridge during the same period.[1]

It is admitted to-day that very little is known with certainty in regard to the precise origin and early stages in the growth of the university at Oxford. The great age formerly ascribed to this university was a result of the disputes for antiquity and precedence which began in the sixteenth century, and which have continued almost if not quite down to the present time.[2] While the myths that arose are of interest, especially if the history of their formation and the influence that they once exerted be traced, yet they may be dismissed briefly as being of no real value in the history of the university. The most important of these stories—the one that derived the university from Alfred the Great—has been shown to rest on a sixteenth century interpolation in Asser's Life of Alfred.[3] The uncritical character of many of these stories is well illustrated by the claim of some extreme Oxford partisans that the university was actually founded by several Greek philosophers who accompanied Brutus and his warlike Trojans when they came to Britain.[4]

[1] Mullinger depends largely on materials relating primarily to Oxford, as, for instance, History of the university of Cambridge, ch. ii.

[2] However, the beginning of such claims can be traced to the late thirteenth and early fourteenth centuries. In 1296 Sutton, bishop of Lincoln, wrote to Innocent III that "the university is by many believed to be the oldest of the seats of learning now flourishing among the Latins." In 1322 Oxford graduates declared that Alcuin, the reputed founder of the university of Paris, was educated at Oxford. A monastic record of the fourteenth century gives the teaching staff in Alfred's time, Liber monasterii de Hyda, (R. S.), 41. For these and other claims see Lyte, A history of the university of Oxford, ch. ix.

[3] Fuller, The church history of Britain, I. 305-314, gives the story as accepted in the sixteenth century. The history of the interpolation is explained, Lyte, 239-241; Rashdall, II. 322, 323. The vitality of the story is shown by the fact that in 1882 University College celebrated the one thousandth anniversary of its foundation by King Alfred.

[4] Munimenta academica, (R. S.), II. 367, 368.

A study of the borough of Oxford in the preacademic period shows the real character of these myths and at the same time prepares for the appreciation of the value of the different theories that attempt to explain the actual origin of the university. The first reference to Oxford is probably contained in the legend of the founding of the nunnery of St. Frideswide about the year 727 by Prince Didanus.[1] But the first trustworthy evidence for the existence of the town dates from 912 A. D. In that year, it is said, Edward the Elder "took possession of London and Oxford and all the lands that owed obedience thereto."[2] During the Danish wars, the town of Oxford suffered severely, and the nunnery of St. Frideswide was partly destroyed and for a time was turned over to the secular canons.[3] It was probably under the shadow of this foundation of St. Frideswide that the borough gradually developed. Later, in the eleventh century, Oxford was a place of considerable importance both from a strategic point of view and as a meeting place for great assemblies.[4] It seems to have suffered considerably at the time of the Norman conquest, but if so it soon recovered and began to increase in prosperity.[5] When the Norman baron Robert d'Oili was made royal constable he strengthened the fortifications and built the Church of St. George-within-the-Castle, and a later member of the family is remembered as the founder of Oseney Abbey.[6] Though it had been for some time an important political center, Oxford did not become known as a

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[1] Acta sanctorum, Octobris, VIII. 537; Norgate, England under the angevin kings, I. 43.

[2] Anglo-Saxon chronicle, (R. S.), I. 186.

[3] Ibid., I. 262; Dugdale, Monasticon anglicanum, II. 134.

[4] Anglo-Saxon chronicle, (R. S.), I. 274, 384.

[5] Freeman, Norman conquest, IV. 188, says the evidence for a destructive siege is very weak. On the other hand see the definite statement from Domesday Book regarding the number of houses destroyed. Ballard, Domesday boroughs, 67.

[6] Annales monastici, (R. S.), IV. 9, 10, 19; Dugdale, VI. 251; Green, Stray studies, 295-298.

seat of learning until the twelfth century.[1] Before this there is no
evidence that the schools of Oxford were anything more than the
ordinary schools of the Benedictine type, but with the lectures of
Robert Pullen in 1133 and possibly those of the Roman jurist
Vacarius in 1149 a new age begins in educational affairs.

What is the explanation of this increasing importance of Ox-
ford previous to the university era? Ecclesiastically it was of
minor importance, so that its growth cannot be explained by re-
ferring to the splendor and influence of Church or monastic foun-
dations, as is so often the case elsewhere. The question as to the
fame and importance of the schools that arose in the cloisters of
its monastic establishments is one that will be taken up for consid-
eration a little later. It seems more probable, however, that the
growing importance of Oxford is to be explained largely by its
situation and its commercial activity; among its advantages may be
mentioned the cheapness and abundance of foodstuffs, its central
location and facility of access, and its position on the Thames
river.[2] After the beginning of the twelfth century this commercial
activity was especially marked and resulted in a more rapid devel-
opment of the town.[3] It may safely be said that, by the time of the
rise of the university, Oxford occupied a place in the first rank of
English boroughs, and that it was a suitable place for the gathering
together of a great body of students.[4]

This brings up the consideration of probably the most difficult
question that shall have to be discussed, namely, when and in what
way did the university arise out of the conditions that have just

[1] Freeman, Norman conquest, V. 319.

[2] Rashdall, II. 324-326. In the twelfth century Jewries were establish-
ed in Oxford. On their importance see Green, Stray studies, 291-295,
though Green, according to Rashdall, II. 326, is inclined to connect the
origin of the university too closely with their activity.

[3] Green, Stray studies, 304-307; Rashdall, II. 326.

[4] On the early history of Oxford see Freeman, English towns and dis-
tricts, 249-256; Green, Stray studies, 288-308; Lang, Oxford, 3-38.

been outlined? Was it due to a development out of the older con-
ditions, or was it due primarily to one of those sudden and charac-
teristic movements that played so important a part in the rise of
the universities?[1] This is practically the same question as the one
whether the university of Oxford is one of the primary or one of
the derived universities. It also involves the further question
whether it arose in connection with or entirely separate from the
conventual schools at Oxford, a question to which no very definite
answer could be given in considering the origin of Salerno, Paris,
and Bologna. The older writers agreed that the university was
in its origin connected with some one or other of the conventual
schools at Oxford.[2] A more recent authority practically regarded
the question as one that was at least open to discussion.[3] Follow-
ing him a still later writer has developed a theory which attempts
to trace the origin of the university definitely to a migration from
Paris in or about the year 1167.[4] Before taking up the history of
the university in the thirteenth century, it is necessary to notice
more carefully these two theories of origin, and try to come to
some conclusion regarding the important questions at issue.

First to be noticed is the earlier and until recently the gener-
ally accepted view of the origin of the university at Oxford.
Though no definite history can be given of the educational life of
Oxford previous to the twelfth century, it may be said with much
certainty that the town possessed schools of some importance be-
fore the university era began. It is probable that at the time of the

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[1] Rashdall, II. appendix vii, gives a list of secessions from the one uni-
versity of Bologna as an illustration of such movements.

[2] Mullinger, University of Cambridge, 80, 81; Brodrick, A history of
the university of Oxford, 3; Laurie, Rise of universities, 236.

[3] Lyte, 4; "The schools which existed at Oxford before the reign
of King John, are so seldom and so briefly noticed in contemporary rec-
ords, that it would be difficult to show how they developed into a great
university, if it were not for the analogy of kindred institutions in other
countries."

[4] Rashdall, II. 326-346.

Norman conquest Oxford was already a place of resort for students, who were no doubt attracted by the position of the town as a sort of provincial capital, and by the number and fame of its monastic establishments. Even in the preceding century the nearby monastery of Abingdon had been a seat of learning as well as of spiritual life.[1] In the absence of definite knowledge on the subject, one is led by the analogy of the European schools to believe that the Church was the foster-mother of the university, that it was in connection with St. Frideswide and the abbeys of Oseney, Abingdon, and Eynesham, that the earliest schools appeared, which might be considered the rudiments of the future studium generale at Oxford. On the other hand non-monastic or lay schools were also established at Oxford, which soon became centered on the street later known as School Street. It is in the earlier part of the twelfth century, however, that the schools of Oxford attained national celebrity and began to eclipse in fame the schools of Canterbury, Winchester, Peterborough, and other early centers of education.[2]

There are several interesting pieces of evidence that clearly show this growing importance of Oxford as a center of intellectual life. The earliest evidence is found in the letters of a certain Theobaldus Stampensis, who is described as a "Master at Oxford," and in earlier letters as a "Doctor at Caen."[2] From these letters it appears that sometime before 1117 he moved his school from Caen to Oxford, and that he had under him at Oxford "sixty

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[1] Hunt, The english church, I. 168.

[2] This paragraph, which is based on Brodrick's History of Oxford, 1-3, is probably a fair presentation of the views of the older historians. In Laurie, Rise of universities, 236, it is said that before Alfred's time there were schools in connection with St. Frideswide and Ely, and that out of or in close connection with these Oxford and Cambridge arose. But, if so, it is doubtful whether the continuity can be traced through the confused period of the Danish wars, as Mullinger, History of the university of Cambridge, 9, points out.

[2] Rashdall, II. 333-335.

or a hundred clerks, more or less."[1] While not a monk, Theobaldus Stampensis was undoubtedly a theologian, though he is placed by one of his opponents in the category of "liberal masters."

A little later another theologian is mentioned as teaching at Oxford. In 1133 Robert Pullen, who had been a teacher at Paris, came to Oxford to deliver a regular course of lectures on the Bible.[2] He was the author of an important collection of "Sentences" which was in large part a basis for the more famous work of Peter Lombard. His teaching, however, is important only as a revelation of the growth of the Oxford schools and as the first real token of the movement towards a university. After him the intellectual history of Oxford is again a blank until the year 1149.

There had been in Italy a revival of the study of the Roman law, and the lectures of Irnerius especially, had systematized and made popular the new legal learning, which was now spreading rapidly throughout Western Europe. In 1149, possibly later, Vacarius, a teacher of the Roman civil law at Bologna, was induced to come to England to deliver lectures on that subject. Until recently the general opinion has been that these lectures were delivered in Oxford, and his teaching has been regarded as the real beginning of the university.[3] Undoubtedly it is safe to say that if Vacarius came at this time to lecture in the Oxford schools, those schools had surely attained something of a European reputation, and were thus being fitted to become the nucleus of a higher school, or studium generale. However, his lectures were soon prohibited by King Stephen, though this prohibition did not prevent the spread of the study of the Roman law in England.[4] On

[1] Rashdall, II. 334, note 2; Wood, History and antiquities of the university of Oxford, I. 142.

[2] Annales monastici, (R. S.), IV. 19. Pullen was probably an Englishman who had studied at Paris. For a fuller account of his life see Dictionary of national biography. XLVII. 19, 20.

[3] "Hic in Oxonefordia legem docuit." Gervase of Canterbury, (R. S.), II. 384.

[4] Bacon, Opera inedita, (R. S.), 420.

the contrary, the study of the civil law was soon followed by that of the canon law. The fact that Vacarius' Liber Pauperum, a compendium of civil law, held an important place in the studies of Oxford towards the end of the century would seem to confirm the statement of a contemporary writer that Vacarius did teach at Oxford, either in 1149 or later in the century.[1]

It would be of the greatest interest and importance to know exactly where the lectures of Pullen and Vacarius were delivered and from what quarters the pupils came that listened to them, but on these points the chroniclers of the age do not shed any light. The successors of these two teachers, if there were any, are unknown, and the educational history of Oxford is again a blank for over thirty-five years. However, John of Salisbury tells that just before the accession of Henry II Oxford was stirred by the great debate on the question of the reality of universals.[2] The schools of Oxford seem to have been growing, though as yet there is no evidence for the presence of more than a single master at a time, nor are there any traces of chartered rights, of endowments, or of royal recognition. So far it cannot be said that a real university or corporation had come into existence.

But later, near the end of the reign of Henry II, the results of this gradual development become apparent. About 1185 Gerald of Wales visited Oxford and read before the assembled masters and students a book of his entitled "Topographia Hibernica." The account of this event given in his Autobiography shows that by this time a university existed in reality though not yet in name.

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[1] As Vacarius was possibly living in England as late as 1198, Chronica Rogeri de Hoveden IV. 75, Rashdall, II. 335-338, is inclined to think that he must have lectured much later than 1149. Also from the way John of Salisbury speaks of these lectures, he thinks they may have been delivered at Canterbury under the patronage of Archbishop Theobald. See Rashdall, II. 336, note 1, for the passage from John of Salisbury. For biography of Vacarius, Dictionary of national biography, LVIII. 80, 81.

[2] Mullinger, University of Cambridge, 56, 57, quotes an interesting passage from him regarding these scholastic controversies.

Gerald states in a very self-complacent way that when the work was completed he did not desire to hide his candle under a bushel, but preferred rather to put it on a candlestick so that it might give light to others. Consequently he resolved to read his work at Oxford, where the clergy in England chiefly flourished and excelled in clerkship. The readings lasted for three successive days, one day being devoted to each of the three main divisions of the book. And he further tells that on the first day he received and entertained in his hostel all the poor scholars of the town; on the second day, all the doctors of the different faculties together with all their pupils who were of greater fame and note; and on the third day, all other scholars, along with many knights and townsfolk and burghers. He concludes by saying that this was a costly and noble act, which not only renewed the ancient times of the poets but was also without a parallel in English history.[1]

There are several very important things to notice in this description of the Oxford schools as it is given by Gerald of Wales. For the first time there is revealed at Oxford the existence of a studium generale in its broad general outlines. Not only is there a large scholastic population, but also, there is presented to view a number of masters gathered together in faculties, a condition that represents the second stage in the formation of the universities. After this stage is reached the great need of some kind of definite organization points toward the speedy formation of a guild or university. It is also worthy of note that Gerald of Wales selected Oxford as the best place to read his book, the inference being that nowhere else could he find an audience so appreciative or so widely representative. Indeed, he distinctly indicates that it was at Oxford that the clergy chiefly flourished and excelled in learning.[2] As there is no reason to doubt the essential facts of the

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[1] Giraldus Cambrensis, (R. S.), I. 72, 73.

[2] "Ubi clerus in Anglia magis vigebat et clericatu praecellebat." Ibid., (R. S.), I. 72.

passage, it may be said with confidence that by 1185 Oxford was in possession of a practically fully developed studium generale or university, widely known and attracting students to its lectures.

The evidence for a considerable body of clerks at Oxford in the reigns of Richard I and John cannot be controverted.[1] However, corporate growth and a formal royal recognition are not yet to be found, though it is impossible to believe that there was not some sort of inchoate organization and government even at this time.

So much for the older and long accepted view of the origin of the university of Oxford, for with this definite establishment of the university comes the end of the controversial period in its history. It should be remembered, however, that even yet Englishmen who were specially ambitious of intellectual attainment continued to go to Paris.[2]

The second and comparatively recent view regarding the origin of the university of Oxford represents the rise of the university not only as a sudden movement but also as entirely independent both of the earlier Oxford schools and of monastic influences. As the claim is made that this theory invalidates the older views on the question of origin, the arguments by which it is supported will be noticed in detail and examined with considerable care. Not until this is done can one appreciate to any great extent the full significance of the controversy or understand the real value of either of the two theories that are presented for consideration. Consequently an attempt will be made to outline the arguments advanced by Rashdall, the most recent and authoritative historian of the medieval universities, in support of his position, and to give briefly the conclusions to which he has been led as a result of his investigations.

[1] Memorials of St. Edmund's Abbey, (R. S.), I. 295; Rashdall, II. 347, 348; Lyte, 14, note 4.

[2] Mullinger, University of Cambridge, 133, 134. Wood, I. 207–213, gives a list of prominent Englishmen studying there.

It is absolutely certain, he says, that the schools in connection with which the university grew up were never at any time dependent upon a capitular or monastic body in Oxford.[1] If there had been any such connection, the masters and scholars would have been under the jurisdiction of some officer who represented the authority of that body, just as the masters of Paris were under the authority of the chancellor of the cathedral of Notre Dame. And again, the situation of the schools strongly points to the improbability of the hypothesis of an ecclesiastical origin. They were from the beginning established near the parish church of St. Mary's, and not in the neighborhood of St. Frideswide. Another argument against this hypothesis is the fact that as soon as the constitution of Oxford becomes known to us, the masters and scholars were under the authority of a chancellor who represented the bishop of Lincoln; in no way was this authority connected with any ecclesiastical foundation in Oxford. Had they at any time been so connected a struggle for emancipation would have been necessary, and such a struggle could hardly fail to leave some traces.[2]

These facts, according to Rashdall, are sufficient to establish a probability that the origin of the Oxford studium generale must be sought from without rather than from within. In northern Europe the universities that arose through a gradual development were always connected with a cathedral or collegiate church and are invariably found to have been under the supervision of some ecclesiastical authority, while at Oxford there was no cathedral or

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[1] The theory, of which this and the following paragraphs are meant as a summary, is given in Rashdall, II. 326-348. Traill, Social England, I. 339-342, and Stephens, The english church, II. 323, follow Rashdall and give briefer statements.

[2] Rashdall, II. 327, note 2, states that the sole connection between St. Frideswide and the university was the lodgment at St. Frideswide of the university chest for safe keeping, a relation hardly compatible with a recent struggle for emancipation.

collegiate church and the masters seem from the first to have been practically independent of such immediate ecclesiastical control. The natural inference from these facts is that Oxford must have originated in a migration from one of the primary or archetypal universities. At first glance such a theory seems quite improbable, but it is entirely in keeping with the migratory habits of medieval students, and can be shown to have been the cause of the rise of other universities.[1] And if Oxford did originate in a migration it will hardly be disputed that it must have been from Paris, which was the usual place of higher instruction for Englishmen.

There are allusions in the contemporary chroniclers which make it highly probable that one result of the quarrel between Henry II and Becket was the establishment of a university at Oxford. The first of these allusions is contained in a letter written in 1167, by John of Salisbury to Peter the Writer, in which he speaks of the expulsion of the alien scholars from France.[2] Is it not probable that the alien scholars comprised, or at least included, the English "nation" at Paris, especially since the English were the largest body of foreigners at that university? The expulsion may have been meant as an act of hostility against Henry II who was regarded as the oppressor of the Church and its primate or it may have been a voluntary migration. In either case the movement was of considerable magnitude, as, in the mind

[1] "In ascribing the origin of Oxford to an academic migration I am at least ascribing it to a *vera causa*, which is known to have produced the Universities of Reggio, Vicenza, Vercelli, Padua, Leipsic, and other permanent Universities, to say nothing of the enormous number of merely temporary migrations." Rashdall, II. 329. It is pointed out by a writer in the Edinburgh review, CLXXXIV. 105, that this view is not entirely original, and to substantiate his statement he quotes a passage from Meiners, Geschichte der höhen schulen, II. 94.

[2] "The Mercuriales were so depressed that France, the mildest and most civil of nations, has expelled her alien scholars." Materials for the history of Thomas Becket, (R. S.), VI. 235, 236. The term "Francia," however, probably meant only the lands of north central France that were ruled by Louis VII.

of contemporaries, it was associated with other events of European importance.[1]

In the course of the struggle with Archbishop Becket Henry II decreed that no clerk be permitted to cross the English channel without the consent of the king or his justiciar, and also that all clerks possessing benefices in England be ordered by the sheriffs to return within three months if they did not wish to lose their benefices.[2] The effect of these provisions would be to recall all beneficed clerks who were studying in Paris and to prevent prospective students from going there. Now the question is, what became of this host of scholars shut off from study at Paris? A knowledge of the habits of the medieval scholar leads to the conclusion that at least a part of these scholars would be sure to congregate somewhere in England, and so transfer to English soil their studies, their discipline, and, as far as possible, their organization. The only place where such a congregation of scholars is to be found is Oxford. So, if the recalled scholars did not go to Oxford, then where did they go?

Though the date of these ordinances is uncertain, the best authorities refer them to 1169. But it seems probable that the ordinances were issued at different times, and that these particular provisions may date from the close of 1167, the time when the letter of John of Salisbury was probably written. If all this is true, the birth of a studium generale at Oxford is fixed in the year 1167 or the beginning of 1168, and is due to a sudden movement or migration from Paris. But it is not to be denied that there were already schools of some importance and scholastic reputation at Oxford. The evidence for the presence of Theobaldus Stampensis and Robert Pullen is conclusive for the existence of not

[1] John of Salisbury to Peter the Writer, Materials for the history of Thomas Becket, (R. S.), VI. 233-236.

[2] Gervase of Canterbury, (R. S.), I. 215; Chronica Rogeri de Hoveden, (R. S.), I. 231, 232; Materials for the history of Thomas Becket, (R. S.), 148, 149.

unimportant schools there before 1167, though the presence of the jurist Vacarius before that date is somewhat doubtful, and his lectures were possibly delivered before the Oxford students later in the century.[1]

There is no evidence before 1167, however, for the presence of more than one master at a time, and consequently there was as yet no university. Besides, there were other schools fully as important as were those of Oxford previous to that date. Why, then, was Oxford the only one of these schools to grow into a studium generale? Though it is conceivable that it may have developed through evolution, yet the hypothesis of migration is the only one that explains all the facts, especially as regards the independence of the masters and their freedom from immediate ecclesiastical control. It has been shown that a migration did take place from Paris to England about 1167; it cannot be proved that any of the alien scholars came to Oxford; but for half a century nothing is heard of a studium generale anywhere except at Oxford, and even at Oxford there is no evidence for its existence before 1167, while such evidence is very strong a few years after that date. Here, as in physical science, the hypothesis which alone explains all the facts and which alone accords with known analogies, is entitled to at least a provisional acceptance.

This chain of circumstantial evidence is further strengthened by the great change in the number and frequency of allusions to Oxford after the date that has been assigned for its origin. These allusions strongly indicate the existence of several faculties, made up of a number of masters, and of a large body of scholars, some of them from distant regions. The earliest allusion to a studium generale or university noticed by previous historians is the amusing account by Gerald of Wales of his visit to Oxford about 1185. But the direct evidence goes further back than that. In 1180, or about that date, there is a record of the miraculous cure of a scholar at

[1] Ante, 29, note 1.

Oxford, who had come all the way from Yorkshire "for the sake of his studies."[1]   The second piece of evidence is from an undated conveyance, which, on paleographical grounds, cannot belong far from 1180.   Its importance lies in the fact that it reveals a population which was naturally dependent upon a university community, such as bookbinders, illuminators, writers, and parchmenters.[2]   And lastly, the story of the cure of Prior Robert of St. Frideswide brings out the fact that by 1172 the body of scholars was large enough to demand university sermons and that these clerks were from various parts of England.[3]   The significance of this statement is apparent when it is remembered that it belongs to a period only five years after 1167.

After the time of Gerald of Wales the allusions are frequent and conclusive,[4] and there is no doubt that the university of Oxford has come into existence and is fairly prosperous before the end of the twelfth century.   Such, then, are the main points in a theory which has for its object the establishment of the view that Oxford suddenly came into prominence as the result of the external circumstance of a migration from Paris.[5]

Should this theory be given the provisional acceptance that is asked for it?   There are several considerations that may be urged in its favor: it is presented by a great authority on the history of the medieval universities; it attributes the origin of Oxford to a picturesque series of events, and so becomes a very attractive theory; and it has the advantage of being a simple, clear, and definite explanation of the rise of the university at Oxford.   In addition to this, the theory makes a satisfactory explanation of some of the difficult problems that confront those who uphold a theory of gradual development in connection with the existing schools of

[1] Acta sanctorum, Octobris, VIII. 579.
[2] Rashdall, II. 343.
[3] Materials for the history of Thomas Becket, (R. S.), II. 99.
[4] Rashdall, II. 346-348.
[5] Rashdall clearly summarizes the evidence, II. 345, 346.

Oxford, as, for example, the early independence of the masters and their freedom from the control of any local ecclesiastical authority. Besides, it undoubtedly offers a strong and definite explanation for the rapid development of a studium generale during the latter half of the reign of Henry II. It also explains in a satisfactory way the early constitutional dependence of Oxford upon Paris, though this relationship may easily be accounted for by two facts: first, the intellectual leadership of the latter university and, second, the custom of English scholars in seeking higher training upon the continent.

But, on the other hand, there are some strong objections that must be urged against the theory. The evidence presented in proof of a migration is not altogether convincing, as it is based on a series of assumptions which, to say the least, are rather bold. It is little more than an inference to say that the students expelled from France about 1167 were the same that were recalled two years later by Henry II. Furthermore, it does not necessarily follow that an expulsion of alien scholars from France should result in a migration to England and to the town of Oxford, and the contemporary allusions do no more than point out the possibility of such a movement. Besides, if a migration of the magnitude and importance of this one really took place, it is very hard, indeed, to account for the utter silence of all the English chroniclers of the time in regard to an event that was undoubtedly striking and picturesque enough to appeal to them.[1] And, finally, we may ask whether there is any real necessity for the hypothesis of a formal migration and whether, on the whole, the evidence is not compatible with the theory of gradual development, at least in a somewhat modified form.

It may be admitted at once, however, that this older view is open to criticism in several respects. In the first place, it is without doubt somewhat vague and indefinite as to the details of the growth of a studium generale at Oxford and does little more than

[1] Edinburgh review, CLXXXIV. 107, 108.

trace the broad lines of its development. This indefiniteness, perhaps, may be largely accounted for by the fragmentary character of the evidence and by the very nature of a movement that is gradual and not spectacular, thus failing to attract the close attention of the chronicler. Also the university movement on the continent, especially as regards Bologna and Paris, was of necessity discussed in the same broad general way, and thus it appears that lack of definiteness is characteristic of this whole question of university origins. Furthermore, once admitting the existence of important schools at Oxford during the twelfth century, not only is there justification in trying to explain the rise of the university by reference to European analogy, but in the absence of positive evidence this argument from analogy should be given considerable weight. Is it too much to suppose that, under somewhat similar conditions, the schools of Oxford may have undergone practically the same process of evolution that took place at Paris and at Bologna? This deduction becomes considerably stronger when it is found to agree very well with the known facts.

It should be pointed out in the second place, that no authoritative explanation has been given for the independent position of the early Oxford masters and their freedom from all immediate ecclesiastical control. That such was their position is clearly established by the earliest documentary evidence, namely, the Legatine Ordinance of 1214. In the absence of any contemporary allusions, plausible reasons must be sought for this somewhat anomalous situation. Is it not possible that the growing schools of Oxford were able to establish their independence of monastic control and that for some reason the records fail to mention the struggle for emancipation? Or, perhaps, this result was simply due to the confusion arising from John's struggle with the church.[1] Or, possibly, the schools outgrew their monastic origin and consequently were placed under the immediate ecclesiastical authority of

[1] Rashdall, II. 418.

the diocesan bishop of Lincoln. The Legatine Ordinance of 1214 strongly shows how scrupulously this authority of the bishop, as well as that of the papal see, was recognized by all the parties concerned in the contests of that time. Another plausible conjecture is, that the university was an outgrowth of the secular rather than of the monastic schools at Oxford, and that by reason of this fact it was from the first independent of all local ecclesiastical control.[1] These suggested explanations are, of course, little more than mere conjecture, though any one of them would seem to have as much basis in fact as the hypothesis of a formal migration, through which the attempt is made to meet the same difficulty. Aside from such conjectures, however, it may well be asked whether, in the absence of positive evidence, this difficulty is vital enough to lead to the rejection of a theory that is reasonable and otherwise well-supported by the facts.

And, finally, it may be said that the advocates of the theory of gradual development have apparently failed to take sufficient account of certain special conditions in England during the reign of Henry II that may have played a considerable part in the actual transformation of the Oxford schools into a studium generale. It is highly probable that the hostility of France and England, after the accession of Philip Augustus, the expulsion of a large body of foreign students from the university of Paris, and especially the ordinance of Henry II forbidding English clerks to study abroad, did have an important influence in hastening the formation of a university at Oxford. Many of these English students, shut off from higher instruction at Paris, would naturally drift to Oxford because of its fame as a center of educa-

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[1] "This only is reasonably certain, that their auditors [that is, of Pullen and Vacarius] were for the most part students not attached either to the Priory of St. Frideswyde or the Abbey of Oseney, else these two houses would surely have obtained some powers at Oxford analogous to those exercised at Paris by the Cathedral Church of Notre Dame and the Abbey of St. Geneviève." Lyte, 12.

tion, and thus give a strong impulse to the growth and development of its schools.[1]   Thus, without upholding the hypothesis of a formal migration, the essential truth in Rashdall's theory is retained. This special impetus, in coöperation with the general tendencies of the renaissance of the twelfth century, is quite sufficient to account for the comparatively rapid development of those schools into a university. These educational influences in turn may have been reënforced and quickened, to some extent at least, by the spirit of nationality then beginning to develop more strongly among the English people.[2] Such a spirit would naturally and inevitably lead to the demand for a center of higher instruction within England itself, independent of the university of Paris or other centers of education on the continent.

With the acceptance of this rather important modification, is not the view of the older historians in regard to the origin of Oxford University justified? The two fundamental facts at the basis of this theory have been satisfactorily established, it is believed, by the evidence, namely, the existence of schools of considerable importance at Oxford previous to the rise of the university and the gradual, though somewhat rapid, transformation of these schools into a studium generale during the latter part of the reign of Henry II. Therefore, for the present, it would seem that the theory of gradual development, at least in its broad general outlines, should be accepted and, consequently, the university of Oxford regarded as one of the primary rather than as one of the derived universities of Europe.

[1] The war between Philip Augustus and Richard I prevented Gerald of Wales from going to Paris. Giraldus Cambrensis, Opera, (R. S.), I. 93.
[2] Stubbs, Constitutional history of England, I. 504, 505. For other coöperating influences, as, for instance, peace and prosperity, see Norgate, England under the angevin kings, II. 167, 168.

CHAPTER II

The beginning of the thirteenth century marks the opening of a new era in the history of the university of Oxford. It is during this century that Oxford developed into one of the greatest of the medieval universities with an influence and importance that were European in extent both as a center of higher education and as a leader in medieval thought. It is also in this period that the university was to a considerable degree able to cast off the control of the Church and of the borough of Oxford and to establish itself as a practically self-governing corporation with a good deal of power and a fairly extensive jurisdiction of its own. These are the characteristic features of university history that should be made clear by this survey of conditions and developments to the close of the thirteenth century.

This commanding position was attained gradually, and then only through the surmounting of grave dangers and as a result of an almost constant struggle for independence and for privileges of various kinds. At the very beginning of its recorded history the university was brought face to face with one of the gravest crises in the course of its development. As a result of trouble between the scholars and the burgesses of Oxford in 1209 and the consequent hanging of two or three of the former, the university was actually suspended for several years and its students dispersed to their homes or to other well-known centers of education, as Cambridge, for example. Though the probability of permanent dissolution was considerable, such a result was finally averted by the complete submission of the townsmen some four years later. This submission, as embodied in the Legatine Ordinance of 1214, marks therefore an important stage in the history of the university of Ox-

ford, if indeed we do not really date the very existence of the university from this time.[1]

After the return of the scholars to Oxford, the university in all probability led a somewhat precarious existence for a number of years. But gradually the student body increased in numbers, the university developed in various directions, and by the middle of the thirteenth century a fairly well-defined universitas or corporation undoubtedly existed at Oxford with a chancellor at its head. In 1231 this society of masters had become sufficiently important to attract the attention of the king and to receive definite aid from him.[2]

A few years later the university is in possession of a permanent endowment. This fund, originating in a fine levied on the Oxford burgesses in 1214, was by an ordinance of Bishop Grosseteste in 1240 converted into a permanent loan chest for the benefit of needy scholars at the university. Not only is this the first property possessed by the university of Oxford, but it is significant also as foreshadowing to a certain degree the later English collegiate system.[3]

As the middle of the century is approached the corporate development of the university stands out with even greater clearness. In 1244, for example, the chancellor as the representative of the university received the first important extension of his authority at the expense of the borough of Oxford, and from that time on the development of his jurisdiction, both civil and criminal, was not only very rapid, but also very important as well.[4] Also, in 1252, the period is reached when the university began definitely to issue statutes for the regulation of its internal affairs.[5]

[1] Matthew Paris, Chronica majora, (R. S.), II. 525, 526; Munimenta academica, (R. S.), I. 1-4.

[2] Royal and other historical letters, (R. S.), I. 396-398.

[3] Munimenta academica, (R. S.), I. 8-10.

[4] See post, 72, and note.

[5] Munimenta academica, (R. S.), I. 25.

By the middle of the thirteenth century the university of Oxford had also attained an important position in medieval education and a considerable influence on the thought and opinion of the age. Its influence on the intellectual life of the time and its relation to public opinion is well shown by the general respect with which its decisions were received and by the apparent eagerness of men to appeal to its judgment. Thus when Henry III became engaged in a controversy with Raleigh, bishop of Norwich, over the election of the latter to the see of Winchester, he appealed to the universities of Oxford and Paris. Oxford decided in the king's behalf, and later the bishop was publicly denounced in the Oxford schools according to the usual custom in such cases.[1]

Again, in 1252, Archbishop Boniface of Canterbury went to Oxford in order to publish to the scholars assembled there from the different parts of the world the infamous conduct of the bishop of Winchester, so that they might make it known even to the most distant nations. As he neared the town an innumerable throng of clerks mounted on richly caparisoned horses and dressed in fine apparel came out to meet him with all honor and applause that was considered due to an archbishop and primate of England. His reception was such that he and his followers were obliged to admit that Oxford was undoubtedly worthy to be reckoned the rival of the university of Paris.[2]

In a somewhat similar strain is the argument made in person before the king in 1258 by the chronicler Matthew Paris, which also exalts Oxford to a high position second only to that of Paris. "My liege, for God's love have pity on the Church now tottering and in imminent danger of utter subversion; the university of Paris, the mother of so many famous and worthy prelates, at this time is sorely troubled; if the university of Oxford be disturbed

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[1] Mathew Paris, Chronica majora, (R. S.), IV. 263-265, under date of 1243.

[2] Ibid., V. 352-354; Lyte, 47.

and molested also, especially at this present, being the second school of the Church, yea the fundamental base thereof, it is greatly to be feared lest the whole Church do fall and come to a general confusion. Whereupon the king made answer, God forbid it should be in my time."[1]

These estimates of the fame and importance of Oxford are in all probability heightened by national pride and somewhat pardonable exaggeration, but when one takes up the question of the number of students in thirteenth-century Oxford this element of exaggeration unquestionably goes beyond all reasonable bounds. For one thing, the medieval mind was very prone to exaggeration and to large numbers. It should be noted also that the estimates of the chroniclers are usually not contemporary statements and may perhaps represent the belief in an earlier heroic age in university history. But on the other hand it should be remembered that the term "scholar" soon came to be in the Middle Ages a very inclusive one, embracing not only the students themselves but also their personal attendants, their servants, and indeed all those whose work was in any way connected with the activities of the scholar.[2] In addition, it is very probable that the numbers given by medieval writers also include those in the grammar schools of the university town.

There can be no doubt, however, that the attendance at the medieval universities was far from being as great as alleged. There is at least one objection that seems to be especially conclusive, at least as far as Oxford is concerned, namely, the inability of the town to furnish necessary accommodations for thirty thousand or even for fifteen thousand students.[3] And, perhaps, even the three thousand that are said to have left Oxford in 1209 should be

[1] Chronica majora, (R. S.), V. 618; Wood, I. 256.

[2] Munimenta academica, (R. S.), I. 52; Fuller, History of Cambridge, 48; Willard, The royal authority and the early english universities, 7-9.

[3] Rishanger, Chronicle, 22; Wood, I. 266. See Rashdall, II. 582, for the line of reasoning by which he reduces the 30,000 to 3,000 or less.

reduced by half or by two-thirds, though manifestly such procedure is more or less arbitrary. Probably we do not go very much too far in scaling down the medieval figures when we accept the statement that the maximum number at Oxford university during the thirteenth century was between fifteen hundred and three thousand students.[1] This latter number is approximately in agreement with the estimate made by the townsmen in connection with the great town and gown fight of 1298.[2] When rightly appreciated by the student of medieval education, these comparatively insignificant figures become full of meaning and on account of their reasonableness more effective than the much larger numbers given by medieval historians.

As the university grew in numbers contests between the scholars and the townsmen seem to have become more and more numerous and also much more bitter. Following the contest of 1209 and the return of the scholars to Oxford in 1213 the records of the thirteenth century are full of such controversies between town and gown, and such also is the character of the fourteenth century and to a less degree of the fifteenth as well. A detailed account of these contests will be given in the following chapter, consequently it is sufficient here to point out the great difficulty confronting the borough officials in the keeping of the peace and the protection of life and property. Many times during the period under consideration some act or dispute, trivial enough in itself, aroused the students or the townsmen to the fray, and often the streets of Oxford actually resounded with the din of pitched battles between the partisans of the two rival corporations, university and borough.

In addition to these contests between the scholars and the townsmen, there were dissensions and a strong factional spirit within the university community itself. This internal disorder should now be noticed, as it not only gives a clear and direct view

[1] Rashdall, II. 589; Rogers, Six centuries of work and wages, 167.
[2] Post, 84, and note.

of the state of discipline at Oxford but also shows the seriousness of the municipal problem of keeping the peace. The effect of a migration from the university of Paris in 1229 was very unfavorable as far as discipline was concerned and led to the interference of Henry III in behalf of order.[1] From that time on the increasingly cosmopolitan character of the university at Oxford seems to have been very unfavorable to both discipline and quiet. The young and impetuous scholars from the various countries, in addition to the fact that they were often quarrelsome in disposition, regarded each other with a good deal of natural antipathy and even distrust, a feeling that was quite natural and general in the medieval period. At any rate it is easy to see that the slightest provocation often led to blows and even to pitched battles in the streets of Oxford between the students of the various nations. This national and factional spirit was so apt to break out at the time of the celebration of some festival or saints' day that the university was led to prohibit all such celebrations.[2]

These disorders continued in spite of all such prohibitions and many bloody feuds naturally resulted. In 1252 a violent disturbance took place between the northern scholars and the Irish scholars which led to the imposition of an oath upon both factions that they would keep the peace of the university.[3] Again, in 1258, there arose a serious quarrel between the scholars of the various nationalities represented at Oxford, Scotchmen, Welshmen, Northerners, and Southerners, and finally the strife reached such a pitch that the rival factions with banners displayed fought each other in the streets of Oxford.[4] Nine years later there was further trouble between the Northern and the Irish scholars very similar in character and results to that of 1252.[5] Such facts as these

[1] Royal and other historical letters, (R. S.), I. 396-398; Lyte, 47, 48.
[2] Munimenta academica, (R. S.), I. 18.
[3] Ibid., I. 20-24; Wood, I. 244-247.
[4] Matthew Paris, Chronica majora, (R. S.), V. 726.
[5] Wood, I. 270-272.

are the best possible commentary upon the almost complete lack of discipline in a medieval university and upon its consequences for both the university and the town.

In 1273 there was a still more serious encounter between the Northern scholars and the Irish scholars, in the course of which several of the latter were killed. This contest not only gives a further insight into the conditions prevalent at Oxford but it also brings into prominence the relations of the central authority and of the Church to the university and incidentally to the town as well. The killing of the Irish scholars created considerable alarm and resulted in the secession from Oxford of many of the leading members of the university. Edward I, however, was opposed to their departure and ordered them to return at once, under penalty of his great displeasure if any of them should presume to disobey. Interesting, also, is the attitude of the bishops, who issued an exhortation to the clerks within their respective dioceses that they should go to Oxford "not armed for a fight, but rather prepared for study."[1]

The utter failure of this exhortation is shown by the occurrence in the very next year of still another encounter between the factions. But this time four of the clerks concerned in the disorder were committed by the king to the Tower of London, a summary proceeding which led to a second attempt at reconciliation and to a mutual restitution of the plunder that had been seized. A more comprehensive oath to keep the peace was now exacted, and every member of the university was required to swear that he would neither carry arms nor join in any conspiracy against the peace.[2] Nevertheless, the spirit of faction and disorder continued to run high during the latter part of the thirteenth and the early part of

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[1] Lyte, 130, 131; Knighton, Chronicon, (R. S.), I. 267.

[2] Lyte, 131; Rashdall, II. 362, note 3. For an earlier statute regarding the carrying of arms see Munimenta academica, (R. S.), I. 16; for a later and more detailed one, ibid., I. 91.

the fourteenth century, until it culminated in the great struggle of 1334 and the consequent secession to Stamford.[1]

There were other causes of internal dissension besides those arising out of feuds among the scholars. These will be dealt with later on, and it will then be seen that one fruitful source of trouble resulted from the activity of the mendicant friars and the hostility that arose between them and the secular clergy. Also there was a strong feeling of jealousy and even hatred between the friars and the older Benedictine orders.[2] Furthermore, there were contentions between rival masters and between different systems of education and thought. On a visit to Oxford in 1276 Archbishop Kilwardby, a Dominican, condemned a number of errors that he found there in the teaching of grammar, logic, and natural philosophy. Eight years later, in ratifying this condemnatory decree, his Franciscan successor, Archbishop Peckham, was regarded as attacking the famous Dominican philosopher Thomas Aquinas, and naturally these differences became one of the many points of controversy between the rival Franciscans and Dominicans.[3] It is apparent, therefore, that the latter part of the thirteenth century was a period of considerable disorder, rivalry, and contention, though we must not lose sight of the fact that the university continued to prosper and to exert a strong European influence.

While the university of Oxford was growing in numbers and developing in power and European influence its constitution also was undergoing important changes. Perhaps the most striking and important constitutional change during the thirteenth century was the rapid growth of the power of the chancellor as the head of the university community. It seems that the chancellorship may be definitely traced to the Legatine Ordinance of 1214, as it is in this document that the first authentic allusions to the office of

[1] Rashdall, II. 397, 398; Lyte, 134-136; Knighton, Chronicon, (R. S.), I. 472.

[2] Post, 102, 103.

[3] Annales monastici, (R. S.), IV. 297-299; Wood, I. 305-309, 318-322.

chancellor are to be found. Though there must have been some sort of official head previous to 1214, still nothing is definitely known concerning the government of the university during that early period. It is certain, however, that some degree of organization was an absolute necessity for the community of masters and scholars revealed by the visit of Gerald of Wales to Oxford or by the dispersion of 1209. It is fairly probable that an approach to unity was attained through an official known as the master or rector of the schools.[1] This organization, however, had not advanced beyond the rudimentary stage, or, in other words, the university was not yet fully instituted but was still rather inchoate. It may be said, perhaps, that the last stage of university development was practically coeval with the rise of the chancellor to the actual headship in its affairs.

The most important of the allusions in the Legatine Ordinance is contained in the provision that clerks who were arrested should be surrendered on the demand of the "Bishop of Lincoln, or the Archdeacon of the place or his official, or the Chancellor, or whomsoever the Bishop of Lincoln shall depute to this office." Also a clause concerning the feast for the poor scholars on St. Nicholas' day mentions the "Chancellor whom the Bishop of Lincoln shall set over the scholars" at Oxford.[2] From these allusions two inferences may be made with some reason; one is that the authority of the chancellor was derived from that of the bishop of Lincoln, the other, that up to this time the chancellorship had not been established. It seems, however, that from the first the chancellor was elected by the masters from their own number,[3] and this peculiar situation has inclined certain writers to regard the earliest

[1] Rashdall, II. 353, 354.
[2] Munimenta academica, (R. S.), I. 2; Rashdall, II. 351, 352.
[3] Monumenta franciscana, (R. S.), I. 100, 101; Rashdall, II. 356.

chancellors as being in reality elective rectors of the schools whose election was confirmed by the bishop of Lincoln.[1]

Though the office of chancellor was thus officially recognized in 1214, the chancellorship was not yet firmly established and for some time at least its existence was more or less precarious.   In 1221, for instance, Robert Grosseteste acted for a short time as the head of the university, but as the representative of the bishop of Lincoln he was simply styled the "Rector of the Schools." It is probable that the more dignified title of chancellor was withheld from him because of the jealousy of the bishop in regard to this designation.[2]   But in this same year, and again in 1231, the title was definitely recognized by the Pope.[3]   Also in the charters of privileges granted to the university in 1244 and in 1255 the head of the university was called "Cancellarius," and he was regarded as an independent representative of the corporation of masters and scholars.[4] The royal writs of 1231 strengthened his authority, and by the middle of the century certain decrees or statutes seem to run in his name.[5]   By this time, therefore, the university may be regarded as a fully constituted corporation with a definite head already identified with its interests, whose title is that of chancellor and whose position is admirably adapted to a rapid extension of his authority.

It is in 1244 that the first great increase in the authority of the chancellor is found and from that time on the development of his power was very rapid, especially on the side of his judicial

[1] Brodrick, 11, says, "it will probably never be determined with certainty whether the earliest chancellors derived their authority exclusively from the bishop of Lincoln as diocesan, or were in the nature of elective rectors of the schools (*Rectores Scholarum*), whose election was confirmed by the bishop of Lincoln."

[2] Robert Grosseteste, Epistolae, (R. S.), xxxiii.

[3] Rashdall, II. 754, 755, 756.

[4] Brodrick, 12; Stubbs, Select charters, 377, 378.

[5] Royal and other historical letters, (R. S.), I. 396-398; Munimenta academica, (R. S.), I. 16-18.

prerogatives and privileges, and was very closely connected with
the long series of contests waged between the university and the
borough of Oxford. Though the position of the chancellor was
in the beginning purely ecclesiastical, his final status, in theory at
least, reveals a threefold origin, namely, the original ecclesias-
tical jurisdiction, the successive royal grants in favor of his office,
and, finally, those duties incident to the headship of the university,
such as the punishment of students for disobedience to the stat-
utes. But in actual practice, perhaps this last phase of his ac-
tivity was not clearly distinguished from his other functions.[1]

The ecclesiastical jurisdiction of the chancellor dates from
the ordinance of 1214, and as the bishop's representative this
official enjoyed the rights and privileges belonging to the eccle-
siastical courts generally. His relations to his ecclesiastical su-
perior were for a time friendly enough, but by the middle of the
century the inevitable contest began. As the distant bishop was at
a disadvantage, the chancellor was able to gain almost complete
independence by the close of the thirteenth century. Before the
end of the following century his independence was practically
complete.

Perhaps the most interesting phase of the development of the
chancellorship was the extension of its power into the field of
civil and criminal jurisdiction. It is here that the central au-
thority played such an important and decisive part and in all
probability this development would have been impossible without
the more or less consistent aid of that authority. Time after time
the king interfered in the controversies arising between the uni-
versity and the town, with the result that usually a charter of
privileges and exemptions was granted by him to the former.
The chancellor as the representative of the university guild or
corporation profited greatly by this peculiar situation. The suc-
cessive steps in the growth of this jurisdiction, both civil and

[1] Willard, 14, 15; Rashdall, II. 359.

criminal, will be noticed in some detail in the chapter on the relations of the university to the borough of Oxford, and consequently it is perhaps sufficient to note here that the chancellorship continued to develop during the thirteenth and the following centuries until finally the university became a sort of despotism with the chancellor at its head. Perhaps the great contest of 1356 marks the time when the university and its chancellor had actually become dominant over the borough and threatened almost completely to overshadow its government.[1]

It may well be asked, what reasons or explanations may be given for this extension of a purely spiritual jurisdiction into such wide fields? One reason is to be found in the difficulty that arose in many cases of determining whether the clerk concerned was the defendant or the plaintiff and the consequent tendency to give the ecclesiastical court the benefit of the doubt. Another explanation is seen in the fact that the spiritual courts already had jurisdiction over the private life and the morals of laymen and that this jurisdiction served as a basis for acquiring further powers. Also the growth of the chancellor's jurisdiction was greatly helped by the fact that there was no bishop's court at Oxford to overshadow his authority or to supervise his actions too closely. Nor should one overlook in this connection the practically consistent policy of the royal authority during the thirteenth century in upholding the chancellor in disputes with the bishop of Lincoln or the burgesses of Oxford. And, finally, because of this favorable attitude and because of his position as head of the university the chancellor was given sufficient power to enforce his authority; as an ecclesiastic he had the power of excommunication, as a lay judge he could depend on fines, imprisonment, or banishment, or whenever necessary he could demand the aid of the mayor and bailiffs of Oxford in the enforcement of his authority.[2]

[1] See, for a more detailed summary, Willard, 15-19.

[2] Munimenta academica, (R. S.), I. 13, 16, 18, 94; Royal and other historical letters, (R. S.), I. 396-398; Willard, 31; Rashdall, II. 391.

The other constitutional features of the period are of much less importance than the development of the chancellorship, and especially so far as the purposes of the present study are concerned. There are several of these features, however, that call for at least a brief mention. In the first place the institution of the office of proctor and the character of the duties performed by these officials should be noticed. In the year 1248 representatives of the scholars and the burgesses appeared before the king at Woodstock in order to argue their differences and to seek redress through the aid of the royal authority. One provision of the charter of privileges granted at this time by the king to the university stipulated that the chancellor and the proctors should have the right to be present at the assize of bread and ale. This is the first time that the proctors are mentioned in the records of the university.[1]

While the chancellor in theory at least represented the episcopal authority, the two proctors were regarded as the official representatives of the university and as such they possessed certain important executive functions naturally belonging to the presidency of the corporation. As the proctors were chosen by a somewhat peculiar system of indirect election, it resulted that they represented respectively the northern and the southern nations, though both always belonged to the faculty of arts.[2] Their duties as formulated from time to time were as follows: to demand from all inceptors the oath concerning the conservation of the peace, to suspend masters for any violation of the statutes of the university, to keep lists of grave offenders, to render faithful account of all the receipts of the university, to aid the chancellor in the summoning of the congregation and the supervision of its meetings, and various other functions.[3]

[1] Munimenta academica, (R. S.), II. 779.
[2] Ibid., I. 81.
[3] Ibid., I. 12, 22, 24, 30, 81, 109, 110.

The organization into "nations" did not become as important at Oxford as it did on the continent. Though the English organization was apparently modelled on the Parisian system, still there were never more than two distinct nations at Oxford, a modification due in all probability to the fact that the foreign masters at the university were not sufficiently numerous to demand such separation.[1] Even the Welsh, the Irish, and the Scotch, usually attached themselves to the northern or the southern nation. However, there were many conflicts between the students from these various nationalities, and thus the difficulty of keeping the peace was considerably increased.

The actual control of the university resided in the teaching body, namely, the masters or regents. It is in their name that statutes are decreed.[2] But at Oxford during the later thirteenth century the non-regents, that is, those masters not actually engaged in teaching, definitely established their position as an integral part of the university organization, and this development is a distinct peculiarity of the Oxford constitution. It is possible that the non-regents were mentioned in the records as early as 1252, and there can be no doubt that by 1280 their position was securely established.[3] Until the contest with the friars in the early fourteenth century it was the accepted principle that a statute required the consent of all the faculties and of the non-regents in addition, but as a result of that contest it was enacted that two faculties together with a majority of the non-regents should have the power to pass permanent statutes for the whole university.[4]

Probably the most important movement in the development of the English universities during the latter part of the thirteenth

[1] Rashdall, II. 368. Even the Irish masters were not very numerous. Munimenta academica, (R. S.), I. 23.

[2] Ibid., I. 20, 30.

[3] Ibid., I. 20, 41, 43, 56.

[4] Rashdall, II. 374; post, 101.

century was the beginning of the collegiate system, though it is true that the colleges did not become predominant until considerably later.[1] Like the universities themselves the colleges may be said to have arisen in answer to the needs of the time, and consequently their origin should not be too definitely traced to specific foreign influences, though these influences probably did help to determine the character of the movement in England. At the university of Paris the colleges developed very early, but until the foundation of the Sorbonne about 1257 there are no traces of the essential features of a truly collegiate system, namely, an endowed corporate body somewhat secular in character and possessing some rights of self-government. The Sorbonne may well have furnished a precedent for a similar movement at Oxford which found its expression in the famous Merton foundation.[2]

It would be difficult, however, to offer proof that there was any conscious imitation of the constitution of the Sorbonne by Walter of Merton or by other founders of Oxford colleges. Besides, two important differences between the Parisian and the Oxford college may be pointed out; the former was appropriated to the use of a special faculty while the latter was open to students in all the faculties, and, also, the Parisian system did not place the administration of the college in the hands of an elective head as was distinctively the case at Oxford, though the Sorbonne itself was for a time a partial exception to this principle.[3] But in both cases it is probably true that the object of the founders

[1] It was not until 1421 that clerks were forbidden to lodge in the houses of laymen. Munimenta academica, (R. S.), I. 279. But not till the time of Charles I did the colleges succeed in engrossing the entire government and in absorbing nearly the entire population of the university. Traill, Social England, I. 435.

[2] Brodrick, 15, 16, argues strongly for the distinctively English origin of the Oxford colleges. With this compare Rashdall, I. 479: Paris was the true home of the collegiate system; "from Paris it passed to those Universities upon which it has obtained its longest and firmest hold."

[3] Rashdall, I. 490.

of colleges was simply to secure board and lodging for poor students who were not able to pay for it themselves. Perhaps in its actual origin, therefore the college was very little more than an endowed hospicium or hall.[1]

The first permanent endowment at Oxford, however, took the form of a loan chest, established in 1240 by an ordinance of Bishop Grosseteste. Its establishment was in some degree a result of the severe terms of the Legatine Ordinance of 1214. These terms were naturally a great humiliation to the townsmen and, as might be expected, a little later they tried to get rid of the burden laid upon them. Thus, in 1219 they transferred to the abbot and convent of Eynesham the obligation to pay an annual fine to the university and to provide a feast every year for a hundred poor scholars.[2] This fund, the first property possessed by the university, was not well administered, however, and Grosseteste's ordinance was issued to regulate its use. It was decreed that the fund should be deposited for safe keeping in a chest at St. Frideswide's, that it should henceforth be in the custody of one of the brethren appointed by the prior and two persons elected by the university, and that it should be devoted to its original charitable purpose, namely, a loan chest for the relief of needy scholars. When a loan was made from the chest, the borrower was always required to deposit something of sufficient value to secure the loan.[3] This ordinance of 1240 is important as marking the beginning of a system of endowments which reached its greatest development in the English universities and which in the latter part of the century began to find expression in the foundation of the colleges.

The system of loan chests thus instituted by Grosseteste must have proven itself a useful charity at a time when exorbitant in-

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[1] Rashdall, I. 482.

[2] Munimenta academica, (R. S.), I. 4, 5.

[3] Ibid., I. 8-10. For regulations of a somewhat later date see ibid., I. 11-13.

terest was demanded on loans made to scholars. At any rate the
system is rapidly extended by the gifts of later benefactors.[1] In
1293, for example, the Countess of Warwick established a chest
for the aid of poor scholars upon practically the same conditions
as those outlined for the St. Frideswide chest.[2] Still others were
founded from time to time, all of which rather closely followed
the original plan of Bishop Grosseteste.[3] It is said that by the
fifteenth century there were in existence at Oxford at least
twenty-four of these loan funds or chests.[4] Thus for about two
centuries the system of loan chests continued to develop side by
side with the later and ultimately more important collegiate sys-
tem.

Before taking up the rise of the colleges it is necessary to no-
tice the position and character of the houses or halls occupied by
the scholars at Oxford. Though the origin of these halls is un-
known it may be said that they were unquestionably in existence
before the documentary history of the university begins,[5] and that
for some time they represented the only provision made for the
residence of the scholars with the exception of the houses founded
by the religious orders. The larger part of the students had to
take lodgings wherever they could find satisfactory accommoda-
tions. These halls were under the supervision of a principal who
was practically independent of the university, though soon to be
subjected to certain general regulations.[6] It was the policy of the
university during the thirteenth century and later to extend still
further its control over the halls, either for purposes of discipline
or for other reasons. Almost exclusive control was assumed as

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[1] St. Frideswide's chest was also augmented by gifts. Munimenta aca-
demica, (R. S.), I. 10.

[2] Ibid., I. 62-67.

[3] Ibid., I. 82-85, 95-99, 102-106.

[4] Ibid., I. xxxvii.

[5] Ibid., I. 1.

[6] Ibid., I. 13, 14, 16.

regards buildings once used as a school or hall.[1] From time to time statutes were adopted which extended in various ways the jurisdiction of the chancellor; he was given power under certain conditions to remove the principals,[2] he was permitted to dispense with the statutes of the halls or make new ones in their place,[3] and, finally, in the early fourteenth century he was able to require a principal to report to him all students guilty of immorality or the disturbance of the peace.[4] Ultimately the halls either disappeared or were incorporated into the collegiate system.

The monastic foundations of the thirteenth century are also worthy of mention in a study of the influences that preceded the development of the colleges at Oxford. Early in the century the Franciscan and Dominican friars appeared at Oxford and soon became very powerful in the university community. One of the most effective means employed by them in appealing for converts was through the establishment of large, spacious, and well organized houses or halls, the advantages of which offered a striking contrast to the comforts afforded by the ordinary hostels of the time.[5] The energy and success of the mendicants finally spurred the older Benedictine order to renewed activity and rivalry, and, as a result, several Benedictine halls were founded towards the close of the century. In 1280 Rewley Abbey was established by the Cistercians for the support of fifteen of the brethren, and the movement was continued by the founding of Gloucester Hall in 1283 and Durham Hall some eight years later.[6]

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[1] Munimenta academica, (R. S.), I. 14.

[2] Ibid., I. 13.

[3] Ibid., II. 470.

[4] Ibid., I. 92, 93.

[5] Post, 102.

[6] For the founding of Rewley Abbey see Annales monastici, (R. S.), III. 287, Dugdale, V. 697, 699; for Gloucester Hall, Annales monastici, (R. S.), IV. 488, Dugdale, IV. 403. 407; for Durham Hall, ibid., IV. 676.

In the early history of Oxford there are several instances of kings, nobles, or prelates, paying for the education of poor scholars at the university,[1] but of course this form of benefaction, which depended on the arbitrary will of some patron, was wanting in stability. As the maintenance of these poor scholars at the university soon came to be regarded as a very charitable and praiseworthy act, naturally a number of permanent endowments were made especially with this object in view. An equally common way of expressing one's piety in the Middle Ages was by the founding of a chantry for the support of a priest or priests whose duty it was to say masses for the founder's soul.[2] Both of these expressions of piety are found in the plan of Alan Basset, who died about the year 1243. According to the provisions of his will two hundred marks were left to the prior and monastery of Bicester, in consideration of which eight marks a year were to be paid by them for the support of two chaplains at Oxford, or wherever the university might in the future be removed. In addition to their duties as scholars in the university, the chaplains were required to say mass daily for the souls of Alan Basset and his wife. As this was primarily a chantry, it cannot be regarded as the foundation of a college, though the benefactor should be given credit for providing the first permanent endowment for the support of scholars at Oxford.[3]

It is only in its beginnings and not in actual priority of foundation that University College may claim precedence as the earliest of the English colleges. In 1249 William of Durham left the sum of three hundred and ten marks for the permanent maintenance of ten or more masters at the university. Though by 1263 several houses had been bought for the use of the beneficiaries, still there was no incorporation nor were provisions made

[1] Willard, 76, and notes.
[2] This idea was also very strongly present in the minds of the founders of the loan chests. See references given ante, 57, notes 1, 2, 3.
[3] Wood, I. 232; Rashdall, II. 469; Lyte, 69, 70.

for any degree of self-government; as yet there was no college, but simply a fund or chest administered by the university authorities.[1] Not until 1280 were the earliest statutes drawn up, which, following to some extent the earlier statutes of Merton College, made the scholars to a limited degree a self-governing corporation, though the real power was still vested in the university.[2] But it should be noted that these statutes were imposed by the university itself and not by the founder; indeed it is very doubtful whether William of Durham ever intended that his alms should go to the support of an organized community with corporate rights. A fuller and rather detailed code was given to the college in 1292, which considerably extended the rights of self-government enjoyed by the scholars. This tendency was further emphasized by a later statute issued in 1311.[3] These facts show the slow and gradual steps by which "the Great Hall of the University" attained corporate unity.

In the fulfillment of a penance imposed upon him about the year 1260 Sir John de Balliol, the father of the claimant to the Scottish crown, made provision for the perpetual support of a number of poor scholars at Oxford.[4] It is said that scholars under this provision were certainly maintained at the university by 1266; thus Balliol College becomes in fact the oldest of the English college foundations.[5] But the foundation was not put on a

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[1] Loans were made from the fund and not repaid. Munimenta academica, (R. S.), II. 781. For a letter requesting a loan see Monumenta franciscana, (R. S.), 256, 257.

[2] Munimenta academica, (R. S.), II. 780-783.

[3] Ibid., I. 56-61, 87-91.

[4] The cause of the penance is explained, Matthew Paris, Chronica majora, (R. S.), V. 528; he says Balliol "injuste vexaverat et enormiter dampnificaverat" certain churches in the north of England.

[5] Rashdall, II. 473. However, this statement should be compared with Lyte, 85, where he says "there is no proof of their existence as a distinct community earlier than the year 1282, when a formal ordinance was issued for their government."

permanent basis until 1282; before that date the scholars were merely given a weekly allowance and no rights of self-government were granted them. In 1282, however, thirteen years after Balliol's death, a formal ordinance was drawn up for their government, under the direction of his widow Dervorguilla, who turned over certain property for the use of the scholars.[1] These statutes were perhaps intended only to confirm and supplement previous regulations and customs, and consequently they seem to be entirely uninfluenced by the earlier statutes of Merton. It has been pointed out that Balliol was an exception to the general type of English colleges in that it more nearly approached the earlier Parisian foundations and was obviously an imitation of them. In its earlier history it was not a land-owning corporation but simply a hall for scholars presided over by an elected principal. It also approached the Parisian system in the manner of its government and, more especially, in the fact that it was meant exclusively for students in the faculty of arts. Towards the middle of the next century it assumed more nearly the form and character of the other Oxford colleges.[2]

But it is with the more elaborate plan of Walter of Merton that we reach the real beginning and the basis of the distinctively English collegiate system. This new conception of his became of the greatest importance as it was the model for practically all other collegiate foundations and thus determined the future constitution of both of the English universities. Such being the importance of the foundation of Merton College, it is necessary that its history should be studied carefully and in some detail.

Walter de Merton was not a graduate of any university, though he may have been at one time a student in Oxford. His

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[1] Fourth report of the royal commission on historical manuscripts, 442, 446.

[2] For details as to the Balliol foundation see Lyte, 71, 72, 85-87; for constitutional significance, Rashdall, II. 472-474.

life was a successful one; he became chancellor of England for a time and later was made bishop of Rochester.[1] He took a strong interest in education, and it became his desire to secure for future scholars, more especially those of his own family, the advantages which had been denied him. So between the years 1263 and 1274 he elaborated a scheme for the support of his nephews and a sufficient number of other "capable young men," either at Oxford or elsewhere, under statutes which are known as the "Rule of Merton."[2] Probably it was in the year 1263 that he made over his estates in Surrey for the support of such a community of scholars, and in the following year he issued the first foundation charter of Merton College. By these statutes there was established at Malden in Surrey the "House of the Scholars of Merton," over which a warden was placed, together with bailiffs or stewards whose duty it was to manage the estates and to send allowances to the scholars.[3] Out of these estates some twenty students were to be maintained in a hall or in lodgings at some university, preferably at Oxford but elsewhere if a mere flourishing studium generale should be founded.[4] They were, however, established at Oxford from the first, and a second body of statutes in 1270 gave fuller regulations concerning their corporate life at that place. But in 1274 a newer and more detailed code, consisting of forty-one statutes, was formulated, which may be regarded as a final expression of Merton's ideas.

[1] Royal and other historical letters, (R. S.), 195, 196.

[2] Originally the scholars were all nephews of the founder, and as far as possible their number was to be filled up from the descendants of his parents. It seems that his plans grew upon him and gradually they became broader than was at first intended. See Rashdall, II. 482, for the original plan.

[3] Brodrick, 18; Rashdall, II. 482, 483.

[4] These statutes were formulated in the year of the secession to Northampton, 1264, and thus there was considerable uncertainty regarding the permanence of the university of Oxford. Merton provided for the possibility of removal from Oxford, even to Paris if necessary, and it is to be noted also that he bought property at Cambridge. Rashdall, II. 483.

One important change is to be found in the transference of the warden from Malden to Oxford and at the same time the institution of a more elaborate form of government for the community of scholars. The powers of government were vested in senior fellows and a warden elected by the senior fellows and charged especially with the care of the estates belonging to the corporation.[1] Other functions were distributed among various officials, most important of whom were the deans, the bursars, and the chaplains; the duties of the deans were mainly of a disciplinary character, while the bursars took charge of financial matters and the chaplains were responsible for the performance of services that were due to the Church. This more definite organization took place at about the time that the scholars moved from their hired quarters to the site which had been given to them by Merton as a permanent home, henceforward known as Merton Hall.[2]

The college or corporation of the scholars of Merton was soon provided with ample buildings; not only a good hall and chapel but also a kitchen and common dormitories were erected for their use. This chapel which was very prominent in Merton's scheme emphasized the ecclesiastical character of the foundation; but at the same time it established a certain tradition of architectural magnificence that was largely followed by the later English colleges.[3]

Though many monastic features were retained by Merton, such as a common head, freedom from external interference, a common table, and other provisions of a similar character, yet it is easy to see that this patron of education was unwilling to see the intellectual life of the age remain in the hands of the religious orders. Consequently, he resolves to combat the monastic idea by establishing a foundation for the training of the secular

[1] Rashdall, II. 485; Lyte, 76, 77.
[2] Rashdall, II. 483; Lyte, 75, 76.
[3] Rashdall, II. 488-490.

clergy. It is as the first secular foundation that Merton College has exerted its greatest influence on the collegiate system of England. The primary duty of the scholars of Merton was to study, and to that end chaplains were provided to relieve them of the round of ceremonial duties. They were required to study the liberal arts and philosophy before beginning their work in theology, and they were encouraged in the view that they were preparing to go forth into the world. No ascetic obligations were imposed, the taking of the threefold monastic vow was discouraged, and though in a broad sense all the scholars were clerks they were not necessarily in holy orders. The influence and importance of such ideas as these may easily be imagined.[1]

There are still other important provisions of this famous "Rule of Merton" that should be mentioned. It contains minute and rather elaborate regulations designed to control the various details of college life. Such regulation was very much needed in the Middle Ages, and when Merton's idea received wider application the result was a revolution in university life in general.[2] It should be noticed, also, that the scholars were given the power to make new statutes as needed, and that Merton was the first founder of a college to make provision for a gradually increasing number of scholars.[3]

The ultimate importance of the establishment of the early colleges can now be fully appreciated, and more especially the importance of the founding of Merton College. But there are still two general considerations concerning this movement that deserve to be emphasized. One of these is, that this working out of the problem of collegiate foundations in the thirteenth century prepared the way for the rapid development of the system in the

[1] Brodrick, 19, 20.
[2] Rashdall, II. 484.
[3] On the Merton foundation, see Brodrick, 18-20, Lyte, 72-82, and especially Rashdall, II. 481-490; on the genesis of the idea of a secular college, Mullinger, University of Cambridge, 160-164.

fourteenth century.[1]　In addition to that, it gave stability and permanence to the university by generally lessening and soon destroying the probability of a wholesale migration, such as the one that took place in 1209 or the one that was threatened at the time Walter of Merton issued his first statutes.　The possession of property naturally became the strongest kind of tie to hold the university to a definite local habitation.　The bearing of these facts upon the history of the university is of the utmost importance, for with this element of permanence definitely added the great work of the thirteenth century in the development of the universities was practically completed.

[1] At Oxford, during the fourteenth century, Exeter, Oriel, Queens', Canterbury, and New College, were founded. Rashdall, II. 490-509.

CHAPTER III

The history of the borough of Oxford begins at least two centuries before any definite record occurs concerning the character of its schools. In the year 912 the authentic history of the town may be said to have begun, while nothing is known with certainty about the history of the schools there previous to the early twelfth century, when Robert Pullen came to Oxford to deliver lectures on the Scriptures. By the time of the rise of the university, that is, towards the close of the twelfth century, Oxford had developed into an important town with strong political and commercial interests and already possessed certain valuable borough privileges.

A brief outline of these chartered privileges is perhaps requisite for a thorough understanding of the struggle that arose between the borough and the university of Oxford. As early as the reign of Henry I the burgesses had received the right of holding the borough at fee-farm.[1] During the reign of Henry II they were granted a charter which conferred on them several important privileges, namely, the right to possess a gild merchant, freedom from tolls, the privilege of being impleaded only within the borough, in short practically the privileges possessed by the borough of London itself.[2] In the first year of John's reign this charter was confirmed, and the privileges of Oxford were definitely declared to be the same as those of London.[3] In 1228 all

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[1] Willard, 38.

[2] Merewether and Stephens, The history of the boroughs and municipal corporations of the United Kingdom, I. 446; Gross, The gild merchant, I. 14, II. 192, 386; Ballard, Domesday boroughs, 53.

[3] Merewether and Stephens, I. 386, 446.

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former privileges, laws, and customs, were again confirmed by Henry III. It should be noted, in addition, that these charters grant the burgesses the right of electing their town officers, the mayor and the bailiffs, and probably a borough coroner.[1] Later in the same reign Oxford received a further accession of privileges, and especially exemption from the interference of the sheriff and other royal officials in the local affairs of the borough.[2] Thus by the middle of the thirteenth century Oxford possessed a considerable degree of local autonomy.

In the present chapter, however, it becomes necessary to trace the steps by which a society of masters not only became independent of the burgesses but also gradually succeeded in overshadowing the importance of the borough and even to a great extent in dominating its government. The university was granted many privileges and immunities, but these were generally gained at the expense of the borough and the result was a practical crushing out of its municipal liberties. The full significance of this condition of affairs does not appear during the thirteenth century, but the trend of events is plain and it is easy to see what the outcome will be. In fact, the end of the first century of the history of the university will show that it is already becoming preëminent and strongly intrenched in power by the granting of privileges and through open usurpations. But the townsmen were not content to submit tamely and consequently the century is filled with contests that were due to the conflicting interests of these rival corporations. The details of this long struggle show clearly the steady advance of the university in privileges and in corporate power and importance.

The bearing of these general statements is well illustrated by important events during the years 1209 to 1214, events which really usher in the documentary period of the history of the uni-

[1] Willard, 39, 40.
[2] Ibid., 39; Merewether and Stephens, I. 455 (under date 1265).

versity of Oxford. In 1209 a contest arose between the townsmen and the clerks over the killing of a woman by one of the latter, and a raid on the hostel of the offender resulted in the imprisonment and speedy execution of two or three of the scholars, though the real murderer had escaped. This summary punishment was probably countenanced by King John, who was then in the midst of his struggle with Pope Innocent III. The masters and scholars dispersed soon afterwards. Some went to the neighboring town of Reading, others went to the university of Paris, while still others migrated to the town of Cambridge. It is stated that some three thousand scholars decided to leave, and that not one scholar was left at Oxford.[1] After making allowance for the usual medieval exaggeration of numbers, the fact remains that this dispersion of 1209 was an event of considerable magnitude, and, when it is remembered that for several years the existence of the university was probably suspended, the serious nature of the crisis is at once apparent. In addition, the town of Oxford was probably placed under a stringent interdict, lasting for a little over four years. Finally, in 1213, on the arrival of a papal legate in England to receive the submission of King John, the burgesses of Oxford humbly besought and obtained ecclesiastical forgiveness and protection.[2] In the following year the legate issued his final sentence in an ordinance which is practically a charter of privileges for the university.

This Legatine Ordinance of 1214 is of great importance, therefore its provisions should be carefully noticed.[3] In the first place, as a penance the offending townsmen, without shoes, hats, or cloaks, were required to go to the graves of the clerks who had been hanged and, accompanied by the whole commonalty of the

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[1] Matthew Paris, Chronica majora, (R. S.), II. 526.

[2] For details of the dispersion see Matthew Paris, Chronica majora, (R. S.), II. 525, 526, 569; Flores historiarum, (R. S.), II. 138; Annales monastici, (R. S.), III. 32.

[3] Munimenta academica, (R. S.), I. 1-4, gives this document in full.

town, to give them proper burial in a place especially chosen. It was also ordained that for ten years one half the rent for hostels and schools occupied by clerks should be remitted, and that for ten years more all rents should remain as they were before the secession. Further, the town was required to pay annually the sum of fifty-two shillings to be distributed among the poor scholars at Oxford and also to provide a feast for a hundred of them every year on St. Nicholas' day. Another provision was that victuals should be sold to scholars at reasonable prices. Still another obligation imposed upon the townsmen was that they should not only take an oath to observe the terms of the ordinance but that this oath was to be renewed every year by one hundred representative burgesses. The most important provision, however, was the one which began the practice of exempting the scholars from lay jurisdiction and is therefore a practical recognition of the important right of "benefit of clergy." The townsmen swore that if at any time they should arrest a clerk they would on demand give him up to the bishop of Lincoln or to his authorized representative.

It is worthy of note that the questions arising out of the troubles of 1209 were settled by the legate and the bishop without any interference of the royal authority, as the later tendency was on nearly all occasions to call in such outside authority. As soon as the townsmen made a formal submission to the severe terms imposed upon them, the interdict was removed and the clerks returned to Oxford.

But the peace did not last very long. In 1228 there was another quarrel between the clerks and the townsmen, followed, as was the case before, by an interdict upon the latter.[1] The prompt settlement of this dispute by the ecclesiastical authorities formed a striking contrast to the apathy shown at Paris during similar troubles in the following year, and, as a result, the reputation of

[1] Annales monastici, (R. S.), III. 109, 110.

Oxford as a place of safety for clerks led to the migration from Paris to Oxford of a considerable number of masters and scholars.[1]   While this influx of scholars added considerably to the importance of the university, its effects were unfavorable as far as discipline is concerned, and there followed, in 1231, several royal writs which materially strengthened the power of the chancellor in his attempt to preserve the peace.   In these writs the king ordered that the town authorities should permit the chancellor to use the town prison for refractory clerks, that when material force was needed the chancellor should apply to the bishop, who would summon the sheriff of the county to his assistance, and that all scholars should be expelled from Oxford who were not under a regular master.[2]   This last provision, especially, is an important step towards the establishment of better discipline at Oxford.

But the attempt of the king to reconcile the clerks and the townsmen was a failure, for the very next year, 1232, some of the clerks were wounded in a riot.   Three years later complaint was made that the burgesses of the town had broken the compact of 1214 regarding the price of victuals.   There was further discord and even bloodshed in 1236, and it was with difficulty that the university was restored to its former state of quiet.[3]   The next disturbance arose in 1238 upon the occasion of a visit of the papal

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[1] Riots in Paris between the civil authorities and the students resulted in a dispersion of the scholars in 1229.   Many noted English masters left the university, such as Alande Beccles, Nicholas of Farnham, Rudolph of Maidenstone, and William of Durham.   The scholars were finally recalled to Paris.   Matthew Paris, Chronica majora, (R. S.), III. 166-169.   Two years later, however, Henry III was able to boast of the number of foreign clerks at Oxford and Cambridge.   Royal and other historical letters, (R. S.), I. 398.

[2] Ibid., I. 396-398.   These letters apply to Cambridge, but it is definitely stated that similar ones were sent to Oxford.

[3] Matthew Paris, Chronica majora, (R. S.), III. 371, 372.

legate to Oxford. The chroniclers of the times have told in some detail the story as to how the tumult arose, and how, when the legate escaped from the scholars and made complaint to the king, the latter sent Earl Warrenne with troops to rescue the legate's followers. Oxford was then placed under an interdict and the legate excommunicated all the abettors of the offense, while one of the chief men, Odo, and a number of other clerks were imprisoned in the Castle of Wallingford near Oxford. Finally, however, the legate agreed to grant mercy if the scholars would humbly ask pardon of him; and when this was done the interdict was removed from the university.[1]

These quarrels between laymen and clerks had now become a common occurrence, and, in 1240, some of the latter migrated to Cambridge, where a university had arisen in the earlier years of the century. It is said that three years later the removal of the university in its corporate capacity was considered not at all improbable.[2] Of course this would have been very easy to do because of poverty and the lack of buildings, which left the university practically independent of any particular place. As a consequence of this the scholars could always threaten to leave if abuses were not remedied or privileges granted to them. It is interesting to note just here that Pope Gregory IX, in 1231, had formally recognized the right to suspend lectures at Paris whenever university privileges were in danger, and it soon became plain at Oxford also that dispersion would soon follow the suspension of lectures, provided grievances were not removed.[3] This is a fact that should be taken into account in the study of all the contests which preceded the definite establishment of the colleges, as it largely explains the continued success of the university in its encroachments upon the borough of Oxford.

[1] Matthew Paris, Chronica majora, (R. S.), III. 481-485; Flores historiarum, (R. S.), 224, 225; Munimenta academica, (R. S.), I. 5-7.

[2] Matthew Paris, Chronica majora, (R. S.), IV. 7, 8.

[3] Rashdall, I. 339.

The history of the university of Oxford from the middle to the end of the thirteenth century and beyond is largely a record of continued struggles between town and gown, of royal interference, and of grants of privileges to the university. This history, however, is of the greatest constitutional importance. In 1244, for example, the first important encroachment by the chancellor of the university upon the rightful functions of the municipal government is found; consequently, this date is significant as marking a new stage in the development of the chancellor's jurisdiction.[1] Up to this time the borough of Oxford had been just as fully in possession of its rights and liberties as, for instance, the borough of London. But in 1244 there was a riot and an attack upon the Jewry because of some extortion practiced upon the clerks. Forty-five of the rioters were placed under arrest by the civil authorities and it was only at the urgent request of Robert Grosseteste, bishop of Lincoln, that they were transferred to the jurisdiction of the chancellor by order of King Henry III.[2] This clash between the two jurisdictions led two weeks later to the granting of a charter by the king which contained the germ of most of the later privileges and exemptions enjoyed by the clerks.

This charter has been with considerable truth called the Magna Charta of the university.[3] By its provisions the Jews were forbidden to take more than two pence in the pound per week as interest on loans made to the scholars; and further, it says that, as long as it pleases the king, the royal prohibition shall not run in the causes of clerks arising out of the taxing or letting of houses and contracts for horses or victuals or for other movable things, but all such causes shall be decided before the chancellor of Oxford. This charter, therefore, gave the chancellor

[1] Merewether and Stephens, I. 448; Rashdall, II. 393.
[2] Annales monastici, (R. S.), IV. 91.
[3] Lyte, 42, following Denifle.

jurisdiction over a very important class of cases, namely, all ac-
tions of debt, disputes about rents and prices, and other "con-
tracts of movables," where one party to the suit was a clerk.[1]

Three years later the burghers of Oxford quarrelled with
Aymar de Lusignan, a member of the royal family, who was then
studying at Oxford, and in consequence the liberties of the town
were taken away. These liberties were soon restored, however,
on the payment of a heavy fine, and no further results followed.[2]

Of much more importance was the contest that arose the
following year on account of the murder by the townsmen of a
Scotch scholar named Gilbert. The bailiffs of the town ignored
the affair completely, and consequently the masters stopped their
lectures and threatened to leave Oxford. At this juncture Bishop
Grosseteste ordered his officials to publish a sentence of excom-
munication upon the murderers and to make diligent search for
them with the aid of the burghers. But the masters wanted some
guarantee of security for the future, and so, when they sent their
proctors to the king, another charter of privileges was granted
by him to the university.[3]

It was provided that future wrongs to the scholars should be
inquired into by inquest juries of unprejudiced townsmen or of
neighboring villagers and that if the burghers should kill, assault,
or injure, any of the scholars, the whole commonalty of the town
were to be held liable in their corporate capacity. It was further
required that the mayor and bailiffs, upon their admission to of-
fice, should be compelled to take an oath in the presence of the
chancellor or his deputy "that they would keep the liberties and
customs of the university." Probably the most interesting pro-
vision is the one which required that every burgess should be

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[1] Merewether and Stephens, I. 448; Rashdall, II. 393, 394. Mereweth-
er and Stephens' account is of considerable value on the various royal grants
because it is largely made up of extracts from the documents.

[2] Lyte, 42, 43.

[3] Robert Grosseteste, Epistolae, (R. S.), 437-439.

answerable for his family, after the manner of the old Anglo-Saxon laws of suretyship, so that if any of them should kill or injure a clerk he could produce the malefactor in order that justice might be done upon him according to the custom of the realm. In order to remove serious sources of contention two further clauses were enacted; one of these restricted the rate of interest to be taken from the scholars by the Jews to forty-three per cent, while the other secured to the chancellor and the proctors the right of attendance at the assay of bread and ale. The presence of the chancellor at the installation of the town officials and at the assay of bread and ale marks the first step towards the union of ecclesiastical and civil power in the hands of the chancellor of Oxford.[1]

Another serious controversy between the clerks and the townsmen broke out in 1251, and again the masters closed the schools and made the demand that all clerks arrested by the town officials should be handed over to the custody of the chancellor. But it seems that the king was not prepared to go this far, and consequently he compromised the matter by ordering that the clerks guilty of comparatively light offenses should be given up to the chancellor, but that jurisdiction over the more serious crimes was to be reserved to the bishop of Lincoln. This compromise was not satisfactory to many of the clerks and it was with reluctance that lectures were resumed when they found that the king was resolute.[2]

Four years later this right of criminal jurisdiction was further extended and confirmed by the royal authority. By the

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[1] Munimenta academica, (R. S.), II. 777-779; Merewether and Stephens, I. 449-451. By the assay or assize of bread and ale is meant the power of enforcing general ordinances which from time to time fixed the prices and quality of these articles for the market. Pollock and Maitland, The history of english law, I. 581, 582.

[2] Annales monastici, (R. S.), I. 147; Monumenta franciscana, (R. S.), I. 115-118.

charter of 1255, which aimed especially at the preservation of
the peace in Oxford, it was provided that if a layman should in-
flict great injury on a clerk he was to be immediately imprisoned
in the castle at Oxford and detained there until he satisfied the
clerk, and that too at the will of the chancellor and the univer-
sity.   If a clerk injured a layman, however, he was to be im-
prisoned in the castle only until the chancellor demanded him.
It was further provided in the charter that the assize of bread
and ale should not be valid unless the chancellor or his deputy
were summoned to attend, and, also, that a joint board should
have power to assess the rents paid for inns, both of which func-
tions were purely civil in their nature.[1]   By the middle of the
thirteenth century, therefore, the chancellor had added to his
original spiritual jurisdiction extensive powers in both civil and
criminal cases.[2]

The struggle between Henry III and the barons was not
strongly felt at Oxford until the year 1264, and it may be said
that the strife which arose in that year was probably due as much
to the local animosities of the townsmen and the clerks as it was
to the influence of that contest.   It has already become apparent
that the slightest provocation was enough to arouse these two
classes against each other.   Thus, when Prince Edward arrived
at Oxford with an armed force and the civil authorities closed
the gates of Oxford against him, trouble resulted between the
scholars and the townsmen.   This action of the latter shut off the
scholars from their accustomed exercise in the fields of Beaumont
just outside the city gates and, as soon as the Prince left for the
Welsh border, they forced their way to these fields by hewing their

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[1] Munimenta academica, (R. S.), II. 775, 776; Merewether and Steph-
ens, I. 451-453; Stubbs, Select charters, 377, 378.

[2] An inquest jury declared in 1261 that the chancellor's jurisdiction al-
so extended to the Jews, who, as chattles of the king, would have been ex-
empt from the ordinary ecclesiastical jurisdiction.   Rashdall, II. 394, note
4; Wood, I. 260, 325.

way through Smith Gate. The arrest of some of the offenders by the mayor and bailiffs and the intended seizure of others served as an invitation to the fray. A clerk gave the alarm to his fellows by ringing the bell of St. Mary's, and the scholars, leaving their dinner unfinished, rushed out to give battle. They wounded a good number of their foes and succeeded in putting them to flight, and then they proceeded to take revenge on the mayor and the bailiffs by pillaging their houses. Thus the clerks were completely successful, but as a result of the conflict it seemed as if they would lose their privileges and they decided to secede from Oxford to Northampton.[1]

Northampton was already the seat of a new university formed by a migration of masters and scholars from Cambridge, and now it was temporarily augmented by this secession from Oxford.[2] But the seceders were soon induced to return by the promise that if they would keep the peace they should not be molested. Before they had all returned, however, a writ from the king ordered all the clerks to leave Oxford until after the session of parliament that was to be held there early in 1264. The excuse given for this arbitrary writ was that many of the king's followers were so untamed and fierce that trouble might arise, but probably the real reason for the dispersion of the university was to guard against treachery, as it was known that the university was fully in sympathy with the insurgent barons.[3] Therefore, when Henry III ordered the clerks to disperse, many of them came out openly on the side of the barons and joined the enemies of the king at Northampton.

[1] This contest is described in some detail in The metrical chronicle of Robert of Gloucester, (R. S.), II. 11186-11232.

[2] Rashdall, II. 396, thinks it probable that a studium had been maintained at Northampton since 1238.

[3] Chronicles of the reigns of Edward I and Edward II, (R. S.), I. 61; Annales monastici, (R. S.), II. 101, IV. 140, 141; Walsingham, Ypodigma Neustriae, (R. S.), 514.

As the parliament at Oxford did not result in an understanding between the king and the barons, Henry III immediately assembled his forces for the capture of Northampton. The town was closed against him and foremost among the defenders during the brief siege was a body of Oxford students, armed with bows and arrows, slings, and catapults. The king swore that he would hang every one of them, but when the town was taken a few days later, his friends dissuaded him from any such harsh measures.[1] Soon afterwards, when Simon de Montfort had defeated and captured the king at Lewes, he had writs issued in the king's name saying that as peace was now restored the chancellor and the university should return to Oxford with all their former privileges and immunities unimpaired, and by the middle of the summer of 1264 the university was again assembled at Oxford.[2]

The next year, that is, when Henry III regained power, an important exemption was granted to the clerks studying at the university. The king decreed "that as long as they should adhere to their studies and should make laudable proficiency in their learning they should not be put in any assizes, juries, or recognizances."[3] The effect of this was of course to exempt the students from the interference of the sheriff and the mayor, an exemption which was a great step toward the freedom of the clerks from all temporal jurisdiction. This was followed by another royal grant in the same year which decreed that there should be an entire dispersion of the university at Northampton because its continued existence would injure the prosperity of the borough of Oxford.[4] In 1268 the king also issued a confirmation of all the privileges previously enjoyed by the university.[5] It is prob-

[1] Knighton, Chronicon, (R. S.), I. 242, 243.
[2] Annales monastici, (R. S.), IV. 141; Merewether and Stephens, I. 454, 455.
[3] Ibid., I. 455.
[4] Ibid., I. 455.
[5] Munimenta academica, (R. S.), II. 777-779. This charter is a restatement of that granted in 1238.

ably not going too far to see in this favorable attitude of the
crown towards the early universities the real explanation of the
fact that there never was a third university in England until com-
paratively recent times.[1]

The great development of the university during the later thir-
teenth century merely intensified the contest between the towns-
men and the clerks, and consequently hardly a year passed with-
out some appeal to the king by one side or the other for a redress
of grievances. It is not surprising, therefore, to find that the
reign of Edward I marked a new and important era in the develop-
ment of the privileges of the university, especially as the extent
of the king's interest in the affairs of Oxford has been clearly
shown. In 1274 a question of conflicting jurisdiction led the
scholars to demand a new charter, and so, in the following year
the king decreed that in all personal actions the burgesses and
other municipal laity at Oxford might be sued before the chan-
cellor of the university, and that no one should hinder this by
the royal prohibition. Earlier grants of civil jurisdiction had
probably applied only to cases in which a scholar was the defend-
ant, but in this grant the king conferred upon the chancellor the
cognizance of all personal actions wherein either party was a
clerk. Consequently, this charter of 1275 did three important
things—it limited to a considerable degree the jurisdiction of the
borough of Oxford, it protected the members of the university

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[1] Several attempts were made to found such a university. The first of
these was the secession from Oxford to Northampton in 1238 as a result of
the quarrel with the papal legate. A second attempt at Northampton has
just been noticed in connection with the troubles leading to the Barons'
war. Salisbury also promised for a time to become the seat of a universi-
ty. The most determined effort, however, was made at Stamford in 1334 as
a result of the contest between the Northern and Southern "nations," and
it was only by a strenuous exertion of the royal authority that this universi-
ty was finally dispersed. Walsingham, Ypodigma Neustriae, I. 141; Rash-
dall, II. 395-398.

from interference by the town officials, and finally, it gave the chancellor a good deal of control over the burgesses.[1]

In other directions, also, the university made gains in privileges and immunities during the reign of Edward I. The immunity of halls, or other houses occupied by the students, from a variety of obligations, both civil and fiscal, was recognized by a jury as legal through the force of precedent.[2] Another important right gained by the university was the definite establishment, by a writ of Edward I in 1303, of the principle that when houses had once been occupied as halls or schools for the students they should never be rented to lay tenants as long as any master wanted them.[3] The effect of such a provision upon rents is quite obvious.

Further evidence of the growing power of the university is to be found in the terms of settlement of a dispute that arose in 1288. In that year Robert de Wells, the king's bailiff, attempted to resist the extension of the chancellor's jurisdiction to a suburb of Oxford outside the north gate, which contained an open space that the students used as a playground. The bailiff had imprisoned a bedel and, on the bailiff's refusal to obey the citation of the chancellor, the latter passed sentence of excommunication upon him. The bailiff in turn retaliated upon several of the university officials, and then the matter was brought before the king in council. Here the rights of the university were upheld and the obnoxious bailiff was removed from office, a result that must have been due largely to a threat of dispersion if that official were sustained.[4]

Two years later this question of the relations between the

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[1] Wood, I. 301,302; Merewether and Stephens, I. 497; Rashdall, II. 398, 399.

[2] Ibid., II. 399, quoting from Anthony à Wood.

[3] The writ merely legalized a long-standing custom. For a clear statement of this principle see Munimenta academica, (R. S.), I. 14.

[4] Ibid., I. 43-45.

university and the town was brought before the king and parliament and was there discussed. The situation, as it apparently stood in 1290, has been graphically put somewhat as follows; it was not now a question of protecting defenseless scholars against the townsmen but of protecting the citizens of Oxford against the chancellor's court and the hundreds of quarrelsome boys that came to the university.[1] In other words the jurisdiction of the chancellor had not only become extensive and powerful but also very vexatious, as was quite characteristic of the medieval ecclesiastical courts generally. The townsmen made many complaints against the chancellor, such as the charge that he set free prisoners arrested by the town officials, that he appropriated to himself victuals that had been confiscated, and that he imposed excessive fines upon imprisoned laymen. And on the other hand, the clerks complained of the unsanitary conditions in the borough, of the high prices charged for food and wine, and of the general rapacity of the townsmen. The discussion of many of these questions was brought out by the presentation to the king of a long list of grievances that the burgesses thought should be redressed. A comprehensive statement of these grievances is to be found in the royal award or charter of Edward I in 1290. As the provisions of this charter reveal very clearly the causes of the animosity between the town and the university, and as they serve as a good summary of a contest that had been going on practically throughout the thirteenth century, it will be well worth while to consider them in detail.[2]

As regards the complaint that the chancellor released persons arrested by the town officials, the king says in his award that the chancellor shall have jurisdiction in all cases where one party is a clerk, except in cases of homicide and mayhem. Also, in an-

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[1] Rashdall, II. 400.

[2] The award is given in Munimenta academica, (R. S.), I. 46-56. See also Merewether and Stephens, I. 498-502; Eclectic magazine, CIX. 171, 172.

swer to the complaint that the chancellor was accustomed to appropriate victuals that were forfeited, he orders that neither the chancellor nor the mayor should be allowed to take the forfeitures, but that these two officials should have joint cognizance in all such matters. It was further said that all of the confiscated victuals were to go to the Hospital of St. John as alms from the king.

The king also passes censure on the imposition of exorbitant fines by the chancellor, and that official is ordered in the future to require only reasonable amends and security, as had been hitherto customary. The next grievance of the townsmen is a more interesting one. They claim that the term "clerk" is made so comprehensive that the chartered privileges of the university are extended to many that have no right to them. On this point, however, according to the charter, the university and the town were able to reach a mutual agreement, which declared that these privileges should extend only to the clerks and their families and servants and to the bedels, the parchment-makers, the illuminators, the writers, the barbers, and all others who wore the robes of the clerks. But if any of these should engage in merchandise, he was to be talliable along with the burgesses. Still another clause of the charter provided that the burgesses were not to be impeded in selling or renting their tenements as long as there was no collusion by which the clerks were turned out of their lodgings or their rents were raised. Further, as regards the abuse of the summons, the king decreed that the chancellor should give one day's notice when summoning resident freemen, but that "vagabond men" and disturbers of the peace might be called at the will of the chancellor.

The townsmen also complained that clerks often seized the horses and arms of strangers visiting Oxford on account of debts contracted elsewhere. In answer to this complaint, the king commands that the chancellor's jurisdiction shall extend only to cases where the debts were contracted in Oxford. It seems, too, that the chancellor was in the habit of requiring the delivery of

clerks who had seriously wounded laymen before it was known whether the injured person would live or die. For this the chancellor is rebuked by the king and enjoined to discharge no clerk from prison until the undoubted truth is known concerning the death or mayhem of the victim. The king also exhorts the chancellor to take care that he does full justice to all. The last complaint in this long list of grievances is concerned with the taxing or renting of houses. The townsmen insisted that the houses rented by scholars should be valued every seven years, while the university demanded the old five-year rule.[1] The contention of the burgesses is overruled, and it is ordered by the king that the taxing of the houses in Oxford shall be made every five years, as the charter of the king directs, by two clerks and two laymen sworn to do their duty honestly.

The above discussion covers the provisions of the royal award of 1290. Apparently the king attempted to weigh with care the conflicting claims of the rival parties and to give a judicial decision upon each of the questions in dispute, but in reality it seems that the charter is to a great extent little more than a definite and authoritative statement of the rights and privileges that had been gained by the university, though some of the extreme claims of the chancellor are not allowed. This award, however, gives one the impression that the university was guilty not only of continual encroachments but even of many actual usurpations, and that it had now grown fully as powerful as the municipal corporation, and, consequently, the latter strongly felt the need of the king's aid in attempting to withstand the power that had developed within its own limits.

It is to be noticed also that many of the disputed questions were due to the presence in Oxford of two separate jurisdictions, by nature distinct, yet constantly overlapping and conflicting with

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[1] This rule dated from a charter by Henry III in 1256. Merewether and Stephens, I. 453.

each other. It is, indeed, a good illustration of the medieval conflict between the state courts and the ecclesiastical courts, except that here the ecclesiastical jurisdiction prevailed and succeeded in perpetuating its immunities, or some of them at least, down to the present time.[1] The jurisdiction enjoyed by the university at the close of the thirteenth century was personal rather than local, extending to all the scholars within the borough of Oxford or the surrounding country and to their attendants as well. On the other hand, the jurisdiction of the mayor was confined strictly to the limits of the borough, and all that happened outside of those limits was under the jurisdiction of the sheriff of the county.[2]

The decision of the king and council did not result in restoring harmony at Oxford for very long. The records of the time are full of minor contests and brawls, in many of which lives were lost.[3] In 1298 there was another violent outbreak at Oxford between the townsmen and gownsmen. A certain clerk, who had been arrested for taking away a mace from one of the bailiffs in a scuffle, was rescued on his way to the prison by some of his comrades, who then proceeded to break into the bailiff's house by way of revenge. The next day a band of armed clerks fought the townsmen at St. Mary's Church, wounding several of them and beating to death a trader who had come to Oxford to sell merchandise. The bailiff now demanded from the chancellor the imprisonment of these malefactors, but the latter rather insolently replied, "Chastise your laymen and we will chastise our clerks."[4] There-

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[1] Rashdall, II. 388 and appendix xxxii; Green, Stray studies, 287, 288.

[2] Merewether and Stephens, I. 504.

[3] "There is probably not a single yard of ground in that part of the classic High Street that lies between S. Martin's and S. Mary's which has not, at one time or other, been stained with blood." Rashdall, II. 403. Further instances, not mentioned in the text may be found in Annales monastici, (R. S.), III. 286, and in Trokelowe, Chronica et annales, Chronica monasterii S. Albani, (R. S.), 59.

[4] Lyte, 123.

upon the townsmen took matters in their own hands and arrested three of the clerks concerned in the disturbance at St. Mary's. Then, on the following day, they invaded the inns of the scholars to make further arrests. The clerks prepared for revenge. On the next morning bands of them marched through the streets in military array, while the bell of St. Martin's sounded the alarm to the townsmen and messengers were hurriedly sent into the country for recruits. It is said that three thousand clerks began the attack at different places, armed with bows and arrows, swords and bucklers, slings, and even stones. However, being repulsed at one place, they soon became discouraged and fled, mercilessly pursued by their enemies; and many of them were struck down in the streets, while others were imprisoned, or lashed with thongs, or goaded with iron spikes.

As a result of this conflict, both sides immediately made complaint to the king, each accusing the other of various crimes. The clerks claimed one thousand pounds as damages, while the townsmen claimed three thousand. The decision of the commission appointed to investigate the trouble was so favorable to the clerks that they abandoned the idea of a migration. The decision gave the clerks two hundred marks as damages, the two city bailiffs were deprived of their offices, certain laymen were imprisoned, and twelve of the more turbulent burgesses were banished from Oxford, and, finally, a general amnesty for all past offenses was agreed upon.[1]

Similar contests continued, however, to disturb Oxford during the early fourteenth century, until the crisis was reached in the greatest contest of all in 1354. The result of this famous struggle was that the university finally gained a permanent triumph on practically all the long-standing questions of dispute, and henceforth the town was in reality dominated by the university.[2]

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[1] Lyte, 122-125; Annales monastici, (R. S.), IV. 539; Munimenta academica, (R. S.), I. 67-69.

[2] Ibid., I. 190-202; Wood, I. 456-468; Rashdall, II. 403-408.

In bringing to a conclusion this survey of the relations between the university and the town during the thirteenth century, it is necessary to notice briefly two very striking facts that stand out prominently in the history of the time. The first and most noticeable of these is the extent and importance of the central control over the local authorities.[1] This feature is well illustrated by the history of Oxford during the thirteenth century. Of course there were local officials and a system of local government, but the point is that the king did not hesitate to interfere with these whenever he thought it necessary to do so. Many of the regulations enforced by the royal authority, often on account of complaints from the scholars, were very minute in character and seem matters far removed from central control. For example, some of the regulations met with in following the history of the town and the university relate to such points as the cleaning of the streets and sidewalks, the slaughter of cattle within the limits of the town, the use of bad water for brewing and baking purposes, and other provisions of a similar character.[2]

The royal authority also kept a close watch over the scholars gathered together in Oxford, and the charters granted by the kings to the university are filled with provisions as minute as those mentioned above. But it was as an arbiter between the clerks and the townsmen that the central government is of most importance in university history. Disputes were constantly being referred to the king for settlement, not only by the clerks but often by the townsmen as well. It seems that the king was practically absolute in secular affairs and that both the town and the university were regarded as the creation of the royal power. As a general rule the kings upheld the university corporation against the borough of Oxford, and consequently the royal charters mark successive stages

[1] Rashdall, II. 389-391; Willard, 38.
[2] Ibid., 46-61, gives a full discussion of royal interference in matters primarily local in character.

in the growth of the independence of the university and of its domination over the town. In fact, the rapid development of the power of the university as a corporation must be attributed in a considerable degree to this attitude of the central authority during the stormy period of the thirteenth century. And, finally, it is probably true, as has been said, that it was this attitude and this fostering care which prevented the rise of other universities in England during the Middle Ages.

Another important fact for consideration is the great development of the power of the chancellor as a result of the contests of the thirteenth century. When instituted in the early part of that century, the chancellorship meant no more than a spiritual jurisdiction over the scholars at Oxford, but as the university gained new liberties and privileges the chancellor, who had soon become its official head, was thereby exalted in power and influence. To his original spiritual jurisdiction he soon added a control over civil and criminal cases in which clerks were concerned. But in actual practice during the latter part of the century, this resulted in the gaining of considerable control over the burgesses by the chancellor, and finally his claims and usurpations became so great that Edward I and his council were obliged in their award to lay down certain restrictions on his power. This royal arbitration had no permanent results, however, and the authority of the chancellor continued to increase during the following century. The various influences noted in a previous chapter, together with many successive royal grants in favor of his office, resulted in giving the chancellor a strong and commanding position by the end of the thirteenth century, and already there were foreshadowings of the coming despotism of the university corporation with the chancellor at its head.

CHAPTER IV

THE UNIVERSITY OF OXFORD AND THE CHURCH

In tracing the history of the struggle between the university and the borough of Oxford it has been seen how the successive royal grants of privileges and immunities resulted finally in making the university practically independent of the town and even superior to it in actual power. During the thirteenth century there was also a contest going on between the university and the church authorities that was destined to have a somewhat similar result. But the struggle by which the university became free from ecclesiastical control was briefer in duration and less severe in character than the controversy with the town, though the victory was not in the end so decisive. Apparently the masters of Oxford did not have very much difficulty in dispensing with the control of their more immediate ecclesiastical superiors. But as this outward control by the church gradually slipped away, the rise of the mendicant orders and their growth in power and influence supplied an impulse strong enough to pervade the university and to control largely the character of its religious and intellectual activity. However, the friars were not able to dominate at Oxford as completely as they did at Paris, and just at the end of this period the masters were at length victorious in their struggle against the intrusion and threatened supremacy of these mendicant orders. The university constitution as it emerged from this dispute definitely reveals the main lines of development that were followed throughout its later history. The details of these various controversies will do much towards making clear the real position of the university of Oxford during the latter part of the thirteenth century.

The first subject for consideration is the steps by which the university gradually succeeded in throwing off the episcopal yoke. It is true that this movement was not completed until far into the fourteenth century, but, as was the case in the contest with the borough of Oxford, the result of the struggle was practically assured by the beginning of that century. As far as the somewhat scanty material will permit, a fairly full view of this controversy between the university and the authorities of the church can be obtained by following the course of the struggle to the end of the thirteenth century. As the close relations existing between the university and the church during the earlier part of the period have already been touched on to some extent in the previous chapters, it is merely necessary to give a brief summary of conclusions reached elsewhere.

The development of the universities in large part out of the cathedral or monastic schools is sufficient to account for their early ecclesiastical character and, according to the most acceptable theory of its development, the university at Oxford can hardly be regarded as an exception to this statement. It is a strong presumption, therefore, that the university was originally under the supervision of some local ecclesiastical authority, even though the evidence to support such a view is lacking. But if this view is the true one, then it is difficult to account for the independence of the masters at Oxford during the period just preceding the Legatine Ordinance of 1214. This point is probably the most difficult one in the theory that assigns to the university an ecclesiastical origin. As has been said already, nothing is definitely known concerning the relations existing between the university and the church authorities up to the year 1214 when the chancellorship was instituted. Possibly this early independence of the masters was due to the period of disorganization and confusion that naturally resulted from the bitter quarrel between King John and Pope Innocent III. Or, possibly, the university had, in some way not known, succeeded in

throwing off its dependence upon any local ecclesiastical authority. In either case it may be said that the restoration of ecclesiastical order resulted in bringing the masters and scholars definitely under the control of the bishop of Lincoln, and the establishment of the chancellorship was probably merely a mark of that subjection.[1]

It is clear that the chancellor was at first regarded simply as the representative of the bishop of Lincoln with only such powers as the latter chose to delegate to him, but the fact that he soon came to be recognized as the head of the university shows a double character in his position that was bound to make itself felt. His jurisdiction was concurrent with that of the archdeacon, though as yet it was greatly limited in its scope, as Henry III for a time refused to permit the surrender of clerks guilty of serious crimes except upon the demand of the bishop or his official.[2] The powers of the chancellor had increased in various ways, however, and by the middle of the thirteenth century the period of the great development of the chancellorship had already begun.

But as long as Robert Grosseteste was bishop of Lincoln there was a period of unbroken harmony between the university and its ecclesiastical superior. Grosseteste had been connected with the university both as lecturer and as the "Rector of the Schools,"[3] and upon his election to the episcopate in 1235 he still remained its strong friend and supporter.[4] In 1238 he was foremost among the defenders of the scholars in their quarrel with the papal legate. Also, in 1244, it was his influence that prevailed upon the king to grant to the chancellor jurisdiction over the scholars concerned in the riot of that year. This policy of encouragement and protection continued until the death of Grosseteste in 1253.[5]

[1] Munimenta academica, (R. S.), 1, 2.
[2] This is the case as late as 1251. Monumenta franciscana, (R. S.), I. 115.
[3] Ibid., I. 37; Rashdall, II. 355.
[4] Robert Grosseteste, Epistolae, (R. S.), 346, 347.
[5] Matthew Paris, Chronica majora, (R. S.), V. 407, in a passage on Grosseteste speaks of him as "instructor clericorum, sustentor scholarium."

Soon after Grosseteste's death Henry of Lexington was chosen to the see of Lincoln, and almost immediately the inevitable contest began between the university and the episcopal authority. Possibly it was because of this dispute that Pope Innocent IV in 1254 was induced to take the university under his special protection and to confirm the privileges and immunities that had been granted to it.[1] And, at the same time, the bishop of London and the bishop of Salisbury were appointed to watch over it and to guard its rights, liberties, and immunities, and especially to see that the university was not molested by the bishop of Lincoln.[2] It is doubtful, however, whether any instance can be pointed out of the exercise of these powers by the papal conservators, and consequently no court of conservation seems to have been established at Oxford.[3] The pope also issued a bull which gave the masters and the scholars of Oxford exemption from any papal or legatine summons calling them outside the town to receive judgment on account of contracts made within its limits.[4] In spite of this friendly attitude of the papacy towards the university, Henry of Lexington kept up his dispute until the year 1258. In March of that year, it is related that nine masters of arts made complaint to the king that the bishop of Lincoln was endeavoring to infringe the liberties of the scholars contrary to the statutes of the university.[5] It was while pleading the cause of the university in this dispute that the chronicler Matthew Paris spoke to the king of the importance of Oxford as "the second school of the Church, or rather the very foundation of the Church." The dispute was settled by the king, but neither the exact point at issue nor the terms of the agreement are told. It seems fairly probable, however, that the

[1] Munimenta academica, (R. S.), I. 26, 28.
[2] Ibid., I. 27, 29.
[3] Rashdall, II. 419.
[4] Lyte, 45.
[5] Matthew Paris, Chronica majora, (R. S.), V. 618. The whole passage is interesting.

trouble arose out of the passage of a statute by the chancellor and regent masters concerning the punishment of the latter if they should violate the statutes of the university. As the episcopal authority was not consulted, the bishop of Lincoln naturally regarded such action as a direct infringement of his prerogative.[1]

Nothing came of the dispute, however, except a formal statement by the university authorities that they had no desire to prejudice the said bishop or his successors or the church of Lincoln. But the chief interest in the controversy lies in the fact that the chancellor had given his assent to this statute, and thus it appears that this official, though theoretically a representative of the episcopal power, was in reality already identified with the interests of the university corporation. And, furthermore, it was only four years later that the chancellor and scholars on their own responsibility issued a sentence of excommunication against certain borough officials.[2]

Before proceeding to the later steps in the struggle for ecclesiastical independence, it will be well to notice some of the main causes that helped to make the chancellor free from the control of the bishop from whom he had derived his original authority. One of the most important of these causes was undoubtedly the fact that Lincoln, the seat of the bishopric, was one hundred and twenty miles from Oxford and consequently the bishop could not exercise a direct supervision over the affairs of the university and more especially over the acts of his chancellor. Another important reason is to be found in the successive grants of independent jurisdiction made to the chancellor by royal authority. Still other causes tending to the same end were the character of the chancellorship itself as the official head of a large and important community of scholars, the authority and prestige that were supposed to

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[1] Annales monastici, (R. S.), I. 436; Munimenta academica, (R. S.), I. 30; Rashdall, II. 421.

[2] Lyte, 58, based upon Close Roll, 46 Henry III, m. 15 b.

belong to a medieval university, and the ease with which customs of a few years' standing were given the binding force of law. And, finally, after the chancellor had become practically independent of the distant bishop, his position was made even more secure by further grants of immunity from the pope himself. After a study of these various influences the rapid progress of the chancellor towards an independent authority is no longer surprising.[1]

This movement continued during the episcopate of Richard of Gravesend who followed Henry of Lexington. He succeeded in maintaining peaceful relations with the masters and scholars, though probably only at the expense of his official prerogative. Towards the close of his episcopate, therefore, the privileges of the university were definitely confirmed by the archbishop of Canterbury and the chancellor's power of excommunication was not only recognized but declared effective throughout the realm.[2]

In 1280 Oliver Sutton became bishop of Lincoln. Upon his accession he became involved in a dispute with the university officials over the exercise of certain rights which the latter had been enjoying for some time. The privileges that the bishop called in question were the following: the right of scholars to cite their adversaries before the chancellor, the immunity of masters from all courts except the chancellor's in regard to contracts entered into within the university, the power of the chancellor to probate the wills of the scholars, and finally the right of the chancellor to punish scholars for their moral delinquencies. Besides the successful assertion of these privileges against the claims of the bishop, the university succeeded in establishing the appellate jurisdiction of the congregation of the university, with appeal to the bishop only as a last resort.[3] These principles were successfully maintained largely because of the espousal of the cause of the university by

[1] Rashdall, II. 421.
[2] Munimenta academica, (R. S.), I. 39, 40.
[3] Ibid., I. 41-43.

the archbishop of Canterbury, and thus the bishop was practically compelled to yield on all the points of dispute. It may be said that from this time forward the jurisdiction of the chancellor was in reality independent of that of the bishop in all ordinary cases and that by the beginning of the fourteenth century the power of the university was probably somewhat in excess of that of the bishop.[1]

The last phase of this struggle against ecclesiastical control related mainly to questions connected with the confirmation of the chancellor. Upon the resignation of Chancellor Robert Winchelsey in 1288, the question was raised as to whether his successor was bound to appear in person to seek the confirmation of the bishop. The regent masters had elected William of Kingscote and had asked through their messengers that he be confirmed according to precedent. When Bishop Sutton refused to confirm him by proxy all lectures were suspended for six months and many students left the university.[2] In 1290 a compromise was effected upon this question through the intervention of the royal authority, whereby it was agreed that the confirmation should be by proxy whenever the bishop was not within a reasonable distance of Oxford, but at other times the chancellor should present himself in person.[3]

After Sutton's death, the masters made an effort to gain from his successor still greater freedom in this matter of confirmation, but Bishop Dalderby objected to the mere sending of a delegate to represent the chancellor and also to a passage in the letter from the university which spoke of the selection of a chancellor as an "election" rather than as a "nomination." In the end, however, the bishop gave way and did not insist upon the appearance in person of the chancellor-elect.[4] Later, in 1322, the university insisted

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[1] Rashdall, II. 424.
[2] Annales monastici, (R. S.), IV. 316, 317.
[3] Ibid., IV. 318, 324.
[4] Lyte, 128; Rashdall, II. 426.

upon its right under certain conditions to depose a chancellor.[1] Also, in 1345, there was a detailed agreement in regard to the respective rights and privileges of the chancellor and the archdeacon.[2]

The struggle did not again become acute until 1350, when the confirmation of the chancellor-elect was delayed by the bishop and the case was finally carried on appeal to the papal authority at Rome. The decision of the pope recognized the right of the bishop to confirm the chancellor, but by further provisions it reduced this right to a mere formality, and, as a result, its exercise disappeared in actual practice.[3] When finally, in 1368, this formal control over confirmation was dispensed with by authority of the pope, the process of throwing off the episcopal yoke was at last completed.[4] From that time to the present the university of Oxford has enjoyed the power of electing and confirming its highest officer without regard to any superior authority whatever.

So far the present chapter has been concerned merely with the external relations existing between the university of Oxford and certain church officials who were brought into close contact with the university because of their ecclesiastical jurisdiction. It still remains to consider the closer and more vital relations which resulted from certain reforming movements within the church and their almost complete absorption of the religious and intellectual activity of the thirteenth century. These reforming tendencies found expression in the rise and growth of the various orders of friars, and, as the centers of educational activity proved to be a natural field for their missionary zeal and intellectual enthusiasm, this movement became of great importance in the history of the early universities as well as in that of the general religious life of

[1] Munimenta academica, (R. S.), I. 108.
[2] Ibid., I. 148-152.
[3] Ibid., I. 168-170.
[4] Ibid., I. 228, 229.

the age. Though the purpose of this present study calls only for a consideration of the mendicant friars in their relation to the life and spirit, and the intellectual activities of thirteenth-century England, it should be kept in mind that the movement was widespread and that in all essential features it took practically the same direction in the other countries of Europe.[1]

The two most famous and influential of these orders of mendicants were the Dominicans and the Franciscans. Both of these orders were established under the influence of a strong spirit of missionary zeal and of loyalty to the church. The older orders of Augustinian and Benedictine monks, concerned primarily with the salvation of the individual recluse, had become selfish and degenerate and held themselves aloof from the active life of the world, failing to minister to the charitable and religious needs of the men who lived at the beginning of the thirteenth century.[2] Apparently the useful and vitally influential period of the earlier monasticism had passed, and now the condition of society imperatively called for a revival of religious life and influences and a more evangelical spirit and aggressive organization of the forces of the church. It was to meet these conditions, therefore, that Dominic of Castile and Francis of Assissi set in motion the movement for reform, both of them later receiving the sanction of the pope.

Early in the thirteenth century the Franciscan order was established for the purpose of reviving in the world the practice of Christ and his apostles. These Franciscans or grey friars caught something of the character of the pious, ardent, and fanciful enthusiast from whom they took their name, and as their work lay especially among the poor and the outcast, they spoke of themselves humbly as the fratres minores and are frequently found referred

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[1] Lea, A history of the inquisition of the middle ages, I. 297, 298; Milman, History of latin christianity, V. ix, x.

[2] Jessopp, Coming of the friars, 1-9; Robert Grosseteste, Epistolae, (R. S.), xxiii-xxvi.

to as the Minorites. The Dominican order, established in 1216, proposed to fight heresy and error and to bring the heathen to the true faith, and consequently their work was to be largely intellectual in character. The followers of Dominic were called preaching friars or black friars, and in their history they retained much of the character of their founder, namely, a learned, energetic, controversial, and dogmatic spirit, which made use of the inquisition whenever necessary.[1]

Both orders were essentially missionary in spirit and both were filled with enthusiasm for the church, but at first their methods and ideals were slightly dissimilar. But these distinctions were not long maintained and soon a fierce rivalry sprang up between the two as to which should be preëminent in the universities and in the learning of the age. Almost immediately they began to settle in the various intellectual centers and to place in the schools teachers belonging to their own orders. This phase of their activity is well illustrated by a survey of the history of the friars in their relations with the university of Oxford.

The eagerness of the mendicant friars to seize upon university towns as centers for their work is to be attributed to their desire to influence the learning of the time and also to the more definite purpose of winning converts. In 1221, the same year of their first landing in England, the Dominicans made their appearance in Oxford, where they soon obtained land upon which to build a house and chapel. They settled in the Jewish quarter at first and soon began to make converts from among the Jews. A little later they connected themselves with the university through the establishment of schools of theology and philosophy.[2] The Franciscans, who reached England and Oxford in 1224,[3] only three years later

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[1] Jessopp, Coming of the friars, 9-28; Lea, History of the inquisition, I. 249-265; Stephens, History of the english church, II. 303-305.

[2] Annales monastici, (R. S.), IV. 413; Dugdale, VI. 1489, 1490.

[3] Annales monastici, (R. S.), IV. 416; Monumenta franciscana, (R. S.), I. 5, 6, 9.

than their rivals, had the good fortune to enlist the sympathy and
the services of the great churchman and scholar Robert Grosse-
teste.   Seeing that a knowledge of theology was indispensable, es-
pecially in the comba ting of heresy, Agnellus of Pisa, the leader
of the first band of Franciscans, established a school at Oxford
and persuaded Master Grosseteste to lecture to the brethren.[1]
Thus it appears that in the early period of enthusiasm and devotion
the friars were well received by the university community and soon
succeeded in establishing themselves as an important influence at
Oxford.

In addition to this enthusiasm and devotion to lofty ideals,
several other reasons may be assigned for the rapid growth of the
mendicant orders and their strong influence in the schools of
Oxford.   It has been seen that in 1229 trouble arose at Paris
which resulted in the dispersion of that university and a consider-
able accession of scholars and masters to Oxford.   As most of
these scholars and probably many of the masters were members of
one or the other of the great mendicant orders the migration had
as one result the increase of the influence and power of the friars
at Oxford.   Probably of more importance, especially as regards
the Franciscans, was the friendship of Grosseteste, who until his
death in 1253 remained a patron of the order.   The influence of
this remarkable man was so great that the period in which he lived
has sometimes been called the "age of Grosseteste,"[2] and it was
very fortunate for the friars as well as for the university that he
occupied the see of Lincoln during the years from 1235 to 1253, as
he proved himself on many occasions a valuable friend of both.

There is another reason that probably should be given in this
connection as helping to explain the great success of the friars at
Oxford, namely, the fact that during the period preceding the rise
of the colleges they possessed spacious buildings which proved to

[1] Monumenta franciscana, (R. S.), I. 37.
[2] Mullinger, University of Cambridge, 84.

be very attractive to many of the poor scholars who had flocked to the schools, and who found the ordinary hostels rather undesirable places in which to live.[1]

As a result of these various influences the mendicant orders grew very rapidly. In order to obtain more room, the Dominicans found it necessary, in 1245, to move from their quarters in the Jewish settlement to an island in the parish of St. Ebbe that had been given to them by Henry III.[2] Meanwhile, under able and famous teachers, the Franciscan school also grew in size and reputation until it came to be regarded as a worthy rival of the Dominican school at Paris.[3] And, further, thirty-two years after their appearance in England the Franciscan order alone could boast of as many as forty-nine convents and twelve hundred and forty-two members.[4] In addition to the Dominicans and Franciscans two other mendicant orders of some importance appeared in Oxford and were soon firmly established there; the Carmelites or white friars came in 1256 and acquired a house in the northern suburb, while in 1268 the Augustinian friars are found obtaining ground for a convent in Holywell.[5] Other lesser orders also established themselves at Oxford, but they did not play any considerable part in the history of the university.[6] Such facts as these undoubtedly bespeak the popularity and usefulness of the friars during the earlier years of their history.

It was not until 1252 or 1253 that the friars at Oxford were involved in any serious controversy with the university authorities, when it arose over the system of academic degrees, about which a

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[1] Matthew Paris, a Benedictine, accuses them of extravagance and luxury as regards their buildings. Chronica majora, (R. S.), IV. 279, 280.

[2] Dugdale, VI. 1489; Annales monastici, (R. S.), IV. 94.

[3] Dugdale, VI. 1526-1528. For the popularity and reputation of their leaders see Monumenta franciscana, (R. S.), I. 38, 39.

[4] Ibid., II. 10.

[5] Annales monastici, (R. S.), IV. 113; Dugdale, VI. 1576.

[6] Ibid., VI. 1586, 1608, mentions the Crutched Friars and the Friars of the Sack.

fierce contest had been waging for some time at Paris.[1] This be-
came acute in the early fourteenth century when the friars made a
determined struggle against these university regulations.   At
Oxford, as at Paris, it was considered the duty of the university
first of all to give the students a general or liberal education ; con-
sequently the course in arts was the essential feature, and it was
only after the mastery of the trivium and the quadrivium that a
scholar passed into the faculties of law or theology. As the Fran-
ciscans did not care for some of the prescribed studies and took
them only because they were necessary in obtaining the degree of
master or of doctor of theology, it is not surprising that an attempt
was soon made by them to avoid the preparation required for the
higher degrees. In 1252, Thomas of York, a Franciscan friar,
came forward as a candidate for a degree in theology without hav-
ing previously fulfilled the requirements for the degree in arts.
On the one hand the university authorities recognized the fact that
the candidate was well qualified to teach, but on the other hand
they declared that all the precedents were undoubtedly against
him. In spite of the able pleading of Adam Marsh, the pupil and
friend of Grosseteste, the decision went against his order and it
was embodied in the famous statute of 1252 concerning graduation
in arts.[2]

The complete victory of the masters of arts clearly shows
something of a spirit of opposition to the threatened supremacy of
the friars. In the first place, they had the troubled condition of af-
fairs at Paris as a warning against making any distinction between
the friars and the other students.[3] Furthermore, in the provisions

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[1] See Rashdall, II. 378, note 2, on the date of this controversy at Ox-
ford.

[2] Monumenta franciscana, (R. S.), I. 338, 346-348 ; Munimenta academ-
ica, (R. S.), I. 25.

[3] For the details of the struggle at Paris see Rashdall, I. 369-392 ; Mat-
thew Paris, Chronica majora, (R. S.), V. 416, 417, 506, 507, 528 ; Annales
monastici, (R. S.), I. 347, 348, 430-434.

requiring an inceptor in theology to have previously lectured as a bachelor and forbidding graduation in theology to any one who was not already a master, the university intended not only to limit the number of friars with the higher degrees but also to secure control over them when they were graduated in theology, as every master of arts had to swear obedience to the statutes and other regulations of the university.[1] This statute of 1252, however, was not primarily inspired by hostility to the mendicant orders as such, as was the case with a similar statute passed at Paris the year before, but it was due rather to a desire on the part of the university to uphold the authority and the position of the faculty of arts. The friars, however, were strongly opposed to graduation in the secular branches of learning, and possibly it was only a liberal use of the dispensing power of the chancellor and regents that maintained the friendly relations between the university and the friars after the passing of such a statute.[2]

Though further conflict between cowl and gown was apparently inevitable, the struggle did not come until the early part of the fourteenth century, and though somewhat beyond the strict limits of this survey it may be well to notice the final struggle over the question of graduation in arts, and the way in which it arose. During the closing years of the thirteenth century the Dominicans were causing a good deal of trouble by their ambitious schemes, their insistence upon special rights and immunities, and their claim to fill the highest and most influential offices in the schools of Oxford, while still remaining independent of the jurisdiction of the university. After gaining the victory at Paris as the result of their long struggle for recognition and after meeting with some success at Cambridge in 1303, the Dominicans next attacked the Oxford statute of 1252. The university was fully determined to uphold its

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[1] Rashdall, II. 378. The oath is given in Munimenta academica, (R. S.), II. 374-376.

[2] Rashdall, II. 379.

own rights and privileges and the answer to the Dominicans is to
be found in a series of statutes directed in part at least against the
mendicant orders.[1]   In order to carry out such a legislative pro-
gramme a great constitutional change was made at this time; it
was enacted that the regents in two faculties together with a ma-
jority of the non-regents should have power to pass permanent
statutes binding on the whole university.   And it was in this way
that at least two of the statutes against the friars were carried
through by the faculties of arts and medicine.[2]

The struggle continued from 1303 to 1320, but the details
cannot be given here.   Upon appeal to Rome a board of arbitrators
was formed with power to give a binding decision, and, in the
award of 1313, the university was upheld upon practically all points
of dispute and the statutes against the mendicants were specifically
confirmed.   This award received the solemn ratification of the king
early in 1314; but it was not until 1320 that the friars finally sub-
mitted.   Unlike Paris, therefore, the university of Oxford emerged
from the struggle completely victorious, and its constitution now
revealed with definiteness the main lines of its future develop-
ment.[3]   Thus, by its triumph over the episcopal authority and over
the mendicant orders of St. Dominic and St. Francis, as well as by
its victory over the borough of Oxford, the university paved the
way for its later independent and somewhat despotic position as a
sort of imperium in imperio.

With the foregoing in mind the influence of the Dominicans
and the Franciscans upon the life and development of the univer-
sity of Oxford during the thirteenth century can be better appre-
ciated.   In the first place, it may be stated that after the coming of
the mendicant orders the schools of Oxford had risen rapidly in

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[1] Munimenta academica (R. S.), II. 388-395.

[2] Rashdall, II. 381, 382.

[3] Lyte, 105-112, gives a full and interesting account of the whole con-
troversy; on the constitutional side see Rashdall, II. 380-384, 386.

importance and celebrity. It was not long until the friars were the undoubted leaders in the life and activities of the university, and by the middle of the century the Franciscans especially were the greatest influence in the intellectual movements of the age. It has been pointed out already that the Franciscan school at Oxford was regarded as a worthy rival of the best schools at Paris. Indeed, this intellectual preëminence of the friars, together with the European importance of a number of their ablest representatives, forms one of the most striking features in the history of the university during the thirteenth century and deserves considerable emphasis in that history.

It is enough to say here, however, that the distinction of these mendicant orders in the schools of Oxford acted as a spur to greater activity on the part of their monastic and secular rivals. As a result of this stimulating influence the older monastic orders showed considerable activity and progress along certain lines during the latter part of the century. But of much more importance was the influence of the attractive houses of the friars and the advantages of their well-regulated life therein, upon the rise of the Oxford colleges at this time. These houses were imitated and modified somewhat in order to suit the needs of those who did not desire to attach themselves to a lasting "rule," the first of these adaptations being probably that by John Balliol and his wife Dervorguilla. And finally, as embodied in and extended by the famous "Rule of Merton," this idea of a secular foundation was firmly established at Oxford and became the basis of the later English collegiate system.[1]

It would be a great mistake, however, to think that the success of the mendicants and their aggressive activity did not meet with a good deal of opposition, especially after they had lost their early humility and devotion in an ambitious struggle for power and supremacy. Of course they had from the first to meet the hostility

[1] Traill, Social England, I. 434.

of the older orders who saw in them very formidable rivals, and
towards whom, according to the Benedictine historian of the time,
they were almost unbearably aggressive and arrogant.[1]   To this
historian, also, the controversy that arose between the two principal
mendicant orders in 1243 was a great and scandalous strife full of
peril to the entire church inasmuch as it was between men of learn-
ing and scholars and seemed to forbode some great and imminent
judgment.[2]   These passages are interesting not only as pointing
out certain characteristics of the friars but also as revealing the
jealousy and hatred of the regular orders towards them because of
their success, their wealth, their fine buildings, and their remark-
able influence.   The mendicant orders also may have made a great
mistake when, as a result of their zeal for the church, they per-
mitted themselves to become the agents of papal extortion in
England.[3]   Though these acts must have done much to destroy the
early popularity of the friars, it is nevertheless true that they
maintained their hold upon the common people and upon the uni-
versities throughout the period under consideration, and that they
were one of the most vital and helpful influences of the century.[4]

[1] Matthew Paris, Chronica majora, (R. S.), III. 287, 332, 333, IV. 511,
514; Dugdale, III. 106.

[2] Matthew Paris, Chronica majora, (R. S.), IV. 279.

[3] Ibid., IV. 612, 634, V. 67, 195.

[4] Mullinger, University of Cambridge, 146-153, severely criticises the
friars.   One cannot help feeling, however, that his entire acceptance of the
statements in Matthew Paris hardly leads to a fair estimate, at least as far
as the thirteenth century is concerned.   For the other side of the question
see Robert Grosseteste, Epistolae, (R. S.), xxii. 120, 180; Monumenta
franciscana, (R. S.), I. lxii. II. xi.

In the preceding chapters the attention has been concentrated
upon the points of chief importance in the early history of the uni-
versity of Oxford and upon the character and extent of its activity
up to the beginning of the fourteenth century. It is now proposed
to examine this same educational movement and the influences un-
derlying it with reference to the second great English university of
the thirteenth century. This survey of the university of Cambridge,
however, must necessarily be brief and general in character, first,
because of the fact that during the period under consideration this
university occupied a position of comparative insignificance, and
secondly, because of the great obscurity that surrounds its early
history, due probably in large part to a series of misfortunes which
resulted in the destruction of its archives. Though incomplete
and unsatisfactory in details, nevertheless the present account will
receive considerable support from the presumptive evidence fur-
nished by the history of similar movements in connection with the
university of Oxford. Indeed, it would seem from the evidence
at hand that all of the essential features in the early history and
constitutional development of the older university are to be found
reproduced in the career of the less favored university at Cam-
bridge,[1] and consequently the meagerness of the details will not
be so great a misfortune as it seemed to be at first sight.

And yet, it is this absence of definite knowledge that has fur-
nished the opportunity for a most remarkable exercise of the in-
ventive faculty on the part of the earlier historians of the univer-
sity of Cambridge. In the effort to prove a great antiquity for

[1] Rashdall, II. 553.

their chosen university, the champions of Cambridge have not hesitated to seek its origin in times considerably earlier even than the reign of Alfred the Great. Some extreme writers have argued that it owes its origin or "restoration" to a Spanish prince named Cantabar, who is said to have lived at a very early date.[1] Others attribute its foundation to King Arthur and point confidently to a charter of his which bears the date 531 A. D.[2] But the more conservative of the early partisans have regarded Sigebert as the real founder of the university in the year 631 A. D., though, as one such historian remarks, Cambridge may have been a seat of learning for several centuries before that date.[3] This same historian further tells us that in 915 King Edward, "remembering the pious example of his father Alfred in founding Oxford, began to repair and restore the university of Cambridge. For the Danes . . . had banished all learning from that place; Apollo's harp being silenced by Mars his drum: till this king's bounty brought learning back again thither, as by his following charter may appear."[4]

A more important and more detailed theory was based upon a passage in the continuation of the Ingulphine chronicle which has been proven to be an unquestionable forgery.[5] According to this theory, the nucleus of the university was a settlement of four Croyland monks at Cambridge early in the twelfth century.[6] Such stories as these afford one a good idea of the real character of that mythical history of Cambridge university which was for a long time accepted as genuine.

[1] Carter, History of the university of Cambridge, 1.

[2] Dyer, Privileges of the university of Cambridge, I. 55, 56, gives this supposed charter.

[3] Fuller, Church history of Britain, I. 187, 188. His arguments, ibid., I. 188-195 are interesting. See also Bede's ecclesiastical history of the english people, III. 18.

[4] Fuller, Church history, I. 323. This supposed charter is given, ibid., 323, 324.

[5] Rashdall, II. 345.

[6] Fuller, History of the university of Cambridge, 9, 10.

As was the case with Oxford, probably the best way to approach the question of the origin and early history of the studium generale that arose at Cambridge is through a brief account of the borough of Cambridge during the preacademic period. Such an account goes back to the early history of Britain, for it would seem that there was at least a fortress at Cambridge previous to the coming of the Roman legions, and that the place later became of some importance as the point of intersection of two Roman roads.[1] It is mentioned several times in the Anglo-Saxon Chronicle,[2] and, at the time of Domesday survey, it contained probably as many as four hundred houses. Twenty-seven of these houses, however, were torn down to make way for a Norman castle which was erected at that place by order of William the Conqueror.[3] The presence of this castle not only added to the importance of Cambridge, but it also gave greater security to the town and the neighboring country, and under its protection the Church of St. Giles, founded by the Norman sheriff Picot in 1092, became a center for the activity of a small body of secular canons. In 1112 the canons of St. Giles removed to the south bank of the river, near the ancient Church of St. Benet, and took up their abode in the new priory at Barnwell.[4] As the secular canons often took an active part in education it is reasonable to infer that some work of that kind was done by them at Cambridge, and this is rendered still more probable when we recall the activity of the Benedictine schools at Oxford and at many towns on the continent. In the year 1133 the nunnery of St. Rhadagund was founded,[5] which later was destined to become Jesus College; two years later an

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[1] Mullinger, History of the university of Cambridge, 12; Jessopp, Coming of the friars, 267.

[2] Anglo-Saxon chronicle, (R. S.), I. 144, 145, 195, 264, 265.

[3] Ballard, Domesday boroughs, 67.

[4] Dugdale, VI. 83, 86; Mullinger, History of the university of Cambridge, 13, 14.

[5] Dugdale, IV. 215, 216.

Augustinian hospital dedicated to St. John, was established by a burgess of the town, which also became at a later time important in the history of the colleges of Cambridge.[1]

Another important influence in early Cambridge is to be found in the monastery of Ely, fourteen miles distant from the town, which was a wealthy and important foundation even before the time of the Norman conquest. It became the seat of a bishopric in 1108,[2] and, as Cambridge was under the jurisdiction of its bishop, the assertion of his ecclesiastical authority later developed into an important factor in the history of the university. It is also important to note that this ecclesiastical superior was far enough removed from Cambridge that his power did not completely overshadow the rising studium generale of that town during the thirteenth century, though he continued for a long time to be of considerable influence in its history.

By the middle of the thirteenth century Cambridge possessed practically the same borough privileges that were enjoyed by Oxford. Some of these privileges, however, were of a somewhat later date as, for instance, the possession of the borough at fee-farm and the right of gild merchant, both of which were gained early in the reign of John.[3] On the other hand Cambridge actually antedated Oxford by a year in its charter of exemption from the interference of the sheriff in local affairs, and also unquestionably received the right of electing a town coroner.[4]

Such are the main features of the preacademic period, and, though they are very indefinite as regards educational advantages or other details, still it is from such data that the origin of the university of Cambridge must be determined.[5]

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[1] Mullinger, History of the university of Cambridge, 15.

[2] Dugdale, I. 462.

[3] Maitland and Bateson, The charters of the borough of Cambridge, 5, 7, 9; Gross, Gild merchant, I. 10, II. 357, 358.

[4] Maitland and Bateson, 16, 17.

[5] Freeman, English towns and districts, 238-248; Mullinger, History of the university of Cambridge, 12-16. The fen country is described in some detail by Mullinger, University of Cambridge, 329-337.

Once more the problem comes up for solution, Did the studium generale at Cambridge develop out of previous conditions or was it due to some external influence entirely independent of those conditions? As was the case in the history of Oxford, two theories are given to explain its origin, one of them upholding the idea of a gradual and natural development, while the other refuses to recognize any evidence for the existence of a university at Cambridge previous to the migration from Oxford in 1209. It is quite useless, of course, to repeat the arguments by which these two opposing views are supported, for the situation is practically the same in all important respects as the one confronted in a previous chapter, except that in this case the evidence is even more scanty and indefinite. On the one hand it has been said that the priory of Barnwell was at least a mile distant from what was later School Street and that nothing whatever is heard of schools at Barnwell or elsewhere before the migration of 1209. Of course the ordinary schools of the twelfth century must have existed there, but to seek in them the nucleus of a university is entirely out of the question.[1] On the other hand, the argument against this theory runs as follows: It seems probable that the university resulted from the efforts of the monks of Ely to make Cambridge an important center of education; as the school prospered the canons of St. Giles lent their aid in the movement, and at length the university became a reality, just as Paris and Bologna became realities.[2] If a studium had not as yet been formed at Cambridge, then how is the fact to be explained that the scholars dispersed from Oxford went to that place rather than to Canterbury, or some other important English town?[3]

While the evidence is so slight that a choice appears to be little more than arbitrary, still the theory of gradual evolution

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[1] Rashdall, II. 545,546.

[2] Mullinger, University of Cambridge, 333, 334.

[3] See Jessopp, Coming of the friars, 273.

seems to be the more natural, and undoubtedly it gains considerable strength from the somewhat analogous cases of Oxford and of the continental universities of Paris and Bologna. However, the period during which a society of masters and scholars was developed cannot be determined with any certainty, though it seems that the process must have been at least partially completed by the time of the migration from Oxford, and that this movement merely hastened its development.

The history of the Oxford dispersion of 1209 and the consequent migration to Cambridge has already been given. Such a migration must have resulted in an increased activity in the schools at Cambridge, but this was probably short-lived as nothing more of a very definite nature is known concerning a studium there until 1229. Probably this interval was characterized by a somewhat precarious existence on the part of the university, especially after the return of the dispersed scholars to Oxford in 1214. But that the university did continue to exist is practically proven by a letter of Henry III in regard to the expulsion of those clerks who continued to uphold Prince Louis of France.[1] In addition, the fact that the Franciscans, almost immediately after their arrival in England, established themselves at Cambridge may be taken as presumptive evidence of its reputation as a seat of learning.

It has been mentioned already that the years 1228-9 were marked by the dispersion of the university of Paris and by the migration of many of its students and some of its masters to England upon the invitation of King Henry III.[2] Undoubtedly Cambridge was one of the chief places to which they repaired in order to continue their studies, thus showing again that its schools were of some prominence during the earlier part of the century. In fact, a royal writ issued only two years later makes the statement

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[1] Fuller, History of the university of Cambridge, 20, note 1.

[2] Documents relating to the university of Cambridge, I. 1; Dyer, Privileges, I. 5.

that "a multitude of clerks from divers parts as well on this side as on the other side of the sea," were to be found there.[1] It is not until after this migration of 1229 that definite traces of a distinct academical organization of the scholars at Cambridge can be pointed to in the records of the time.

One important result of this influx of scholars from Paris is to be found in the period of disorder and lawlessness that immediately followed their arrival.[2] Indeed, the need for a more stringent discipline was so great that the royal authority now felt called upon to interfere in the affairs of the university, and the result is seen in a series of royal letters or writs issued in 1231 which aimed at the restoration and preservation of the peace. For one thing, both the sheriff and the bishop were instructed to exert their authority in order to help maintain a proper discipline in the university. It is also decreed that the chancellor shall have power to signify to the bishop at Ely all "rebellious clerks who would not be chastized by the chancellor and masters."[3] It is this provision that reveals the definite existence of a corporation of scholars and masters at this great center of higher education in England. Furthermore, the provision also shows the important fact that the chancellorship has not only been instituted but that it carried with it considerable power and prestige in the actual government of the university. Another royal writ commanded that every scholar should within fifteen days place himself under the supervision of some master of arts, and if anyone failed to do so he was to be expelled from Cambridge by the sheriff.[4] This provision came to be

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[1] Royal and other historical letters, (R. S.), I. 398.

[2] They "lived under no discipline, having no Tutor (saving him who teacheth all mischief)." Fuller, History of the university of Cambridge, 22.

[3] Royal and other historical letters, (R. S.), I. 396, 397; Mullinger, History of the university of Cambridge, 17.

[4] Royal and other historical letters, (R. S.), I. 397, 398.

recognized as one of the statutes of the university and later, in 1276, received explicit confirmation from the bishop of Ely.[1] Such a regulation as this must have had some result in checking disorder and in creating to a considerable degree a feeling of responsibility to the university authorities. The last of the writs of 1231 was concerned with the "taxation" or renting of halls by the clerks.[2] This royal recognition of a university or corporation at Cambridge was followed in 1233 by papal recognition and by a grant from the pope of certain privileges to the scholars.[3] By this time, therefore, the university is well established and has begun to show the main lines of development that had been followed by the university of Oxford since the troubles of 1209 to 1214.

The growth of the university was now more rapid. In 1240 there was another accession of scholars at Cambridge due to the fact of a second migration from Oxford in that year, and at the same time the university received a grant of certain privileges from Henry III.[4] The presence of growing numbers may also be readily inferred from the prominence of feuds between the townsmen and the students towards the middle of the century.

The causes leading to these struggles at Cambridge were in all probability the same as those explaining similar movements at Oxford. As early as 1244 there was trouble between the burgesses and the scholars.[5] Of more importance, however, was the struggle that arose in 1249 as a result of some trivial dispute. This latter contest was characterized by great disorder, fighting, plundering, and even murder, and, as the chronicler relates, the clamor was so great that it soon reached the ears of the king.[6] Just ten years later there was another disturbance at the university which seems

[1] Fuller, History of the university of Cambridge, 49, 50.
[2] Royal and other historical letters, (R. S.), I. 398, 399.
[3] Rashdall, II. 547.
[4] Matthew Paris, Chronica majora, (R. S.), IV. 8, 9.
[5] Annales monastici, (R. S.), I. 134.
[6] Matthew Paris, Chronica majora, (R. S.), V. 67.

to begin the period of turbulence that preceded the Barons' War, and for the next few years conditions were very unsettled.[1] As far as known these contests, with the exception of that of 1261, had no important influence upon the development of the university.

Still another evidence of increasing numbers at Cambridge is to be found in the adoption of the organization of the "nations." On the continent there were usually four "nations," but at Oxford there had been developed a modified form of this continental organization comprising only two divisions, namely, a Northern and a Southern nation. As Cambridge closely followed Oxford in this respect, it may be said that this two-fold division is a distinctive characteristic of the English universities. The adoption of this organization at Cambridge led to contests similar to those which took place at Oxford. For example, a controversy between two students representing the opposing nations led in 1261 to a general encounter between the northerners and the southerners, in which even the townsmen took part on one side or the other. The usual results of a medieval contest followed; various outrages were committed, houses were plundered, and, in the course of the struggle, the records of the university were destroyed.[2] Some of the ringleaders in this disturbance were indicted and found guilty, but they were pardoned by the king.[3] It is this destruction of the university archives, together with similar acts of violence in 1322 and in 1381, that explains in large part the obscurity surrounding the development of the Cambridge studium generale during the thirteenth century and to a lesser degree during the fourteenth century as well. The documentary history of the university previous to 1381 is almost a blank, and, as a result, no complete picture of

[1] Matthew Paris, Chronica majora, (R. S.), V. 743; Dyer, Privileges, I. 6; Royal and other historical letters, (R. S.), I. 165, 166.
[2] Mullinger, History of the university of Cambridge, 18, 19.
[3] The letter of pardon is given in Fuller, History of the university of Cambridge, 29,30.

its constitution can be given previous to the fifteenth century.[1]

One consequence of the outbreak of 1261 was the migration of a body of students to Northampton and an attempt to found at that place another university. These scholars were joined in 1264 by a considerable number of the students who were driven from Oxford by Henry III, and a royal license was obtained for a third studium generale in England, but English conservatism and the desire to protect Oxford soon led to a special mandate by the royal authority ordering all students at Northampton to disperse to their respective universities.[2] Furthermore, every inceptor in every faculty of each university was required to take an oath that he would not resort to any English university except those of Oxford and Cambridge.[3] Thus, while the continental universities were often seriously weakened by secessions of students and of masters, the universities of England were constantly upheld by the royal authority and remained until the nineteenth century the only permanent centers of higher instruction in the country.

It is quite reasonable to suppose that the contests between the scholars and the townsmen continued throughout the latter part of the thirteenth century, but the material is not at hand for a history of the struggle. It is known, however, that the feeling between the two parties was extremely bitter and that in 1270 the royal influence was exerted to bring about an agreement between them for the better keeping of the peace. It was arranged that a commission of thirteen scholars—five from England, three from Scotland, two from Wales, and three from Ireland—should see that the peace was faithfully kept between the town and the uni-

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The descriptions given in Mullinger, University of Cambridge, 140-145, and Rashdall, II. 554-557, both apply primarily to the fifteenth century. They are apparently based on the Statuta Antiqua, Documents relating to the university of Cambridge, I. 308-453.

[2] Ibid., I. 2; Fuller, History of the university of Cambridge, 31, 32.

[3] Munimenta academica, (R. S.), II. 375.

versity.[1] It is impossible to believe, however, that any very important or permanent results followed this mediation of the crown and many times during the latter part of the century the king was called upon to interfere in the local situation. Often this interference took the form of a command to the sheriff to support the chancellor and the university in their attempt to put down the various disorders of the time.[2] Furthermore, the history of the fourteenth century continues to reveal many clashes between the rival jurisdictions of university and borough.

The uncertainty and confusion in regard to this period of Cambridge's history has been still further increased by frequent and destructive conflagrations due to other causes than the contests between the townsmen and the students and the burning of the hostels of the latter. These conflagrations seem to have been quite characteristic of the time, and in regard to them an early historian of Cambridge writes as follows: "Whosoever shall consider in both Universities the ill contrivance of many chimnies, hollowness of hearths, shallowness of tunnels, carelessness of coals and candles, catchingness of papers, narrowness of studies, late reading and long watching of scholars, cannot but conclude, that an especial providence preserveth those places."[3]

Still another source of disorder and also of annoyance to the university is to be found in the tournaments customarily held just outside the town of Cambridge.[4] It seems that conditions finally became so bad towards the middle of the century that the royal authority was compelled to interfere in behalf of the university for the abatement of this nuisance. The first attempt in this di-

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[1] Dyer, Privileges, I. 66, 67; Fuller, History of the university of Cambridge, 45, 46.

[2] Documents relating to the university of Cambridge, I. 3, 4, 5, 7, 11, etc.

[3] Fuller, History of the university of Cambridge, 84.

[4] For a vivid description of these meetings and their attendant evils see ibid., 25, 26.

rection was made in 1245, when the king ordered that there should be no tilting within five miles of the town.[1] But in spite of the royal prohibition these disorders continued and further decrees were found necessary. In 1252 and again in 1256 the king found it necessary to forbid all tournaments in or about Cambridge under penalty of the forfeiture of the property of the offender.[2] In 1270, these royal commands were again renewed, and all tournaments or other warlike games were strictly forbidden in Cambridge or within five miles of that place.[3] This attitude of the king became for the future the settled policy of the crown.

As the history of university privileges at Cambridge followed much the same lines as at Oxford, the details of the movement need not be dealt with fully even if the materials for a full discussion were available. One striking feature worthy of note, however, is the slowness of the growth of academical prerogatives and liberties as compared with similar developments in the schools at Oxford. This is well illustrated by the fact that it was not until 1268 that the university of Cambridge received an important grant of privileges from the king, and, further, that its earliest extant statute bears the date 1275, though it is perhaps true that this latter document implies earlier statutes.[4] The royal grant of 1268 was concerned with privileges that Oxford had enjoyed since 1248 and 1255, namely, those concerning the assize of bread and ale, the conservation of the peace, and other rights.[5] This grant, therefore, gives the first hint of the future civil and criminal jurisdiction of the chancellor.

Considerably later another charter was issued by the king

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[1] Fuller, History of the university of Cambridge, 26.

[2] Willard, 49; Documents relating to the university of Cambridge, I. 2.

[3] Fuller, History of the university of Cambridge, 45; Dyer, Privileges, I. 67, 68.

[4] Rashdall, II. 548.

[5] Dyer, Privileges, I. 63-65; Fuller, History of the university of Cambridge, 41, note 4.

which confirmed the liberties of the university, regulated the taxation of houses, commanded the sheriff to give aid to the chancellor whenever needed, and prohibited tournaments near the town of Cambridge.[1] The following year the chancellor and the mayor were given cognizance of cases concerning regrators and forestallers and the victuals sold by them were forfeited to the use of the Hospital of St. John.[2]

During the thirteenth century, however, the powers of the chancellor developed very slowly—in fact, by the end of that period the development of his judicial functions had barely begun. It was probably not until 1305 that he obtained cognizance over personal actions brought by scholars against laymen and not until 1383 that he gained full jurisdiction over all criminal cases except felony and mayhem.[3] Slower still was the growth of his ecclesiastical independence. By the close of the thirteenth century no progress at all had been made in that direction as far as positive right was concerned, though in all probability the university enjoyed a considerable degree of freedom in the actual conduct of its affairs.[4] The bishop of Ely had the power to decide internal disputes between the chancellor and the masters or between the various faculties and also to hear appeals from the decisions of the chancellor of the university. Indeed, it is said that the earliest evidence for even a limited exemption from the jurisdiction of the bishop is not met with until 1392, episcopal confirmation was not dispensed with until 1401, and it was not until 1432 that the university was declared to be entirely independent of ecclesiastical control.[5]

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[1] Documents relating to the university of Cambridge, I. 3.

[2] Dyer, Privileges, I. 9, under date of 1293.

[3] Documents relating to the university of Cambridge, I. 4; Dyer, Privileges, I. 11. Apparently the date, 1314, given in Rashdall, II. 548, is incorrect.

[4] See the letter of Hugh, bishop of Ely, in Dyer, Privileges, I. 8.

[5] Rashdall, II. 549, 550; Mullinger, University of Cambridge, 288-290.

Though little or no real progress was made towards such in-
dependence during the thirteenth century, there was an interesting
dispute in that period which not only makes clear the authority
enjoyed by the bishop of Ely but also reveals a settlement of the
trouble over the conflicting jurisdictions of the archdeacon and
the chancellor long before such an agreement was reached at Ox-
ford. It also reveals a situation at Cambridge which seems to be
peculiar to that university, namely, the presence there of a magis-
ter glomeriae or superintendent of the grammar schools whose
jurisdiction was distinct from and in a considerable degree inde-
pendent of that of the chancellor. But this master of glomery
was dependent upon the archdeacon for his position and authority,
and consequently a dispute over cases involving both glomerels
and scholars led to a controversy between the archdeacon and the
chancellor of the university regarding their respective jurisdic-
tions.

It was in 1276 that this trouble arose, and apparently all the
questions at issue were promptly referred to Hugh Balsham,
bishop of Ely, for his decision. He commanded that the master
of glomery should have exclusive control of all cases between
glomerels themselves or between glomerels and townsmen and
that disputes between the glomerels and the scholars should go on
appeal to the chancellor. Of course the ordinary jurisdiction of
the chancellor already gave him control whenever the defendant
was a scholar. However, there was one important exception to
this otherwise strictly impartial division of powers between the
two officials; in all cases relating to the rent of houses rated by the
masters and burgesses and in those concerning grave crimes the
decision was to be reserved to the chancellor.

But the bishop goes further than this, and his letter becomes
in reality a general statement of the respective rights and duties
of the chancellor and the archdeacon, both of whom were repre-
sentatives of the episcopal authority at Cambridge. The letter

decrees that all scholars' servants, writers, illuminators, stationers, and others, shall possess the immunities and privileges belonging to the scholars themselves, including exemption from the archdeacon's authority but that their families shall appear before the archdeacon in all cases coming under his jurisdiction. Also, all the clergy were to be subject to the archdeacon, with the exception of those who came to Cambridge for the purpose of study. And, finally, it was specifically provided that all appeals in ecclesiastical cases should be reserved to the episcopal see itself. It should be noted, however, that this last provision really seems to imply a recognition of the actual jurisdiction of the chancellor in all the ordinary affairs of the university.[1]

During the period under consideration, the activity of the mendicant orders became of great importance in the history of Cambridge as well as in that of Oxford. At Cambridge as at Oxford and elsewhere in England the Franciscans were the most numerous and influential of the various orders of friars. They probably came to Cambridge as early as 1224 and established themselves in the "Old Synagogue" which was given to them by the townsmen.[2] How is this early appearance of the Franciscans to be explained unless it be by the supposition that Cambridge was the seat of a fairly flourishing studium generale that was able to attract their attention? The coming of the friars was always an event of great importance in the history of a university, for they not only represented reform in religious life and work but also activity and progress in the intellectual life of the age, and it was in their ranks that the great schoolmen of the time were to be found. However, it must be admitted that during the thirteenth century at least the university of Cambridge could not

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[1] Fuller, History of the university of Cambridge, 47-51; Willard, 8, 26, 29, 30.

[2] Monumenta franciscana, (R. S.), I. 10, 17; Dugdale, VI. 1509.

boast of any famous men,[1] while at Oxford there were several who held a place in the foremost rank of scholars and philosophers. And yet we are justified in believing that the mendicant orders did much in fostering the studium at Cambridge and in quickening its intellectual life and that to them a considerable part of the credit is due for the progress that was made previous to the fourteenth century.

The appearance of the other orders of friars at Cambridge was a good deal later than that of the Franciscans. The Carmelites had settled outside the town in 1249, but it was not until 1291 that they moved into the parish of St. John and established themselves as a factor in the life of that place.[2] Before that time, however, the Dominicans, the most important rivals of the Franciscans, had been able to found a priory at Cambridge as a result of the charity of several devout people.[3] It has been mentioned already that in 1303 this order became engaged in a controversy with the university authorities over the question of graduation in arts, being probably influenced in large part by the success of their brethren in the long contest with the university of Paris.[4] The fourth great order, that of the Austin friars was not represented at Cambridge until about 1290.[5] Thus it is seen that most of the mendicant orders did not reach Cambridge until after the early period of enthusiasm and of popularity had passed and the age of corruption and decline had begun.

[1] Rashdall, II. 552, says there was not a great man or even one prominent ecclesiastic who studied at Cambridge before the middle of the fourteenth century. This statement seems extreme but investigation reveals its substantial truth.

[2] Dugdale, VI. 1570.

[3] Ibid., VI. 1485.

[4] Fuller, History of the university of Cambridge, 78, 79, gives the terms of the settlement reached by the university and the friars. See also Rashdall, II. 559, note 2, on this contest.

[5] Dugdale, VI. 1591.

One further topic yet remains for consideration, namely, the beginnings of that magnificent system of college foundations which by the fifteenth century had become of supreme importance in the history of the university. At Cambridge, as at Oxford, there was during the thirteenth century a system of halls under the supervision of principals who were elected by the students,[1] but these halls proved inadequate to the needs of the time and as a consequence the colleges were gradually developed to meet those needs. In 1256 William of Kilkenny, bishop of Ely, left a bequest similar to that which Alan Basset had left to Oxford a short time before. The bishop's plan contemplated the support of two priests in the Cambridge schools who were to study divinity and also to say masses for the soul of their benefactor.[2] But it was the friars that gave the first examples of a real collegiate system by their well-regulated life in houses of their own.[3]

The earliest college, however, was founded in a spirit of opposition not only to the monastic theory of education but also to the ascetic discipline of the mendicants. Hugh Balsham, a Benedictine, was elected bishop of Ely in 1256 as the successor of William of Kilkenny. He was a man of public spirit and national sympathies and an advocate of reforms tending towards a more popular education.[4] In order to carry out his views regarding the education of priests rather than of monks or friars he provided for the support of a number of secular scholars in the Hospital of St. John. But the regulars and the seculars were too dissimilar to unite in this way and the feuds that resulted compelled the bishop to seek other quarters for his scholars. By way of compromise the brethren of the Hospital gave up to them the impropriation

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[1] Mullinger, University of Cambridge, 217-221, 639, 640.

[2] Rashdall, II. 558, 559.

[3] Mullinger, University of Cambridge, 221, 222, criticises the friars for this method of proselyting and of attracting students.

[4] Ibid., 224, 225.

of St. Peter's Church and the two adjoining hostels, and it was upon this foundation that the career of Peterhouse began in 1284.[1] At first this college was poorly endowed, but there was some augmentation of its resources in 1307 when it obtained the adjoining property that had been held by the Friars of the Sack.[2]

The "studious scholars" of Peterhouse were to live under the "Rule of Merton," but the code in imitation of that system was not given definite form until 1338. As at Merton, the scholars were to study the "arts, Aristotle, canon law, or theology" but a liberal education was made a prerequisite for the study of theology. Of the fourteen scholars supported by the foundation, two were permitted to study civil and canon law and one to study medicine.[3] The example of Hugh Balsham was followed in the next century, and by 1352 the foundation of seven additional colleges is sufficient proof of the rapid development of the collegiate system at Cambridge.[4] Indeed, it has been said that for some time the university was probably kept alive in large part by the munificence of the founders of the colleges.[5]

It is very evident from this sketch that the university of Cambridge in the thirteenth century did not attain anything like the importance and influence which belonged to the more prosperous university at Oxford. In fact the question has been raised as to whether the schools of Cambridge really became a studium generale before the issuance of the papal bull of 1318 which first definitely recognized the existence of a university at that place.[6]

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[1] Documents relating to the university of Cambridge, I. 3; Mullinger, University of Cambridge, 227, 228.

[2] Dugdale, VI. 1608; Mullinger, University of Cambridge, 228, 229.

[3] Mullinger, History of the university of Cambridge, 33, 34.

[4] In the fourteenth century King's Hall, Michaelhouse, University Hall, Pembroke, Gonville, Trinity Hall, and Corpus Christi, were founded. Rashdall, II. 561-570.

[5] Ibid., II. 557.

[6] This document is given in Fuller, History of the university of Cambridge, 80, 81; for discussion, Rashdall, II. 550-552.

However, it seems clear that all of the essential characteristics of a university were to be found there during the thirteenth century, that is, a number of masters banded together into a gild or corporation, a system of licenses and inceptions, students from far and wide, and, finally, royal recognition and charters of privileges and, in addition, this corporate body had developed a fairly definite governmental organization with the chancellor at its head. The fact that the term studium generale is not met with in connection with Cambridge previous to 1318 is not sufficient to disprove the existence of a university long before that time.

This discussion, however, does emphasize one very important fact and that is the comparative insignificance of the university of Cambridge during the early period of its history. As it is customary to-day to place the two great English universities side by side in reputation and importance this fact comes as a surprise and possibly the first impulse is to refuse to give it full acceptance, but a brief investigation will suffice to emphasize the meagerness of the history of the university of Cambridge before the period of the ascendency of the colleges. It was not until the renaissance that this university advanced to a position of equality with the sister university at Oxford.[1]

Another striking feature in the history of the university of Cambridge in the thirteenth century is the close similarity to Oxford, illustrated both by the details of its growth and by its constitutional organization. Its organization as revealed in its development at the beginning of the fifteenth century seems to have been framed in large part upon the Oxford model, though a few original features may be noticed at that time.[2] This influence has perhaps been sufficiently emphasized in the present

[1] Mullinger, History of the university of Cambridge, 66, 67; Rashdall, II. 553.

[2] Ibid., II. 554-557, gives a full list of these variations from the Oxford constitution.

chapter, at least as far as the thirteenth century is concerned, and so need not be dwelt upon now.   In its development the university of Cambridge was much slower than the more favored Oxford studium, and constitutional and other questions were not generally carried to the extreme length that they were at Oxford.   But it should be noted, in conclusion, that directly or indirectly Cambridge and Oxford were both modeled in great measure upon Paris.[1]

[1] Rashdall, II. 553, 554, emphasizes the dependence of Cambridge upon Oxford.   See also Mullinger, University of Cambridge, 132-134.   Mullinger, however, points out a considerable and direct Parisian influence at Cambridge.

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