

RELIGION, EDUCATION AND THE ROLE OF GOVERNMENT IN
MEDIEVAL UNIVERSITIES: LESSONS LEARNED OR LOST?

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INTRODUCTION

Religion, education and government were very closely connected in the Middle Ages, as indeed in nearly every age except the modern world, beginning perhaps as early as the Reformation, but with continuing secularization of education through the Scientific Revolution, but more importantly, the Enlightenment. Here I propose to give some historical background to modern developments concerning the role of government and religion in education, particularly as related to the university. To this end I will briefly examine the relationship between the Church and secular governments and how they influenced the universities and education in Medieval Europe. I will also examine the impact of the rediscovery of both Roman law and Aristotle on the rise of the universities and on the university curriculum itself (including not only the close relationship between faith and reason, but also the strains between the two as well), and how this might have influenced or had an impact on both church and state. Finally, I intend to discuss what lessons we might learn from this period with regard to our own. Thus, there are really two questions I am addressing here. The first concerns the role of religion and government in education, especially as it pertained to medieval universities. The second concerns the differences between medieval and modern American universities, and whether we have learned anything from past experience.

This is a rather large, and somewhat unwieldy topic. As a result, the examination will be only cursory and informative as opposed to ground breaking or innovative. I have also assumed a minimal knowledge about the Middle Ages on the part of the delegates, by which I mean no offense to anyone. In any case, perhaps this paper will provide some impetus to discussion.

My task is perhaps best accomplished through a general comparison of medieval and modern American universities (my own experience). However, before I do that, I should give some background.¹

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¹ Much, if not all of the information I give as background in the following paragraphs can be found in any text on medieval history. See, for example, the relevant chapters in Brian Tierney and Sidney Painter, *Western Europe in the Middle Ages: 300 - 1475*, 6th edition (New York: McGraw-Hill College, 1999). I will cite other relevant sources as necessary.

As noted by many scholars, the university of the Middle Ages was an institution unique to the West. There was nothing quite like it in either the ancient or Islamic world.³ There were several historical circumstances that came together in the eleventh century that would ultimately have a huge impact on the rise of the universities and flourishing of medieval intellectual life. It is difficult to present them as “cause and effect” because in many ways the factors were so entwined as to make that impossible. The eleventh century was a watershed century for the West in many ways. By about A.D. 1000 the invasions of the North men, the Saracens of North Africa and the Magyars in the East effectively ended, which allowed Europe time to recover and begin to build new political structures, such as the feudal monarchies. New agricultural methods allowed for the production of a surplus of food, which in turn allowed population to increase, which in turn necessitated bringing new lands under cultivation. Moreover, since surplus could be sold in towns, it allowed for town and cities to increase their sizes, thus, increased urbanization began, and thus the need for a new type of law to govern town structures and interactions, and the increasing commercialization of the economy. As a result of the needs of a commercial, urban society, which include an emphasis on moveable property, the need for contracts and the need for protection regarding disputes over contracts, as well as the desire for the peaceful resolution of disputes, one begins to see an emphasis on written law as well, because feudal law was not designed to deal with urban structures and needs.³

This emphasis on written law was also becoming critical to the Church in its struggle with kings and emperors over investiture and who would control the highest offices of the church, including the papacy. The Gregorian Reform was arguably the chief catalyst of everything that followed (including the Crusades, and the development of universities), because the papacy struggled to free itself from the control of the German emperors and in order to do so, as usy compiling past church laws and pronouncements, which becomes known as canon law.⁵ The needs of both the towns and the church were aided terrifically by the recovery of Justinian’s *Corpus Iuris Civilis* in the eleventh century.⁶

Roman Law, however, was useful to others besides the Church.

² Alan B. Cobban, *The Medieval Universities: Their Development and Organization* (London: Methuen & Company, Ltd., 1975), p. 21; Jacques Verger, *Men of Learning in Europe at the End of the Middle Ages*, trans. by Lisa Neal and Steven Rendall (Notre Dame, IN: University of Notre Dame Press, 2000), p. 45, where he states that the medieval university “has long been recognized as one of the most original and fertile creations of Western medieval civilization.”

³ See Tierney and Painter, pp. 271-285.

⁵ *Ibid.*, pp. 212-229.

⁶ *Ibid.*, pp. 405, 409-410.

Roman Law itself developed in a commercial society (that of the Roman Empire), and so with its recovery in the west, it was popular in Italy of the eleventh century because of the growth of communes (independent city-states) and the growth of international trade (one of the results of the Crusades). It was popular in Northern Europe, especially in the commercial areas such as Flanders. In addition, feudal monarchs found Roman Law useful, especially the German emperor, because of the emphasis in Roman Law on centralized imperial authority. Thus, kings could use Roman Law to support their own authority vis a vis their nobles (as was done particularly in Germany), and the implementation of Roman Law was therefore opposed by local nobles in Germany. Moreover, German emperors could use Roman Law vis a vis the papacy as well (and vice versa).⁷

What does all of this mean for universities? There would have to be placed for students to learn Canon and/or Roman Law, and the need for this was seen not only by the papacy, but also by kings and citizens of cities attempting to gain freedom from overlords. This gives yet another impetus for the development of the universities. All of these factors were important for the development of the universities. Indeed, the revival of Roman Law was the key to making Bologna the first center for the teaching of Roman Law, and the earliest of the universities in Europe.⁸ By the early twelfth century, the University of Bologna was the premier center for the teaching of Roman Law, and after 1140, canon law, and the university to which the papacy looked for its canon lawyers, particularly as a result of the Gregorian Reform. Thus, one can see how intimately the church, Roman and Canon law, and the development of the first university in Europe are tightly interwoven.

Another key factor was the revival of learning in the eleventh century, and the shift from monastic schools to town schools (which arose because of the need for lay education in urban society, and on which little information is available) and cathedral schools. Again the relationship between religion and education becomes clear.⁹ The shift was possibly accelerated by the growing reaction within monastic circles to the application of logic to theology, which

⁷ Cobban, *The Medieval Universities*, p. 49.

⁸ See the discussion below, pp. 10-12. The key figures include Irnerius, who first taught and commented on Roman Law at Bologna from ca. 1116 to 1140, and Accursius (thirteenth century), who produced the *Glossa ordinaria* on Roman Law. In Canon Law, Gratian's *Decretum* (or *Concordance of Discordant Canons*), completed by ca. 1140, became the text for Canon Law in the universities.

⁹ The monastic reform that began at Cluny in the 10th century and continued in the eleventh century was such that most new orders would not accept oblates, which meant that there was no need for elementary education beyond basic reading, although many of the nobles who joined the new orders came already prepared for monastic study.

had begun with St. Anselm in the 11th century, and was further developed by Abelard in the 12th century (both of whom were monks themselves), and which was further impacted by the recovery of Aristotle from the Muslims in the twelfth century.¹⁰ St. Bernard of Clairvaux led the fight against this application, particularly as it pertained to Abelard, and in the 12th century there was a clear divergence between the development of what became known as Scholastic theology (a systematic study of philosophy and theology and the application of philosophical methods to the study of theology) and monastic theology. The universities provided an institution in which scholastic theology and philosophy could flourish. Moreover, the attempt to assimilate the new works of Aristotle that had become available to the west along with his Muslim commentators further escalated the so-called conflict between faith and reason, and also became another factor in the rise of the universities as places where such knowledge could be not only assimilated, but also used to explore relations between pagan reasoning and Christian doctrine and dogma.

Thus, there are several reasons for the rise of universities, which began with schools at Bologna, Paris and Oxford, which were the three premier universities of the Middle Ages.¹¹ Although I intend to concentrate only on Bologna, Paris and Oxford, I should make some general comments concerning the structure and status of universities.¹² What constituted a university in the Middle Ages? Recognition as a guild (*universitas*), then *studium*, then *studium generale*. Gordon Leff has noted that there were three sources of university status: the use of the term *studium generale* or simply *studium* to refer to a school (usually in a charter or statutes); the conferral of the *ius ubique docendi* upon a school; and finally, custom.¹³ Paris, Oxford and Bologna were *studia*

¹⁰ There is not a little historiography on this issue, but for purposes of this presentation, I refer the reader to Marcia L. Colish, *Medieval Foundations of the Western Intellectual Tradition 400 - 1400* (New Haven: Yale University Press, 1998 pbk.), pp. 160-172; 265-280. See also, Edward Grant, *God and Reason in the Middle Ages* (New York: Cambridge University Press, 2001), pp. 43-65; Edward Grant, *The Foundations of Modern Science in the Middle Ages: Their Religious, Institutional, and Intellectual Contexts* (New York: Cambridge University Press, 1996, rpt. 1998).

¹¹ In summary: These reasons include the Gregorian Reform, and the development of canon law, along with need for an educated secular clergy. In addition, we have the recovery of Roman Law, the growth of urbanization, the expanding civil and ecclesiastical bureaucracies, and the need for lawyers and notaries (see Cobban, *The Medieval Universities*, pp. 48-49). Added to this is the recovery of Aristotelian works in the West and the need for Christianity to deal and assimilate his thought. Moreover, there was also the growing demand for credentials, and for Paris, the threat of heresy in the South and the need to deal with it.

¹² It should be noted that in the thirteenth century both imperial and papal authorities took it upon themselves to establish *studia generalia* by enactment (see Cobban, *The Medieval Universities*, pp. 25-26).

by custom before receiving official charters.

The terms pertaining to the medieval university require some clarification.¹⁴ The term *studium generale*, or *studium* was used to designate universities early on, and referred to the school's ability to attract students from a broad geographical area, as opposed to a provincial *studium particulare*, and those *stidia* of the friars.¹⁵ The medieval universities were first and foremost guilds—guilds of masters, such as Paris and Oxford, or guilds of students, such as Bologna, which provided the model for most universities south of the Alps. In fact, the term *universitas* in the medieval context was the term for a guild or a corporation, and was borrowed from Roman law,¹⁶ and, as Leff notes, “had

¹³ Gordon Leff, *Paris and Oxford Universities in the Thirteenth and Fourteenth Centuries: An Institutional and Intellectual History* (New York: Robert E. Krieger Publishing Company, 1975), pp. 17-19.

¹⁴ Any study of medieval universities must begin with Hastings Rashdall, *The Universities of Europe in the Middle Ages*, edited by F. M. Powicke and A. B. Emden, 3 vols. (London: Oxford University Press, 1936, rpt. 1958), and for purposes of this part of the discussion, see Vol. I, chapter 1, pp. 1-24, 151-153, and 159-165; Cobban, *The Medieval Universities*, pp. 21-36; Alan B. Cobban, *The Medieval English Universities: Oxford and Cambridge to c. 1500* (Aldershot: Scolar [sic] Press, Gower Publishing Company Limited, 1988; rpt. Berkeley: The University of California Press, 1990), pp. 1-18; Alan B. Cobban, *Universities in the Middle Ages* (Liverpool: Liverpool University Press, 1990), pp. 1-3; Leff, *Paris and Oxford Universities*, pp. 16-17.

¹⁵ Cobban, *The Medieval Universities*, pp. 23-27, esp. at 25; Leff, *Paris and Oxford*, pp. 17-18. *Studium generale* is often contrasted with *studium particulare*, which was a school that attracted people from a specific geographical area. The term *studium particulare* was never used in reference to a university, however. See also Cobban, *The Medieval Universities*, pp. 22-31, esp. at p. 30, and 34-35. As Cobban notes, the term *studium generale* was a vague term (legally speaking) until the 14th century, when it acquired “a precise juristic meaning and became the normal term to express the abstraction of a fully-fledged university” (*The Medieval Universities*, p. 24). On the *stidia* of the mendicant orders see the following: M. Michèle Mulchahey, “*First the Bow is Bent in Study*”: *Dominican Education before 1350* (Toronto: Pontifical Institute of Mediaeval Studies, 1998); William J. Courtenay, “The London *Stidia* in the Fourteenth Century,” *Medievalia et Humanistica*, New Series, 13 (1984): 127-141; William J. Courtenay, “The Franciscan *Stidia* in Southern Germany in the Fourteenth Century,” in *Gesellschaftsgeschichte: Festschrift für Karl Bosl zum 80. Geburtstag*, vol. II, ed. Ferdinand Seibt (München: R. Oldenbourg Verlag, 1988), pp. 81-90; William J. Courtenay, “The Instructional Programme of the Mendicant Convents at Paris in the Early Fourteenth Century,” in eds. Peter Biller and Barrie Dobson, *The Medieval Church: Universities, Heresy, and the Religious Life, Essays in Honour of Gordon Leff* (Rochester, NY: The Boydell Press, 1999), pp. 77-92

¹⁶ K. Pennington, “Law, legislative authority and theories of government, 1150-1300,” in *The Cambridge History of Medieval Political Thought c. 350 - c. 1450*, edited by J. H. Burns (New York: Cambridge University Press, 1988, pbk. 1991, rpt. 1995), p. 443.

no specific application to a university” in the thirteenth and fourteenth centuries, but rather “connoted any corporate body or group with an independent juridical status. It could be constituted from three or more persons in a profession who could form their own association (*collegium*) to protect their rights.”¹⁷ John Baldwin has noted how the structure of the university paralleled the craft guild structure in the Middle Ages.¹⁸ Being recognized as a guild¹⁹ meant that it was a legal entity, the members of which could elect their own representatives, set the standards and requirements for degrees, determine the fees paid to the masters by the students, times of lectures, various penalties and fines and such.²⁰ It also meant that the university could seek to obtain various privileges from royal and ecclesiastical authorities (in particular, the papacy) in order to obtain and maintain relative independence, especially from the townspeople or other local authority.²¹

¹⁷ Leff, *Paris and Oxford Universities*, pp. 16-17. See also Cobban, *The Medieval Universities*, pp. 22-23, who notes (on p. 23) that it was not until the late fourteenth and fifteenth centuries that the term “university” was used especially with regard to academic corporations.

¹⁸ John Baldwin, “Introduction,” in John Baldwin and Richard A. Goldthwaite, eds., *Universities in Politics: Case Studies from the Late Middle Ages and Early Modern Period* (Baltimore: The Johns Hopkins Press, 1972), p. 8: “The underlying characteristic which distinguished the medieval university from all previous educational regimes was its corporatism ... Following the pattern of the trade and craft guild, they sought to organize themselves for the regulation of the conditions vital to their profession. Chief among these was exclusive admission to membership, and the universities guarded this privilege with hypersensitivity. At Paris the stages of academic advancement closely corresponded to the hierarchy of the guilds. At the bottom were the ordinary students, equivalent to the guild apprentices who were learning the elements of the trade and were under the full authority of the master craftsmen. Next came the bachelors, who were advanced students and were allowed to lecture and dispute under supervision. They corresponded to and derived their names from the journeymen or bachelors, who worked for a daily wage and had not sufficient maturity to establish themselves in the trade. (Hence they were still unmarried.) At the top of the profession was the master, a rank common to both universities and guilds ... Entrance to this stage was gained after elaborate examinations, exercises in the techniques of teaching, and ceremonial investiture. Admission fell exclusively under the jurisdiction of the other full members of the university.” He goes on to note that Bologna, as a guild of students, “membership qualifications in the university were of a different order than at Paris.”

¹⁹ Recognition as a corporate body either through common law, or a higher authority, such as the king, or episcopal authority, was an essential component here. See Leff, *Paris and Oxford*, p. 17.

²⁰ See sources, *supra* note 14.

²¹ On the issue of scholarly privileges, see Pearl Kibre, *Scholarly Privileges in the*

Along with guild or corporation status, another distinguishing factor of universities was the *ius ubique docendi*, the right or license to teach anywhere. What this meant, in theory, was that a person with a degree from Paris could teach at Oxford, for instance. Such a distinction, although initially tied to whatever authority could confer the *licentia docendi* (which would have been the head of a cathedral school earlier), at Paris and Bologna was believed to be a “prescriptive right” by custom to confer this license to teach everywhere,²² and later it was granted only by the pope (beginning with Gregory IX in 1233), not by the civil authority or Episcopal authority.²³ In reality, however, degrees were not necessarily honored from university to university, and one university did not always recognize the right of a scholar to teach if his degree was obtained elsewhere. Nevertheless, the conferral of the *ius ubique docendi* was a significant part of a school being recognized as a university.²⁴

Apart from simply being guilds or corporations, the universities of the Middle Ages were either primarily religious in foundation, or secular, the latter of which was rare until the fourteenth and fifteenth centuries as political and religious circumstance began to seriously divide Europe.²⁵ Furthermore, they

Middle Ages: Rights, Privileges, and Immunities, of Scholars and Universities at Bologna, Padua, Paris and Oxford, (Cambridge, MA: Mediaeval Academy of America, 1962), esp. chapter one on “Origins and Interpretations...,” pp. 3-17.

²² See Cobban, *The Medieval Universities*, p. 28; although Leff, *Paris and Oxford*, p.19 notes, Paris and Bologna officially acquired the *ius ubique docendi* from pope Nicholas IV in 1291-1292, but Oxford never received such official recognition.

²³ See Cobban, *The Medieval Universities*, p. 28, where he distinguishes three types of *ius ubique docendi*: that by custom (Paris and Bologna); that given by the pope, (which Cobban terms an “artificially endowed license of ecumenical validity”); and a third which was general, but with exceptions stipulated.

²⁴ See Rashdall, I, pp. 13-14; Cobban, *The Medieval Universities*, pp. 27-31, esp. at 31; Leff, *Paris and Oxford*, pp. 18-19. Leff notes, p. 18, that: “Although in practice degrees from one *studium generale* were rarely accepted automatically by another – even Paris and Oxford imposed mutual examination – the *ius ubique docendi* became the juridical hallmark of a university by the end of the thirteenth century.” He refers to Rashdall, I, 14 in his note. See also William J. Courtenay, *Teaching Careers at the University of Paris in the Thirteenth and Fourteenth Centuries*, no. 18 of Texts and Studies in the History of Mediaeval Education, a. L. Gabriel, P. E. Beichner, C.S.C., eds. (Notre Dame IN: United States Subcommission for the History of Universities, University of Notre Dame, 1988) [henceforth cited as *Teaching Careers*, on pp. 17-20 discusses the “*Ius ubique docendi* in a Market Economy.” He argues, in fact, that “The *ius ubique docendi* was a papal invention, created in 1233 to protect student enrollment at the newly founded *studium generale* at Toulouse by pretending to guarantee the universal applicability and validity of its academic degrees.”

²⁵ Royal foundations became more prominent in the fourteenth century, especially after the Avignon Papacy and especially the Great (Western) Schism divided Europe along

were organized either as guilds of students or masters. Bologna was the earliest of the schools to form a university.²⁶ Although the school existed earlier, by 1158 it was chartered and put under protection of Holy Roman Emperor Frederick I Barbarossa in the Authentic *Habita* (or *Authentica Habita*) issued at Roncaglia²⁷ (the emperor also undoubtedly understood the need for lawyers educated in Roman Law). In 1193 the students formed a *universitas scolarium*.²⁸ The focus at Bologna was Roman Law (Irnerius taught there between 1116 and 1140)²⁹ and by about 1140, Canon Law.³⁰ Bologna was a student-centered guild rather than master centered university like Paris and Oxford, and very definitely lay, rather than clerical³¹, although when Canon Law became a faculty, more clerics came to Bologna.³² As a student

political lines as kings decided which papal line they would support. Kings did not want their students attending universities in other states, so they began to establish their own universities.

²⁶ For Bologna, see Rashdall, I, pp. 87-125 on Irnerius and civil law at Bologna; Cobban, *The Medieval Universities*, pp. 48-74. It is sometimes claimed that Salerno was the earliest university, although Cobban, for instance, calls it a “proto-university” (pp. 37-47).

²⁷ See Rashdall, I, p. 143; Cobban, *Medieval Universities*, pp. 51-52. Cobban notes the importance of the *Habita*: “For the cumulative juristic interpretation of the *Habita* led to the formation of a *privilegium scholarium* to rank equally alongside the older established *privilegium clericorum*. In this respect, the *Habita* came to be venerated as the origin and fount of academic freedom in much the same way as Magna Carta became and indispensable reference point for English liberties.” See also his reference in note 1 on p. 52.

²⁸ Cobban, *The Medieval Universities*, p. 57.

²⁹ Cobban, *The Medieval Universities*, p. 50, who notes that it was Irnerius who most likely caused Bologna to supercede all other Italian law schools. See Rashdall, I, pp. 87-125 on Irnerius and Civil Law at Bologna.

³⁰ See Rashdall, I, pp. 126-141 on Gratian and the development of Canon Law; Cobban, *Medieval Universities*, p. 48.

³¹ See Cobban, *Medieval Universities*, p. 48. Cobban states on p. 48: “The idea that the medieval university system was the offspring of monopolistic clerical control is rudely shattered when one considers that Bologna, the earliest university of all, was in origin a lay creation designed for the career interests of laymen studying Roman law. It was not until the 1140s that canon law, the preserve of clerical teachers and students, was entrenched at Bologna as a discipline alongside the Roman law. But before the establishment of this twin legalistic base the Bolognese *studium* was essentially lay both in terms of its personnel and in the direction of its thought.”

³² Cobban, *The Medieval Universities*, p. 51, 61-62.

corporation, the students elected rectors³³, set up regulations for faculty, including lecture times, pay scales, and fines, and also establish and governed the regulations for dealing with the town (housing, food, etc.).³⁴ The masters took oaths to the student Nations³⁵, affiliations of students organized in vaguely geographic terms³⁶, which could then bring pressures to bear on town as necessary. Nevertheless, it should be noted that by the mid-fourteenth century the situation had changed radically primarily due to the establishment of salaried lectureships. As a result, between 1300 and 1350, the students lost control over masters so that by 1350, the commune of Bologna both appointed and paid nearly all of the doctors.³⁷

Unlike Paris and Oxford, Bologna at first consisted only of the higher faculty of Roman and later Canon law³⁸, and students were expected to come with a Master of Arts degree from elsewhere.³⁹ Bologna only developed an arts faculty in the late 13th century and theology only in the mid 14th. It should be noted that due to the Gregorian reform, the Church tended to focus on law rather than theology, most Popes were Canon Lawyers until 1455, and most were also Italian. Thus, the papacy tended to prefer lawyers from Bologna (and elsewhere) to fill positions as opposed to theologians from Paris.⁴⁰

The University of Paris (chartered ca.1200) was the prototype of the magisterial universities north of the Alps and Pyrenees.⁴¹ Paris initially focused

³³ See Cobban, *Medieval Universities*, pp. 62-72.

³⁴ *Ibid.*, pp. 62-66.

³⁵ *Ibid.*, p. 63.

³⁶ Cobban, *Medieval Universities*, pp. 54-57, 68. On the nations in general, see Pearl Kibre, *The Nations in the Mediaeval Universities* (Cambridge, MA: Mediaeval Academy of America, 1948).

³⁷ Cobban, *The Medieval Universities*, pp. 65-67.

³⁸ Cobban, *The Medieval Universities*, p. 55.

³⁹ Cobban, *The Medieval Universities*, p. 61.

⁴⁰ See, for example, Cobban, *The Medieval Universities*, p. 51 on the results of the Investiture controversy. On the curia favoring lawyers, Jacques Verger, *Men of Learning*, pp. 87-90. In general on careers (for Oxford), see Jean Dunbabin, "Careers and Vocations," in J. I. Catto, ed., *The History of the University of Oxford*, vol. I, revised (Oxford: Clarendon Press, 1986), pp. 565-605; T. A. R. Evans, "The Number, Origins and Careers of Scholars," in J. I. Catto, Ralph Evans, eds., *The History of the University of Oxford*, vol. II, *Late Medieval Oxford* (Oxford: Clarendon Press, 1992), pp. 485-538.

⁴¹ On the University of Paris in general, see: Rashdall, I, pp. 269-584; Cobban, *The*

on the liberal arts, especially dialectic and natural philosophy (what we call science), which formed something of an undergraduate program. Graduate study was available in theology (Paris's forte, and Paris became the premier faculty of Theology), canon law (although initially civil law was forbidden) and medicine. Paris was a guild of Masters and had its own seal, by-laws, and elected its own officers, such as the rector and proctor. At Paris, each of the faculties (Arts, Theology, Law and Medicine) were independent entities, and within the Faculty of Arts, the Nations (French, Picard, English and Norman) were independent and quite powerful.⁴² The university itself, however, was under the direction of the chancellor, however, who was an official of the bishop of Paris, and thus, not elected by the masters. Thus at Paris, the main struggle for autonomy was between the masters and the chancellor, and ironically, the masters would achieve autonomy from the local bishop by turning to the protection of the papacy. Although the university and its masters existed prior to 1200, nevertheless, the first extant grant of privileges was issued by the king of France, Philip II, when he gave it his charter in 1200. In 1208 to 1209 Pope Innocent III recognized the right of the masters to organize as a body, but this merely confirmed what was already a fact. By 1215, Innocent III's legate, Robert of Courçon, issued a set of statutes that curtailed the powers of the chancellor, and the University of Paris was firmly entrenched, controlled by regent masters under the protection of the papacy, although there would still be struggles between the masters and the chancellor.⁴³

Oxford's beginnings are shrouded in mist, so to speak.⁴⁴ Unlike Paris,

Medieval Universities, pp. 75-95; Leff, *Paris and Oxford*, pp. 15-75. See also Stephen Ferruolo, *The Origins of the University: The Schools of Paris and their Critics, 1100-1215* (Stanford: Stanford University Press, 1998; originally published in 1985). William J. Courtenay, "The University of Paris at the Time of Jean Buridan and Nicole Oresme," *Vivarium* 42.1 (2004), pp. 1-17 (accessed online via EBSCO Host) [henceforth cited as "Paris at the Time of Buridan,"] also has pertinent details regarding the university in the 14th century.

⁴² William J. Courtenay, "Paris at the Time of Buridan," pp. 1-12 (accessed online through EBSCO Host); Leff, *Paris and Oxford*, pp. 51-53, and at 53 he states: "In many ways the nations were the heart of the university. Besides constituting, as we have said, the majority and the most vital element, they were the basic units of university life for members of the arts faculty."

⁴³ See Cobban, *The Medieval Universities*, pp. 81-83; Leff, *Paris and Oxford*, pp. 17-29; and Kibre, *Scholarly Privileges*, pp. 85-131 for an in depth look at the 13th century privileges at Paris, pp. 132-178 for the 14th century; and pp. 179-226 for the 15th century. In chapter VII she examines the rights of scholars to ecclesiastical benefices.

⁴⁴ Alan B. Cobban, *The Medieval English Universities: Oxford and Cambridge to c. 1500* (Berkeley: The University of California Press, 1990) deals with the mythology behind Oxford on pages 20-26. For Oxford in general, see Rashdall, *Medieval Universities*, III, 1-273; Cobban, *The Medieval Universities*, pp. 96-109; Cobban, *The*

Oxford's foundation did not arise out of a cathedral school, and in fact, as Cobban notes, no English university out of a cathedral school, though some came close.⁴⁵ It developed out of schools that developed around St. Mary's parish, and because of its proximity to the royal court established by Henry I at Woodstock around 1100.⁴⁶ It was granted a charter (of sorts) by the papal legate, Nicholas of Tusculum in 1214.⁴⁷ Oxford initially had an arts faculty and focused on Law⁴⁸, and then later developed the faculty of theology⁴⁹ Unlike at

Medieval English Universities, pp. 19-50 for Oxford's beginnings; Leff, *Paris and Oxford*, pp. 75-115, and specifically pp. 76-82 for origins. See also R. W. Southern, "From Schools to University," in J. I. Catto, ed. *The History of the University of Oxford*, Volume I, *The Early Oxford Schools* revised (Oxford: Clarendon Press, 1986), pp. 1-36; and M. B. Hackett, "The University as a Corporate Body," in J. I. Catto, ed. *The History of the University of Oxford*, Volume I, *The Early Oxford Schools* (Oxford: Clarendon Press, 1986), pp. 37-95 for a more in depth view.

⁴⁵ Cobban, *The Medieval Universities*, p. 97; Cobban, *The Medieval English Universities*, p. 19; 27-30; Leff, *Paris and Oxford*, p. 75. Please note that I have chosen *not* to discuss Cambridge within the context of this paper, although it developed subsequently to Oxford, and in the Middle Ages was the second major English university.

⁴⁶ Leff, *Paris and Oxford*, pp. 76-77; Cobban, *The Medieval English Universities*, pp. 34-35.

⁴⁷ Cobban, *The Medieval Universities*, pp. 101-102. Cobban notes that this charter is similar to that of the Philip issued to the University of Paris in 1200 in its recognition of the status of the scholars. In addition, this charter is apparently the first mention of a chancellor of the University of Oxford.

⁴⁸ See J. L. Barton, "The Study of Civil Law before 1380," in J. I. Catto, ed., *The History of the University of Oxford*, vol. I, *The Early Oxford Schools* revised (Oxford: Clarendon Press, 1986), pp. 519-530; L. E. Boyle, "Canon Law before 1380," in J. I. Catto, ed., *The History of the University of Oxford*, vol. I, *The Early Oxford Schools* revised (Oxford: Clarendon Press, 1986), pp. 531-564; J. L. Barton, "The Legal Faculties of Late Medieval Oxford," in J. I. Catto, Ralph Evans, eds., *The History of the University of Oxford*, Volume II, *Late Medieval Oxford* (Oxford: Clarendon Press, 1992), pp. 281-313.

⁴⁹ See J. I. Catto, "Theology and Theologians 1220-1320," in J. I. Catto, ed. *The History of the University of Oxford*, Volume I, *The Early Oxford Schools* revised (Oxford: Clarendon Press, 1986), pp. 471-517; William J. Courtenay, "Theology and Theologians from Ockham to Wyclif," in J. I. Catto, Ralph Evans, eds., *The History of the University of Oxford*, Volume II, *Late Medieval Oxford* (Oxford: Clarendon Press, 1992), pp. 1-34; J. I. Catto, "Wyclif and Wycliffism at Oxford 1356-1430," in J. I. Catto, Ralph Evans, eds., *The History of the University of Oxford*, Volume II, *Late Medieval Oxford* (Oxford: Clarendon Press, 1992), pp. 175-261; J. I. Catto, "Theology after Wycliffism," in J. I. Catto, Ralph Evans, eds., *The History of the University of Oxford*, Volume II, *Late Medieval Oxford* (Oxford: Clarendon Press, 1992), pp. 263-

Paris, however, the nations at Oxford were not as important. The statutes of Nicholas of Tusculum are the first mention of a chancellor, the officer in charge of the university. Initially the chancellor was appointed by the Archbishop of Lincoln, but rather quickly, the masters began electing one of their own to the position, who was then, usually, confirmed by the bishop.⁵⁰ It, too had to struggle to establish autonomy, in this case from the Archbishop of Lincoln who usually attempted to exercise control or at least influence.⁵¹

MEDIEVAL AND MODERN UNIVERSITIES: A COMPARISON

Thus we come to the second question: How do modern universities compare to their medieval counterparts? Have we learned any lessons, or perhaps forgotten a few?⁵²

The medieval universities were first and foremost guilds, as mentioned above—guilds of masters, such as at Paris and Oxford, or guilds of students, such as at Bologna, which provided the model for most universities south of the Alps, and which set fees, times of lectures, fines for lectures going overtime, and so on. In neither case was it the “administration” who set the tuition and such. In fact, it can be argued that there was no such thing as an “administration” or bureaucracy in a medieval university outside of the elected officials who were also actively teaching as well.⁵³ In modern American universities, although the faculty may be unionized, and although in some

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⁵⁰ Cobban, *The Medieval Universities*, pp. 102-103. Cobban notes on p. 104 that compared to the chancellor of the University of Paris and the rector of the university of Bologna, the chancellor of Oxford had greater power and influence.

⁵¹ See Cobban, *The Medieval Universities*, p. 103. Cobban notes that by 1395 Oxford had gained its freedom from local episcopal interference. In addition, see, for example, C. H. Lawrence, “The University in State and Church,” in J. I. Catto, ed., *The History of the University of Oxford*, vol. I, *The Early Oxford Schools* revised (Oxford: Clarendon Press, 1986), pp. 97-150.

⁵² This comparison is by no means exhaustive, and there are certain points I will not be addressing for the sake of time and space. There are many comparisons between medieval and modern universities, including the following: Cobban, *Universities in the Middle Ages*, pp. 31-32; William J. Courtenay, *Schools and Scholars in Fourteenth-century England* (Princeton, N. J.: Princeton University Press, 1987), pp. 23-24, but passim, to p. 55; Leff, *Paris and Oxford*, “Introduction,” pp. 1-11 passim; Cobban, *The Medieval Universities*, pp. 35-36; 235-237. My comparison is based loosely on these.

⁵³ See, for instance, Cobban, *The Medieval English Universities*, p. 8. Such bureaucracies did tend to evolve later on, however, but still not to the extent of today’s university bureaucracies.

respects the degree requirements and such still parallel a guild sort of structure, nevertheless, neither the faculty nor the students are legally “guilds” which set tuition, salaries, etc., but rather the administration or the board of regents or trustees do so. Although faculties have reasonably clear control regarding their classes, faculty controls little else, including over control of their evaluations as faculty. In fact modern universities tend to be “top-heavy” with administration as opposed to faculty (a lesson obviously not learned from medieval universities!). Regarding requirements for degrees and the like, the modern university sets those, in general, but accrediting agencies, i.e., those agencies that certify whether a university is a fully accredited university and thus whether the degrees are valid or not, exists apart from the university. In fact it is accreditation that makes the degrees valid for teaching everywhere, and on the graduate level is thus comparable to the medieval *ius ubique docendi*. The difference in the modern case versus the medieval case is clear: a modern Ph.D. from an accredited institution is recognized by other institutions when looking for an academic teaching or research position, whereas such was not necessarily the case in medieval universities, which, as noted above, would not always acknowledge the *ius ubique docendi* from another university.⁵⁴

As corporations or guilds, the medieval universities were technically autonomous, and yet nevertheless had to struggle to make that autonomy a reality. Some medieval universities, like Paris, arose out of older cathedral schools, while others, like Oxford possibly arose out of older town schools, and were not based on a cathedral school foundation, but were nevertheless tied to the church, more specifically, the local bishop (In the case of Oxford, the Bishop of Lincoln often claimed authority). Often it was the case when a university made a move toward autonomy, the goal was to be free of the supervision of the local bishop, and to obtain such freedom the masters would turn to both the papacy and the royal authority.⁵⁵ Thus, interestingly enough, the university tended to use the papacy and privileges granted by the pope to offset the power of the local bishop (in return for which, the papacy expected to have graduates to fill ecclesiastical administrative positions). Moreover, papal approval and the license to grant the *ius ubique docendi* became significant regarding official recognition as a *studium generale*. Nevertheless, in order to enforce papal decrees, the university generally had to turn to royal authority, which would in turn expect something in return (graduates to fill employment slots). This was a very symbiotic relationship, to say the least.

Moreover, due to the importance of universities to the crown in particular, the universities often fought with townsmen over control of rents, food stuffs, and the like. Indeed, in the case of Bologna, the student guild had

⁵⁴ Supra note 24.

⁵⁵ On the issue of privileges, see Kibre, *Scholarly Privileges*; Cobban, *The Medieval Universities*, pp. 81-93 for Paris; 102-104 for Oxford, and pp. 177-182; Cobban, *The Medieval English Universities*, pp. 274-299.

to fight for autonomy from the commune of Bologna, as opposed to the bishop.⁵⁶ Ultimately when the battles were severe enough, the crown would be forced to step in, and usually decided in favor of the university, and step by step through royal privileges, the universities gained a great deal of control over markets, rents, and such, usually to the town's disadvantage.⁵⁷ The modern university in America usually has no such influence over markets, rents and such, although there is nevertheless quite a beneficial economic impact on the town or city. Moreover, concerning privileges in general, most modern universities, with the exception of some private Catholic colleges, do not have privileges granted to them.

In the modern world, some universities have religious foundations, in which in America they are known as "private" schools due to the fact that the majority of their budgets come from student tuition and private donors, but most universities have public or state foundations, in which case they depend on state legislatures and board of regents for their budgets (which includes faculty salaries), as well as student tuition. In either case, however, faculty and staff salaries are set by the administration of the schools, not by the faculty themselves, and student tuition and increases are also set by the administration, board of trustee or board of regents, not the students. States schools, although relatively autonomous, have exchanged the authority of the local bishop of the medieval schools for the board or regents or state legislatures of the modern schools as "overlord," which means they have no one higher to appeal to if disaffected (whereas the medieval schools could at least appeal to the pope or royal authority). There are also very few, if any, "privileges" granted by the state or federal government to the university. Religious schools, however, still find themselves under some sort of religious authority, and in the case of Catholic schools, that authority in some cases is the local bishop, and also the papacy (for those school granting the papal licentiate), the latter of which has attempted in the past two decades to reassert loyalty to the Magisterium for those teaching Catholic theology in particular.⁵⁸

⁵⁶ See J. K. Hyde, "Commune, University and Society in Early Medieval Bologna," in John W. Baldwin and Richard Goldthwaite eds., *Universities in Politics: Case Studies from the Late Middle Ages and Early Modern Period* (Baltimore: The Johns Hopkins Press, 1972), pp. 17-46; Cobban, *The Medieval Universities*, pp. 48-59; Cobban, *Universities in the Middle Ages*, pp. 8-11; Rashdall, *Universities of Europe in the Middle Ages*, I, pp. 142-175.

⁵⁷ See Cobban, *The Medieval Universities*, pp. 81, 90-91; on the progress of the movement to the sphere of the king at Paris, 94-95; Cobban, *The Medieval English Universities*, pp. 257-274; Kibre, *Scholarly Privileges*; (concerning Oxford) Hackett, "The University as a Corporate Body"; R. L. Storey, "University and Government 1430-1500," in *The History of the University of Oxford*, vol. II, edited by J. I. Catto and Ralph Evans (Oxford: Clarendon Press, 1992), pp. 709-746.

⁵⁸ See, for example, John Paul II's apostolic constitution, *Ex Corde Ecclesiae*, translated as *On Catholic Universities* (Washington, D.C.: United States Catholic Conference,

A further comparison between the medieval and modern universities includes methods of instruction and curriculum. In medieval universities, instruction was in Latin, as were the texts, and the method of instruction was primarily lecture (ordinary and cursory) on a prescribed set of texts. In the Arts faculty, through which all had to pass before going on to study in the higher (i.e., graduate) faculties of theology, Roman and or Canon Law, and medicine⁵⁹, the texts were primarily those of Aristotle, particularly those texts pertaining to logic and natural philosophy (i.e., what we call science today), and the curriculum was loosely based on the seven Liberal arts, the Trivium (Grammar, Rhetoric and Logic) and Quadrivium (Arithmetic, Geometry, Music and Astronomy).⁶⁰ In the graduate faculty of Theology, the primary texts on which the students heard and gave lectures were the Bible and the *Sentences* of Peter Lombard. The scholastic or *quaestio* method was also part of this method of teaching. This method is one in which a question is posed, authorities lined up for and against, and then the author proposes a resolution to the question, along with responses to the objections. This method allowed for the systematic assimilation of a great deal of material in what was considered then to be the most convenient or even logical method. It was developed first by Gratian and Abelard, and subsequently was adopted by Peter Lombard in his writing of the

2000), and Joseph Cardinal Ratzinger (now Benedict XVI), *The Nature and Mission of Theology: Essays to Orient Theology in Today's Debates*, trans. Adrian Walker (San Francisco: Ignatius Press, 1995), especially "On the Essence of the Academy and Its Freedom," pp. 31-41. At my own university, the theologians and religious education instructors freely take the oath to the magisterium, although such is not necessarily the case at other Catholic universities.

⁵⁹ Note that there were only four higher faculties (as compared to modern universities), but they were nevertheless what was important to the society at the time, and not irrelevant at all.

⁶⁰ For more on the curriculum, see Leff, *Paris and Oxford*, pp. 116-184; Grant, *God and Reason in the Middle Ages*, pp. 115-282; Verger, *Men of Learning*, pp. 15-30; Colish, *Medieval Foundations*, pp. 265-351. For Oxford, specifically, J. M. Fletcher, "The Faculty of Arts," in J. I. Catto, ed., *The History of the University of Oxford*, Volume I, *The Early Oxford Schools* revised (Oxford: Clarendon Press, 1986), pp. 369-399; P. Osmund Lewry, "Grammar, Logic and Rhetoric," in J. I. Catto, ed., *The History of the University of Oxford*, Volume I, *The Early Oxford Schools* revised (Oxford: Clarendon Press, 1986), pp.401-433, and several other articles in volume II, in addition to the ones already listed in previous notes.

Note, too, that in the medieval conception of the liberal arts as studied in the university, the "Humanities" such as history, literature and poetry play little to no role, although they were important in the Renaissance of the Twelfth century. Again, compare the trend with today, wherein the liberal arts, a.k.a. Humanities, are being squeezed out in favor of more practical studies (see the discussion below).

Sentences which became one of the two primary theology texts upon which everyone had to comment in Theology, the other text being the Bible. Examinations for degrees at all levels were done orally, through determinations or debates, which were open to the public, and to questions from the public. The degrees awarded were bachelor of arts, and master of arts, then on the graduate levels, bachelor and master of Theology, etc., in which case “master” was interchangeable with “doctor.”⁶¹

In modern universities, while lectures are still an important form of instruction, there are also different methods for different disciplines, and there are many “majors” or fields in which a student can concentrate, both at the undergraduate and graduate level. The texts are not usually a prescribed list, and professors have the freedom to choose various texts for their courses. Examinations at the undergraduate level are usually written, and in most disciplines, a bachelor’s thesis is required to complete the degree, but not usually oral exams at the bachelor of arts or science level. On the graduate level, one not only writes a thesis or dissertation, but also does some form of written comprehensive examination, and an oral defense of the dissertation, and sometimes for the comprehensive exams. The oral defense of the dissertation is at some universities open to the public, though may be not well attended, and the public are not necessarily allowed to pose questions to the dissertator. Degrees awarded on the graduate level are the Masters and the Doctor of Philosophy, obviously based on the medieval degrees, but now master and Ph.D. are two separate degrees, the masters being the lower of the two.

Students in medieval universities were male, usually of the lower or middle class and dependent upon a patron (e.g., the Church or a bishop, royal authority, etc.), parent or guardian for the resources to obtain a degree⁶² (although from the 15th century universities became more dominated by the aristocracy⁶³). They entered the university at around 14 years of age with an adequate knowledge of Latin and basic education already completed.⁶⁴ Most students had clerical status as well (lower orders), which afforded them the privileges of clergy, particularly not to be tried in civil courts should something arise (the town-gown battles of the middle ages were famous). At Bologna, although most students were laymen early on, the *Authentica Habita* gave even lay students an elite status, and made them theoretically untouchable by civil authorities. This was also meant to be a form of protection for foreigners studying at universities, who, once they left their own areas, had unfavorable

⁶¹ Leff, *Paris and Oxford*, p. 52.

⁶² Cobban, *The Medieval Universities*, p. 166.

⁶³ Cobban, *The Medieval Universities*, p. 167.

⁶⁴ See, for example, Rashdall, *The Universities of Europe*, III, pp. 341-353.

status in new areas.⁶⁵ Having clerical status also usually meant some sort of financial support as well through a church benefice, although it was the masters who generally benefited more in terms of benefices. If any lacked that support, as clerics, they were allowed to beg for alms as well. That most had clerical status, or obtained similar status by becoming university students, gave them an elite status within society, and afforded them not only the protection of the church, but of royal authority as well, which is another reason both the Church and government had a stake in university education. It also, meant, however, that the students might feel free to cause a ruckus in a tavern, or a riot, and could not be prosecuted by the town. Student behavior was by no means stellar, clerical status or not. They often took advantage of their elite status to avoid civil criminal prosecution on any number of offenses.⁶⁶

In contrast, most universities in America are coeducational, students enter at 18 years of age (although there are more and more “non-traditional” students), after taking a form of entrance exam, and ideally, having obtained a certain grade point level in secondary education attesting to the fact that the students, in theory, are prepared for university study. In theory. Moreover, all teaching is done in the vernacular of the country, so there is no need to know another language (unless one studies in a different country, of course). Also, these days in America it is assumed that most students who complete a secondary education will enter the university because most jobs require some sort of post-secondary degree. Such was not necessarily the case in the middle ages, nor is it the case in many European countries today. Also, the great majority of students are lay people today and thus have no special privileges under the law, and even those who have clerical status will be judged by civil or criminal courts if crimes occur. Town-gown battles, however, with some exceptions (in the past politically motivated, such as during the Viet Nam war, but now usually students celebrating after some sort of sports victory or title) are mainly a thing of the past.

Medieval universities initially had very few, if any, buildings associated with them, and very little endowment. In other words, they were not wealthy institutions, and until the advent of the colleges, had little endowment associated with them.⁶⁷ There were no libraries in the modern sense (students

⁶⁵ See Cobban, *The Medieval Universities*, pp. 48-49; Kibre, *Scholarly Privileges*, pp. 7-17.

⁶⁶ Rashdall, *The Universities of Europe*, III, pp. 353-376; 427-441; Colish, *The Medieval Foundations*, p. 271; Lawrence, “The University in Church and State,” pp. 143-150; see also, J. I. Catto, “Citizens, Scholars and Masters,” in J. I. Catto, ed., *The History of the University of Oxford*, Volume I, *The Early Schools*, revised (Oxford: Clarendon Press, 1986), pp. 151-192 on the lives of students.

⁶⁷ On colleges, see Cobban, *The Medieval Universities*, pp. 122-159; Cobban, *The Medieval English Universities*, pp. 111-160; (for Oxford) J. R. L. “The Early Colleges,” in J. I. Catto, ed., *The History of the University of Oxford*, Volume I, *The Early Schools*,

who could afford it would have copies made of the books for their lectures, although when colleges were founded they often provided libraries for their students), Masters would rent a room to teach, for example, and students would rent housing in the towns. This actually gave the masters an advantage in that if the town refused to give some concession, the masters would simply pick up and leave, which in fact happened on a few occasions, such as the Parisian strike of 1229. It would not be until the advent of “colleges” in the twelfth, which were founded to provide poor students with a place to stay, and eventually to give masters a regular place to teach, that buildings became more associated with the university, and indeed, the college structure would come to dominate the university in the late Middle Ages.⁶⁸ Once buildings made the university more of a permanent entity, so to speak, it was much more difficult for the masters to strike and move to another town to set up shop.

Today, although there are “on-line universities” with “cyber instruction,” most universities are known for their buildings, libraries, student centers, cafeterias, recreational and sports facilities, and dormitories, and large endowments, all of which was alien to most of the medieval universities. Colleges still exist in modern American universities, usually as divisions within universities (such as “the College of Arts and Letters”), but they do not necessarily serve the same function of providing room and board in the modern universities (although usually each college will offer some form of scholarship money), rather, they are usually administrative in function.

Concerning the faculties themselves, in medieval universities, as mentioned earlier, the masters were a mobile, fluctuating lot. There was no such thing as a professional academic class as today. Masters in the middle ages were required to teach for two years (their regency) before moving on to another job, usually in civil or ecclesiastical administration. Often a master of arts would serve his two-year regency while at the same time taking courses in a higher faculty such as law or theology. It was rare for a regent to stay more than two years in a faculty, at least until endowed lectureships came into being, although there were some exceptions to this.⁶⁹ Publishing one’s work was important for making a name for oneself in order to bring oneself to the attention of possible

revised (Oxford: Clarendon Press, 1986), pp. 225-263; T. H. Aston and Rosamond Faith, “The Endowments of the University and Colleges to circa 1348,” in J. I. Catto, ed., *The History of the University of Oxford*, Volume I, *The Early Schools*, revised (Oxford: Clarendon Press, 1986), pp. 265-309, and other articles in the two volumes of the *History of the University of Oxford*.

⁶⁸ Cobban, *The Medieval Universities*, pp. 122-159; Cobban, *The Medieval English Universities*, pp. 111-160.

⁶⁹ See, for instance, William J. Courtenay, “Paris at the Time of Buridan,” pp. 16-17; Courtenay, *Teaching Careers*.

patrons. The importance of patronage to students, particularly not only to obtain funds for study, but to obtain employment once one left the university, is exceedingly important.⁷⁰ The situation today is considerably different. Ideally, for example, one who obtains a Ph.D. in history hopes then to secure a permanent academic job, and might move to another institution in order to improve standing or salary. Also, quite often today, in order to obtain a permanent, tenured position, one has to publish quite a bit, which means less time concentrated on teaching and more time on research at some, though not all universities.

Naturally one must consider the issue of academic freedom, an exceedingly important topic to most moderns. Most modern academics want to be free of any secular or religious control over what they teach their students, or publish for their peers, even at universities with religious foundations. Liberalism (in the sense of an ideology to the left of the spectrum) and “political correctness” are the order of the day in most universities, though not my own, which is a private Catholic university which accepts the *mandatum*, and in which all theologians and those teaching religious education freely take an oath to the magisterium of the Catholic Church.⁷¹

In the universities of the Middle Ages, due not only to the prescribed texts, but also the acceptance of the Bible and a higher sacred truth, conservatism was generally the order of the day. Moreover, even with the texts of Aristotle, where they contradicted sacred truth, it was expected that sacred truth as then understood by the church hierarchy and the majority of theologians, would take precedence. This did indeed cause conflict, for the works of Aristotle and his Arabic translators and commentators through whom the West regained knowledge of Aristotle in the twelfth century, unlike what little the West knew directly of Platonism, often called some sacred truths into question, such as the creation of the world. Many of the Arts masters wished to pursue these issues on Aristotelian terms, and some of them thus stepped into the territory of theology, as opposed to natural philosophy (what we call science today), which the theologians objected to. This, in the context of the middle ages, required a response, which first early in the thirteenth century at

⁷⁰ William J. Courtenay has done significant work on this issue at Oxford, in *Schools and Scholars*, especially pp. 118-146 (see esp. note 1 on page 119 for other historiographical sources on patronage), but also in *Teaching Careers at the University of Paris in the Thirteenth and Fourteenth Centuries*; and William J. Courtenay, *Parisian Scholars in the Early Fourteenth Century: A Social Portrait*, Cambridge Studies in Medieval Life and Thought Series (New York: Cambridge University Press, 1999). Alexander Murray, *Reason and Society in the Middle Ages* (Oxford: Clarendon Press, 1990; originally published 1978), pp. 213-233 and 302-314.

⁷¹ As a private institution controlled by Franciscan T.O.R.s, the president (a T.O.R.) can and does insist upon this, and anyone who wants to work there in theology knows this going in. See also supra note 58.

Paris when certain Aristotelian books were proscribed. Later in the thirteenth century, the bishop of Paris, Etienne Tempier issued a condemnation of 217 predominantly Aristotelian propositions in 1270 and 1277, which was followed by a similar condemnation at Oxford by Robert Kilwardby.⁷² The impact of Aristotle was tremendous, both for the study of natural philosophy and the beginning of science, but also because it caused the church (via theologians, as well as philosophers) to examine its own beliefs.⁷³ Moreover, while there was indeed a reaction against Aristotle, what this led to after the Condemnations of 1270 and 1277, somewhat ironically, was a purer use, albeit more limited, of Aristotle in philosophy and theology in the fourteenth century, but also to a more speculative theology that considered “what ifs” in light of church teachings, rather than simply stating what was believed.

One could nevertheless say, however, that the Catholic Church, due to its belief in a body of absolute truth of which it saw itself as the protector, did “censor” certain aspects of thought, although given the historical context, it would have been odd if they had not done so. This is not to say that some theologians or philosophers did not stretch the limits of orthodoxy, because some did in fact take controversial stands not simply for the sake of argument, but as a way of drawing attention to oneself, ideally with the hope of attracting a patron, not to come under suspicion of heresy.⁷⁴ Moreover, it should be noted that even when an academic was brought up on charges of heresy, most of them recanted, and thus their academic careers were not lost, nor even their future positions in the church.⁷⁵ In addition, with the rise of universities the guilds of regent masters took over the “policing of academic orthodoxy.”⁷⁶ Academic

⁷² There is a great deal of historiography on this issue, but for the purposes of this paper, see William J. Courtenay, “Inquiry and Inquisition: Academic Freedom in Medieval Universities,” *Church History* 58.2 (June, 1989), pp. 168-181 at 173, accessed through www.jstor.org on 10 June 2005; Edward Grant, “The Effect of the condemnation of 1277,” in Norman Kretzmann, Anthony Kenny and Jan Pinborg, eds., *The Cambridge History of Later Medieval Philosophy* (New York: Cambridge University Press, 1982; pbk. 1988), pp. 537-539.

⁷³ This topic is covered in numerous texts and monographs. An interesting recent account by a non-medievalist and non-philosopher/theologian is Richard E. Rubenstein, *Aristotle’s Children: How Christians, Muslims, and Jews Rediscovered Ancient Wisdom and Illuminated the Middle Ages* (New York: Harcourt, Inc., 2003).

⁷⁴ See Courtenay, *Schools and Scholars*, p. 47; Courtenay, “Inquiry and Inquisition: Academic Freedom in Medieval Universities,” *Church History* 58.2 (June, 1989), pp. 168-181, accessed through www.jstor.org on 10 June 2005; J. M. M. H. Thijssen, *Censure and Heresy at the University of Paris 1200-1400* (Philadelphia: University of Pennsylvania Press, 1998) on this issue.

⁷⁵ Courtenay, “Inquiry and Inquisition,” pp. 172-173.

⁷⁶ *Ibid.*, p. 173.

heresy is an issue of an academic body policing its members, which still occurs in modern universities, albeit under a different master, so to speak.

In modern thought, at least certainly in America, most subscribe to a form of relativism in which there is no such thing as absolute truth or sacred truth, and materialism, which eschews anything of the spirit. The only truth that is worth believing, some hold, is scientific truth, and then it is not a matter of faith, per se, as it is merely accepting the facts of physics, geology, etc. Learning is not at all based on a set of prescribed texts, except at a few Catholic schools and possibly some seminaries. Learning in much of education is secular in nature, with an active hostility not simply to anything religious, but chiefly and specifically Christian. To teach from an Islamic or Buddhist perspective is fine because it does not threaten the line between church and state. To teach from a Christian perspective is virtually outlawed in public universities in America because it is often viewed by secularists as violating the boundary between Church and State in the U.S. constitution.⁷⁷ Moreover, modern academia still has a way of censoring itself, which should not be lost on us. Instead of the church questioning one's teaching for religious heresy, it is modern academics who censor each other, particularly when someone develops an idea that contradicts accepted views. In such instances, instead of being brought up on charges of heresy, modern academia simply refuses to publish one's article, refuses a person tenure, or takes other measures to stop or marginalize someone's academic career, which, in some cases, is arguably much harsher punishment than that meted out by medieval academic authorities.⁷⁸

⁷⁷ When I was at the University of Colorado in Boulder, there was a group on campus agitating against the History of Christianity course because it was taught by a Christian. It would have been fine if a Buddhist or Muslim taught the History of Christianity, because that somehow made them more "objective" regardless of how much of their own belief system would have affected the course.

⁷⁸ The example of Jerry Siegel vs. Hans Baron concerning Renaissance Civic Humanism is a case in point. Baron was an important and respected scholar of the time (20th century), Siegel a young scholar who challenged Baron's views on Civic Humanism (see J. Siegel and Hans Baron on Civic Humanism in *Past and Present* vol. 34 (1966) and vol.36 (1967)). Ultimately, Siegel was forced to change his field in order to remain in history. Another example closer to (my) home, is that of a colleague attempting to publish his book. Although well documented, his thesis contradicted most of what American historians would allow on a certain subject. The reviewer, a member of the dominant point of view, asked for changes that would, in effect destroy my colleague's thesis and bring it in line with the dominant view. He refused to make the changes, and as a result, his book has not yet been published. Yet a third example is that of Bruce Lipton, Ph.D., formerly a tenured professor at the University of Wisconsin-Madison School of Medicine, who chose to leave the position to pursue his research which contradicted some dearly held theories in biology (see his autobiographical account in *The Biology of Belief* (Santa Rosa, CA: Elite Books, 2005).

It should also be noted that in the modern university, both the faculty and the curriculum are under increasing pressure to respond to the demands of business and government, as well as social and political pressures and trends. Consider, for instance, that the modern liberal arts curriculum⁷⁹ is given increasingly less emphasis and funding than other disciplines such as business and scientific research funded by the government. Moreover, even within the liberal arts curriculum, more traditional courses such as Western Civilization are receiving less emphasis as universities (and Education programs within universities) in favor of “World Civilization” courses. Modern universities are forced to respond to social and political changes in society by offering more multi-cultural or “diversity” centered courses, and doing so in a “politically correct” manner. Again, one must ask whether modern universities are in any significant sense any more autonomous than their medieval predecessors.

LESSONS LEARNED OR LOST?

Our modern university system is based on these three great medieval universities⁸⁰ and while there are similarities between the medieval and modern university system, the differences tend to separate us more than the similarities unite us, however, particularly when comparing the American system with the medieval.⁸¹

Despite the fact that the universities of the Middle Ages are the ancestors to our own universities, some might question whether there are really any comparisons to be made between them, especially since the American system might seem so different (as opposed to the still existing universities of Oxford, Paris and Cambridge). Nevertheless, I think it is fair to say, based on my above comparison and contrast, that the similarities and difference between the medieval and modern American system are worth examining, particularly with regard to the relationship between education, religion and government.

As noted above, the relationship between religion, education and government was exceedingly close in the Middle Ages, which was not without its benefits as well as disadvantages. Since it was via monasteries and later cathedral schools that education was kept intact throughout the early Middle Ages, when the universities were founded, most of them had very strong ties to the local ecclesiastical official or town, which often tried to control the schools.

⁷⁹ Interestingly however, the modern conception of the “liberal arts” is more the Renaissance humanist conception centered on the humanities rather than the medieval conception centered on the seven liberal arts, which included the sciences.

⁸⁰ Cobban, *The Medieval Universities*, p. 36.

⁸¹ As opposed to comparing the modern European system to the medieval, out of which the former arose much more concretely than did the American system.

In response, the universities sought autonomy, which the papacy was willing to aid in, but not necessarily altruistically—it would give the papacy more authority to have the schools in debt to it, and also, again, the papacy increasingly needed qualified individuals, whether lawyers, theologians or doctors of medicine, to fill slots in its expanding bureaucracy. In a similar matter, it benefited the royal authorities, too, to foster the universities, not simply as a matter of influence, but also to obtain professionals forever-growing bureaucracies. Today, the government still plays a role in education through funds it guarantees for student loans and research, in return for which there are regulations to which universities must comply.

Concerning the similarities and differences, let me look at structure, function or purpose, and availability of education in order to further examine lessons that might have been learned or lost. Concerning structure, there remain nominal correlations: there are undergraduate and graduate programs, degrees offered include the bachelor of arts, master of arts and doctorate. However, in the medieval system one had to first obtain of Master in Arts before going on to work in the higher faculties, where one would again go to bachelor (of theology, law, medicine) before going on for Master (doctor) of Theology, Law and medicine. In the modern system, one does not necessarily in graduate school obtain another bachelor's, and the masters and doctorate are separate degrees in whatever field of study.

The function of the universities are also similar, broadly speaking, in that whether medieval or modern, universities are schools which prepare one for a future job, with the hope of attaining a job upon graduation. The function is similar, though the universities serve different masters: in medieval universities, most students were male and clerics (at least in lower orders), looking for ecclesiastical or royal positions. Modern students are male and female and lay, not necessarily religious, even at private universities, and are seeking an education that will lead them to employment. What was taught in the medieval universities, especially the liberal arts, philosophy, law and theology as well as medicine, was what was useful at the time for obtaining positions with the largest employers of the time: the church and government. The needs of both could be satisfied by the type of education the medieval university offered. Today, what is taught is largely what is useful for obtaining employment with the largest number of employers: no longer only government and church, but a huge variety of occupations, in business, elementary and secondary education, corporations, health care, etc. Moreover, in America, theoretically an undergraduate education provides education in the liberal arts, but also in whatever field (“major”) in which one would like to obtain a job. Today, many universities seem to be abandoning the “Liberal Arts” (a.k.a. humanities), and centering rather on business and science, which, interestingly, correlates more with the medieval system in a broad sense of “Seven Liberal Arts.” A lesson learned?

Concerning both function and availability of education, in modern universities, education is seen as the great democratizer, available to anyone

regardless of social standing, due to scholarships, grants, student loans and such; whereas the medieval university, although not dominated by aristocrats until the fifteenth or sixteenth centuries, was not nevertheless open to the poor until the college movement provided room and board for poorer students, which began in the late twelfth century. However, once there, seeking patrons and a future position did allow for some social mobility.

In conclusion, it can be argued that the general function of the modern university remains that of the medieval: professional training for an occupation once the degree or degrees are obtained. It seems that the modern American idea that education is “the great democratizer” is also a lesson that began with the medieval schools, and in effect, culminated in the American system.⁸² It is arguable that the universities, both medieval and modern, except for certain lofty pursuits (in the Middle Ages, theology and philosophy, in the modern world, theology, philosophy and, say, theoretical mathematics or physics), were not intended to be “ivory towers” full of scholars unconcerned with the world around them, but rather, they served a valuable purpose for society at large.

⁸² Though not necessarily the European system.