Objectives of the Course

"The recognition of the importance of history is certainly essential in dealing with an educational institution. One is always living with the history of that institution.... George Orwell...is clearly right in arguing that the purposeful rewriting of history is one of the most dangerous acts that men can do to each other.... But it is also true that, as we do not know what actually happened in any situation in the past, we are constantly in the position of having to rewrite history. By that I mean that we must reinterpret the meaning of what has happened. For one thing, we must keep our eyes open for any new evidence that would bring us closer to the actual events of the past. But equally, we must seek to find out what people thought of those events and what their reactions can mean to us today. In other words, we must be in a constant process of reevaluation."

It is an objective of this course to understand some history of university governance, both external and internal, by studying the earliest forms of the university, including something about the context of the first institutions, the evolution of early governance patterns, the transfer of the customary law of university governance to this country, its evidence, challenges, responses and some current results. This course is a look at legal formulations and their evolution, not a social or even educational history of universities. We will attempt to evaluate how governance forms and their evolution have and still effect institutions of higher learning and two of their most important characteristics, autonomy and university governance.

"Maitland called the twelfth century 'a legal century'. It was more than that: it was the legal century, the century in which the Western legal tradition was formed.... The emergence of modern Western legal systems in the late eleventh and twelfth centuries was closely related to the emergence of the first European universities." H. J. Berman, Law & Revolution.
Please keep a reading log of your readings in the text and the reserve materials. Bring two copies of a page of analysis and questions to each class until further notice. Be prepared to share these readings with the class or with a small discussion group. Please also contribute terms to the glossary from time to time.

Papers and Reports


2. Short papers on a minor medieval university or an aspect of a major university due: February 2. (Oral and written)

3. Edinburgh or Geneva group reports: March 2.

4. Subject for major paper due: March 9 (must be approved). Subject can be approved earlier.

5. Oral reports on major papers: April 20 and 27.

NO FINAL EXAM

Texts

Bender, Thomas, ed., The University and the City: From Medieval Origins to the Present, Oxford University Press, 1998.
Cobban, A.B., The Medieval Universities, at IKON.

Additional References

DeRedder-Symoens, A History of the University in Europe Vol. I.
Reynolds, Susan. Kingdoms and Communities in Western Europe.
Speculum (Journal).

Topics for Discussion
I. Introduction


II. Handout, "Some Legal History of University Origins."

III. Berman & Reynolds

IV. Bologna; Student Rights or Privileges

Cobban, pp. 48-74; 163-195; Rashdall on Bologna, and III, Chap. XIV.

HAND IN SUBJECT FOR PAPER ON LESSER MEDIEVAL UNIVERSITY OR AN ASPECT OF A MAJOR MEDIEVAL UNIVERSITY

Aspects include: scholarly privileges, the guild system, the monastic impact, early internal courts, officers of an early university, fees and payments in the early university, town-gown relations, charter, constitution and statutes, corporate form, governance structure. "Aspects" could also be term paper subject.

V. Paris; the Academic Community

Cobban, 75-95; 196-217; Rashdall on Paris

HAND IN GLOSSARY DEFINITIONS

VI. Oxford-Cambridge; Collegiate Life; Society

Cobban, 96-114; 218-235; Rashdall, Vol. III

VII. The University and the City

Joint reports on Edinburgh and Geneva; comparison with original universities. HAND IN SHORT MEDIEVAL PAPERS; Dalzel; Bender.

VIII. The University in the New World

Herbst, 1-128

IX. The Birth of the American University; Definition by Conflict

Herbst, 143-243

X. The Constitutionally Autonomous Public University
XI. Summary and Conclusion; REPORTS ON FINAL PAPERS
Also Recommended:


