

The *Studium* of Habsbourg.
University of Pavia between Charles V and Joseph II

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As the only University institution in Lombardia until contemporary age, the *Studium Papiensis* represented for the Habsbourg family a power which surpassed the cultural field. The Habsbourg family supervised, since its origins, the evolution of the University of Pavia, which held a strategic place within the process of constitution of the *élites* of northern Italy, that belonged to the Spanish empire first and to the Austro-Ungaric empire afterwards. The University of Pavia went through all the mutation features that every university institution in Europe had gone through (new foundations, autonomy decline and the creation of new religious colleges such as those of the Jesuits; changes in the social recruitment and in its openings; disorders in the inner organization, a widening process within the university teaching schemes; alternative solutions and reforms, special professional schools, the decline of the wandering process and the success of the *grand tour*), holding during the *ancien régime* the only academic official institution and the glamour of the crowns of Spain and Austria. Within the courts of Madrid and Wien the management of the University of Pavia has always been related to political and administrative choices, either delegated to the senate of Milan or clearly administrated from the kings. Pavia has never represented an isolated phenomenon, but took part of the complex scheme of the other European Universities which developed between the XVI and XVIII century, such as Alcalá and Salamanca in Napoli, Messina and Catania, in Wien and Innsbruck. On the contrary, the government officials haven't always had the same behaviour towards the Universities of the same State: it is very well known the case of the viceroy of Sicily De Vega, that at the beginning of the XVII century, described the of Pavia's University as an industry of academic, empty titles against the privilege and glamour of the University in Messina.

Nevertheless, going back to the history of such a University, doesn't only mean finding the most important episodes which deeply effected the existence of the institution itself, reacting to the eminent religious changes (the reforms, for instance), the social and economic happenings (ploughs, famines, wars...), but it means looking carefully at the undertaking of the "University People" that acted regarding the inner and external organization of each State. On the ground of the Po, the Asburgic monarchy, within the two branches that ruled the Iberian island, gave a

great example of a conjunction between University, power and society. If during the Spanish reign the University went through a mere surviving process, the Austrian reign will see the University gaining, once again, its central role as a formative institution.

Few years before the opening of the Council in Trento, in 1541, Charles V issued the *Constitutiones domini Mediolanensis*, which established the Senate of Milan as the new chief of the University. From this moment on, everything was to depend exclusively from an elective organ of the State, and the ancient system, which from the foundation of the Studio, almost two centuries before, gave to the duke the only right of any decision (nominations or firing of professors) was abolished. This event should be considered a real watershed of Pavia's academic process: as centre of imperial foundation and papal approval, the general management is now carried out from the local patriciates and the Spanish dignitaries of Milan's Senate. In the last decades of the XVI century Pavia's University started to decay: there was a decrease of both students and teachers within the Studio, and there was a general going back to the texts of the old editors. By that time foreigners stopped coming to Pavia to acquire a good culture. The Senate in Milan, which should have been a guide for the University, started to decay too. All the decrees issued for more than one century can witness such a decadence. Those decrees on University, that strike for their dryness of proposals, concern the inner discipline of the University, its rules, the activities of the lecturers, the concession of the Phd, students' behaviour, their poor interest in learning, all the abuses and disorders that can bother University life, and finally, all the crimes committed by the students during parties. A sanction is decreed for each guilt, for each abuse a punishment, but the situation does not change: the decrees are continuously issued and the more and more strict penalty show that things are always worsening. At a certain stage, during the XVII century, it seems that Pavia's University is still alive because someone or something has to provide its survival, and that its students are compelled to attend it, rather than suffering for the strong financial punishments that hang over those who do not agree with the system. The Senate promulgates many laws that aim to smooth University life, but they are only threatening laws for those who do not comply with the system (as the one that forces the students of the State to study in Pavia) and for those who keep behaving independently degrading the University itself. Anyway, in all these decrees, one can never find what is supposed to be on the top: a stimulus to a renewal of the studies according to the chronological evolution. The action of the Senate, in this specific case seems to be even negative¹.

A decree of April the 9th 1573 shows how the Senate in Milan cared very much about the simple problems of Pavia's University, such as the precedence of the University itself during

manifestations, regardless of the more important subjects as the renewal of the studies². According to this decree, in fact, the same reasons that made the Senate attribute to the foreign jurists' prior the first place in the public acts, right after University rector, push him, now, to attribute to the foreign artists' prior the first place in public acts after the rector of the faculty.

«Professores abstinere debere a cumulatione Doctorum recentiorum»: this decree of the Senate, dated 9 May 1591, seems to be extremely important for the interpretation of the historical moment in which it was issued, and in order to clarify the reasons of the decay of the same historical period. The action of the Senate regarding the University, which was under its supervision, is sometimes negative. The constant threaten of the strict penalties to the professors who did not agree with teaching measures, that had to avoid a general renewal that the greatest teachers such as Andrea Alciato were suggesting. This decree, stresses in its first part the strong compliance of the students towards their lecturers who dictate their lessons word after word, not only «sed etiam eadem singulis ... repetere soleant». Such a system could only increase careless students' laziness, and would at the same time be negative for those who were willing to learn. At the same time, in the second part of the decree, the Senate reveals a constant abuse of the teachers: «vel ambitiose, vel ut sibi ipsis suppellectilem ad praxis comparent», and forces to the use of old texts forbidding to add more recent notes and quotations. Such a decision was teke in order to «per non frastornare le orecchie degli studenti con cognizioni inutili». The decree ends with a clear threaten: those who will not comply with the rules will be victim of the Senate indignation and other punishments which will be inflicted.

In 1661 the professors of the University that were asked to submit their teaching programme stated that they would have been faithful to «longevae et inveteratae Ticinensis Gymnasii consuetudini» and to follow «suorum antecessorum ordinem, ab eorum vestigiis non aberrando nec deflectendo»; it was, no doubt, a homage to the fame of the ancient professors, and at the same time it was a sign of a stagnation in thoughts and research, and most of all a sign of acquiescence to the authorities which were the same of 1593³.

Pavia has by this time lost its supremacy of cultural formation, its one of the many cities of Lombardia, and keeps as a mark of the ancient splendour only the University, that – as we have seen before – must be submitted to a latent policy.

The XVII century does not bring anything good: Pavia is tormented by the plough, which throws into confusion the whole city and its institutions. On the 9th of December 1637, the Senate issues a decree «ne Lectores Gymnasii Ticinensis aliquod munus exercent», to establish

1 *Ordines Excellentissimi Senatus Mediolani ab anno 1490 ad annum 1639*, Milano 1743, p. 142.

2 *Ibidem*, pp. 94-95.

3 B. PERONI, *La riforma dell'Università di Pavia nel Settecento*, in *Contributi alla storia dell'Università di Pavia*, Pavia 1925, p. 122.

that the lecturers can not undertake any public job but must commit themselves as teachers only, if they do not want to lose their job and salary⁴. On the 4th of September 1638 the Senate promulgated several *Ordini per l'Università di Pavia* signed by Filippo Meda that mainly aimed to strengthen the University and to increase the number of students protecting those who desire to take advantage of their studies⁵. These rules concern more than anything else the prohibition for «Sudditi di questo dominio» to attend any other school than Pavia's, threatening with sanctions and punishments and stressing the fact that those who graduated outside Pavia could neither study for their Phd in Pavia nor work freely in it. The decrees clearly specify that no excuse will be considered not even if students prove they were forced to study outside Pavia «per altri esercizi». Nevertheless, those who want to graduate will have to be registered in a special book kept by the school-keepers, and not only once (in that case one registers once and then goes away), but every year in order to show clearly a continuous attendance. And the school-keeper will communicate to the *podestà* of Pavia, who has his own registration book, whether the student has diligently attended the school or not at the Studio. Nobody will be able to aim to a graduation unless he owns the penalty certificate that shows the behaviour of the student during the years. The decree stresses the subject of «spupillazioni», which seem to be real plunders against the students and their relatives visiting them, plunders that often cause disorders and consequently bring the parents to keep their children away from the university in Pavia, discrediting the University itself. The Senate threatens those who do not comply with the rules of imprisonment, and those who are simply suspected of «spupillazione» will be deported from the city. The Senate accepts secret informing and spying from whoever can help to unmask those who transgress. Indeed the ones that will help the Senate will be paid for their contribution with a third of the amount of the fine, and everything «sarà tenuto secreto, volendo». Being these laws very important the *podestà* owes to post up them in public places «e ciascun anno li faccia di nuovo pubblicare».

The laws issued in September the 4th 1638 were «ripetuti» in March the 1st 1651. After 13 years the text of the decree was still the same except some small changes: the possible punishments «la disgrazia di S. M. e scudi 400, d'esser ipso facto applicati al Fisco Regio»⁶. It is also said that those who «che sono sotto l'altrui potere» will not be the only ones punished, «ma anche quella persona che l'averà in suo potere e governo incorrerà nella pena di duecento scudi d'essere ipso facto applicato al Fisco, ed alla medesima pena saranno tenuti quelli che piglieranno Laurea dottorale in altra Università che in quel di Pavia».

4 *Ordines*, p. 269.

5 The decree of the Senate dated 4 September 1638 is published in *Ordines*, pp. 270-271.

6 *Ibidem*, pp. 306-307.

Genuary the 12th 1661, the situation of the Studio was still the same, and so on, April 22nd 1667 and November 16th 1670. The 15th of April 1679 a new edict which establishes first of all the validity of the decrees of 1651 and 1670, «che rimangono nel loro vigore e i trasgressori saranno esattamente puniti con le pene in essi contenute»⁷. Those who bother during classes will be forced to leave the city after lecturers' and school-keeper denunciation. Furthermore, the lecturers can lead to the graduation only the worthy students whose behaviour is really moral; they must witness they attended regularly all the classes and in case they lie they will be dismissed from the job. They lecturers are allowed to give private lessons to students, as far as these classes do not interfere with other lecturers' teaching. Finally, the decree stresses the fact that the school-keepers should have a certain attitude toward students and teachers, and that the *podestà* must, together with the bailiffs post up every year the same decree.

The educational colleges, that were developing during the second half of the XVI century, took particular advantage of the main points of these decrees. But, did the University feel the success it was going through? The well known Palatine schools represented the glamour of Milan and at the same time the shame of Pavia. As a matter of fact those schools gave a strict full preparation to its students, with a consequent degradation of Pavia's Studio. The Senate of Milan was certainly «indolente» in his behaviour towards Pavia's University, probably because of the well known fame of the Palatine schools: we must not forget that the upper classes families of Milan belonged to the Senate, together with the officials of the Spanish government.

The Palatine schools were born in Milan between 1601 and 1605 from a renewal of the ancient school of Broletto. They afforded four main teachings: civil institution, rhetoric, mathematics and greek. July 11th 1668, the Senate of Milan issued a decree which established that the faculty of law that was supposed to last five years could have been reduced to four, for those students who had attended at least one years of the Palatine schools⁸.

The proclamation of April the 7th 1690 of Giulio Cesare Pagano, *podestà* in Pavia⁹, gives the main rules «ad rectum regimen Regiae Universitatis», which must by by everyone «inviolabiter servanda». The proclamation stresses the importance of checking the students' attendance of the courses, the importance of the certificates of merit given to the students from the teachers, and registered on the school-keepers books. The school-keepers should send every three months a list of the registration to the Senate delegate. The original certificates must be kept by the school-keepers and given back to the students once they graduate. The teachers must teach in the school and at home «sub poena suspensionis». They must, furthermore, always

7 *Ibidem*, pp. 390-391; *Statuti e Ordinamenti dell'Università di Pavia dall'anno 1361 all'anno 1859*, Pavia 1925, pp. 186-189.

8 *Statuti*, p. 158.

9 *Ibidem*, pp. 188-189.

wear their toga except during holidays. Finally, the school-keepers must behave toward the teacher according to the way shown in the decree, and they must take care of all their duties.

With the XVIII century a new season opens for the University of Pavia, a season of constant, complex verification, encouraged by the new monarchy of Wien governing the country. We must, though, not think of the two monolithic periods: under the Spanish crown not everything went smoothly, even if the commitment of Maria Theresa and Joseph II witnessed great success.

In 1723 a group of students submitted a request to the Senate, which represented a real accuse to the situation caused by the University of Pavia. The Senate chancellor glossed this document according to the laws of 1638 and 1661 and he hinted to the «spopolamento dell'Università di Pavia», due to the increasing success of the Palatine schools in Milan and the competitive position of the University of Torino, renewed in 1729 and attended from the students of Vigevanese and from the regions across the Po. Even the *Riglievi proposti dell'Università di Pavia per il bon governo della medesima l'anno 1730*, enclosed to a letter of Ludovico Biscossia, law professor in Pavia since 1709, is nothing more than a repetition of the edicts of the Senate¹⁰. It stressed the necessity of the lecturers to «a compiere esattamente la loro obbligazione per la migliore istruzione de' Scolari». For the first time a suggestion was given according to a renewal of the studies. This suggestion was kept on hold until September 1737, when it was carefully discussed during a meeting regarding the «de urgenti necessitate totis viribus promovendi institutum ac regimen Universitatis»¹¹. The law was then partially applied in 1742 with a reduction to two faculties of *Institutae ordinariae* and the creation at the same time of new faculties: law, rational medicine and physics.

The University could not afford many expenses, but the Senate gave every year a 44.000 lire so that «che a tutto lo anno 1765 vi era un risparmio di 129.762 lire»¹². Besides all this, the salary for the teachers were quite generous.

May the 17th, 1753 Maria Theresa from Wien, sent a letter to the earl Pallavicini asking the governor of Lombardia to «d'incaricare al senato di formare sollecitamente e rimettervi un nuovo Piano per la migliore direzione di quella Università»¹³. The Senate was hereafter asked to present a project of general renewal of the Studio. The prince Wenzel Kaunitz, who was Maria Theresa's contributor for the foreign affairs, became in 1753 a chancellor, and since 1765 with Joseph II took special care of the foreign affairs.

10 ASM, *Studi p.a.*, cart. 373; PERONI, *La riforma*, p. 124.

11 ASM, *Studi p.a.*, cart. 373.

12 PERONI, *La riforma*, p. 120.

13 ASM, *Dispacci reali*, cart. 225.

No doubt a renewal within the studies project was more than necessary; but what was the right way to do so? Perhaps ameliorating the Palatine school and turn them in a sort of University? Or protecting Pavia's University in stead? Maria Theresa will soon repeal the law according to which Charles V was the tutor of the University; of course this decision aimed to limit the power of the patriciate. Actually the "native" mediators were kept and gathered in organizations *ad hoc* and would have worked as consultants of teaching and education subjects. After useless, constant trying to better the situation, Maria Theresa resolved to take personal care of Pavia's University, Palatine schools, and of all the other school of the State; in 1765 she issued the *Deputazione degli Studi*¹⁴. The Senate was therefore kept out of any tutorial task within University system in Pavia. October the 10th: it was sent to Wien the *Consulta con cui si accompagna a S. A. il Piano Generale dej Studj dell'Università di Pavia, delle Scuole Palatine di Milano, e delle Scuole inferiori di tutto lo Stato*. Still five years will be necessary in order to translate all the rules and the projects of the prince Kaunitz and to summarise all the proposals made to Wien's court. The funds necessary to apply the reforms were drawn from the suppression of all the religious institution that were founded during all the past years. The educational system does not hold any power; from now on all the power relies in the head of the State. One of the main points of the reform is the new teaching scheme: in stead of the dictation method, the professors now explain directly from the books, which are chosen by the judges of the Studies.

The idea of ameliorating Milan University system is abolished and it's rather chosen to invest on Pavia: November the 4th 1773: Maria Theresa gives her approval to the new *Piano di direzione, disciplina ed economia dell'Università di Pavia*¹⁵. Nine main points: plans of discipline, warnings for the teachers, methods and formulas regarding the graduation, deposit to hand in, scientific plan, instructive memory for the judge of the Studies, instructions for the assessor of the University, teaching chairs and duration of the courses. Punishments for the students who would try to attend other schools (fines, impossibility to undertake public jobs), and advantages (they would not pay tuition fees and they would have special "guarantigie") favouring the teachers and

14 *Memorie e documenti per la storia dell'Università di Pavia e degli uomini che v'insegnarono*, II, Pavia 1878, p. 22; PERONI, *La riforma*, p. 131.

15 ASM, *Dispacci reali*, cart. 250, ASM, *Studi p.a.*, cart. 378

students are constant. Period of competition with other schools, finally, the period during which Maria Theresa wants the State University in Italian language. Pavia will be permanently chosen in stead of Milan, since it's smaller and therefore more easily controllable; it will not cause to a decline of Wien, besides it owns a great cultural tradition. The preparation of the reform will last about twenty years, it will be named after Maria Theresa, but the mark of the prince Kaunitz is of course easily recognizable, together with Joseph's II. The prince Kaunitz will encourage the scientific studies; he will involve the best teachers of the German University trying to draw the better from the local ones.

The reform of course limits the cultural activity of the religious institutions, overwhelming them.

Later in 1786, Joseph II will apply the reform of religious studies, creating in Pavia the general Seminary of Lombardia.

In 1782 his main collaborator, the earl Firmian, dies, but the prince Kaunitz will always take personal care of the University.