

# THE STRUGGLE BETWEEN THE UNIVERSITY STUDENTS

## IN THE SPANISH MODERN AGE

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When studying university students from the 15th to the 18th century, the word "violence" has to be emphasised. Like any other social group of the time, university students used a great deal of physical violence, which was reinforced by their youth and their knowledge of judicial proceedings which they used to appeal to judges. In this sense, it is a very particular case of violence in this period: in the student environment violence was more destructive, both from a physical and ethical point of view.

In the case of Spain there do not exist any all-embracing studies of this topic, not even for a particular institution. Therefore, I have started this investigation by studying the surviving documentation found in the general archives, and other more specific studies connected with the judicial system of the époque.

In general I have found that university conflicts were fundamentally derived from the existence of a particular jurisdiction for the universities called the "fuero académico" ("academic law-code"). This was nothing new at the beginning of the Modern Age. What is most striking about the university jurisdiction is its efficiency, because the majority of the lawsuits were resolved within scholastic courts, although the monarchy was often consulted. This could be the cause of the scarce amount of documentation available in the highest bodies of national justice.

To explain this matter, I will briefly review the judicial and jurisdictional system in modern Spain, and then concentrate later on explanations and examples of the most important aspects:

### **1. Royal jurisdiction and particular jurisdiction**

We all know that the union of the Hispanic kingdoms under the Catholic Monarchy (1476-1504) did not alter the usual judicial system of each kingdom. They were arranged hierarchically, with the king symbolically (more than practically) at the top.

a) As regards the usual system of justice and the Crown of Castille, judicial administration began with the "Alcalde" ("mayor"), if they controlled a small area. In the cities, the same responsibility fell to the "Corregidores" ("chief magistrates"): royal delegates who belonged to a level superior to that of the municipal authority. Their jurisdiction extended to all civil trials in the first instance and the defence of the royal jurisdiction<sup>1</sup>.

The next level consisted of the "Audiencias", or the courts with jurisdiction over a specific territory (the courts of Galicia, Seville, Asturias y Extremadura) and which in turn depended on other superior territorial bodies: the "chanceries" of Valladolid and Granada. The river Tajo was the natural frontier which separated the legal proceedings of these chanceries. At the summit of the pyramid was the "Consejo Real" -Royal Council- (because, as I said, the king was a symbolic figure - "The best mayor is the king"); this was the highest Spanish administrative body, with legislative, executive and judicial powers. But few cases reached this ultimate stage by appeal.

This system covered the whole of the Crown of Castille except Navarra and the Basque Country: a political condition of the incorporation of Navarra into the Crown of Castille (1512-1515) was the conservation of the "Consejo de Navarra" ("Council of Navarra"). In the Basque Country there were "fraternities" and "chief magistrates" in Vizcaya and Guipúzcoa; there were the "Alcalde Mayor" ("Chief Mayor") and the "Justicia Mayor" ("Chief Justice") in Álava.

b) In the Crown of Aragón<sup>2</sup>, the greatest judicial authority was the "Justicia Mayor" ("Chief Justice") which consisted of the advisory council and various representatives; beneath them was the "zalmedina" in Zaragoza, the "Consejo de Ciento" ("the council of one hundred") and the "Consellers" ("councillors") in Barcelona; the "Consejo General" ("General Council") and the "Jurados" ("panel of judges") in Valencia.

c) There were also judges for unusual matters, such as the "Consulados" ("consulships") who dealt with economic cases; "alcalde entregadores" from the Mesta; "judge commissioners" to investigate whether officials' professions had been justly performed; and mayors of "Casa y Corte" ("House and Court") who accompanied the court and the monarchy in their movements. In distant territories, such as the Canary Islands or Galicia, the civil and military power had to be

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<sup>1</sup>HERAS SANTOS, José Luis, "La organización de la justicia real ordinaria en la Corona de Castilla durante la Edad Moderna", en *Estudis. Revista de Historia Moderna*, 22, 1996, (monográfico sobre *Conflictividad y represión en la sociedad moderna*), 131-132.

<sup>2</sup>ARRIETA ALBERDI, Jon, "Justicia, gobierno y legalidad en la Corona de Aragón del siglo XVII", en *Estudis. Revista de Historia Moderna*, 22, 1996, 217-248.

concentrated so as to maintain their security and defence; a "governor" was chosen who had more power than the chief magistrates.

This system was maintained from the end of the 15th century up until the year 1700. With the political triumph of the Bourbons, the superintendents appeared who, from 1718 onwards, had responsibility for justice, police, property and war (although responsibility for justice only until 1766)

But in the Modern Spanish Age, the king was not the only judicial and jurisdictional power. There were other special institutional jurisdictions which enjoyed certain exemptions, derived from ancient privileges and law-codes. Typical examples of these exceptions are the church, feudal estates and universities.

Apart from partial studies, the topic of student violence has only been discussed in picaresque literature. In almost all the novels there is a student-trickster, always from Alcalá or Salamanca. Take for example, Cervantes in *La tía fingida*; or Vicente Espinel in *Relaciones de la vida del escudero Marcos de Obregón*; the Duque de Rivas in *D. Álvaro o la fuerza del sino*; Mateo Alemán in the *Guzmán de Alfarache*; Quevedo in *Buscón*; Alarcón in *La verdad sospechosa*; or Espronceda in *Estudiante de Salamanca*.

But the facts that these novels reflect still exist in the judicial archives of the kingdoms and in the archives of the ecclesiastical tribunals of each diocese and of each university. The documentation for Valladolid is essential in order to have complete catalogues, while the documentation for Salamanca is in the process of being restored since the beginning of the 1570s and it cannot be used for consultation. Both sections are extremely rich, but not, on the other hand, that of Sevillian university law-suits, which mostly covers questions that do not interest us about the Colegio de Santa María de Jesús.

What really grabs one's attention is the great scarcity of documentation about university law-suits that is to be found in the Archivo General de Simancas (AGS), the section *Consejos* of the Archivo Histórico Nacional of Madrid, or in the Archivo de la Chancillería of Valladolid. Perhaps it was that the majority of these conflicts were finally resolved within the university. Professor Richard KAGAN<sup>3</sup> completed an introduction to the judicial Castilian archives that is very useful, for whoever wishes to continue this study.

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<sup>3</sup> KAGAN, Richard, *Pleitos y pleiteantes en Castilla*, Valladolid, Junta de Castilla y León, 1991.

The printed material is more interesting. The historians "positivistas" of the universities<sup>4</sup> allow one to hear the most interesting cases of violence. Also the diary of Pellicer in the *Seminario Erudito* from Valladares and the correspondence of the Jesuits in the *Memorial Histórico Español*, contain a collection of events about these questions of favouritism.

I will now talk about the university jurisdiction. But, how many universities were there in the hispanic kingdoms? Did they all have the same jurisdictional law? During the Modern Age in Spain, a surprising number of universities were founded. There were 7 existing universities in the Iberian Peninsular at the end of the Middle Age, but 32 around 1630: these included 18 in the Crown of Castille, amongst them the three most important: Salamanca, Valladolid and Alcalá; 9 college-universities and 5 convent-universities. If we also consider the fact that the foundation of college-universities was even more numerous during these years, we can imagine the changes in university formation and the complications in the system of jurisdiction.

After 1630 this initial impetus stopped; this was perhaps due to the saturation of the learning market or its decay (a demographic decrease and economic crisis in Castilla until the last quarter of the 17th century). In the 18th century, the foundation of the University of Cervera stood out as a political decision by Philip V to offer an alternative to the students of the 6 Catalán universities that were banned for political motives. It is essential to underline the qualitative importance of the aforementioned three great Castilian universities. Above all the University of Salamanca which served both as an institutional model and a model of daily operation for the rest. Granada, Oviedo, Sigüenza, and almost all the American foundations including Cervera, used the Salmantine methods as a model.

## **2. University jurisdiction**

We have said that the universities based their autonomy in the existence of an "fuero académico" ("academic law-code"). This contained both local and general privileges. The local privileges constituted an ensemble of socio-economic privileges (such as the exemption from military service, market laws, customs laws, etc.). The general privileges were the most significant aspect of the university jurisdiction: legal immunity (whether it be lay -that of the "chief magistrates" or ecclesiastical, of the bishop). Any dispute or lawsuit in which a university was involved had to be judged by the "maestrescuela"(chief scholar), a position sometimes occupied

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<sup>4</sup> FUENTE, Vicente de la, *Historia de las Universidades, Colegios y demás establecimientos de la enseñanza en España*, Madrid, Imprenta de la Vda. e Hija de Fuentenebro, (1887-8), 4vols.

by the same person. This generated an institution similar to the courts and chanceries and was called "The Scholastic Court".

From this point of view we can talk of the existence of a supreme power incarnated in the figure of the "maestrescuela" (also called the councillor or the "cancelario"). This was the supreme executive and judicial power within the universities. The maestrescuela's authority was similar in all areas, but his real power over the university members depended according to the time and the place. In Huesca or Salamanca it grew from the 17th century. In Zaragoza or Valencia, his sovereignty was not so strong.

Salamanca is an excellent and representative case. Dr. Polo explains it very clearly: Salamantine academic jurisdiction, in both its ecclesiastic and secular facets, depended, from 1422, on the rank of the maestrescuela of the cathedral and the cancelario of the university who was the symbolic representation of civil and ecclesiastical powers. As supreme judges of studies, he was in charge of justice within the university corporation (students, graduates, professors, employees, etc.) and resolving the civil and criminal cases in which those with immunity<sup>5</sup> were involved. This authority was affected by the "Agreement of Santa Fe", a royal document drawn up in 1492 and primarily directed at the University of Salamanca (and later to other) which decreed that the traditional powers of the maestrescuela would be suppressed and therefore impede traditional university authority.

They were restrained, but not abolished. The privileges granted to university members were the cause of most student conflicts in Modern Spain, especially between neighbouring university cities. The second reason for this violence emerged from purely academic or legal issues.

These privileges were the object of constant protests and disputes between university members, city-dwellers, popes and kings; and through the years it grew into a legal debate all over Europe. A Salmantine civil law student, D. Alfonso de Escobar Loaisa<sup>6</sup>, was the first to

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<sup>5</sup> POLO RODRÍGUEZ, Juan Luis, "Veintinueve apercebimientos del juez del Estudio de la Universidad de Salamanca", en *Cuadernos de Historia Moderna*, 15, Madrid, Editorial Complutense, 1994, 143-170. See the book about the Salamanca's "Maestrescuela" of the María Paz ALONSO ROMERO, *Universidad y sociedad corporativa. Historia del privilegio jurisdiccional del Estudio salmantino*, Madrid, Tecnos, 1997.

<sup>6</sup> ESCOBAR Y LOAISA, Alfonso de, *De pontificia at regia iurisdictione in studiis generalibus et de iudicibus et foro studiosorum*, Madrid, P. Coello, 1643 (Biblioteca de la Unversidad de Salamanca, [from now on cited as BUS] 1/1.601).

publish a book about the academic law code in Spain<sup>7</sup>. He favoured the students and the monarchy (versus the universities) but he himself was a student, and the more superior colleges considered themselves to be a privileged group within a group of privileged students. Twelve years later another book was published, this time larger and more complete, by father Mendo<sup>8</sup> of the Company of Jesus which today is royalist, but to Francisco Pérez Bayer seemed to flatter the superior colleges. In 1728, the argument was taken up by the "colegial" Don Pedro Colón de Larreategui who was more in favour of the royal jurisdiction and expressed this anonymously, though it was documented<sup>9</sup>. This problem generated a great deal of literature, such as political science, and satire<sup>10</sup>.

The students always found ways of defending their interests, whatever form they took. The students preferred royal jurisdiction, but they argued with the same force and reasons their possible dependence on royal authority or pontifical authority, depending on the situation, the time, and other interests. When conflicts lead to lawsuits, they were almost always assured of success: either because the judges were ex-students or because the presence of the jurists in their scholarships allowed them to maintain a privileged vindicative platform. Also, they generally had the financial means to buy success or to keep the trial open.

### 3. Forms of student violence

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<sup>7</sup> The first printed text that I know of was that of MIDDENDORPIUS, J. *Academiarium celebrimum universi terratum orbis....*, Coloniae, Agrippinae apud Gorvinum, 1602 (BUS - 1/23.301).

<sup>8</sup> MENDO, Andrés, *De lure Academico selectae questiones theologicae, morales, juridicae, historicae, et politicae. De Academiis, magistris, collegiis, profesoribus, candidatis et scholasticis*, Salamanca, J. Gómez de los Cubos, 1655 (BUS 3/44.641).

<sup>9</sup> [COLÓN DE LARREATEGUI, Pedro] *Defensa jurídica que hacen los quatro Colegios Mayores de la Universidad de Salamanca a favor de V. Magestad, por el derecho de dos regalías: la primera, sobre que el Claustro desta Universidad haya de presentar en el Real Consejo dentro del término de sesenta días los Estatutos, que hiciere, para que sean examinados y aprobados. Y la segunda, sobre la particular Real protección, que tiene V. Magestad en estas quatro Comunidades, y en las dos de Sta. Cruz de Valladolid, y S. Idefonso de Alcalá con el título de Colegios Mayores* [s.l., s.i., s.a.: 1728] (BUS, 3/44.030).

<sup>10</sup> I speak about this in "Poder y conocimiento. Universidad frente a colegios", *La Universidades Hispánicas de la Monarquía de los Austrias al Centralismo Liberal*, L.E. Rodríguez San Pedro (ed.), Salamanca, Universidad de Salamanca-Junta de Castilla y León, 2000, II, 117 ss.

University students were never known to be peaceable. The medieval history of Bologne, Paris or Cambridge shows many examples of both internal and external university turmoils. For this reason the advisors from Barcelona did not accept students in 1398<sup>11</sup>.

Student conflicts weren't generally political, except perhaps in the case of revolts: the "Comunidades" and the "Germanías" (1520-21). They usually fought over power domains and influence; sometimes within and sometimes without universities; and academic disputes were almost always mixed with other non-academic issues. The most common causes were:

- Power struggles between groups or sectors within a university (national societies, colleges,...)<sup>12</sup>.
- The appointment of professors and graduation of students.
- University jurisdiction as opposed to other jurisdictions (that of the king, the municipality, the Church,...).
- Questions of institutional status in public ceremonies.

### **3.1. The fight for power within each university**

The first circumstance which influenced the rise in violence was the geographical origin of the students. This needs to be explained more clearly: in the whole of Europe, each student usually associated himself with what was known as a "nation", that is a group made up of those who came from his country. These university "nations" had a representative percentage in the University; often the election of academic posts or student scholarships was reserved proportionally for those born in specific geographical regions. Therefore groups of students were established whose social life revolved<sup>13</sup> around their communal academic and extra-academic interests, (they celebrated parties together and had similar eating habits and customs). They

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<sup>11</sup> The agreement of 1st February 1398 (RUBIO BORRÁS, M, *Motines y algaradas de estudiantes en las universidades de Barcelona y Cervera*, Barcelona, 1914; cfr. HORNEDO, Rafael María, 'Desaplicación y desórdenes estudiantiles en el seiscientos español', in *Razón y fe*, CLIX, nº 733, Madrid, 1959, 131-144).

<sup>12</sup> Including ideological differences - arguments between groups of different religious beliefs (but these did not usually result in bloodshed) and which political uprisings against an established power.

<sup>13</sup> The licenciado Castellanos against Bartolomé de Espinosa from Segovia, for having killed a student of Salamanca, in Salamanca in 1595 (AGS,*Consejo Real de Castilla*, leg. 469, 5, 40 fols.).

were organised groups who vied for the power or monopoly of university posts or scholarships. This was a constant element in the larger universities.

When commenting on this situation in 1750, Pérez Bayer said that in Salamanca even school children knew that the scholarships of the colleges were monopolized by the "nations": "the San Bartolomé scholarship is for Biscayans, those from Santander and those from Navarra; the Oviedo scholarship is for those from the country-side; the Cuenca scholarship is for Andalusians and the Bishop scholarship is for those from the region of la Mancha; and I hear the same happens for the scholarship of Santa Cruz in Valladolid for the Riojans and the scholarship from Alcalá with those they call the terrestrials, that is, those from that territory, and those from la Mancha and those from La Alcarria<sup>14</sup>.

In the second place, we find conflicts between institutions, within universities. The "Colegios Mayores" (Salamanca, Valladolid and Alcalá) defended their privileges and honours vigorously; this was the cause of serious university disputes of the time and disputes within society. Little by little they managed to achieve enormous advantages in final exams (the examiners were only the corresponding faculty professors); they monopolized the professorships of their universities (in Salamanca, for example, they established a government and judicial posts of the catholic monarchy -in so doing they assured themselves a favourable sentence in any trial-)<sup>15</sup>. Having studied these themes for many years, I think that these "major universities" were the institutions which caused the most law-suits of the period.

*Minor colleges versus major colleges:* the title "major" did not have any legal justification; various foundations presented cases against the "major colleges" because of this type of naming (Santa María de Jesús, of Seville, San Pelayo of Salamanca) but they managed to maintain the title until the end of the 17th century.

*Religious colleges versus secular colleges:* terrible and long conflicts between "major colleges" and colleges of military orders in Salamanca<sup>16</sup>. They always came about because of

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<sup>14</sup> PÉREZ BAYER, Francisco, *Por la Libertad de la Literatura Española*, ed. by Antonio Mestre, Alicante, Instituto de Cultura Juan Gil Albert, 1991,121. There was 6 Colegios Mayores in Spain: San Bartolomé, Cuenca, Oviedo and El Arzobispo in Salamanca; Santa Cruz in Valladolid; and San Ildefonso in Alcalá de Henares. Current bibliography about this subject on the internet web page: <http://web.usal.es/~carabias>.

<sup>15</sup> See my book *Colegios Mayores: Centros de poder. Los Colegios Mayores de Salamanca en el Siglo XVI*, Salamanca, Ediciones Universidad de Salamanca, 1986.

<sup>16</sup> Only in Salamanca, because it was the university in which they decided the establish a college of Spanish Military Orders for the education of its members. See "La violencia letrada y la sumisión de las Órdenes Militares en la España Moderna", in *Las*



issues of honour and status: for example, how to place themselves in a privileged position during university celebrations. There were many deaths, and many wounded in addition to material losses and the result was always favourable to the "Colegios Mayores".

*Between religious colleges:* because of competition between theology courses that were taught in convents or because of ideological differences, scholastic disputes about "ciencia media", the grace of God and free will between Dominican and Jesuits. They produced a lot of verbal and psychological violence but not physical violence.

The most important case was that provoked by the Jesuit Luis de Molina with his book *Concordia liberi arbitrii cum Divina gratia*; he wanted to reconcile the efficiency of the grace of God with charitable works. Another Jesuit, Mariana, did not like this; nor did Báñez, a Dominican accused it of being semi-heretical and the book was sent before the Inquisition. Father Diego Álvarez, also a Dominican and professor at Valladolid, wrote a lot against "los molinistas"; many other jesuits, on the other hand, defended him (Arrúbal, Montemayor, La Basida and Valencia). Rome was more in favour of the Dominican doctrine ("The Assembly of Auxiliis" in 1597) and the Jesuits protested, putting in doubt the papacy of Clement VIII and Urban VIII, in their classes at the University of Alcalá.

It is a complicated subject; it was related to the spread of "jansenismo" in France and its impact was reflected in many Spanish universities. In general, they showed themselves to be more in favour of the Dominicans (Zaragoza, Alcalá, Osma, Salamanca, Oviedo...) whereas those in France supported the Jesuits<sup>17</sup>. There were reactions in almost all the universities (Lovaina, Mesina, Palermo, Coimbra, Donay, Mexico or Lima<sup>18</sup>) and it also provoked the "rupture" between the universities of Alcalá and Paris and 1718.

### **3.2. The appointment of professors and the graduation of students.**

With regards to the "endowment of professors" the evidence of bribery and armed conflict between candidates" followers grows. In many universities, the professors were chosen by student votes; and the students, said Arias Barbosa, sold their votes even by swindling<sup>19</sup>. The

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*Órdenes Militares en la Península Ibérica. Vol II: Edad Moderna.* Cuenca, Ediciones de Castilla-La Mancha, 2000, 2163-2180.

<sup>17</sup> FUENTE, V. de la, op. cit, 111, 46 ss..

<sup>18</sup> RODRÍGUEZ CRUZ, Agueda M., *Historia de las Universidades Hispanoamericanas*, Bogotá, Instituto Caro y Cuervo, 1973, 2 vols.

<sup>19</sup> RODRÍGUEZ CRUZ, Agueda M., *La vida estudiantil en la hispanidad de ayer*, Bogotá, Instituto Caro y Cuervo, 1973. The city of Salamanca and the chief scholar of the

fact that the professors were voted for by students contributed to this situation. The abolishment of this system, from 1618 onwards (the chronology was different in every university) put an end to many conflicts, but generated others related to knowledge capacity (students of the "Colegios Mayores")<sup>20</sup>.

When it was a municipality, and not the students, who were in charge of electing the professors (this occurred in some universities in the Crown of Aragón) the protests against favouritism were equally strong.

The graduation ceremony itself was not conflictive. The problem came afterwards, when students celebrated the success of their recently graduated friends in the streets. They celebrated with bullfights, snacks, and other playful activities which annoyed the city dwellers and which sometimes resulted in street brawls<sup>21</sup>.

### **3.3. University jurisdiction versus other jurisdictions**

University jurisdiction confronted other jurisdictions over centuries during incessant lawsuits. There were hundreds of cases of conflicts between students and non-students: with ecclesiastics, authorities, cathedral councils and always with city inhabitants. The majority of the conflicts were of this type and had their distant origin in the particular privileges of the academic law-code.

The advantages of the academic law-code in daily life were enormous for students, corrupt for their neighbours: shops of all kinds with reduced prices, hospitals, libraries, inns, transport services for goods ("muleteers"), free customs, official values for the rent of student

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university against Rodrigo de Sande and others, because of rows and resistance to justice concerning the examinations needed to qualify as a professor, for having rigged the election of doctor Gabriel Enríquez (*AGS, Consejo Real de Castilla*, leg. 360, 1-7, 510 fols.). See too *AGS, Consejo Real de Castilla*, leg. 115, 9, 54 fols.

<sup>20</sup> Doctor Serrano for the professorship of the University of Alcalé in 1551 (*AGS, Consejo Real de Castilla*, leg. 256, 11, 19 fols.). Juan García and the doctor Villalpando, against the doctor Pero Martínez, for another professorship at the same university in 1555-1560, (*AGS, Consejo Real de Castilla*, leg. 55, 10, 37 folios.).

<sup>21</sup> Another problem related to the graduation ceremony was the right that many institutions acquired, via a papal bull to grant them. The universities fought for the exclusivity of this privilege and there were many long trials in Salamanca (Colegio Mayor de Cuenca), Santiago (Colegio Imperial), Huesca,... and the Jesuits. But this issues did not result in blood-shed. The case which attracts most attention concerning this point was that of the Colegio de Cuenca, which in the last quarter of the Sixteenth century granted qualifications, even for subjects such as medicine, in which it didn't have any place (Vid.

houses, possibly even financial loans and their own cemetery. We can therefore understand that certain individuals enrolled simply to benefit from these opportunities and we can also understand why neighbours protested against them.

Their neighbours not only suffered from students' pranks and juvenile jokes, but also the noise, the adjustments of bills, the over-indulgence in parties and carnivals; they were always people wounded if not killed. Student indiscipline had repercussions within and without the classroom: in Granada, the students lived licentiously and do not let the professors "read"; during public ceremonies they "do and say indecent things" so that the authorities preferred not to attend them (1627<sup>22</sup>). To resolve this problem, an inspector was chosen in October 1630, but he did very little to improve the situation. In Lérida, during the jurisdictional problems of the 16th and 17th centuries, both "bribes and obstacles were united in the appointment of professorships". Inspections hardly ever stopped these abuses<sup>23</sup>.

The most acute violence was concentrated in the universities of Alcalá, Valladolid and Salamanca. I think that Alcalá de Henares is the example most documented about the consequences that followed the foundation of a university in a particular city. On top of the characteristic violence of the period was placed the violence of students: Cardinal Cisneros founded Alcalá in 1508 when there was already an ample number of universities; to fill his classrooms he had to publish a statute which offered those who matriculated judicial immunity under whatever accusation. It follows therefore that the university was filled with villainous types. At the beginning of the 16th century, Pedro de Torres wrote a "crónica" in which he explained the situation and its consequences: Alcalá was full of people who had no morals and no scruples.

A simple word could provoke armed combat. This occurred in 1518; a young man from Alcalá was courting a young lady. A relative of his the Colegio de San Ildefonso heard him and insulted him about his manner of courting. The young man was offended and drew his sword against his relative. Both shouted for help. Students and neighbours came from everywhere to support one or the other of the contenders. A monk used his handkerchief as a catapult in favour of the students and mortally wounded a city-dweller. The town councillor, Vargas, arrived and tried to keep order in the name of the king, but he only received punches. The priest came out of

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CARABIAS TORRES, Ana M., *El Colegio Mayor de Cuenca en el Siglo XVI. Estudio institucional*, Salamanca, Ediciones Universidad de Salamanca, 1983).

<sup>22</sup>AJO GONZÁLEZ DE RAPARIEGOS Y SAINZ DE ZÚÑIGA, Candido M., *Historia de las Universidades Hispánicas*, Madrid, Artes gráficas C.I.M. 1959, III, 280.

<sup>23</sup> *Loc. cit.*, 217 ss.

the church of Santa María carrying the image of God. The presence of God stopped the fight, but everyone remained very upset, and the inhabitants threatened to burn down the university<sup>24</sup>.

The archbishop of Toledo and the knight commander of the "Merced" fought for many years against the jurisdiction of Alcalá University: "Cisneros could not have caused more damage to the archiepiscopal jurisdiction than to found the University of Alcalá" said the archbishop (FUENTE, V. de la, 1885, II, 113). The sentence of the "Rota" in favour of the leader of Alcalá, against the archbishop of Toledo, was given in Rome in 1545; it was ratified in 1550 by Paul III together with the exemption of Paris and Salamanca, and also in 1649, but the struggles for jurisdictional power did not end (AJO, 1959, III, 295).

All powers seemed to be confronting the students, but the most violent cases were started by city-dwellers. In 1623, the students were already tired of the attacks and decided to transfer to the "Estudio" in Madrid. The immediate reason was that, while the university had been meeting during a doctorate ceremony, the inhabitants came in with pistols wanting to kill the students. The document describes the problem as being very ancient, and that the city-dwellers went by night "in troops" with pistols, maltreating the students, breaking down the doors of their houses. The secular justice permitted this because the delinquents went through the town in their presence (FUENTE, V. de la, 1888, III, 52 ss.). Also during this academic year the inhabitants had fired at the Rector, who had run out to defend the students. They used stones and bullets, killing one student and wounding others; the next day they took an ecclesiastic student and maltreated him and then shot him "sending one bullet into the image of the crucifixion and another into that of Saint Francis." Those from Alcalá complained because "all the villains who leave the Court, running away from the law, go straight to Alcalá."

These "good-for-nothings" were probably young people somewhere between tramps and social climbers who enrolled in the universities to profit from the benefits of the academic law-code. The diary of "La Compañía de Jesús", referring to what happened in Salamanca, said the same about two "students who seemed more like bandits", both from Andalusia: Herrera and Antonio Rey. The latter was described as "the most disorderly youth ever to be found in the university... everybody wanted him to leave, because without him they believed that peace would return. The University of Seville will not allow him to return for I do not know what escapades he got up to there."

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<sup>24</sup> FUENTE, V. de la, *op. cit.*, 82-82.

The University of Valladolid suffered a similar student and "nation" tyranny, according to Alcocer. This enthusiasm for the conflicts and the use of weapons teaching from the January until Mayo. Another extreme period of violence occurred between 1737 and 1739<sup>25</sup>.

Neither laws nor judges were respected by students; neither by the authorities themselves<sup>26</sup>. In the General Archive of Simancas there exists a record of the report that Don Antonio Altamirano and Sotomayor (Judge of Studies at the University of Salamanca) sent to the Council requesting help<sup>27</sup>. It recounts how the students had lost all respect for any secular or ecclesiastical justice, and that they had placed the city-dwellers in great danger. There follow some testimonies of the notary about some events:

- On the eve of the day of Saint Catalina (24 November) in 1625, a great crowd of students gathered in the square. They shouted insults at the chief magistrate, "broke down" the door of the prison and set free a convict accused of homicide.

- On the 3rd December, Biscayans and some Portuguese began to argue about which seats to occupy in class; the class ended with "many wounded"; the next day, the Portuguese were waiting armed "with every type of weapon" (arquebuses, pistols, swords and shields). The Biscayans arrived armed as well. The intervention of both monks and students prevented any further disastrous result.

- On the 16th December, the chief scholar suspected that those students from Extremadura were planning to roam the streets armed while cheering on their "nation"; he ordered that the prohibition of this event should be published and those who were caught would be sent to prison, or expelled or banished and excommunicated. Nevertheless, the students went ahead with their plans, walking through the city fully armed "causing great inconveniences". Two of them were arrested and imprisoned by the chief magistrate, but the next day, their friends threatened the chief magistrate telling him that they would liberate their imprisoned

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<sup>25</sup> The University of Alcalá de Henares against the archbishop of Toledo, about ecclesiastical benefits in Ajalbir y la Puebla de Montalbán, in 1565 (AGS, *Consejo Real de Castilla*, leg. 45 (bis), 7, 2 cuad.). More information in TORREMOCHA HERNÁNDEZ, Margarita, "Fuero y delincuencia estudiantil en el Valladolid del siglo XVIII", en *Claustros y Estudiantes*, Valencia, Universitat de Valencia, 1989, II, 365-391.

<sup>26</sup> Information from Doctor Juan de Zúñiga to the Consejo Real, about insults in the cloister between the rector and the chief scholar, don Francisco Gasca Salazar, in 1594, (AGS, *Consejo Real de Castilla*, leg. 115, 2, 165 fols.). The chief scholar of Salamanca, appealed to the Consejo Real because the chief magistrate did not respect his jurisdiction, in 1535, (AGS, *Consejo Real de Castilla*, leg. 209, 4, 55 fols.)

friends "for better or for worse". These threats and scandals were "so great and so excessive" that the chief magistrate was obliged to set them free.

- Later, the licentiate Suárez explained the disobediences and the threats that the students made to all the authorities; they did not fear the chief magistrates' punishments because they were "too soft" because he did not dare put the city in danger. They did not pay attention to the chief scholar either, because "he was very aged" and he was a "colegial" of the major colleges. The university proposed the election of a chief scholar who was not a "colegial" of the major universities, with a good salary. Evidently, the problem was very serious and ultimately, it was never properly resolved. In 1592, the students killed the chief mayor. The chief scholar ordered that one student should be tortured and another sentenced. The corruption continued until 1595<sup>28</sup>.

Another very serious conflict, which had political consequences, involved Salmantine students and the inhabitants of the city. It occurred in November 1644 when a fight which began between Biscayans and Andalusians became even more complicated when they in turn became angered with those from Guipúzcoa, who allied themselves with those from Navarra and Aragón. A real confusion of alliances between different university "nations"!

After a community meal, some insults provoked a street brawl between students and noblemen; the chief magistrate tried to calm them and was wounded. Noblemen and inhabitants in general attacked the students in a real battle; it ended with the death of a student from the College of Oviedo and the death of a nobleman, plus the imprisonment of another student from Mallorca, who was executed by the chief magistrate's assistant the same night. This hurried execution provoked some students to leave and also caused the king to send both a mayor and court to Salamanca. With their presence and with some time, the situation began to calm down.

Another branch of this violence was political. The universities adopted a particular stance in the light of monarchical problems:

a) Between 1520 and 1521, the University of Valencia supported the revolt of the "germanía"; the University of Salamanca generally supported the Comunidades; while in Alcalá, the students were divided (AGS, *Cámara de Castilla*, 130-112, Alcalá de Henares, alborotos; años 1518 y 1520). There exist hardly any documents directly connected with the anti-monarchical attitudes of the universities, but the efficiency of their particular jurisdiction shows

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<sup>27</sup> Section *Guerra Antigua*, leg. 927, 1<sup>o</sup>, copy of the original made in Salamanca 20th April 1626. I be grateful to professor F.J. Lorenzo Pinar, by this information.

<sup>28</sup> FUENTE, V. de la, *op. cit.* II, 417

itself in that Charles V could not punish Salmantine rebels, for example, because the university, en bloc, refused to accept those sanctions.

More information exists in the case of Alcalá. Various students had enlisted for the war. The rector, Hontañon, was a "comunero"; Pedro Lagasca, on the other hand, supported the imperial cause. The former wanted to kill the latter and a real battle took place between them within the college. The rector was badly wounded.

b) The uprisings of Portugal and Cataluña, in 1640, changed academic life; each university supported his own kingdom.

c) The Castillian universities were in favour of Philip V in the War of the Spanish succession (1700-1715); but those of the Crown of Aragón were against him. It was for this reason that the triumph of the Bourbons lead to the closure of the old Catalan universities and the opening of the university of Cervera, following the institutional model set out by Salamanca.

d) The universities were summoned by the kings to collaborate in the field of both internal and external military campaigns of the monarchy. I know the case of Salamanca better, which first gave money; when they had little money, they offered soldiers and lastly prayers. That is to say, that there were times when they offered to give students a year of their course in return for them going to war. In 1592, various students were put in prison to force them to go to war<sup>29</sup>. In Cataluña, on the 8th July 1639, it was agreed that all students who enlisted against the french invaders of Rossellon, would have a free graduation.

A conflict that draws one's attention is that of the jurisdictional interference between Spanish University students and the Portuguese monarchy. The portuguese king expressly prohibited that portuguese students study outside Portugal. He proclaimed these on the 13th April 1538, but nobody respected it: in that academic year some thirty students came from Coimbra to Salamanca. This law was reiterated in 1541 and redefined in 1557: all the portuguese students in the Universities of Salamanca and Alcalá had to return to Coimbra within one year. The portuguese authorities used all means possible but without success. Already in 1510, Salamanca was negotiating with Coimbra in order that the latter should recognise salmantine university jurisdiction. This was a case of all words and no action. The head or

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<sup>29</sup> AJO GONZÁLEZ DE RAPARIEGOS, *op cit.*, III, 498.

ceremonies at Salamanca travelled to Lisbon for this reason, but he was unsuccessful when gaining portuguese respect for salmantine law, therefore he looked to the king for help<sup>30</sup>.

How must a student comport himself according to the academic law code? Summarising the rules collected in "Concordia de Santa Fe", in the *Nueva recopilación* (Libro XII, título XIX, ley XVI) and in the *Novísima recopilación* (libro XII, títulos XI y XXIII, leyes IV y XV), the university student and to be simple, modest and austere in his conduct and apparence. No sign of flaunting was allowed in this clothes or hair or transport. Discrete, studious, quiet and virtuous; responsible in his university obligation; everything in the field of games, drink, scandals, women, robbery, fraud,night-life, the publication of defamatory texts was strictly prohibited.

What were the student like in real life? Obviously, they consisted of all types, but what is bad is always remembered better than what is good. As Felix Carranza said, if there are only four "pícaros", everyone becomes a delinquent, but there were many more pícaros than just four. The laws-suits which are known show a type of student who did not comply with any or almost none or the rules.

#### **3.4. Questions of institutional precedence in public ceremonies**

Public ceremonies and the rituals used in then inform us about power in the Ancient Regimen. In a society of honours, each person and each institution had its place according to his privileges, antiquity and in this case, academic status.

The diary of Pellicer in the *Seminario Erudito* from Valladares and the correspondence of the Jesuits in the *Memorial Histórico Español* contain collection of incidents about precedence. In reality, almost all the documents of the period reflect the central importance of public demonstrations of honour.

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<sup>30</sup> Vid. CARABIAS TORRES, Ana M., "Castilla y Portugal: el trajín de la cultura académica", en ESPINOSA, Rosa - MONTENEGRO, Julia, *Castilla y Portugal en los albores de la Edad Moderna*, Universidad de Valladolid, 1997, 47-49. Pedro Alonso, a habitant from de Torrubia, jurisdicción de Uclés, against the conservative of the Universidad of Alcalá de Henares, Juan Riaño, about possibility to follor up a law-suit against him made by a student Alejo Regañón, about certains goods in 1534 (AGS, *Consejo Real de Castilla*, leg. 97, 6, 21 fols). The archbishop of Santiago and a colegial of San Bartolomé in Salamanca, against the Bishop of Salamanca, about the jurisdiction that the bishop of Santiago had in Salamanca. 1571 (AGS,*Consejo Real de Castilla*, leg. 205, 5, 89 fols). Alonso de Miranda, a habitant fo Salamanca, disputed in the Council of justice, against doctor Cristóbal de Alba, assistent of the Bishop of Salamanca, for having arrested him and taken him to the scholastic prison and tortured him being secular 1522-23, (AGS,*Consejo Real de Castilla*, leg. 325, 1, 10 fols.)



In the university environment everyone had privileges. The university members had the academic law-code; popes and kings had the right of control and the students had their privileges and foundational bulls; for this reason, the defence of their public "image" was constantly a source of conflict. This is a paradox: they wrote incredible books about Christian humility but the everyday life of the students consisted of pride and violence.

The variety of lawsuits about the question of precedence was enormous; taken from today's point of view; it seems to be inconsistent:

- The town of Alcalá de Henares against the rector of the university because the bailiff of the university used to patrol at night and carrying a pole of justice. 1544, (AGS, *Consejo Real de Castilla*, leg. 482, 3, 25 fols.)

- The students of San Bartolomé used their swords to occupy the seats reserved for other authorities in the celebration of the funeral honours of Felipe III<sup>31</sup>.

- The doctors Balbás, Pedraza, Sampedro and others of the University of Alcalá de Henares made a claim about the honours they would be given in the acts of the university. Years 1551-52, (AGS, *Consejo Real de Castilla*, leg. 256, 20, 6 cuad.)

- Doctor Antonio Gallego from the University of Salamanca against the professor Juan León because he verbally offended his wife and daughter in the church and in the street. 1598, (AGS, *Consejo Real de Castilla*, leg. 480, 4, 250 fols.)

- The University of Oñate defends its precedence against the city (AJO, 1959, III, 316.)

- The royal certificate to the governor of Galicia stating that the seats of the university should be behind those of the council (Year 1600, AJO, III, 542).

- The royal certificate to the Virrey of Nueva España asking if the rector of the university of Mexico should have a seat with a back in the public ceremonies and if he should be placed on his left hand-side (1611, AJO, III, 551).

- In 1657, the College of the Archbishop refused to attend in the university chapel if it was not permitted for the rector of their college to put his "dosel" in the chapel.

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<sup>31</sup> MONTANER LÓPEZ, Emilia, "Exequias reales y pompa funeral", en *Salamanca y su proyección en el mundo. Estudios históricos en honor de D. Florencio Marcos*, Salamanca, Gráficas Ortega, 1992; Id., "Las honras fúnebres de Margarita de Austria y de Felipe III en la Universidad de Salamanca", en *Actas del simposio internacional de emblemática*, Teruel, Instituto de Estudios Turolenses, 1994, 509-526.

- A lawsuit in Tarragona between the council, the cathedral and the university concerning the issue of precedence (Year 1626; AJO, 1959, III, 322).

- Two Salmantine university authorities cross each other in the street and each one defends his right to use the pavement (that is to say, that it should be the other who should let him pass); there followed discussions, crowds gathered, there was consultation with all the authorities, while both authorities remained standing for hours without giving way. After many hours and listening to the advice of the bishop both decided to turn around and go back the way they came.

- Student brawls in Valladolid about privileges in 1770 (FUENTE, V. de la, 1885, II, 74).

- The "Colegio Mayor" of Alcalá insulting the maestrescuela, in 1664 (FUENTE, V. de la, 1889, IV, 28).

- In the University of Naples (AJO, 1959, III, 417): a law in 1668 prohibited those from a specific district in the city to have a woman or a student or any other dishonest person in the house. If caught, they would be fined. In 1623, the virrey A. Alvarez de Toledo added corporal punishment to the fine.

In 1768 the bishop Don Antonio Tavira and father Zamora, spoke to Campomanes and begged him to reform the university in as harsh a manner as possible.

## CONCLUSION

Up until now we have discussed specific cases which occurred at specific times but not about the long-term reality. The problem lies in the discontinuity of the sources and the lack of specific research. Doctor Polo has published a document presenting the "real" situation of Salmantine university justice during 27 consecutive months (1737-39) and I think it is very useful as another point of reference<sup>32</sup>. During this period 36 individuals were legally "warned": 18 students, one receptionist, 14 inhabitants and one Portuguese. What were the motives?:

- Rows in inns or in the street, violence towards citizens, the use of weapons, going out at night and music, the company of women and living with women before wedlock, living in hostels without permission of the scholastic tribunal, lying and disobedience to the judge and his ministers, and not studying (17 students and 2 inhabitants).

- Calling oneself a student, without being one (one youth).

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<sup>32</sup> POLO RODRÍGUEZ, Juan Luis, *op cit.*, 147-148.

- Using false documents in a scholastic tribunal and stealing (one student).
- Because of a criminal charge (one student).
- Hosting students without permission, robbing them, having concubines, disrespecting and disobedience to the judge or ministers (two hostel owners).
- Lack of respect and disobedience to the judge (6 inhabitants and one receptionist).
- Helping others to escape from the scholastic prison (one Portuguese citizen).
- Allowing cattle into the vineyards of the scholastic judge, attacking his farm and cutting down his fruit trees (four inhabitants).

This list of offences almost coincides with that offered by Doctor Torremocha<sup>33</sup>. They are all classified as offences of sexual nature, violence and death, noise, fights, scandal and turmoil, attacks on property, insults and bearing prohibited arms.

While waiting for further research, we can establish the hypothesis that these were the most common offences carried out by students in the 18th century. When student votes disappeared the typical corruption of the 16th century disappeared as well; the processes between institutions about jurisdictional issues also diminished; the concepts of "nation" and "colegio" were diluted as universities lost their democratic organisation; there is one exception to this tendency: the major colleges became more powerful and more aristocratic, more arrogant and despotic until the reform of 1771.

An overall view indicates that student violence grew from the very foundation of the universities, perhaps because the number of students also grew. The pride and arbitrary nature of the violence was the absurd cause of the majority of the conflicts. They did not fight to better their situation but to increase their capricious status in front of other weaker students, because they considered themselves to be superior. One example could be the custom from Valladolid of celebrating the festival of San Nicolás by occupying the Main Bridge; nobody could get past without suffering the terrible pranks the students invented; not even the dogs, who they threw into the river. Or the case of the Salmantine woman who they stripped and tied to a donkey and then gave 200 strokes. They had accused her of selling mouldy meat. It was a day of intense snow and she was sexually violated by "more than 30" of them. This on top of the 200 strokes she received resulted in her death. But the students continued their party by hitting the receptionist at the university and stealing the keys from him so that the university remained

closed for two days. The students said of themselves "we are the only judges in the city" (January of 1642).

The most bloody period was the 17th century, with the number of lawsuits diminishing throughout the 18 century. For the case of Valladolid, Torremocha confirms this tendency<sup>34</sup>: in the 17th century there were 944 lawsuits, but only 324 in the 18th century (only 19.2% from 1750 onwards).

Charles III completed a radical reform of the university curriculum and a revision of the function of each university which would result, at least, in the decrease of this gratuitous violence.

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<sup>33</sup> TORREMOCHA HERNÁNDEZ, M., *op. cit.*, 373-4

<sup>34</sup> TORREMOCHA HERNÁNDEZ, M., *op. cit.*, 370.