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## The First Decades of Prague University: Transforming Intellectual Space in 14th Century Central Europe

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## THE CHARTERS OF FOUNDATION OF PRAGUE AND NAPLES: THE MODELS AND THEIR REUSE

FULVIO DELLE DONNE

### ABSTRACT

In 1348, when Charles IV, king of Bohemia and of the Romans, founded the University of Prague, he (or, better, his *dictator*, Nicholas Sortes) used some others sources as stylistic and argumentative models. This way, the charter of foundation appears to be a *cento* of other letters written for the University of Naples (founded in 1224) by Emperor Frederick II Hohenstaufen and his son Conrad. It is an evident example of the stylistic and functional reuse of one of the most important letter-collections of the 13th century: the rhetoric models attributed to Petrus de Vinea (maybe exported to Bohemia by Henricus de Isernia), which gained a huge diffusion and became a forceful symbol of power all around Europe.

*Keywords:* University of Prague – University of Naples – Charles IV of Bohemia – Frederick II Hohenstaufen – Petrus de Vinea

The charter of foundation of a University is a very important document: it shows the methods that the founder wants to follow and nothing can be left to chance. In particular, the charter of foundation of the Prague University, issued by Charles IV on the 7th of April 1348,<sup>1</sup> marks the birth of the first university beyond the Alps and east of Paris. Charles IV founded his university as King of the Romans (that is as Emperor *in pectore*), or as King of Bohemia?<sup>2</sup> And consequently, what did Charles intend to do? Historians of political institutions and scholars of diplomatic have already given some answers to these questions, but also, perhaps, philology and rhetoric can give their contribution.

It is quite well known that the founding charter of Charles is organized as a *cento* of some letters contained in the collection attributed to Petrus de Vinea (ca. 1190–1249), who was prothonotary and logothete of Emperor Frederick of Swabia (Hohenstaufen).<sup>3</sup>

<sup>1</sup> The document is edited in: Venceslaus HRUBÝ (ed.), *Archivum coronae regni Bohemiae*, II, Pragae 1928, pp. 67–69, n. 62; Karl ZEUMER – Richard SALOMON (eds.), *Constitutiones et acta publica imperatorum et regum*, VIII, Hannoverae 1910–1926 (MGH, Const., VIII), pp. 580–581, nr. 568. Obviously, the first charter was issued by pope Clement VI, 26 January 1347: the charter is edited in Ladislav KLICMAN (ed.), *Monumenta Vaticana res gestas Bohemicas illustrantia*, I, *Acta Clementis VI*, Pragae 1903, pp. 495–496; and in *Constitutiones et acta publica*, pp. 245–246, nr. 132.

<sup>2</sup> Cfr. Václav CHALOUPECKÝ, *Karlova universita v Praze 1348–1409*, Praha 1948, pp. 26–43; Miloslava KUBOVÁ, *University založené Karlem IV. Obraz o zakladatelské činnosti universitní císaře Karla IV.*, Acta universitatis Carolinae – Historia universitatis Carolinae Pragensis 11/1–2, Praha 1970, pp. 7–31; Roderich SCHMIDT, *Begründung und Bestätigung der Universität Prag*, Blätter für deutsche Landesgeschichte 114, 1978, pp. 695–719; František ŠMAHEL, *Die Prager Universität im Mittelalter*, Leiden – Boston 2007, p. 6 ff.

<sup>3</sup> About the so-called Letter-collection of Petrus de Vinea, transmitted in 4 main redactions (shorter in 5 or in 6 books, longer in 5 or in 6 books: the shorter in 6 books was the most common), cfr. especially Hans Martin SCHALLER, *Zur Entstehung der sogenannten Briefsammlung des Petrus de Vinea*, Deutsches Archiv für Erforschung

Already Heinrich Denifle, in 1885,<sup>4</sup> identified the source of the Charles charter in three other documents issued by Frederick Hohenstaufen and his son Conrad for the universities of Naples and Salerno. The relationships with these models were then explored and clarified by Vojtěch Jaromír Nováček,<sup>5</sup> in the edition prepared by *Monumenta Germaniae Historica*<sup>6</sup> and in a comprehensive study by Benoît Grévin about the European influence exercised by the rhetorical style of the letters of Petrus de Vineia.<sup>7</sup> However, the charter of foundation of the University of Prague is a very interesting example of political re-use of rhetorical models, and therefore deserves new attention about its method of composition and its purposes.

The charter of foundation of 1348 uses particularly three letters transmitted by the letter-collection attributed to Petrus de Vineia: one is a letter issued by Frederick II in 1224 (III 11 in the Petrus de Vineia's letter-collection), with which the emperor invited the scholars to come to Naples, where he had just founded his *Studium generale*, which can be considered the first state University in the world.<sup>8</sup> The two others documents were issued by Conrad IV, the son and heir of Frederick II, who in 1252–1253 decided to punish the rebel city of Naples by transferring the University to Salerno (III 12 and III 10 in the Petrus de Vineia's letter-collection).<sup>9</sup>

The organization of the prose cento is quite similar to various and frequent rhetoric creations produced in that period in France and England, and similarly based on the letters attributed to Petrus de Vineia.<sup>10</sup> But here the most remarkable thing is the typology of sources: they are documents specifically related to the university, even if they are not technically privileges, or diplomas, like the charter of Prague, but rather circular letters of invitation for students. A detailed comparison can clarify the relationships between the documents: a graphic system in Appendix can reveal everything in a schematic way.

The letter of foundation issued by Frederick II in 1224 (Petrus de Vineia's letter-collection III 11) is not very broadly used (the comparison is highlighted by underlining): there are only two short parts. The first is in the phrase in which Charles affirms that the students should no longer be forced to wander around the world, to beg in foreign lands in order to quench their craving for learning; the second, just a little bit longer, is where he says that in

des Mittelalters 12, 1956, pp. 114–159 (reprinted in: Id., *Stauferzeit. Ausgewählte Aufsätze*, Hannover 1993, pp. 225–270); Id., *L'epistolario di Pier della Vigna*, in: Stefano Gensini (ed.), *Politica e cultura nell'Italia di Federico II*, Pisa 1986, pp. 95–111 (reprinted in German in: H. M. SCHALLER, *Stauferzeit*, pp. 463–478); Fulvio DELLE DONNE, *Autori, redazioni, trasmissioni, ricezione. I problemi editoriali delle raccolte di dictamina di epoca sveva e dell'epistolario di Pier della Vigna*, ArNoS. Archivio normanno-svevo 2, 2009, pp. 7–28.

<sup>4</sup> Heinrich DENIFLE, *Die Entstehung der Universitäten des Mittelalters bis 1400*, Berlin 1885, p. 587.

<sup>5</sup> Vojtěch Jaromír NOVÁČEK, *Prameny zakládací listiny university Pražské, vydané Karlem IV. dne 7. dubna 1348*, Praha 1890, p. 22.

<sup>6</sup> *Constitutiones et acta publica*, pp. 580–581.

<sup>7</sup> Benoît GRÉVIN, *Rhétorique du pouvoir médiéval. Les Lettres de Pierre de la Vigne et la formation du langage politique européen XIII<sup>e</sup>–XIV<sup>e</sup> siècle*, Rome 2008, pp. 716–721.

<sup>8</sup> The letter is edited in Fulvio DELLE DONNE, 'Per scientiarum haustum et seminarium doctrinarum'. *Storia dello Studium di Napoli in età sveva*, Bari 2010, pp. 85–91, n. 1, with bibliography (pp. 9–10) about the problem of the state-university. The volume reprint the article 'Per scientiarum haustum et seminarium doctrinarum': *edizione e studio dei documenti relativi allo Studium di Napoli in età sveva*, *Bullettino dell'Istituto storico italiano per il medioevo* 111, 2009, pp. 101–225. The Petrus de Vineia's letter-collection is now edited, commented and translated in Italian by the 'Centro europeo di studi normanni': Edoardo D'ANGELO – Fulvio DELLE DONNE – Alessandro BOCCIA – Teofilo DE ANGELIS – Roberto GAMBERINI (eds.), *L'epistolario di Pier della Vigna*, Soveria Mannelli 2014.

<sup>9</sup> The letters are edited in F. DELLE DONNE, *Per scientiarum haustum*, pp. 111–114, n. 13, and pp. 116–120, n. 15.

<sup>10</sup> Cfr. B. GRÉVIN, *Rhétorique du pouvoir médiéval*, pp. 566–662.

the *Studium generale* there will be doctors, masters and pupils of all faculties, to whom he promises excellent goods and grants royal gifts and special protection during their travels, their stay or their return.

More fundamental still are the first and the second letters issued by Conrad in 1252 and in 1253 for Salerno (Petrus de Vinea's letter-collection, respectively III 12 and III 10). The virtuosity of the author in reusing his models is very impressive: he creates intersections and inextricable intertwining between these two principal models, used as a basis for his composition. So he takes bigger parts from the two Conrad's letters, and adds two smaller fragments from Frederick's charters: the schema is really remarkable for its organizational accuracy and can show its precision if we summarize with the aid of letters of the alphabet: B / C / B / C / A / B / C / B / A / B.<sup>11</sup>

Apart from the protocol, which shows that the charter is organized as a bulla and not as a letter, because it is for the perpetual remembrance of the matter (*'ad perpetuam rei memoriam'*) and is not directed to specific recipients, in the analysis previously made by other scholars, only the early results are not drawn from other sources.<sup>12</sup> Actually, even those few lines of the preamble, whose content vaguely recalls the first of Conrad's letters, are taken from other letters. In particular, the phrase *'cogitationi regali iugiter occurrunt, animi precipua reddimur anxietate solliciti'* is taken from Petrus de Vinea's letter-collection III 22, addressed in 1249 to the king of France. In the beginning of that letter, on a military expedition to the Holy Land and not to the university – this is an exception by comparison with other models – we can indeed read: *"Inter tot et tanta diversa curarum genera, quae cogitationibus nostris indesinenter occurrunt, precipua reddimur anxietate cordis solliciti."* In addition, the formula *'aciem mentis nostrae'* is used in Petrus de Vinea's letter-collection I 5,2 and V 1,4; the formula *'mentis affectione complectimur'* is used in Petrus de Vinea's letter-collection II 21,1. And also the *incipit*, *'Inter desiderabilia cordis nostri'*, is very usual in the epistolary prose of that period and can be read in the letters of Pope Innocent III,<sup>13</sup> or in the samples formal letters collected by Richardus de Pofi to;<sup>14</sup> and we can add it is used also in a letter by Clement VI addressed to king John of Bohemia in 1346:<sup>15</sup> this way there were many possibilities in finding the more appropriate source.

Summarizing, every part of the Charter reproduces specific sources and models. Also the charter issued by Clemens VI in 1347 used parts taken from another document for Pisa (1343);<sup>16</sup> but it reused only in small parts and, above all, the author was the same. Therefore the situation is very different: how can we interpret it? For Anton Blaschka the reused parts of the text did not completely succumb to the style of the original *dictator*, and this was

<sup>11</sup> Cfr. B. GRÉVIN, *Rhétorique du pouvoir médiéval*, p. 720.

<sup>12</sup> Actually, Anton BLASCHKA, *Vom Sinn der Prager hohen Schule nach Wort und Bild ihrer Gründungsurkunden*, in: Rudolf Schreiber (ed.), *Studien zur Geschichte der Karls-Universität zu Prag, Freilassung – Salzburg 1954*, p. 56, quickly notes that some parts are taken from letter III 24 by Petrus de Vinea, but it is incorrect (maybe it was just a mistake instead of the III 22).

<sup>13</sup> Jacques Paul MIGNE (ed.), *Patrologiae cursus completus. Series Latina*, CCXVI, Lutetiae Parisiorum 1855, ep. 30 (col. 823), ep. 34 (col. 828), ep. 91 (col. 891).

<sup>14</sup> The letter-collection of Richardus de Pofi is still unedited: the letters are usually nr. 205 e 261.

<sup>15</sup> *Constitutiones et acta publica*, p. 116, line 1 (doc. 90).

<sup>16</sup> Cfr. especially Georg Heinrich KAUFMANN, *Geschichte der deutschen Universitäten*, II, Stuttgart 1896, p. 7, in note; Frank REXRÖTH, *Deutsche Universitätsstiftungen von Prag bis Köln. Die Intentionen des Stifters und die Wege und Chancen ihrer Verwirklichung im spätmittelalterlichen deutschen Territorialstaat*, Köln 1992, pp. 64–66.

evident especially in the reorganization of the *cursus*.<sup>17</sup> This is quite correct and true, but we have to analyze the question with increased precision.

First of all, every possible interpretation depends on the author's identification. As it turns out, the *dictator* was Nicholas Sortes, the French secretary of Charles IV:<sup>18</sup> this notary, probably brought to Prague the fruits of the rhetorical teachings of the French schools, where the reuse of models drawn from Petrus de Vinea's Letters was usual and frequent.<sup>19</sup> But, I think this circumstance was not enough. There was also in Prague an important tradition of reading and using of the letters attributed to Petrus de Vinea. That letter-collection was imported there by Henricus de Isernia, who was a distinguished *dictator*, and he worked for a long time in the chancellery of the last Swabian kings of Sicily, and then, after the death of Manfred (the battle of Benevento, 1266) and Conradin (after the battle of Tagliacozzo, 1268), went into exile in Bohemia, where he, also called *Henricus Italicus*, became protonotary of the royal chancery.<sup>20</sup> In Prague Henricus founded also a school of rhetoric, where he spread the knowledge of the art of writing *dictamina* and epistles throughout Bohemia, in its both theoretical and practical form. Excluding the manuscripts containing his *dictamina*,<sup>21</sup> his teaching in Bohemia is probably demonstrated also by the spread in the same region of the letter-collection attributed to Petrus de Vinea.<sup>22</sup> We have many examples of artistic reuse of that material, especially in the period of Ottokar II and in the first years of Wenceslaus II: they can demonstrate the deep impact of the Sicilian *ars dictaminis* on the culture, not only for the redaction of official chancellery documents, but also for the instruction of scholars.<sup>23</sup> That kind of style usually identified the prose production in an absolute manner not only in Bohemia or in southern Italy, but all around Europe. The figure of Henricus de Isernia is particularly relevant: he is a concrete example of the implementation of a 'socio-stylistic network'.<sup>24</sup> The rhetorical style developed in the central-southern part of Italy was fully identifiable, but it did not characterized the production of a unique chancery: indeed, the same style was used both in the imperial and in the papal chancery, that is, in the two centers of power, which at that time were in violent conflict. The only way of spreading that style was offered by schools of *dictamen*, locally operating in *Terra Laboris*, and in particular around Montecassino, the place where *ars dictaminis*

<sup>17</sup> A. BLASCHKA, *Vom Sinn der Prager hohen Schule*, pp. 56–57.

<sup>18</sup> Cfr. V. HRUBÝ in the introduction to the edition of the document, *Archivum coronae*, II, p. 67, and A. BLASCHKA, *Vom Sinn der Prager hohen Schule*, p. 54. But here the source of this information is not explicitly declared, reported also by SCHMIDT, *Begründung*, p. 697; Ferdinand SEIBT, *Karl IV. Ein Kaiser in Europa, 1346–1378*, München 1987, p. 181, and in Jana NECHUTOVÁ, *Die lateinische Literatur des Mittelalters in Böhmen*, Köln – Weimar – Wien 2007, p. 188.

<sup>19</sup> Cfr. B. GRÉVIN, *Rhétorique du pouvoir médiéval*, pp. 566–629.

<sup>20</sup> Cfr. Hans Martin SCHALLER, *Enrico da Isernia*, in: *Dizionario biografico degli Italiani*, XLII, Roma 1993, ad vocem. For further bibliography cfr. now Richard PSÍK, *Henricus de Isernia and his 'Invectiva prosotestrasticha in Ulricum Polonicum'*, *ArNoS. Archivio Normanno-Svevo* 4, 2013–2014, pp. 75–102.

<sup>21</sup> Cfr. Cracow, Bibliotheka Jagiellońska, ms. 439; Klagenfurt, Archiv der Diözese Gurk, ms. XXXI b 12; Prague, Národní knihovna České republiky, ms. XII B 12; Vienna, Österreichische Nationalbibliothek, ms. 3143.

<sup>22</sup> Cfr. Hans Martin SCHALLER, *Handschriftenverzeichnis zur Briefsammlung des Petrus de Vinea*, Hannover 2002, especially mss. 11, 78, 97, 239, 389, connected with the court of Prague, and the mss. 182, 183, 184, 185, 186, originally preserved in Prague; Id., *Zur Entstehung der sogenannten Briefsammlung*, pp. 148–151.

<sup>23</sup> Cfr. B. GRÉVIN, *Rhétorique du pouvoir*, pp. 708–716.

<sup>24</sup> Cfr. Fulvio DELLE DONNE, *Le dictamen capouan: écoles rhétoriques et conventions historiographiques*, in: Anne Marie Turcan Verkerk – Benoît Grévin (eds.), *Le dictamen dans tout ses états. Perspectives de recherche sur la théorie et la pratique de l'ars dictaminis (XI<sup>e</sup>–XV<sup>e</sup> siècles)*, Turnhout 2015, pp. 191–207.

was invented in the eleventh century.<sup>25</sup> The teaching of the highest rhetorical techniques was probably transmitted through occasional courses, or through exchanges of letters and rhetorical *certamina*, attested by a large number of manuscripts, which just for convenience we can classify as extravagant letter-collections by Petrus de Vinea (or Thomas of Capua).<sup>26</sup> These lessons and these exchanges of letters allowed the refinement of rhetorical techniques through imitation of stylistic models;<sup>27</sup> at the same time, however, a common sense of belonging to an intellectual group developed, to a professional class of notaries and *dictatores*: they made that identifiable prose style their own distinctive character, on both a literary and social level. In this socio-stylistic network Henricus de Isernia represented an important junction point, especially when he arrived in Bohemia, where he imported from southern Italy the Latin *Stilus supremus*, by using the same teaching methods and the same transmission systems in rhetorical knowledge and stylistic ideals.

So, when Charles founded his University in Prague, the letter-collection attributed to Petrus de Vinea was almost certainly well known, as were the epistles used as models for the foundation charter of 1348. We cannot think that, in the opinion of Nicholas Sortes, the evident re-use of phrases taken from other well-known letters could go unnoticed, especially for those who studied rhetoric or its masters, that is the primary recipients of the Charter. Benoît Grévin, in his important study about the huge European spread of Petrus de Vinea's style describes that kind of propagation in the age of Charles IV as 'rhetoric autumns', to characterize its last use, but maybe also its decadence, just represented by the charter of foundation, in which the reorganization of the text was not very imaginative or innovative, but demonstrates only a mechanical 'copy and paste'.

Actually, we can admit that in all the medieval era there was no great attention to originality: a writer could usually 'steal' the work of other writers, without the risk of accusations of plagiarism. But, on the other hand, Petrus de Vinea was immediately considered an *auctor* that is as a respectable writer, as an author worthy of reverence and veneration. His organized letter-collection or *summa* contains many letters certainly not attributable to him, because they date back to periods that do not coincide with the years in which he was active. For this reason, the letters contained in his collection or *summa* were decontextualized and deeply correct, to become models, that is *dictamina* attributable to an *auctor*, whose name was a guarantee of formal perfection.<sup>28</sup>

In short, most likely Nicholas Sortes deliberately decided to use the letters of the collection attributed to Petrus de Vinea. In that collection, all the letters were written in the name of the Emperor Frederick II for the University of Naples, also the two which – as we have said – were issued by Conrad when he decided to move the University to Salerno. But only

<sup>25</sup> About these questions and about the connections between Cassino and Rome cfr. especially Filippo BOGNINI, *Un'ipotesi per la cronologia del Breviarium di Alberico di Montecassino*, *Filologia mediolatina* 11, 2004, pp. 265–280; ALBERICO DI MONTECASSINO, *Breviarium de dictamine*, ed. Filippo BOGNINI, Firenze 2008.

<sup>26</sup> About these manuscripts cfr. H. M. SCHALLER, *Handschriftenverzeichnis*.

<sup>27</sup> In this context Henricus de Isernia, in his work about the 'epistolare dictamen', theorizes the 'imitatio' by the teacher as a technique for refining the rhetorical art: cfr. Josef TRÍŠKA, *Prague Rhetoric and the Epistolare dictamen (1278) of Henricus de Isernia*, *Rhetorica: A Journal of the History of Rhetoric* 3/3, 1985, pp. 183–200: 196.

<sup>28</sup> Cfr. Fulvio DELLE DONNE, *Auctor e auctoritas nelle raccolte epistolari del XIII secolo*, in: Edoardo D'Angelo – Jan Ziolkowski (eds.), *Auctor et Auctoritas in Latinis medii aevi litteris. Author and Authorship in Medieval Latin Literature*, Firenze 2014, pp. 291–301.

a careful historical and philological examination allows to surely attribute these letters to Conrad: for all the people who read them, in the fourteenth century, the situation seemed different and they were the letters of an Emperor.<sup>29</sup>

In the middle of the 13th century in the court of the Emperor Frederick II some *dictatores*, under the leadership of Petrus de Vinea, assimilated and completely reorganized in political and propagandistic ways the rhetorical techniques of the *ars dictaminis* developed in the previous centuries. The imperial chancellery in that period became the privileged laboratory of the development of a particular rhythmic prose, whose style was recognizable for the emphatic and metaphorical obscurity. That style fully represented the imperial sovereignty, the highest form of secular power, but it was not simply linked with a short particular moment in the history of the Swabian dynasty. When the kingdom of Frederick II and of his sons Conrad and Manfred collapsed, some *dictatores* transmitted that style to the posterity, by transforming the chancellery documents in *dictamina*, and by creating collections of exemplar texts, fully representative of the imperial rhetoric and ideology. The *dictatores* who practiced that style and who went into exile, like Henricus de Isernia, Petrus de Prece or Nicolaus de Rocca,<sup>30</sup> were employed in all the most important chancelleries and they spread the rhetoric models attributed to Petrus de Vinea all around Europe, from northern Italy to France, from England to Spain, from Germany to Bohemia, by completely transforming the political language.

In conclusion, the Charter of foundation of Prague University had different levels of meaning. There was a primary level of immediate communication: Charles announced the foundation of the University; granted his protection of the students during their journey and during their stay in the town; and prescribed the same *curriculum studiorum* and the same principles of self-government found in Bologna and in Paris. There was another rhetorical level, based on the elegance of communication: they used the most beautiful and perfect stylistic models of that period. And there was a last, but not least symbolic level: rhetoric, culture and knowledge were vehicles for the assertion of a particular imperial power.

Nicholas Sortes and then Charles IV could use other models, taken from the papal tradition,<sup>31</sup> but they chose the imperial ones, which were easily recognizable. The style of that model, the style of Emperor Frederick's chancellery was, or better still, had to be recognizable: it was useful not only to declare the identity of the sender, but also his majestic height and his magnificence. For this reason, the chancellery style of that period can be considered a 'symbol of power', which can be shown just like other visible and

<sup>29</sup> Cfr. F. DELLE DONNE, *Autori, redazioni, trasmissioni*, pp. 7–28; and ID., *Un'inedita epistola sulla morte di Guglielmo de Luna, maestro presso lo Studium di Napoli, e le traduzioni prodotte alla corte di Manfredi di Svevia*, *Recherches de Théologie et Philosophie Médiévales* 74, 2007, pp. 225–245.

<sup>30</sup> About Petrus de Prece cfr. now Fulvio DELLE DONNE, *Pietro da Prezza (Petrus de Prece, Petrus de Precio)*, in: *Dizionario biografico degli Italiani* 83, Roma 2014, sub voce; for Nicolaus de Rocca cfr. the introduction to NICOLA DA ROCCA, *Epistolae*, ed. Fulvio DELLE DONNE, Firenze 2003.

<sup>31</sup> Cfr. for example Erik VAN MINGROOT, 'Sapientie immarcescibilis'. *A Diplomatic and Comparative Study of the Bull of Foundation of the University of Louvain (December 9, 1425)*, Leuven 1994, who compares the charter of foundation of the University of Leuven (1425), to some 'dictamina' of Richard of Pofi, which were often used and reused for the foundation or re-foundation of some 'studia'.



tangible objects studied by Percy Ernst Schramm,<sup>32</sup> such as sceptres and crowns.<sup>33</sup> And for the same reason Charles IV almost certainly reused that style as a concrete instrument of power, to represent himself as an Emperor, as the real heir and descendant of that great Emperor who, just like him, founded another state university.<sup>34</sup>

FULVIO DELLE DONNE

## Zakládací listiny univerzit v Praze a Neapoli: modely a jejich využití

### RESUMÉ

Je dobře známo, že zakládací listina pražské univerzity, kterou Karel IV. vydal 7. dubna 1348, je vytvořena jako *cento* z různých listin obsažených ve formulářové sbírce přisuzované Petrovi z Viney (cca 1190–1249), jež byl protonotářem a logothetem císaře Fridricha II. Štaufského. Jejými zdroji byly především tři listiny. První byla vydána Fridrichem II. v roce 1224 (III 11 ve formulářové sbírce Petra z Viney) a císař jí pozval scholáry k cestě do Neapole, kde právě založil první státní univerzitu na světě. Zbýlé dvě listiny byly vydány Konrádem IV., synem Fridricha II., který v letech 1252–1253 dočasně přemístil neapolskou univerzitu do Salerna (III 12 a III 10). Podrobné srovnání (viz apendix) osvětluje vztah mezi těmito dokumenty.

Mikuláš Sortes, francouzský sekretář Karla IV., který sepsal zakládací listinu pražské univerzity, přinesl pravděpodobně do Prahy plody rétorické výuky na francouzských školách, na nichž bylo zvykem časté opakované využívání modelových listin Petra z Viney. Také v Praze se však vyskytovala významná tradice čtení a opětovného používání listů připisovaných Petrovi z Viney, jehož formulářová sbírka se dostala do Prahy díky Jindřichovi z Isernie, uznávanému *dictatorovi* z jižní Itálie a vzorovému tvůrci „socio-stylistické sítě“.

Mikuláš Sortes se vědomě rozhodl použít listiny napsané jménem císaře Fridricha. Švábská císařská kancelář vyvinula totiž zvláštní rytmickou prózu, jejíž styl – „symbol síly“ – byl rozpoznatelný svou důraznou a metaforickou mlhavostí. Díky tomu měla zakládací listina pražské univerzity různé významové úrovně: zaprvé úroveň bezprostřední komunikace, a to samotným oznámením založení univerzity; dále rétorickou úroveň, postavenou na eleganci komunikace; a nakonec v neposlední řadě úroveň symbolickou zaměřenou na prosazování velikosti císařské moci.

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<sup>32</sup> Cfr. above all Percy Ernst SCHRAMM, *Herrschaftszeichen und Staatssymbolik*, Stuttgart 1954–1956.

<sup>33</sup> Cfr. Fulvio DELLE DONNE, *Culture as a symbol of power in the kingdom of Sicily during the Swabian period*, in: Ingrid Baumgärtner – Mirko Vagnoni – Megan Welton (eds.), *Representations of power at the Mediterranean Borders of Europe (12th–15th century)*, Firenze 2014, pp. 15–28.

<sup>34</sup> In a similar way, in relation to a reuse by Charles IV of the sculpture on the gate of Capua, built by Frederick II, cfr. Johannes FRIED, *Das Mittelalter. Geschichte und Kultur*, München 2009, pp. 437–438.

## APPENDIX

1

Charles IV, king of Bohemia and of the Romans, issues the charter of foundation of the University of Prague, 7 April 1348<sup>1</sup>

Karolus, Dei gracia Romanorum rex semper augustus et Boemie rex, ad perpetuam rei memoriam.

Inter desiderabilia cordis nostri<sup>2</sup> et que cogitacioni regali iugiter occurrunt, animi precipua reddimur anxietate solliciti, specialiter convertentes aciem mentis nostre,<sup>3</sup> *qualiter regnum nostrum* Boemie, quod pre ceteris hereditariis aut eufortune adquisicionis honoribus et possessionibus prerogativa mentis affectione complectimur,<sup>4</sup> cuius exaltacionem *omni, qua possumus, diligencia procurantes*, ipsius honori intendimus totis conatibus et saluti, **sicut rerum victualium ad dispensacionem divini nominis natura profluyente tripudiat, sic ad nostre provisionis edictum prudentum virorum copia nostris artificialiter temporibus decoretur, ut fideles nostri regnicole, qui scienciarum fructus indesinenter esuriunt, per aliena mendicare suffragia non coacti paratam in regno sibi mensam propinacionis invenient, et quos ingeniorum nativa subtilitas ad consilia reddit conspicuos litterarum sciencia faciat eruditos, nec solum compellantur, aut supervacuum reputent ad investigandas gyrum terre sciencias** circuire, naciones expetere peregrinas aut, ut ipsorum aviditatibus satisfiat, in alienis regionibus mendicare, sed gloriosum estiment extraneos alios ad suavitatem odoris et gratitudinis huiusmodi participium evocare.

Sane ut tam salubris et laudabilis animi paret concepcio fructus dignos, *regni ipsius fastigia tripudialibus novitatis volentes primiciis augmentari, in nostra* Pragensi metropolitana et amenissima civitate, quam terrene fertilitatis fecunditas et plenitudine rerum amenitas localis **reddunt utiliter tanto negotio congruentem**, instituendum, ordinandum et de novo creandum *consulta utique deliberacione* previa duximus *studium* generale, in quo siquidem studio doctores, magistri et scolares erunt in qualibet facultate, quibus bona magna promittimus et eis, quos dignos viderimus, regalia donaria conferemus, omnes et singulos doctores, magistros et scolares in profectioe et qualibet facultate ac, undecunque venerint, veniendo, morando et redeundo sub nostre maiestatis speciali protectione et salva gardia retinentes, *firmam singulis fiduciam oblaturi, quod privilegia, immunitates et libertates omnes, quibus tam in Parisiensi, quam Bononiensi studiis doctores et scolares auctoritate regia uti et gaudere sunt soliti, omnibus et singulis illuc accedere volentibus liberaliter impertimur et faciemus ab omnibus et singulis inviolabiliter observari.*

In quorum omnium testimonium et ad certitudinem pleniorum presentes fieri iussimus et bulla aurea typario nostre maiestatis impressa precepimus communiri.

Datum Prage anno Domini millesimo trecentesimo quadragesimo octavo, indiccione prima, VII Idus Aprilis, regnorum nostrorum anno secundo.

<sup>1</sup> Here is reprinted (with some small corrections in punctuation) the text edited in *Archivum coronae regni Bohemiae*, pp. 67–69, nr. 62. The parts taken from the doc. 2 are underlined; the parts taken from the doc. 3 are in italics; the parts taken from the doc. 4 are in bold; the parts taken from the doc. 5 are doubly underlined.

<sup>2</sup> For this incipit, ‘Inter desiderabilia cordis nostri’, cfr. *supra* and the notes 12, 13 and 14.

<sup>3</sup> For this formula, ‘aciem mentis nostre’, cfr. *supra*.

<sup>4</sup> For this formula, ‘mentis affectione complectimur’, cfr. *supra*.

Frederick II, king of Sicily and emperor, issues the letter of foundation of the University of Naples and invites all the students, 5 June 1224<sup>5</sup>

Fridericus Dei gratia Romanorum imperator semper augustus et Sicilie rex, archiepiscopis, episcopis et aliis ecclesiarum prelati, marchionibus, comitibus, baronibus, iustitiariis, camerariis, comestabilis, baiulis, iudicibus et universis per regnum Sicilie constitutis fidelibus suis presentes litteras inspecturis gratiam suam et bonam voluntatem.

Deo propitio per quem vivimus et regnamus, cui omnes actus nostros offerimus, cui omne quod agimus imputamus, in regnum nostrum desideramus multos prudentes et providos fieri per scientiarum haustum et seminarium doctrinarum, qui facti discreti per studium et per observationem iuris iusti Deo serviant, cui serviunt omnia, et nobis placeant per cultum iustitie, cuius preceptis omnes precipimus obedire. Disponimus autem apud Neapolim amenissimam civitatem doceri artes et cuiuscumque professionis vigere studia ut ieiuni et famelici doctrinarum in ipso regno inveniant unde ipsorum aviditatibus satisfiat, neque compellantur, ad investigandas scientias, peregrinas nationes expetere nec in alienis regionibus mendicare. Bonum autem hoc rei nostre publice profuturum intendimus, cum subiectorum commoda speciali quadam affectionis gratia providemus, quos, sicut convenit, eruditos pulcherrima poterit spes fovere et bona plurima promptis animis expectare; cum sterilis esse non possit accessio, quam nobilitas sequitur, cui tribunalia preparantur, sequuntur lucra divitiarum, favor et gratia comparantur. Insuper studiosos viros ad servitia nostra non sine magnis meritis et laudibus convocamus, secure illis qui discreti fuerint per instantiam studii iuris et iustitie regimina committentes.

Hilares igitur et prompti satis ad professiones quas scolares desiderant animentur, quibus ad inhabitandum eum locum concedimus ubi rerum copia, ubi ample domus et spatiose satis et ubi mores civium sunt benigni; ubi etiam necessaria vite hominum per terras et maritimas facile transvehuntur, quibus per nos ipsos utilitates querimus, conditiones disponimus, magistros investigamus, bona promittimus et eis quos dignos viderimus donaria conferemus. Illos siquidem in conspectu parentum suorum ponimus, a multis laboribus liberamus, a longis itineribus et quasi peregrinationibus absolvimus. Illos tutos facimus ab insidiis predatorum et qui spoliabantur fortunis suis et rebus longa terrarum spatia peragrantes, scholas suas levioribus sumptibus et brevioribus cursibus a liberalitate nostra se gaudeant assecutos. De numero autem prelatorum, quos ibi duximus destinandos, mittimus magistrum R. de Benevento iudicem et magistrum B. de Ysernia fideles nostros civilis scientie professores, viros magne scientie, note virtutis et fidelis experientie, quam nostre semper exhibuerunt et exhibent maiestati: de quibus sicut de aliquibus regni nostri fidelibus fiduciam gerimus plenior. Mittimus quoque ... et ... in tali scientia ... et ... in tali etc.

Volumus igitur et mandamus vobis omnibus qui provincias regitis, quique administrationibus aliquibus presidetis ut hec omnia passim et publice proponatis et iniungatis sub pena personarum et rerum, ut nullus scolaris legendi causa exire audeat extra regnum nec infra regnum aliquis audeat addiscere alibi vel docere, et qui de regno sunt extra regnum in scholis, sub pena predicta eorum parentibus iniungatis ut usque ad festum sancti Michelis

<sup>5</sup> The letter is transmitted by Petrus de Vineæ's letter-collection, III 11. Here is reprinted the text edited in F. DELLE DONNE, *Per scientiarum haustum*, pp. 85–91, nr. 1.

nunc proximum revertantur. Conditiones autem quas scholaribus concedimus erunt iste: in primis quod in civitate predicta doctores et magistri erunt in qualibet facultate. Scolares autem, undecumque venerint, securi veniant morando, stando et redeundo, tam in personis quam in rebus nullam sentientes in aliquo lesionem. Hospitium quod melius in civitate fuerit scholaribus locabitur pro duarum unciarum auri annua pensione, nec ultra extimatio eius ascendet. Infra predictam autem summam et usque ad illam omnia hospitia sub extimatione duorum civium et duorum scolarium locabuntur. Mutuum fiet scholaribus ab illis qui ad hoc fuerint ordinati secundum quod eis necesse fuerit, datis libris in pignore et precario restitutis, receptis a scholaribus fideiussoribus pro eisdem. Scholaris vero qui mutuum recipiet iurabit quod de terra aliquatenus non recedet donec precaria restituet: vel mutuum ab eo fuerit exsolutum, vel alias satisfactum fuerit creditori. Predicta autem precaria a creditoribus non revocabuntur, quamdiu scolares voluerint in studio permanere. Item omnes scolares in civilibus sub eisdem doctoribus et magistris debeant conveniri. Omnes igitur a modo, qui studere voluerint in aliqua facultate, vadant Neapolim ad studendum, et nullus sit ausus pro scolis extra regnum exire, vel infra regnum in aliis scolis addiscere vel docere: et qui sunt de regno extra regnum in scolis, usque ad festum sancti Michelis proximum venturum, sine more dispendio revertantur. De frumento autem, vino, carnibus piscibus et aliis, que ad victum pertinent, modum nullum statuimus, cum in hiis omnibus abundet provincia, que vendentur scholaribus secundum quod venduntur civibus et etiam per contradam.

Vos igitur ad tantum et tam laudabile opus et studium invitantes, conditiones subscriptas vobis promictimus observare et personis vestris honorem conferre per nos, et precipere generaliter ut ab omnibus conferatur.

Datum Siracusie, V Iunii, XII indictionis.

### 3

Conrad IV, king of Sicily, orders the reorganization of the Studium and moves it to Salerno, providing teachers and students in the old living conditions. February 1252<sup>6</sup>

Conradus etc. iustitiario etc.

Sollicitudo continua curas nostras exagitat, *qualiter regnum nostrum Sicilie, naturaliter rerum victualium ubertate fecundum, prudentum virorum copia nostris temporibus artificialiter decoremus, ut fideles nostri regnicole, scientiarum fructus, quos indesinenter esuriunt, per aliena querere pomeria<sup>7</sup> non coacti, paratam in regno sibi mensam propositionis inveniant: et quos ingeniorum nativa fertilitas ad consilia reddit alta conspicuos, litterarum scientia faciat eruditos*. Ad quod licet progenitorum nostrorum nos clara prioritas invitet exemplis, dum eorum temporibus sic diversarum scientiarum in regno studia floruisse comperimus, ut non solum ad incolas filios sed ad externos etiam extendisse probetur *suavitatem odoris*: nos tamen super hoc tanto libenter sine cuiusquam inductione concurrimus, quanto

<sup>6</sup> The letter is transmitted by Petrus de Vineia's letter-collection, III 12, as issued by Emperor Frederick II. Here is reprinted the text edited in F. DELLE DONNE, *Per scientiarum haustum*, pp. 111–114, nr. 13.

<sup>7</sup> In the version usually transmitted by the redaction 'shorter in 6 books', the most common, we can read 'mendere suffragia' instead of 'querere pomeria': cfr. *L'epistolario di Pier della Vigna*, p. 494. This and the examples in the next notes can demonstrate that Nicholas Sortes surely used a copy of that redaction as model.

per hoc utiliter honori nostro consulere credimus, et exaltationem omnimodam regni nostri *omni qua possumus diligentia procuramus.*

*Volentes itaque super hoc antiquorum gratam renovare temperiem, et regni nostri fastigia tripudialibus novitatis nostre primitiis augmentare, universale studium in civitate nostra Salerni, consulta nuper<sup>8</sup> deliberatione, providimus reformandum: ut civitas ipsa antiqua mater et domus studii, sicut puritate fidei et situs amenitate prefulget, sic renovata quasi paranympa scientie, et singularium hospitalaria facultatum, docentibus et addiscentibus se prebeat gratiosam. Ad hoc igitur tam salubre convivium magistros quoslibet et scolares hilariter invitamus, fidelitati tue mandantes quatenus presens beneplacitum nostrum per iurisdictionem tuam solemniter studeas publicare, firmam singulis fiduciam oblaturus, quod immunitates et libertates omnes, quibus olim tempore divi Augusti tam in Neapolitano quam Salernitano studio uti et gaudere sunt soliti, faciemus universis et singulis illuc ire volentibus inviolabiliter observari.*

4

Conrad IV, king of Sicily, orders to give the master Petrus de Casoli an annual salary of 12 golden ounces, to come and deliver lectures at the *Studium* moved to Salerno. June 1253<sup>9</sup>

Conradus Dei gratia Romanorum in regem electus, Ierusalem et Sicilie rex Petro de Casoli gratiam suam et bonam voluntatem.

Noster instanter, quem in subditorum semper emolumenta dirigimus, sollicitatur affectus, qualiter regni nostri Sicilie preclara possessio, **sicut rerum ubertate victualium ad dispositionem divini numinis natura profluente tripudiat, sic ad nostre provisionis edictum, virorum** perfectione scientium, fortuna favente, valeat fecundari. Ad quod, etsi progenitorum nostrorum nos memoranda prioritas invitet exemplis, dum diversarum scientiarum dudum in regno studia floruisse comperimus et multos artium beneficio liberalium munitis provectos ad ardua, quos nativa ruditas honoris et glorie reddidisset indignos, sic nos super his et priorum tempora reviviscere volumus ut que per intervalla quantalibet quassata videntur, iam passa, desidiam sub iuventutis nostre primordiis seniliter iuvenescent: ac dum fideles nostri regnicole paratam sibi mensam propositionis inspexerint, non **solum supervacuum** sibi **reputent** aliena proinde flagitare suffragia, **sed gloriosum existiment** **exteros alios ad gratitudinis huiusmodi participium evocare.** Cumque civitatem Salerni, antiquam profecto matrem et domum studii, tam marine vicinitatis habitas, **quam terrene fertilitatis fecunditas reddant utiliter tanto negotio congruentem**, generale studium in civitate ipsa mandavimus reformari, ut, quam **localis amenitas rerum placiditate**<sup>10</sup> gratificat, docentibus et addiscentibus undique collecta commoditas efficiat gratiosam.

<sup>8</sup> In the version usually transmitted by the redaction 'shorter in 6 books' we can read 'utique' instead of 'nuper': *L'epistolario di Pier della Vigna*, p. 494.

<sup>9</sup> The letter is transmitted by Petrus de Vineia's letter-collection, III 10, as issued by Emperor Frederick II. Here is reprinted the text edited in F. DELLE DONNE, *Per scientiarum haustum*, pp. 116–120, nr. 15.

<sup>10</sup> In the version usually transmitted by the redaction 'shorter in 6 books' we can read 'plenitudine rerum' instead of 'rerum placiditate': *L'epistolario di Pier della Vigna*, p. 486.

Te igitur, quem antique fidei prescripta sinceritas et prestita dudum felicitis memorie domino patri nostro grata servitia nobis efficaciter recommendant, de cuius etiam experta scientia, probitate cognita et doctrina probata in conspectu nostro iam pluries multorum testimonio claruerunt, ad celebranda communis studii eiusdem festiva solennia hilariter providimus invitandum, fidelitati tue precipiendo mandantes, quatenus de favore et gratia nostra securus ad civitatem ipsam, ob reverentiam maiestatis nostre, personaliter rector accedas. Et ut certam concipias de gratie nostre liberalitate fiduciam, firmiter tenere te volumus quod in adventu tuo, in signum fecundioris auspicii, de valore annuo XII unciarum auri tibi faciat nostra munificentia provideri.

Datum in obsidione Neapolis.

5

Frederick II, king of Sicily and emperor, writes to the king of France, Louis IX, to inquire about his fleet: it left for the Holy Land and suffered severe damage due to a storm. 1249<sup>11</sup>

*Regi Francorum existenti in partibus Ultramarinis, ut rescribat ei sui status continentiam et processum.*

1. Generali qua cunctos amplectimur fidei participatione Christicolis, sed speciali qua uestram diligimus affectione personam, inter tot et tanta diuersa curarum genera, quae cogitationibus nostris indesinenter occurrunt, precipua reddimur anxietate cordis solliciti et affectamus instanter de uobis audire ueridica noua, quae placeant et scire plenarie in Terrae Sanctae subsidium uestrae peregrinationis euentum, uelut qui, teste supremo Iudice, semper ipsam amore negotii desiderauimus prosperam et affectione personae semper uotorum conformitate felicem [...].

<sup>11</sup> The letter is transmitted by Petrus de Vine's letter-collection, III 22. Here is reprinted just the initial part of the text edited in *L'epistolario di Pier della Vigna*, pp. 518–519.