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Legal Education at the University of Olomouc (Sixteenth to Nineteenth Century)

Edukacja prawna na Uniwersytecie w Ołomuńcu
(XVI–XIX w.)

Abstract

This study is devoted to the issue of legal education at the University of Olomouc in the period from the 16th to the 19th century. The University was founded in the 16th century by the bishops of Olomouc in cooperation with the Jesuit Order. Originally, it did not have an independent faculty of law and law was taught privately at the expense of the Moravian Estates. In 1725, the Estates Academy was founded in Olomouc to educate young noblemen, especially for the civil service (officers, clerks). Lawyers associated with the University taught law at the academy. In 1784, an independent faculty of law was established within the University (formally lyceum). Studies spanned three years; from 1810 then four years. All basic law subjects were taught at the faculty. Josef Vratislav Monse, a prominent Enlightenment scholar and lawyer, worked at the faculty. However, in the middle of the 19th century, the faculty of law was abolished, as were most other faculties.

Keywords

Education, University, legal history, Moravia

Streszczenie

Niniejsze opracowanie poświęcone jest zagadnieniu edukacji prawniczej na Uniwersytecie Ołomunieckim w okresie od XVI do XIX w. Uniwersytet został założony w XVI w. przez biskupów ołomunieckich we współpracy z zakonem jezuitów. Początkowo nie posiadał niezależnego wydziału prawa, a prawo było nauczane prywatnie na koszt morawskich stanów. W 1725 r.

w Ołomuńcu założono Akademię Szlachecką, która kształciła młodych szlachciców, zwłaszcza na potrzeby służby cywilnej (oficerów, urzędników). W akademii wykładali prawo prawnicy związani z uniwersytetem. W 1784 r. w ramach uniwersytetu (formalnie *lyceum*) utworzono niezależny wydział prawa. Studia trwały trzy lata, a od 1810 r. cztery lata. Na wydziale wykładano wszystkie podstawowe przedmioty prawnicze. Na wydziale pracował Josef Vratislav Monse, wybitny oświeceniowy uczyony i prawnik. Jednak w połowie XIX w. wydział prawa został zlikwidowany, podobnie jak większość innych wydziałów.

Słowa kluczowe

edukacja, uniwersytet, historia prawa, Morawy

Legal studies in the Czech lands in the Middle Ages were briefly taught at the oldest Czech university in Prague, which was founded by the decision of the Roman Emperor and Bohemian King Charles IV in 1348. In 1372, a separate law university was established in Prague. However, it ceased to exist at the beginning of the Hussite Revolution and the restoration of legal studies did not take place until the middle of the 17th century. The history of legal education in the city of Olomouc and the history of the second oldest university in the Czech lands are then inseparably linked to the bishops of Olomouc¹. This study focuses on the fundamental issues surrounding the establishment of legal studies at the University of Olomouc, within the broader context of legal development in Moravia during the 16th century. The study emphasises the importance of the bishops of Olomouc, who were often educated in law, as founders of the university. The rather difficult and long-lasting process of implementing legal education is also described. Finally, the study also addresses the establishment of an independent faculty of law in Olomouc.

1. The educated bishops of Olomouc and the beginnings of the University in Olomouc

The bishopric of Olomouc was one of the most important institutions in Moravia since the Middle Ages. The legal status of the Olomouc bishopric within Moravia and the entire Bohemian Crown was based on a number of privileges that the bishops obtained as early as in the 12th and 13th centuries. The bishopric was able to maintain its position even after the Hussite Revolution in the 15th century. The bishops benefited from the long crisis of the Prague archbishopric in the 16th century, which helped to make the

¹ J. Kejř, *Dějiny pražské právnické univerzity*, Karolinum, Praha 1995; *idem*, *Pražská právnická fakulta a právnická univerzita*, [in:] M. Svatoš (ed.) *et al.*, *Dějiny Univerzity Karlovy. I. 1347/48–1622*, Karolinum, Praha 1995, pp. 163–182.

bishops of Olomouc the key spiritual authority of the country. Also, their good relations with the ruling family (the bishops were often advisers to the Czech kings and diplomats in their service) helped towards their exceptional position within the country².

The bishop of Olomouc was also an *ex officio* of the provincial court and a regular participant in Provincial Diets. The bishops of Olomouc were often among the most educated members of the Estates in Moravia, even in the matter of domestic provincial law, which was not taught at universities. Some bishops were also active in the development of domestic legislation. For instance, the Cracow-born Stanislav Thurzó (c. 1470–1540) was a royal commissioner at the Provincial Diet in 1516, which approved the first Moravian provincial code (*Landesordnung*). From 1520, Thurzó also headed a commission that prepared the next provincial code (published in 1535)³.

The origins of the University of Olomouc are linked to the Bishop of Olomouc, Vilém Prusinovský of Víckov (1565–1572), who studied in Vienna with the Jesuits and went on to study law at the University of Padua⁴. In his politics, Bishop Prusinovský took a strongly anti-Reformation stance associated with the application of the decrees of the Council of Trent. He was well aware of the strength of the Jesuit educational system and of the limits imposed on his anti-Reformation efforts by the lack of educated priests⁵. Likewise, the bishop needed educated officials to defend

² V. Medek, *Cesta české a moravské církve staletími*, Ústřední církevní nakladatelství, Praha 1982; K. Pohl, *Beiträge zur Geschichte der Bischöfe von Olmütz im Mittelalter*, Printed doctoral thesis, Breslau 1940; J. Válka, *Dějiny Moravy, II. Morava reformace, renesance a baroka*, Muzejní a vlastivědná společnost, Brno 1995, pp. 50–52, 79–81; T. Baletka, *Dvůr olomouckého biskupa Stanislava Thurzá (1497–1540), jeho kancelář a správa biskupských statků* “Sborník archivních prací” 2004, nr 54, pp. 3–236; D. Janiš, *Konfesijsní poměry na Moravě a úloha olomouckého biskupství*, [in:] J. Mikulec et al., *Církev a společnost raného novověku v Čechách a na Moravě*, Historický ústav, Praha 2013, pp. 309–360.

³ J. Janišová, D. Janiš, *Moravská zemská zřízení a kodifikace zemského práva ve střední Evropě v 16. a na začátku 17. století*, Scriptorium, Praha 2016, pp. 125–128; F. Čáda (ed.), *Zemské zřízení moravské z roku 1535 spolu s tiskem z roku 1562 nově vydaným*, Česká akademie věd a umění, Praha 1937, pp. XXVI–LI.

⁴ F. Kameníček, *Zemské sněmy a sjezdy moravské. Jejich složení, obor působnosti a význam od nastoupení na trůn krále Ferdinanda I. až po vydání Obnoveného zřízení zemského (1526–1628)*, Vol. III, Zemský výbor Markrabství moravského, Brno 1905, p. 12; O. Jakubec, *Kulturní prostředí a mecenáš olomouckých biskupů potridentské doby*, Univerzita Palackého, Olomouc 2003, p. 45; B. Navrátil, *Vilém Prusinovský do roku 1565*, “Český časopis historický” 1899, nr 5, pp. 205–216.

⁵ J. Holinková, *K počátkům vysokého učení v Olomouci v 16. Století*, “Sborník Vlastivědné společnosti muzejní v Olomouci” 1973, nr 62, pp. 150–158; K. Valentová, *Výchova a vzdělávání mládeže*, [in:] I. Čornejová, J.M. Havlík, J. Hrdlička (eds.), *Telč a jezuité. Řád a jeho mecenáši. Katalog výstavy*, Historický ústav AV ČR, Praha 2020, pp. 167–178; J. Fiala, *Olomouť jezuité a jejich školy*, [in:] O. Jakubec, M. Perůtka, I. Bortlová (eds.), *Olomoucké baroko. Výtvarná kultura let 1620–1780. 3. Historie a kultura*, Muzeum umění, Olomouc 2011, pp. 66–82; P. Voit, *Vztah olomoucké cenzury z let 1567–1568 k domácím literárním tendencím*, “Vlastivědný věstník moravský” 1987, nr 39, pp. 209–219; O. Jakubec, *Kulturní prostředí...*, pp. 46–51.

episcopal interests against the Moravian Estates. In 1566, Bishop Prusinovský called two members of the Viennese Jesuit college to Olomouc, who began teaching at the cathedral school at the church of St. Wenceslaus in Olomouc. In a very short time, the Jesuits began to build a college with a junior preparatory school. This plan was also approved by Pope Pius V, who at the same time undertook to confirm the college's customary privileges. Bishop Prusinovský provided finances for the college, donated part of his library there, while expressing the hope that the college gradually expands so that a university with proper teaching of philosophy and theology could be established⁶. The bishop supported gifted students and as a personal benefactor paid for the education of a gifted Moravian nobleman Mikuláš of Hrádek, who converted from Unitas Fratrum to the Catholic faith in order to have better access to the authorities. The bishop had originally intended for him to pursue an ecclesiastical career (he had him study humanities with the Jesuits in Olomouc and Vienna, and then even philosophy at the University of Dillingen). Mikuláš eventually became Moravian sub-chamberlain and effectively defended the interests of the Olomouc bishopric⁷.

The efforts of the Bishop of Olomouc, Vilém Prusinovský, were ultimately successful. In 1573, Pope Gregory XIII and subsequently Emperor Maximilian II confirmed the rights of the Jesuit college as a university. Teaching began in 1576 with lectures in philosophy. The Olomouc Academy was not yet a full-fledged university according to the rules of the Jesuit order. It did not include full teaching of theology. This changed in 1582, when lectures in this field were given⁸. Among the supporters of the Olomouc college was also the Moravian sub-chamberlain and future Landeshauptmann Hanuš Haugvic of Biskupice, who in 1577 demanded that a law and medical faculty be established in Olomouc. However, the Jesuits refused, as both disciplines were not a usual part of the teaching in Jesuit academies.

⁶ J. Navrátil (ed.) *et al.*, *Kapitoly z dějin olomoucké university 1573–1973*, Profil, Ostrava 1973, pp. 11–12; F. Šantavý, E. Hošek, *Organizace, pečeti a insignie olomoucké university v letech 1573–1973*, Univerzita Palackého, Olomouc 1980, pp. 17–20; V. Nešpor, *Dějiny University olomoucké*, Národní výbor hlavního města Olomouce, Olomouc 1947, pp. 14–26; L. Veselá, *Knihovny olomouckých kanovníků v letech 1565–1642*, “Opera historica” 2023, nr 24, p. 9; Z. Orlita, *Olomoucká univerzitní knihovna od svého založení do zrušení jezuitského řádu (1566–1773)*, [in:] M. Korhoň, T. Vintrová (eds.), *Chrám věd a múz. Dějiny Vědecké knihovny v Olomouci*, Vědecká knihovna v Olomouci, Olomouc 2016, p. 14.

⁷ H. Štěpánová Seichterová, *Úřad podkomořího na Moravě v 16. a na počátku 17. století*, Matice moravská, Brno – Olomouc, 2024, pp. 113–130; O. Jakubec, *Kulturní prostředí...*, pp. 60–61. Cf. M. Kouřil, *Moravští šlechtici na olomoucké univerzitě do konce 17. století*, [in:] E. Kordiovský, M. Zemek (eds.), *Pokrokové kulturní proudy na jižní Moravě v posledních 350 letech (XI. Mikulovské sympozium)*, TEPS, Praha 1982, pp. 169–171.

⁸ J. Navrátil (ed.) *et al.*, *Kapitoly...*, pp. 12–13; V. Nešpor, *Dějiny...*, pp. 17–19; F. Šantavý, E. Hošek, *Organizace...*, pp. 17–20 (the text of the charter of Maximilian II of 1573).

In 1579, Stanislav Pavlovský of Pavlovice (1579–1598), a native of Silesian Pavlovice and a strong supporter of the Olomouc Jesuits, became bishop of Olomouc. Pavlovský was a well-educated lawyer who studied philosophy and theology at the famous Roman Collegium Germanicum and received a doctorate in ecclesiastical law there in 1574. Pavlovský is the first bishop to be commemorated with the title *protector academiae*, reflecting his position as a founder and true protector and promoter of this higher learning⁹. Bishop Pavlovský was an able lawyer and diplomat and was also extremely successful in promoting the interests of the bishopric within the framework of Moravian provincial law. In 1588, he succeeded in persuading Emperor Rudolf II to restore the title of prince to the bishops of Olomouc. In the same way, he secured the imperial privilege in 1581, which *de facto* completed the Olomouc University in legal terms. The privilege confirmed earlier privileges and extended the graduation law¹⁰. Bishop Pavlovský, like his predecessors on the Olomouc episcopal see, had very good contacts with the Polish milieu¹¹. This was reflected in the presence of many Polish students in Olomouc. Bishop Pavlovský supported the study of Poles in Olomouc, especially if they were nobility. The greatest influx of Polish students was in 1590–1592, when more than forty people gradually enrolled to study – 1590 (23), 1591 (12), 1592 (22)¹².

In Olomouc, however, not all subjects were taught yet at the university and not all faculties existed. The Jesuits sought to establish faculties of science, theology, law and

⁹ V. Nešpor, *Dějiny...*, pp. 20–21, 24–34; Z. Kristen, *K počátkům vysokého učení v Olomouci*, “Střední Morava. Kulturně-historická revue” 1966, pp. 19–36; H. Štěpánová Seichterová, *Úřad podkomořího...*, pp. 104–112; J. Janišová, *In medium quaesita reponunt (Dějiny právního vzdělávání na olomoucké univerzitě)*, [in:] *20 let obnovené právnické fakulty olomoucké univerzity, Univerzita Palackého*, Olomouc 2011, p. 10; O. Jakubec, *Kulturní prostředí...*, pp. 59–60.

¹⁰ J. Pánek, *Olomoucký biskup Stanislav Pavlovský z Pavlovic. Duchovní kníže na prahu rekatolizace českých zemí*, [in:] O. Jakubec (ed.), *Stanislav Pavlovský z Pavlovic (1579–1598). Biskup a mecenáš umírajícího věku*, Muzeum umění Olomouce, Olomouc 2009, pp. 15–31; V. Nešpor, *Dějiny...*, pp. 19–20; J. Štěpán, *Dvůr olomouckého biskupa Stanislava Pavlovského z Pavlovic v letech 1579–1598*, Danal, Olomouc 2009; O. Jakubec, *Kulturní prostředí...* pp. 59–64; J. Janišová, *Privilegium Rudolfa II. pro olomoucké biskupství z roku 1590 (Právní argumentace biskupa Stanislava Pavlovského)*, “Folia Historica Bohemica” 2012, nr 27, pp. 41–43; K. Müller, *Privilegium Rudolfa II. pro olomoucké biskupy z r. 1588*, “Zpravodaj klubu genealogů a heraldiků Ostrava” 1988, nr 36, pp. 11–14.

¹¹ J. Štěpán, *Cesta olomouckého biskupa Viléma Prusinovského z Víckova do Polska v roce 1569*, “Olomoucký archivní sborník” 2007, nr 5, pp. 56–86; J. Pánek, *Prelát jako prostředník mezi dvěma národy (Postavení olomouckého biskupa Stanislava Pavlovského v česko-polských vztazích na sklonku 16. století)*, [in:] T. Borovský, L. Jan, M. Wihoda (eds.), *Ad vitam et honorem. Profesoru Jaroslavu Mezníkovi přítel a žáci k pětasedmdesátým narozeninám*, Matice moravská, Brno 2003, pp. 351–361.

¹² In total, 386 Polish students studied in Olomouc between 1576 and 1675. Almost 200 of them were Polish nobles. (A. Grobelný, *Polští a ruští studenti na olomoucké univerzitě v l. 1576–1663*, Slezský studijní ústav, Opava 1954, pp. 6–22).

medicine. Likewise, the jurisdiction over students was to be determined and graduates were to be considered ennobled persons, even if they were not born noble. However, these efforts were not fulfilled and the monarch did not issue further privileges. In 1588, the student Martin Molitor was unjustly imprisoned by the Olomouc bailiff. This fact provoked protests from the students. On the basis of the rector's complaint, Bishop Pavlovský issued an order for the students of the University of Olomouc, which was to exclude future conflicts with the jurisdiction of the city. In civil disputes, students were to be tried by the rector and officiating clerk, and in criminal cases by an academic judge (*coram iudice ordinario academiae*)¹³. This judge was to be chosen by the bishop from among the lay nobility. The first academic judge was a person who was not only connected with the episcopal administration, but also had a strong interest in the running of provincial law. He was the Vicegerent to the High Provincial Scribe of the Margraviate of Moravia, Jan Horecký of Horka. As a provincial official, he undoubtedly had a good background for judging students. In 1584, Horecký was, among others, editing the text of the provincial code and preparing its new re-codification¹⁴.

Between 1586 and 1588, Bishop Stanislav Pavlovský sought to complete the original plan of his predecessor, Bishop Vilém Prusinovský, to turn the Olomouc Academy into a full university with all faculties, including the theological, legal and medical faculty. However, the bishop and the Olomouc chapter soon came into conflict with the Jesuits. In particular, the Jesuits' ability to build a theological faculty was questioned. The establishment of a law and medical faculty was said to be out of the question, since the Jesuits did not have their own teachers for these fields and none of the secular professors would be willing to submit to their strict regulations¹⁵.

2. The beginnings of legal studies before the establishment of a separate faculty

In the 1620s, the political situation in the Czech lands changed significantly. The Bohemian Estates rebelled against the monarch (1618), and Moravia also joined this resistance (1619). At the time of the Revolt in Moravia (1619–1620), the universi-

¹³ J. Navrátil (ed.) *et al.*, *Kapitoly...*, pp. 13; J. Janišová, *In medium...*, pp. 10–12.

¹⁴ Národní knihovna Praha [National Library Prague], Oddělení rukopisů a starých tisků [Department of Manuscripts and Rare Books], sg. 65 E 2878, *Sněmovní artikule 13. července 1584 Olomouc* [*Printed conclusions of the Provincial Diet 13. 6. 1584*], fol. 8r; J. Janišová, *The Minor Provincial Court of the Margraviate of Moravia in the 16th Century (Genesis – Office and Officials – Judicial Agenda)*, "Zeitschrift für Neuere Rechtsgeschichte" 2024, nr 46, pp. 7–8.

¹⁵ V. Nešpor, *Dějiny...*, pp. 23–25, 33–34.

ty was closed because the Jesuits were expelled from the country. The Revolt was defeated in 1620, however, and as early as January 1621, some members of the Olomouc college returned to the city and the university was restored. Another closure of the University due to the war then occurred in 1643–1650, as the city of Olomouc was occupied by Swedish troops¹⁶.

The Jesuits managed to significantly expand the income of the academy by gaining confiscated or later acquired estates, which allowed for a relatively large-scale construction activity and the building of a large campus in Olomouc during the second half of the 17th and early 18th centuries. The theological faculty offered a four-year study from 1630, later a six-year study. Canon law was taught only to a small extent. By 1725, the faculty of theology had a total of 20 professors of canon law from the Jesuit Order. Only the competition of secular law professors led the Jesuits to deepen the teaching of canon law. The first doctorate in canon law was awarded at the theological faculty in 1721 to Václav František of Košín, who was a canon of Olomouc and appointed bishop of Hradec Králové.

The commencement of legal studies at the University of Olomouc is associated with 1679, when Karel Ferdinand Irmmler, a native of Olomouc and a doctor of law, who had previously taught law privately in Vienna, began to lecture at the University. The faculty of law still did not exist and canon law was taught at the faculty of theology. Irmmler taught canon and civil (i.e. Roman) law in Olomouc, but outside the theological faculty. He was appointed by the Moravian Estates for three years. Irmmler taught privately in his apartment and only to students who had been properly matriculated at the University of Olomouc. At that time, a total of six law students were matriculated, later there were around twenty. However, the Jesuits perceived the action of a secular professor as a significant interference with their rights. The disputes between Irmmler and the rector led the Estates to ban his teaching of canon law and he could continue to teach only civil (Roman) law according to his own theses.

In 1691, the Moravian Estates appointed as Irmmler's successor the doctor of both laws, Jiří Tobias Alberti, who in October 1692 received permission from Emperor Leopold to lecture publicly on law (*lectio publica iurium*). Alberti became a full member of the university upon entry into the registry. He was paid by the Estates. He, too, however, also had to lecture and conduct disputations only in his flat. In 1695, after repeated disputes with the Jesuits, he left the University. He was replaced

¹⁶ J. Válka, *Dějiny Moravy...*, pp. 90–100; J. Navrátil (ed.) *et al.*, *Kapitoly...*, p. 13; V. Nešpor, *Dějiny...*, p. 34; J. Schulz (ed.) *et al.*, *Dějiny Olomouce*. 1. vol., Univerzita Palackého, Olomouc 2009, pp. 334–367.

in the same year by Kryštof Josef Hollandt, who, in addition to Roman law (*Institution and Pandectes*), also lectured on canon law. He therefore got into long-standing disputes with the Jesuits, who claimed to teach canon law at the theological school. The royal tribunal, however, confirmed him this right, which belonged to all professors at the University. However, poor health put an end to Hollandt's activities in 1705. Hollandt produced a commentary on the Justinian Institutions (*Examen juridicum in quatuor Institutionum imperialium libros per quaestiones et responsiones methodo theoretica deductum in gratiam cupidae legum juventutis*, Olomouc 1711; Vienna 1727)¹⁷.

The work of other professors was also marked by constant struggles with the Jesuits. Lectures by professors lecturing on law were held in the old provincial courtroom. The building was constructed by the Moravian Estates in 1570–1571 and its walls were decorated with 28 coats of arms of officials and judges belonging to the provincial court. The building was located on the premises of the Dominican Monastery of St. Michael in Olomouc, where the Provincial Diet and the court had traditionally met since the Middle Ages. After the defeat of the Estates' Revolt, however, the agenda of both institutions was moved to Brno and the building found another use¹⁸.

Disputes between secular professors and Jesuits were settled by the royal tribunal. The tribunal identified the Jesuit order as the culprits of the situation and even recommended that the teaching of law be moved to Brno. However, the monarch disagreed and in 1714 decided that professors of law should attend all public meetings and festivities held by the University. A professor of law should have been duly matriculated in the general registry of the University. In 1714, a separate law registry was established called *Prima nova specialis matricula*. At that time, 48 law students were enrolled¹⁹.

¹⁷ Ch. d'Elvert, *Geschichte der Studien-, Schul- und Erziehungs-Anstalten in Mähren und Österr. Schlesien, insbesondere der olmützer Universität, in den neueren Zeiten*, R. Rohrer, Brünn 1857, pp. 1–6; J. Navrátil (ed.) *et al.*, *Kapitoly...*, p. 39; J. Janišová, *In medium...*, pp. 12–14; V. Nešpor, *Dějiny...*, p. 41–42; H. Jireček, *Právníký život v Čechách a na Moravě v tisícileté době od konce IX. do konce XIX. století*. H. Jireček, Praha – Brno 1903, pp. 422.

¹⁸ J. Janišová, *Heraldische Denkmäler in der Zeit der Ständemonarchie im Spiegel der Quellen des mährischen Landrechts*, “Archiv für Diplomatik, Schriftgeschichte, Siegel- und Wappenkunde” 2024, nr 70, pp. 408–413; Ch. d'Elvert, *Die Landhäuser in Olmütz und Brünn*, “Notizen-Blatt der historisch-statistischen Section der k.k. Mährisch-schlesischen Gesellschaft zur Beförderung des Ackerbaues, der Natur- und Landeskunde”, 1859, nr 6, pp. 41–44; P. Maťa, *Stuben und Säle. Symbolische Kommunikation und politische Kultur in den ständischen Versammlungsräumen der Habsburgermonarchie in der Frühen Neuzeit*, Böhlau, Wien 2024, pp. 283–288.

¹⁹ Ch. d'Elvert, *Geschichte...*, pp. 7–9; V. Nešpor, *Dějiny...*, pp. 42–43, 53; J. Navrátil (ed.) *et al.*, *Kapitoly...*, p. 40.

The existence of the study of law at the University of Olomouc, although not yet realised in a separate faculty, was of great importance for the establishment of a special so-called Estates Academy (*Collegium Nobilium Olomucensis*) intended for the education of young noblemen. It was established in 1725. According to a proposal from 1724, the so-called Estates Academy was to be part of the University and was to teach law, horse riding, weapons training, dancing, languages, as well as knowledge of geometry, geography and civil and military engineering. The purpose of this education was to train suitable persons for the civil service, especially officers and engineers. The Jesuits, however, strongly opposed the establishment of the Estates Academy and forbade their students to attend the so-called Estates Academy. Charles VI's authorisation of 1725, establishing the so-called Estates Academy, included the monarch's recommendation that public law should be taught alongside civil and canon law, based on the writings of Hugo Grotius. The Emperor eventually ordered the Jesuits not to prohibit secular students from attending the Estates Academy. In 1815, the subjects taught were also expanded to include the Czech language, as it was important for civil servants. The Olomouc Estates Academy was thus the only school in Moravia to teach Czech as an independent subject. The Estates Academy was transferred to Brno in 1847²⁰.

The establishment of the Estates Academy and the interest of the Moravian Estates in the teaching of law was also reflected in the new organisation of law studies at the University of Olomouc. In 1732, two more professorships were established and all three professors of law were to teach at the university and at the Estates Academy. The first in order of rank was the professor of public law (*professor iuris publici*), who also taught Justinian's Codex, followed by two ordinary professors (*primarius* or rather *secundarius professor iuris ordinarius*), the first of whom taught Digest and the second Institutions. In 1734, the latter was ordered to also teach criminal law according to Joseph I Code of Criminal Procedure of 1708. The study of law in Olomouc remained incomplete, as the three professors did not form an independent faculty (formally they were considered part of the theological faculty), they did not have a dean and, above all, it was not possible to award aca-

²⁰ J. Kapras, *Dějiny právního studia na moravské universitě v Olomouci*, [in:] *Památník Spolku českých právníků Všeherd 1868–1918*, Spolek Všeherd, Praha 1918, pp. 63–64; Ch. d'Elvert, *Geschichte...*, pp. 9–13; V. Nešpor, *Dějiny...*, pp. 174–191; J. Fiala, *Tělesná cvičení na stavovské akademii v Olomouci (1727–1846)*, "KROK. Kulturní revue Olomouckého kraje" 2020, nr 17, pp. 36–41; J. Kšíř, *První budova stavovské akademie v Olomouci*, "Sborník Matice moravské" 1964, nr 83, pp. 294–303; J. Radimský, *Počet žactva na stavovské akademii v Olomouci před sto lety*, "Vlastivědný věstník moravský" 1947, nr 2, p. 251.

demic degrees, albeit the teaching of law was an integral part of the University and lawyers had their own registry. Around 1740, there were about 50–60 law students at the University²¹.

During the reign of Maria Theresa, a number of educational reforms were carried out, which brought about significant state intervention in the running of universities, including changes in the method and content of teaching. A special imperial commission in 1746 proposed a reform of studies at the University of Olomouc, including the extension of the law course to four years and the establishment of a separate faculty of law. However, the changes affected only the study of theology and philosophy, and the study of law was less favourable. In 1754, the central Moravian authorities even declared the Olomouc law school to be a *collegium privatum*, as it was financed by the Moravian Estates. A year later, the Empress decided that an independent faculty of law would not be established due to their insufficient number in the monarchy. The importance of the Olomouc law school was also diminished by a decree of 1755, according to which in Moravia and Silesia only persons who had received a full legal education at the universities of Prague, Vienna, Freiburg or Innsbruck were allowed to become lawyers or hold other clerical positions with a legal qualification. Graduates of incomplete studies in Olomouc were thus only qualified for lower-level clerical positions, and interest in studying here therefore declined.

In 1755, the content of legal studies in Olomouc was newly established. Natural law and international law (*ius naturae et gentium*) were to be taught according to the writings of P.R. Vitruvius (1683) and H. Grotius, as well as public law and German imperial history (*ius publicum Imperii et historiam Imperii Romano-Germanici*) according to J.J. Mascow. Civil (Roman) law and canon law were also lectured on according to the works of J.K. Schambogen (commentary on the Institutions) and H. Zoesius (commentary on the Digest and commentary on the Decretals of Pope Gregory IX). The outline of the subjects was thus fixed and the lecturer was not allowed to deviate from the prescribed textbook. Teaching was still private, and lectures were always held in the morning between 7 and 11 o'clock, except on Thursdays, Sundays, and public holidays; in the afternoon the students held practice with the city lawyers. In each year the instruction was for seven months only, from 1756 onwards for ten months, and the whole course of study was three years.

²¹ J. Navrátil (ed.) *et al.*, *Kapitoly...*, p. 40; J. Kapras, *Dějiny...*, pp. 64–65; V. Nešpor, *Dějiny...*, pp. 63–65; Ch. d'Elvert, *Geschichte...*, pp. 25–30.

From 1751, a list of public and private lectures by all the professors of the University was published in print for both upcoming semesters²².

The development of legal education in Prague was similar. Following the dissolution of the original law faculty around 1419, the University of Prague was left without this type of faculty for over 200 years. The university was controlled by non-Catholics until 1620 and played an active role in the Bohemian Revolt. For this reason, Emperor Ferdinand II., formally closed the university and handed it over to the Jesuit order in 1622²³. The Jesuits founded their own (Ferdinand's) academy (*academia*) in Prague in 1562. Its activities were later confirmed in several monarchical privileges (1567, 1581 and 1616). Within this academy, there were faculties of arts and theology, where canon law was taught, albeit not in its entirety. The Jesuits did not establish separate faculties of law in their own schools, which is consistent with the situation in Olomouc²⁴. In 1622, Charles University merged with the Jesuit Academy, a union that lasted until 1638. The two schools were separate again between 1638 and 1654, when they were finally merged into Charles-Ferdinand University. The faculty of law was founded in 1624 and was organisationally linked to the old Charles University as it employed secular professors and enjoyed strong royal support. Initially, the faculty taught ecclesiastical, Roman and town law. The deans and professors had close ties with the provincial and court authorities, and these connections were further solidified during the 18th-century Enlightenment reforms initiated by the Habsburg monarchs. In 1754, a royal decree amended and supplemented the curriculum to include criminal, feudal, state (constitutional) and procedural law, in addition to canon and Roman law. History, geography, heraldry and basic statistics were also taught²⁵.

²² J. Padrnosová, *Marie Terezie a školství* [in:] K. Mlateček, T. Černušák (eds.), *Morava jako součást českého státu. Společný vývoj od středověku do 20. století. Události, jevy, osobnosti*, Moravský zemský archiv v Brně, Brno 2018, pp. 33–44; V. Nešpor, *Dějiny...*, p. 64–65; 68; J. Janišová, *In medium...*, pp. 15–17; J. Válka, *Dějiny Moravy...*, pp. 166–172; J. Kapras, *Dějiny...*, pp. 65–66; J. Navrátil (ed.) et al., *Kapitoly...*, p. 40.

²³ M. Svatoš, *Pokus o reformu a zánik karolinské akademie*, [in:] M. Svatoš (ed.) et al., *Dějiny Univerzity Karlovy. I. 1347/48–1622*, Karolinum, Praha 1995, pp. 269–289.

²⁴ I. Čornejová, *Jezuitská akademie do roku 1622*, [in:] M. Svatoš (ed.) et al., *Dějiny Univerzity Karlovy. I. 1347/48–1622*, Karolinum, Praha 1995, pp. 247–250.

²⁵ I. Čornejová, *Správní a institucionální vývoj pražské univerzity (Vztah univerzity k panovníkovi, státním a zemským orgánům)*, [in:] I. Čornejová (ed.) et al., *Dějiny Univerzity Karlovy. II. 1622–1802*, Karolinum, Praha 1995, pp. 23–56; K. Beránek, *Právnícká fakulta*, [in:] I. Čornejová (ed.) et al., *Dějiny Univerzity Karlovy. II. 1622–1802*, Karolinum, Praha 1995, pp. 137–163; J. Petráň, *Každodennost právnického studia prvních generací Karlo-Ferdinandovy university*, [in:] L. Soukup (ed.), *Pocta prof. JUDr. Karlu Malému, DrSc., k 65. narozeninám*, Karolinum, Praha 1995, pp. 182–197.

3. Faculty of Law between 1784 and 1855

After the abolition of the Jesuit order in 1773, the University was changed to a state university. Internal disputes and confusion at the university led to the decision to move the university to Brno in 1777. The University then existed in Brno from 1778 to 1782. In fact, the University was abolished and a lyceum was established, because according to Joseph II's decree of 1782 there were to be universities only in Vienna, Prague and Lviv. The temporary move to Brno paradoxically helped law studies. In 1778, a directorate of law studies was established at the Olomouc lyceum. The professors of law thus formed a separate college (*corpus iuridicum*) and were completely separated from the theological faculty of the lyceum. However, they still did not have their own dean and did not form an independent faculty. This occurred after the resumption of studies in Olomouc. The faculty of law was established in 1784²⁶.

The surviving annual printed lecture programmes of the Olomouc lyceum show that the content of legal studies was subject to continuous changes. However, the basis of the teaching remained natural law, Roman law, taught in two separate courses (Institutions and History of Roman Law; Digest), as well as two courses devoted to public law (*ius publicum universale* – theoretical foundations of the doctrine of the state; *ius publicum particulare* – state law with a focus on the German lands), feudal law and ecclesiastical law. At this time, there was also a change in language, with German being promoted as the language of instruction alongside the older Latin. Subjects in Roman and canon law continued to be taught in Latin, while others were taught in German. This linguistic division corresponded to the nature of the given subjects and the language of the official textbooks and handbooks²⁷.

In 1773, a department of political and chamber sciences was established. It was originally part of the faculty of arts, and lectures were also intended for students of theology and law. In 1784, it became part of the faculty of law. In 1778, Josef Vratislav Monse (1733–1793) became the first director (director appointed by the monarch) of the law school. He was undoubtedly one of the most important profes-

²⁶ J. Šotola, *Zrušení jezuitského řádu a olomoucká univerzita*, “Acta Universitatis Palackianae Olomucensis. Facultas philosophica. Historica. Sborník prací historických” 2003, 31, pp. 165–178; V. Nešpor, *Soumrak olomoucké university (1777–1778)*, “Vlastivědný věstník moravský” 1946, nr 1, pp. 128–143, 179–192; J. Navrátil (ed.) *et al.*, *Kapitoly...*, p. 15–16; F. Jordán (ed.) *et al.*, *Dějiny university v Brně*, UJEP, Brno 1969, pp. 12–24.

²⁷ Zemský archiv Opava, pobočka Olomouc [Provincial Archive of Opava, branch Olomouc, (hereafter cited as ZAO-O)], fond Univerzita Olomouc [Collection University of Olomouc (hereafter cited as UO)], inv. n. 2184, box 544, Seznam osob a přednášek [List of persons and lectures]; inv. 726, book n. 678, Katalog posluchačů práva 1768–1786 [List of law students 1768–1786].

sors who worked at the old Olomouc University (lyceum). He was a graduate of the University of Prague (philosophy) and the University of Vienna (he graduated with a doctorate in both laws in 1762). In 1764, he became a city lawyer in Olomouc and in 1767 a lawyer at the Consistory and Feudal Court of the Olomouc bishopric. Monse was one of the most important representatives of the Enlightenment at the University of Olomouc and in Moravia as a whole, and he was in contact or corresponded with many prominent persons of his time. As a supporter of Josephinism, however, he repeatedly clashed with opponents of the Enlightenment reforms, including Jesuits and clergy from the Olomouc Chapter, including Archbishop A.T. Colloredo-Waldsee. Monse was very active in science and literature and his works went beyond the scope of legal science. In addition to his original works, he was also a translator and supported the publication of a number of works to serve, among other things, the needs of his students. Thus, he had the work of his teacher P.J. Riegger summarizing the foundations of ecclesiastical law reprinted, and in 1773 he also published his translation of the work of the Portuguese theologian A. Pereira.

The study of public law, especially the regulations of the current Moravian state law, led Monse to an interest in Moravian legal history and Moravian history in general. In 1776, he published in Olomouc a work entitled *Tabula iuris publici Marchionatus Moraviae*. From 1783 to 1786, Monse even taught the foundations of Moravian law as a separate subject (*Ius patrium Moraviae / Mährische Landesgesetze*). In 1783, he also published a manual on the subject entitled *Leitfaden zu den Vorlesungen über die Landesgesetze des Markgrathums Mähren auf dem kaiserlichen königlichen Lycaeo zu Olmütz*. Monse believed that the study of Moravian legal history necessarily required a good knowledge of political history and so in 1784 and 1788 he published two volumes of the History of Moravia. His interpretation, however, ended with the year 1306. Monse was also very interested in town law. In 1788, he published a work on the earliest history of Brno town law and its legal circuit (*Uiber die ältesten Municipalrechte der königl. Stadt Brünn und dessen Bezirks*). In his work, he examined, among other things, the Lawbook of the Brno municipality scribe Jan from the mid-14th century and was the first to point out the text's links to Roman law. In several other works, Monse dealt with various topics of Moravian history. In 1779, he published biographies of 25 Moravian bishops under the title *Infulae doctae Moraviae* and an edition of twelve Latin letters from the correspondence of the prominent Moravian nobleman and great expert on Moravian provincial law, Charles the Elder of Žerotín († 1636). Monse also dealt with the history of the office of the Moravian Landeshauptmann and the Moravian provincial coat of arms.

Monse was already regarded by his contemporaries as an important scientific authority. In 1780, his career at the university culminated in his appointment as rector, and he subsequently became a member of several learned societies. His social prestige was strengthened at the end of that year, when Emperor Josef II, in recognition of his many merits and loyalty to the imperial house, elevated him to the nobility with the title of nobleman of Monse²⁸.

At the turn of the 18th and 19th centuries, legal studies at the Olomouc Lyceum continued to develop. Its expansion to a three-year course in 1792 reflected the increased number of subjects taught. In the first year, natural law, general state and national law and criminal law were taught, in the second year, subjects from civil (Roman) law were taught, and in the third year, ecclesiastical law, political science and the basics of the administrative structure of the various Austrian provinces were taught. The introduction of a new curriculum in 1810 brought the extension of the *juridisch-politische Studium*, as the study of law was known at the time, to four years. The basic timetable of courses remained unchanged until the end of the faculty's existence, with the gradual addition of some specialised courses reflecting the development of the Austrian legal system and various legal disciplines²⁹.

At the beginning of the 19th century, the first year of the winter semester included an “encyclopaedic introduction to the legal-political study of the Austrian countries” and “European statistics” (a basic legal-political description of the various European countries), which constituted an introduction to the study of public law, in particular. The summer semester then included general state law, criminal law and “statistics of the Austrian Empire”. In the second year of study, Roman law was taught in the winter semester, public and private ecclesiastical law in the summer semester, and the basics of economics in both semesters. In the third year, Austrian civil law was taught for both semesters and for one semester each it was the law of fiefs and the law of trade and bills of exchange. The fourth and final

²⁸ J. Fiala, *Moravský osvícenec Josef Vratislav Monse (1733–1793)*, [in:] M. Malacka (ed.), *Sborník příspěvků z konference Monseho olomoucké právnické dny*, Univerzita Palackého, Olomouc 2006, pp. 17–28; J. Fiala, M. Nováková, *Moravský osvícenec J.V. Monse (1733–1793)*, Univerzita Palackého, Olomouc 2003; J.L. Bílý, *Osobnost Josefa Vratislava šlechtice Monse a jeho přínos pro moravskou právní historii*, [in:] M. Malacka (ed.), *Sborník příspěvků z konference Monseho olomoucké právnické dny*, Univerzita Palackého, Olomouc 2006, pp. 29–34; K. Žák, *Národní buditel PhDr. a JUDR. Josef Vratislav šl. Monse, universitní profesor, rodák novoměstský*, K. Žák, Nové Město na Moravě 1933; H. Jireček, *Právnický život...*, pp. 451–452; T. Knoz, *Karel starší ze Žerotína. Don Quijote v labyrintu světa*, Vyšehrad, Praha 2008; F. Hradil, M. Myšák, *Josef Vratislav šlechtic z Monse a jeho nobilitační diplom*, “Zprávy Vlastivědného muzea v Olomouci”, Řada společenské vědy, 2012, nr 304, pp. 28–43.

²⁹ V. Nešpor, *Dějiny...*, pp. 101–102, 105–107; J. Navrátil (ed.) *et al.*, *Kapitoly...*, pp. 16–17; J. Kapras, *Dějiny...*, pp. 67–69.

year of study included “political science” in the winter semester (from today’s perspective, it was mainly selected questions of administrative and financial law) and Austrian law in the summer semester, *Geschäftsstil*, a course on clerical (office) practice, and finally “Austrian judicial procedure”, a course designed especially for the careers of judges and lawyers³⁰.

The extant syllabi cite in detail for each subject the prescribed textbooks or relevant regulations, according to which it was taught. Subjects were taught in German, some of which were initially taught in Latin (Roman and ecclesiastical law). The faculty had five (seven at the end of its existence) full professorships of law, who were nominated by the Estates and appointed by the monarch. However, the relevant appointment decrees were drawn up and delivered again by the Estates. In 1819, a total of 107 lawyers studied at the Olomouc law faculty; from the 1830s onwards, there were around 140 law students a year³¹.

Legal studies in Olomouc underwent a rather dynamic development during the first half of the 19th century. In the 1820s, there was a certain turnaround in the view of the status of universities, and on the basis of an imperial decision of March 1827, the lyceum in Olomouc became a university again, bearing the name of the reigning Emperor Francis I. The restoration of the university was also very significant for the faculty of law and politics, which was granted the right to graduate doctors and the faculty thus gained full status after many years of effort. The independence of the individual faculties was restored during the 1830s, when the deanships of the philosophy and theology faculties were restored in 1831 and the law faculty in 1833³².

The faculty of law was thus authorised to have its own insignia. During its existence, it even used two sceptres. The first, a sort of provisional one, was already given in 1828. It was made of white sheet metal with the head depicting a two-headed imperial eagle. On the sceptre there was an inscription *Iustitia regnorum fundamentum* with the initials of Francis I dated 11 March 1827. In 1833, the Olomouc goldsmith Weber made a new sceptre of silver and gold to match the sceptres used by the other faculties³³.

³⁰ ZAO-O, UO, inv. n. 707, book n. 659, *Kniha normálií o studiu na právnické fakultě 1803–1840* [Book of regulations on studying at the Faculty of Law 1803–1840].

³¹ ZAO-O, UO, inv. n. 711, book n. 663, *Matrika profesorů a doktorů práv 1827–1844* [Register of professors and doctors of law 1827–1844]; inv. n. 2184, box 544, *Seznam osob a přednášek* [List of persons and lectures].

³² ZAO-O, UO, inv. n. 1107–1108, box 149–153, *Spisy rektorátu Františkovi univerzity 1828–1829* [Files of the Rector’s Office of František University 1828–1829]; V. Nešpor, *Dějiny...*, pp. 120–135; J. Kapras, *Dějiny...*, p. 70.

³³ F. Šantavý, E. Hošek, *Organizace...*, pp. 77–83, 136–137.

The year 1848 marked a significant change in the conditions at the university. In March of that year, freedom of learning and teaching was proclaimed and universities ceased to be subject to the provincial authorities (they were subordinated to the Ministry of Public Instruction). There were no significant changes at the faculty of law at that time with only a few new subjects introduced (e.g. mining law). The national movement demanding equality between Czech and German brought about the requirement to teach the subjects, on which the state examination is taken in both languages. Although this requirement was not fully implemented, Austrian general private law was taught in both languages from 1849. Law students were actively involved in the events of 1848, when classes were suspended from May to December. A very active professor of criminal law was Jan Koppel, who was even elected to the Moravian Provincial Diet. However, the events of 1848 had an impact on the later fate of the university. In 1851, first the faculty of arts was abolished and then the faculty of law, which was abolished by an imperial decree of 10 August 1855. Law professors were transferred to other universities. The only faculty not abolished was the faculty of theology. Efforts to re-establish the University of Olomouc were re-appearing later on, but did not come to fruition until 1946, albeit excluding the faculty of law. The faculty of law was finally restored in 1991³⁴.

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³⁴ M. Trapl, *Olomoucká universita v prvním (vzestupném) období revoluce roku 1848*, “Sborník vysoké školy pedagogické v Olomouci. Historie” 1957, nr 4, pp. 5–54; V. Nešpor, *Dějiny...*, p. 135–147; J. Janišová, *In medium...*, p. 26; M. Pospichal, *Obnovení olomoucké univerzity*, [in:] M. Pospichal (ed.), *Padesát let. Z dějin obnovené univerzity*, Vydavatelství Univerzity Palackého v Olomouci, Olomouc 1996, pp. 29–38.

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