

## History of Convocation and Congregation

### 1. The Medieval University

In this period, the government of the University lay in the hands of the regent masters who exercised their powers through a number of assemblies. Regent masters, or 'regents', were masters of arts and doctors of law, medicine and divinity (the three superior faculties) who resided within the University. After 'inception' (*ie* the 'beginning' of their teaching in the University), MAs were bound to undertake a period of 'necessary regency'. The duties of necessary regents were to attend all meetings of Congregation, deliver lectures as required by the University, to preside over and take part in disputations, and to assist the Vice-Chancellor and Proctors in the administration of justice and peace in the University. The period of necessary regency appears to have been sometimes one year or sometimes two but as the number of MAs grew larger, dispensation from regency was often granted, commonly because of college duties.

In addition to necessary regents, there also existed voluntary regents and non-regents. It appears that voluntary regents (unlike non-regents) were permitted to attend Congregation and to carry out the financial, administrative and religious obligations of necessary regents. The institution of voluntary regency was in decline in the sixteenth century but appears to have endured because masters wanted access to Congregation beyond their necessary regency. Additionally, some colleges imposed longer periods of necessary regency on their fellows than was set by University statute; in the University's eyes, these were voluntary regents.

There appear to have been three governing assemblies in Oxford in which the regent masters exercised their powers: the Great Congregation of regent and non-regent masters (*Congregatio Magna* or *Plena*, later known as Convocation); the Congregation of regents in all faculties or Lesser Congregation (*Congregatio Regentium* or *Congregatio Minor*); and the Congregation of Regents in Arts or the Black Congregation (*Congregatio Nigra* or *Congregatio Artistarum*).

The Great Congregation constituted the real parliament of the University. It made the University's laws and statutes, had the power to discommon, and was responsible for financial and legal matters, *eg* the granting of leases. It was the only body which could meet in the vacation. The term *convocatio* first appears in the late fourteenth century, but it did not become more commonly known as Convocation until the sixteenth century.

The Congregation of Regent Masters (or Lesser Congregation) gradually developed into the chief administrative body of the University. If the Great Congregation was the legislative body of the University, Congregation was the executive body. It consisted of regents of all faculties and met in the Congregation House at St Mary's Church. It dealt primarily with academic matters, such as the curriculum, lectures, and studies, and could make ordinances but not pass statutes. It could also grant graces, dispensations and degrees. It appears to have been the status of regency (whether necessary or voluntary) which bestowed membership of Congregation. The right of MAs to attend Congregation expired along with their period of necessary regency. At this point, MAs had to attach themselves to one of the superior faculties, if they were to retain

membership of Congregation. Once they had incepted as doctors, they again entered a period of necessary regency which required the performance of set duties, including attendance at Congregation.

The Black Congregation consisted only of MAs of the University who had not also incepted in one of the higher faculties. It held its own separate meetings and appears to have been consulted in matters prior to their discussion within the Great Congregation. For example, proposals to alter statutes were submitted to this Congregation first before being considered by Convocation. As time passed, the authority of the Black Congregation seems to have diminished and its separate meetings ceased. It was still in existence in 1528 but by 1549 it appears to have been obsolete as the Edwardian Code of 1549 mentions only two congregations: the Great Congregation and the Congregation of Regents. The last Black Congregation was held in May 1570, following a recommendation by the Chancellor that the Vice-Chancellor, Heads of Houses, doctors and Proctors should meet to arrange the business of Convocation beforehand, as the order of business there had become 'confuse and imperfect' (NEP/supra/Reg KK, fol 93v). The meeting was not repeated nor was the Chancellor's recommendation followed further.

In this period it is difficult to draw a line between the work of the Congregation of Regent Masters and the work of the Full or Great Congregation (*ie* Convocation). For example, the power to grant dispensations from the statutes belonged to the masters and therefore appears to have resided with both congregations; also, entries concerning degrees, whilst normally found in the registers of the Congregation of Regent Masters can also be found in the registers of Convocation. The earliest surviving register of the Congregation of Regent Masters begins in the fifteenth century, but the records are not complete. The early registers of proceedings of both these congregations are confusing. The volumes appear to have no principle of arrangement; the proceedings of each follow each other in the same volumes and, in some instances, pages of one have been inserted into pages of the other. It was not until the end of the sixteenth century that an attempt was made to maintain separate volumes for Convocation and Congregation.

## **2. Laudian Statutes**

The Laudian Statutes of 1636 defined and codified the constitution and business of the Congregation of Regent Masters. Its business (Title IX), as was the 'custom of old', was to concern the proposal and granting of graces; the supplications of those to be advanced to degrees; the petitioning for dispensations; the presentation and admission to degrees, incorporation, and licensing. It was to consist of necessary regents (*necessario regentes*) and optional regents (*regentes ad placitum*). All doctors of law, medicine and divinity and MAs were necessary regents for two years after their admission to regency. Optional regent masters were those who had been made regents on a previous occasion (*ie* public professors and lecturers); doctors in the three superior faculties who were resident in the University; all heads of colleges and halls, or their deputies, who had at any time become regents in arts; masters of the schools; deans or censors of colleges; and necessary regents who had obtained a dispensation for the second year of their regency, which was usual by this time.

The Laudian Statutes set out the business of the Great Congregation (Convocation):

the enactment and modification of laws and statutes, the nomination of delegates for special business, the election of officers, the examination and approval of accounts, presentation to benefices, deprivation of degrees etc. It failed, however, to define with any accuracy the membership of Convocation.

By this time, there was also a third body, the Hebdomadal Board, which had been instituted in 1631 by Charles I (probably at the instigation of the Chancellor, William Laud), consisting of the heads of houses and proctors. This met weekly and deliberated matters relating to the privileges and statutes of the University and considered measures before submitting them for approval to Convocation. It had initiative in the legislation of the University and no question could be put to the vote of Convocation without its sanction.

In 1759 the first steps were taken to make changes to the Laudian Statutes which had until this point remained as permanent and unchanged as Archbishop Laud had intended them to be. As the Laudian Statutes had not expressly defined the membership of Convocation (Tit X), issues had arisen in the years leading up to 1759 regarding the right of certain individuals to vote in elections held in Convocation; these included the election of the Chancellor and other University officers as well as the University's two members of parliament. Membership had been, until this point, doctors and MAs who had satisfied further requirements and kept their names on the buttry books of their colleges.

A new statute was passed in 1760 which set out in detail those who could be members of Convocation (and, as a result) could vote in the elections held there. The membership of Convocation was to comprise doctors in divinity, medicine and civil law who were necessary regents; MAs during their first year of necessary regency; all heads of colleges and halls and their deputies and all members of the foundation of a college who had ever been regents in civil law or arts; all doctors in divinity, medicine or civil law who were householders (*alentes familiam*) within the precincts of the University; all professors and public lecturers who had ever been regents in civil law or arts, provided they had paid the fees due to the university; and all commoners who had ever been regents in civil law or arts provided they had had their names on the buttry-books of their college or hall from the time of taking the degree, either of MA or doctor in one of the faculties above mentioned.

There is some confusion in published editions and translations of the Laudian Statutes and of subsequently issued statutes concerning this statute (Tit X). For example, in GRM Ward's 1845 translation of the Laudian Statutes he has silently incorporated the 1760 changes into the text of Tit X. Similarly, the 1768 reissue of the Laudian Statutes (in *Corpus Statutorum Universitatis Oxoniensis*), the first since 1636, also included the 1760 changes without acknowledgement.

### **3. Nineteenth century reform**

Until 1854, the University continued to effect its legislation and conduct its business in the two assemblies of Congregation and Convocation as set out in the Laudian Statutes. Convocation or the Great Congregation of Regents and Non-Regents was still the supreme governing body of the University, consisting of all regents and non-regents

who had kept their names on the books of the society (college or hall) to which they belonged. It also included those who had been admitted to the degrees of MA, DCL, DM or DD by diploma or decree; those with these degrees merely conferred *honoris causa* were not members. The Congregation of Regent Masters (the House of Congregation, later the Ancient House of Congregation) consisted exclusively of regents whether necessary or optional.

The passing of the Oxford University Act 1854 (17 and 18 Vic c81), which enacted the recommendations of the Royal Commission of 1850, effected a considerable change in the University's constitution. It left the two ancient assemblies in place but added a third: the 'Congregation of the University of Oxford' (so named in the Act). The Act also transferred all powers, privileges and functions of the Hebdomadal Board to a new body called the Hebdomadal Council.

Convocation continued to comprise all masters of arts, and doctors of law, medicine and divinity who had their names on the books and it continued to carry out every formal act of the University and all its business as a corporate body (except that relating to the granting of ordinary degrees). It conferred honorary degrees and degrees by diploma or decree. All documents requiring the common seal of the University received Convocation's sanction (*eg* leases, conveyances, petitions to Parliament). No proposition could originate in Convocation: it had to come via Congregation. In the last resort, however, Convocation had supreme control over the actions of the University; it also retained the power to adopt or finally reject statutes received from Congregation.

The Act renamed the Congregation of Regent Masters the Ancient House of Congregation. Its constitution remained unchanged but it no longer had anything to do with legislation and its business consisted solely of granting graces, conferring ordinary degrees and appointing examiners. It existed in the University Statutes until 1969, when the Statutes were changed following the recommendations of the Franks Commission Report. The last University Statutes to mention the Ancient House of Congregation, or regency, were those for 1968. The name 'Ancient House of Congregation' continued to be used, however, in the *University Gazette* up to 1993. Until 18 November 1993 (*Gazette* no 4307, vol 124) it appeared in the 'University Agenda' section, as a heading above 'Degree Days'. After this date, Degree Days come under the heading of 'Congregation'. It is not clear why this change took place.

The new 'Congregation of the University of Oxford' comprised the following only (all of whom were to be members of Convocation): the Chancellor, High Steward, heads of colleges or halls, Canons of Christ Church, the Proctors, members of Hebdomadal Council, University officers (as named in Schedule A *eg* Registrar, Keeper of the Archives, Bodley's Librarian), professors, assistant or deputy professors, public examiners, all resident members, and others to be determined in the future. Under the Act, the Vice-Chancellor was required to make an annual register of those persons qualified to be members of Congregation. From 1913, being a resident member of Convocation was no longer an entitlement to membership of Congregation.

Its business was concerned with legislation, *ie* a new statute was framed by Hebdomadal Council, promulgated in Congregation and either approved or rejected. Statutes approved by Congregation then had to be submitted to Convocation for final

adoption or rejection. In addition, it was also entrusted with a large share of the election of members of various University bodies such as curators and delegates.

#### **4. The Asquith Commission**

When it reported in 1922, the Royal Commission on Oxford and Cambridge Universities (Asquith Commission) questioned whether it was justified having two legislative bodies in the University. The recommendations of the Commission (in the Asquith Report) were effected in the University from 1926 when the Statutes were changed as a result of the Universities of Oxford and Cambridge Act 1923.

The Commission had been concerned that the resident teachers and administrators, who were responsible for the actual work of the University, did not have sufficient power. As a result it recommended that the functions of Congregation be amended and so from 1926 Congregation gained several additional powers. From the Ancient House of Congregation it gained the right to appoint examiners; from Convocation it gained a number of powers.

The powers of Convocation had long been waning: for example, throughout the nineteenth century, and particularly following the enactments of the Selborne Commission of 1877, Convocation's power to elect professors and public lecturers had been gradually eroded. These powers were further curbed by the Statutes of 1926. The Commission had considered the possibility of abolishing Convocation altogether: it thought Convocation was unrepresentative of the general body of graduates (*ie* only those who paid for the MA and to keep their names on the books were members, and few attended meetings). In the end, it decided to retain Convocation with its composition unchanged but with certain business transferred to Congregation (on which Congregation's decision would be final). From 1926, Convocation had retained the power to elect the Chancellor, Professor of Poetry, Public Orator and Keeper of the Archives; to confer honorary degrees; to elect to livings; and to send letters to the monarch and corporate bodies such as other universities. It retained the right to accept or reject proposals from Congregation concerning amendments to the Statutes of the University, but with a number of conditions and limitations which gave Congregation increased powers in this respect.

#### **5. The mid 20th century**

In the years following the Asquith Commission, until the changes made following the Report of the Franks Commission (published in 1966), University government resided in Congregation. This was, roughly speaking, the body of resident teachers, although some members were not resident, *eg* examiners and members of delegacies, and some were not teachers, *eg* college bursars or heads of houses. This assembly comprised those members of Convocation actively engaged in teaching or administration and had wide powers: it voted on all statutes and decrees, and had the power to amend statutes although not the legislative initiation; it elected its members to other University bodies (*eg* the Curators of the Chest) and it approved the University's annual financial statement; its approval was also required for the appointment of a number of University officials such as the Registrar, Secretary of Faculties and Secretary of the Chest.

In spite of this, Congregation was mostly concerned with routine work: its commonest activity was to consider minor or non-contentious decrees (*eg* for the revision of fund regulations, or for exemptions from Responsions). Congregation was burdened with routine business in which its members had little interest and in which its role was simply that of a rubber stamp. For that reason, and because it was held so frequently (once a week in term time), attendance was poor.

The powers of Convocation remained: to elect the Chancellor, Professor of Poetry, Public Orator and Keeper of the Archives; to elect to benefices; to approve the granting of honorary degrees and degrees by diploma; and to make decisions where Congregation had voted in favour of a statute or decree but where they had failed to reach a majority of two-thirds or greater. Even in the latter area, however, Convocation's powers were small: it had the power of veto but this was only suspensory and it had no powers of amendment or initiation. By this time, Convocation was seen as a harmless survival of the past by some and an unfortunate anomaly by others.

Some changes were made to the composition of Convocation in the early 1960s. In the Statutes for 1961, specific provision was first made for the holders of University degrees other than the MA, DCL, DM and DD to be members of Convocation. From this date holders of other degrees such as the DPhil would be entitled to membership of Convocation 21 terms after matriculation, provided they kept their names on the books of their college or hall (by means of payment of University dues). The requirement to remain on the college books was removed in 1963.

## **6. The Franks Commission**

The recommendations of the Commission of Inquiry (Franks Commission), which reported in 1966, made significant changes to this structure.

The Franks Report redefined the position of Hebdomadal Council. Council had, over the years, become the pre-eminent executive body of the University. Although not a body capable of decisions itself (only of discussing and formulating legislative proposals to be placed before Congregation) it had assumed leadership and initiative in matters of policy. The report of the Commission acknowledged that despite not being a governing council whose decisions were effective, Hebdomadal Council had become the chief executive body of the University, responsible for the formulation and co-ordination of University policy. It was answerable to Congregation, but not all matters were actually put to Congregation. It proposed that Congregation should elect members of Council and the other main administrative bodies; make, amend or repeal statutes; debate resolutions submitted by Council and the floor; ask questions; and resolve disputes between major bodies in the administration. It was also to elect 18 members of Hebdomadal Council in order to give it some influence on that body.

The Commission was anxious to 'save Congregation from going the way in which Convocation has gone in the last century'. Its recommendations were designed to define the areas in which Congregation was 'competent to speak', *ie* to deal with essential rather than with trivial and routine matters. It was believed that this 'would

mean a resurgence of the power of Congregation' (*Report of the Commission of Inquiry* vol I, para 535).

The Commission recommended the removal of all Convocation's powers, with the exception of the election of the Chancellor. Although this recommendation was not adopted in its entirety, the Commission effectively removed from Convocation the last vestige of its ancient powers and significance. Convocation was deprived of all jurisdiction over statutes and of its power to confer honorary degrees and degrees by diploma. Decisions regarding the latter were now to take place in Congregation, conferred by a 'Special Act of Congregation'. Convocation's powers were now limited to the election of the Chancellor, the election of the Professor of Poetry, and the performance of such other duties as Congregation might decide. Despite opposition from some members of the University to this drastic reduction in Convocation's functions, it was felt that (as the Asquith Commission had also thought) responsibility for governing the University should rest with those who would have to live with the results of the decisions.

## **7. The 2000 Reforms**

The recommendations of the Commission of Inquiry of 1997-8 (the North Commission) made no changes to the powers of Convocation but significant changes to its membership. From 2002, when the new statutes came into force, Convocation was to consist of all former student members of the University who had been admitted to a degree (other than an honorary degree) of the University, and of any other persons who were, or had been at retirement, members of Congregation. Prior to this date, the holders of other degrees of the University (as listed in the *Statutes*) could only become members of Convocation after the expiration of 21 terms from their matriculation. The 2002 statute widened the remit of membership to include the holders of all degrees of the University effective immediately on graduation and it included, for the first time, the holders of BA degrees.

It also made further amendment to the position of Congregation and Hebdomadal Council. As a result of the proposals of the Joint Working Party on Governance, which came into effect on 1 October 2000, Hebdomadal Council and the General Board of the Faculties were replaced by a single governing Council (operating through four committees). It was to be responsible to Congregation for the academic policy and strategic direction of the University, including external and college relations. The membership of Congregation was widened: it was no longer necessary to possess a University degree of MA or above (or MA status), nor to hold an 'established' post. There were also simplified procedures for raising and debating issues in Congregation.