

## **The Vision of a University in the British Tradition: Reflecting on the Universities Tests Act 1871: What Have We Developed and What Are We Losing?**

**Krzysztof Batorowicz, University of Southern Queensland<sup>1</sup>**

### **Introduction**

This paper intends to assess the Universities Tests Act 1871 in the British history of universities and the nation. It is not an historical analysis; it is rather a reflection on the Act seen from today's perspective. Naturally, since the year 1871, the universities have made considerable progress and it is reasonable to expect that the ideas from the Act were developed.

The paper addresses two important ideas contained within the Act:

- (i) The notion that universities should be 'freely accessible to the nation': and
- (ii) The role of religion in universities and colleges (as interpreted from the legislative definition of a 'college.')

Following the analysis of the two ideas above, the paper will undertake a discussion on the significance of the Act for British and other universities.

### **The Act and its historical and social context**

The full title of the British Universities Tests Act 1871 is: 'An Act to alter the law respecting Religious Tests in the Universities of Oxford, Cambridge, and Durham, and in the Halls and Colleges of these Universities.'<sup>2</sup> The preamble of the Act contains a statement, which declares that the universities of Oxford, Cambridge and Durham 'should be rendered freely accessible to the nation.'<sup>3</sup>

Before the introduction of the Act access to these universities was in practice available only to men who were members of the Church of England. The Act, when introduced, intended to allow admission men from outside the Church to these universities. However, this was done in a very specific way to ensure that the influence of the Church of England was maintained. Some sources note, under the Act, simply that:

Until the passing of this Act, all academics and students at Oxford and Cambridge Universities had to be practising members of the Anglican Church. By this legislation, the privileges of the Anglican Church were removed and the universities were open to all with suitable abilities regardless of religious faith.<sup>4</sup>

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<sup>1</sup> Email: [krzysztof.batorowicz@usq.edu.au](mailto:krzysztof.batorowicz@usq.edu.au)

<sup>2</sup> 'The Universities Tests Act,' 1871, accessed July 16, 2012, <http://www.educationengland.org.uk/documents/pdfs/1871-unis-tests-act.pdf>.

<sup>3</sup> 'The Universities Tests Act.'

<sup>4</sup> 'Victorian Legislation: a Timeline,' accessed July 16, 2012, <http://www.victorianweb.org/history/legisl.html>.

This is an oversimplification as even a brief analysis of the Act shows preferential treatment of the ‘Established Church’ (i.e. the Church of England). For example, ‘sufficient religious instruction’ for the members of the Church of England was required under section 5 of the Act. Nevertheless, the Act opened access (to three universities) for people who were not members of the Church of England. They represented in practice, not only the ‘religious minorities’ of Britain of the time (mainly Roman Catholics, Methodists, other Protestant Christians and Jews) but also agnostics and atheists. The admission of non-Anglicans by the Act did not, however, minimise the significance of religion in Oxford, Cambridge or Durham universities, calling them, their colleges and their halls as ‘places of religion and learning.’ A detailed regulation of morning and evening prayers (section 6) also maintained constant religious practices on an everyday basis, although, a right was established not to attend any college or university lecture if a person had objection to it on religious grounds (section 7).

In the light of the Act, and taking into account the reality of its time, the expression that the Universities listed in the Act were ‘freely accessible to the nation’ had a different meaning from today. By the power of the Act and as noted above, university access was given to people other than members of the Church of England so therefore, in practice, to members of other Christian Churches, Jews as well as agnostics and atheists. Access was also significantly enlarged not only for students but also for staff members who gained access to university positions, from tutors, through lecturers, to professorial appointments. The only exceptions were courses and positions in divinity.

Indeed, the Act applied to all people who held office within these universities other than professorships of divinity, and the term ‘office’ was very broadly regulated. It included ‘every professorship [other than professorship of divinity], every assistant or deputy professorship, public readership, prelectorship, lectureship, headship of a college or hall fellowship, studentship, tutorship, scholarship, and exhibition, and also any office or emolument...’ Further, the Act states that ‘no person shall be required ....to subscribe any article or formulary of faith, or to make any declaration...’ (section 3). Furthermore, Section 4 of the Act intended ‘not to interfere with lawfully established system of religious instruction, worship, and discipline’<sup>5</sup>, which can be interpreted as an intention to introduce religious tolerance within these universities.

There was recognition of a religious conscious and tolerance under section 7 of the Act in attendance of lectures by stating that ‘no person shall be required to attend any

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<sup>5</sup> ‘The Universities Tests Act.’

college or university lecture to which he .....shall object upon religious grounds.’<sup>6</sup> The significance of the Act is in undertaking attempting to end religious discrimination by the admission of students regardless of religion, and gave the opportunity to members of other religions, agnostics or atheists to be staff members and in consequence, to make these universities more productive and religiously diverse as well as, undoubtedly, better serving the needs of the British nation.

It was an important step to make these universities more public and, using contemporary terminology, more multi-faith with the acceptance of people not subscribing to any religion. In order to gain an acceptance by the British parliament it was a very long and difficult process to develop, receive, support and pass the legislation. The passing of the Act must therefore be recognised as an important step in the development of these universities.

The Act should also need to satisfy the toughest critics of the early universities, as described by Bell et al (1973), who argue that:

From the thirteen century to the early sixteenth, the universities were professional schools catering for the needs of a sub-society, the church. From the universities came a steady and growing stream of theologians and canon lawyers, the educated elite of sub-society.<sup>7</sup>

A more balanced account is given by Green (1964), who noted the increased reputation and role of Oxford and Cambridge universities, during the times of minimising the ‘Anglican monopoly’ there:

The confirmation of the Anglican monopoly of Oxford and Cambridge after the restoration of Charles II in 1660 made it impossible for the large and influential class of Dissenters to avail itself of a University education, with subsequent loss to the intellectual and spiritual life of colleges; and in the eighteenth century the influence of Oxford and Cambridge was in some respect perceptibly less than it had been in the past; but after the middle of the nineteenth century the two universities became again one of the more determinant forces in the country.<sup>8</sup>

### **Theology, other academic subjects and interests in nineteenth-century Cambridge**

An analysis of writings about the 19<sup>th</sup> century academics at Cambridge shows that many of them were able to combine theology and religious practices with other disciplines and broader interests. For example, writing about William Whewell, DD, Master of Trinity

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<sup>6</sup> ‘The Universities Tests Act.’

<sup>7</sup> R. E. Bell and A. J. Youngson (eds) *Present and Future in Higher Education* (London: Tavistock Publications, 1973), p.2.

<sup>8</sup> V.H.H Green, *Religion at Oxford and Cambridge* (London: SCM Press, 1964), pp.10-11.

College, Cambridge, J Clark, Registry of the University of Cambridge (and previously fellow of Trinity College) noted:

Whewell had been ordained priest on Trinity Sunday, 1826, and this circumstance had probably directed him to a more exact study of theology, than he had previously attempted...

A theological tone may, however, be observed in most of his scientific works, he loved to point out analogies between scientific and moral truths, and to show that there was no real antagonism between science and revealed religion...

In 1828 the new Professor of Mineralogy entered upon his functions, and after his manner rushed into print with an Essay on Mineralogical Classification and Nomenclature, in which there is much novelty of definition and arrangement.<sup>9</sup>

Another member of the Trinity College, Henry Richards Luard (died 1 May 1891) during his time as the resident fellow, recommended daily meetings at the service in chapel. He was a first rate mathematician, who loved classical studies, especially Greek, spoke more than one foreign language fluently and as well displayed a more cosmopolitan outlook, including in religion. He got on well with foreigners, especially with foreign ecclesiastics and was amongst the very few in England who understood the creed and practice of the Roman clergy in Italy. Later, he undertook more historical work. However, as Clark (1900) emphasises:

he never forgot that he was a clergyman, as well as a man of letters, and he took care always to have some clerical work to do. He was an eloquent preacher, and his sermons in the College Chapel used to be listened to with an interest that we did not always feel in what was said to us from that pulpit. They were plain, practical, persuasive; the compositions of one who was not above his congregation; who had nothing donnish about him, but who spoke to the undergraduates as one who had passed through the same temptations as themselves, and who was, therefore, in position to show them the right road.<sup>10</sup>

The two, above noted selected example show the tendency at the nineteenth-century Cambridge University amongst academic staff to combine academic disciplines, theology and religious activities.

### **The role and vision of universities in the light of the Act and the current practice**

We know, so far, that Oxford, Cambridge and Durham universities, in the intention of the legislation should be 'freely accessible to the nation.' We also noted that that the Church of England maintained its special position within these universities in practice.

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<sup>9</sup> J. Willis Clark, *Old Friends at Cambridge and Elsewhere* (London: Macmillan, 1900), p.30.

<sup>10</sup> Clark, *Old Friends at Cambridge and Elsewhere*, pp.339-340.

The other aspect, clearly stated in the Act is that ‘...the universities of Oxford, Cambridge, and Durham, and colleges and halls now subsisting therein, as *places of religion and learning...*’ (emphasis added). We can say, interpreting this statement, that religion was treated, at least as important as learning although putting ‘religion’ before ‘learning’ suggests that the first component is more important. Consequently, it is possible to say that the vision of these universities in the light of the Act was to be places of religion and learning, ‘freely accessible to the nation’, with an acceptance also of students and staff outside the Church of England.

The vision of a university (as a place of religion and learning and ‘freely accessible to the nation’) was not further articulated in the Act. Now we can try to compare this vision with today’s public universities as places of learning and teaching, research, and community civic engagement (or service to the community or other similar terms describing university external dealings). The significance of learning in universities is maintained, but the role of religion in public universities is marginalised. Today no public university, for example in Australia, would call itself ‘a place of religion’ perhaps with the exception of the Australian Catholic University (treated as a public university and being a part of the Australian universities national system).

We can ask a question ‘is this right?’ or ‘have we missed an important element?’ Religion is generally recognised as an important part of culture. It is an important part of life for many people and religious organisations contribute significantly to social life and the welfare system in Australia and overseas. Young people have an interest in religion, often religion not only their own, but that of others. Knowledge of religions contributes to better understanding of history, culture, literature, arts, other countries and, more generally, groups and the lives of individual people.

In contemporary Australian universities there are very few courses in theology or religion. Religious aspects are only briefly mentioned within the courses of philosophy, sociology or social sciences and there is limited commitment to religious life within universities in Australia. Traditional chaplaincies have been slowly disappearing and a more multi-faith approach has been adopted. This is a result of the multicultural character of Australia as a country, the wide range of religious bodies and churches, and the lack of a predominant denomination. The majority of Australians consider themselves as being not very religious and the number of people declaring themselves in census statistics as having no religion is systematically growing.

### **Significance of the Act for British universities**

Although the Act relates to the universities of Oxford, Cambridge and Durham (then the only three universities in Australia), the impact of the Act was also on other British universities. Sir Charles Robertson (1944), who was the fellow of All Souls and Hon. Fellow of Hertford College, Oxford as well the Vice-Chancellor of the University of Birmingham (from 1919 to 1938), in his book *The British Universities*, classified the changes as of 'fundamental and general importance'. He went even further in his analysis noting the significance beyond universities:

The statutory abolition of religious tests in 1871 ended the controversy that started with the abolition of the political tests on Nonconformity in 1828, and the Roman Catholic Emancipation Act of 1829. It marked.....not only recognition of the social evolution of the nation since the Reformation Settlement, but a complete change in the national mind as regards the principles on which a modern society must be based. The new universities had....arisen partly to provide for those excluded on grounds of religious belief from Oxford and Cambridge, partly to protest against the theological creed on which the existing tests were framed. The original barrier was now (1871) swept away. Admission to membership, to degrees and offices was freed from all religious tests.<sup>11</sup>

The significance of the Act was to break with the past with religious tests for entry, membership, participation, positions within universities, and to bring Oxford, Cambridge and Durham universities in line with other English universities. The Act has also had an important influence on other universities outside England; religious tests were abolished in Trinity College Dublin in 1873 and in the Scottish universities in 1889.<sup>12</sup>

### **Religion and universities today**

The Act, obviously, did not stop religious life but opened the door for religious plurality and greater acceptance of non-religious people within the three universities, a principle which is still visible in contemporary times. Referring to Oxford and Cambridge universities, Green (1964) provides the following account of their role in religion in Britain:

At all times they [Oxford and Cambridge] occupied a central position in English religious life, in part because for some centuries they were the leading centres of theological exposition and enquiry and the chief training ground for the ministers of the Church.

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<sup>11</sup> C. G. Robertson, *The British Universities* (London: Methuen, 1944), p.45.

<sup>12</sup> *Test Acts*, Encyclopaedia Britannica, 11<sup>th</sup> Ed. Vol XXVI, (Cambridge: Cambridge University Press, 1910), p.66.

Moreover in some sense they were religious foundations and the Colleges were religious societies.<sup>13</sup>

Religious people subscribing to denominations other than the Church of England organised their religious activities and received support from outside the universities. This contributed to the development of a number of various chaplaincies, and many of these chaplaincies still exist today. Their quantity is seriously questioned by Gray (2007) in his article 'Oxford and Cambridge College Chaplains: Why So Many?'<sup>14</sup>

A university curriculum often includes the study of religion, comparative religions, religion and philosophy. It is important that students have the opportunity to undertake study about religion in both public universities and in universities and colleges managed by or affiliated with religious bodies. It is interesting to note that in the United States there are about 800 universities and colleges managed by religious authorities.<sup>15</sup>

Research on religion has become quite popular not only in religious universities but also in public universities. Although previously in American public universities religious issues were seen as inappropriate to be a subject of research investigation outside departments dealing with religion, a significant shift has taken place. Clayton (2002) for instance, notes some specific examples of research projects related to religion in American universities:

A Santa Clara University economist is using economic tools to study religious extremism. An Emory University interdisciplinary institute is conducting a research project on marriage, sex, and family issues as they relate to Christianity, Judaism, and Islam. A Harvard University history professor is authoring a book about the rise of evangelical political power and the Christian right in Orange County, Calif. And such research is trickling into the classroom, observers say, through courses with words like 'God' or 'religion' in their titles, many of them offered outside the religion department.<sup>16</sup>

Both teaching and research should give to students the opportunity to be involved in religion in a formal way or at least as extra-curricular activities.

Probably the most difficult aspect in practice is the provision of religious services on campus. Generally, universities in predominantly Christian countries had the tradition of chaplaincy with religious services provided by a chaplain (typically a person in orders

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<sup>13</sup> Green, *Religion at Oxford and Cambridge*, p.10.

<sup>14</sup> R Gray, 'Oxford and Cambridge college chaplains: Why so many?' *International Humanist and Ethical Union* (2007), accessed June 23, 2012, <http://www.iheu.org/node/278>.

<sup>15</sup> *BrainTrack*, College and University Directory, 'US Colleges by Religion'.

<sup>16</sup> M Clayton, 'Scholars get religion', *The Christian Science Monitor* (2002) accessed June 1, 2008, <http://www.csmonitor.com/2002/0226/p12s01-lehl.html>.

appointed by a religious body in conjunction with a university), as well as facilities where students or others can pray, meditate, and participate in religious activities, programs or discussion groups. Often there was more than one chaplain representing religious denominations, and the facilities included a Christian chapel, a prayer room or both. The current tendency is to move from a traditional chaplaincy model into a more multi-faith approach where there is an opportunity for a religious focus of various faith groups, especially Christians, Muslims, Jews, Hindus or Buddhists. There are also tendencies to allocate a special, separate facility for Muslims due to their specific requirements for religious observances. Obviously, religious facilities should be appropriate for particular groups and their establishment and development will depend on many factors. Amongst them are the religious composition of students and staff, the numbers of members of particular religious groups, the local tradition, the number of people willing to perform the role of chaplain/ religious leader for the group, the size, financial situation and the willingness of a university to assist and so on. We can say that the model will depend on the situation of a particular university. However, with growing diversity, including religious diversity amongst students and staff, a model that responds to any religious and spiritual needs could be suggested. I would like to suggest a 'flower model' of a religious centre, in which the middle is a common facility for all religious groups with the purpose of inter-religious interaction, and around the outside would be facilities to satisfy particular traditions, as, for example, a small chapel, mosque, synagogue, or temple.

### **What have we developed and what we are losing?**

Assessing the Act in terms of its impact on the future of universities we need to uncover which ideas were developed and which ideas were lost after its initial introduction. The main idea of the Act that universities 'should be rendered freely accessible to the nation' seems to be well taken. This is the most significant achievement of the Act and it is implemented. Since the time of proclamation of the Act, the concept has continued to develop resulting in the extension of access to universities for women in all other universities. Currently significant emphasis is being given to the process of providing access to universities for designated 'disadvantaged groups', that is, less privileged social groups in the United Kingdom as well as in many other countries. In contemporary Australia, for example, there is a strong tendency to provide university access to Indigenous Australians, women (in areas where they are underrepresented), people with disabilities, people from rural and isolated areas, and people from non-English speaking backgrounds. More recently there has been a special focus is on people from of low socio- economic status



(low-SES). The Bradley Report (2008) recommended a significant review of higher education, including specific targets not only for participation but for educational outcomes. For example, recommendation 2 of the report requested: ‘That the Australian Government set a national target of at least 40 per cent of 25- to 34-year-olds having attained a qualification at bachelor level or above by 2020.’<sup>17</sup>

The report noted the Australian record in reshaping universities, especially in relation to access, participation, quality and educational export:

Twenty years ago Australia was one of the first countries to restructure to enable wider participation in higher education. The results of those changes made it a leader internationally in the movement from elite to mass systems. With the increase in numbers has come much greater diversity in the student body. Full-time students straight from school studying on campus are now a minority in many institutions. There was concern at the time about the possible effects of this restructure and a range of measures was introduced to monitor and assure quality of the new system. There are now clear signs that the quality of the educational experience is declining.....

Our educational institutions and, in particular, our universities have built Australia’s third-largest export industry – in education services – in the last two decades.....

The report demonstrates the enormous continued progress and appreciation for the issue of university access in other countries. It also emphasises one of the Act’s principal ideas, namely, that university education is a national issue.

The element which has been lost is, as discussed previously, is that of religion. As discussed above, there are a number of reasons that justify giving religion a more prominent place in contemporary universities. More recent voices arguing for the position that religion be taken more seriously in public universities are being raised. Nord (2010), for example, according to one reviewer argues that:

the study of religion is necessary if students are to understand either the religious or the secular dimensions of the world in which they live and concludes that taking religion seriously will require a significant curricular commitment on the part of public colleges and universities. Furthermore, teaching in the area of religious studies should focus on living religious traditions and should not treat religion in a merely historical or reductionistic fashion. Nord makes

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<sup>17</sup> Australian Government (December 2008) Review of Australian Higher Education, Final Report (Expert Panel Professor Denise Bradley, AC, Chair et al) accessed June 25, 2012, [http://www.deewr.gov.au/HigherEducation/Review/Documents/PDF/Higher%20Education%20Review\\_on\\_e%20document\\_02.pdf](http://www.deewr.gov.au/HigherEducation/Review/Documents/PDF/Higher%20Education%20Review_on_e%20document_02.pdf).

his case based on the ideals of liberal learning and academic freedom, on Supreme Court decisions, and on moral and civic concerns.<sup>18</sup>

The reviewer feels convinced by Nord's arguments and also adds his own:

What I found most intriguing is the arguments Nord proposes for teaching religion as a part of a liberal education. 'A liberal education is not narrow, specialized, or merely vocational. It introduces students to other cultures and to a variety of subjects and disciplines.' In today's pluralistic world and with technology crossing borders at an amazing rate, his proposal for learning about other religions is very useful and makes a great deal of practical sense. Students offered a truly liberal education will be better prepared to deal with others and understand the different worldviews that govern people's daily lives around the world.<sup>19</sup>

This short paper does not permit a deeper analysis of this issue, although the current debate on a more serious treatment of religion in public universities should be noted.

## Conclusion

The significance of the Universities Tests Act 1871 is in its removal of discrimination, using contemporary legal terminology, on the grounds of religion in the area of education and employment. Judged by contemporary standards the Act may not have achieved its main aim of making universities 'freely accessible to the nation'. It made however, important steps towards that aim by granting access to all qualified men, regardless of their proclaimed religion or non-denominational status. The Act significantly contributed to the development of religious pluralism in the life of universities of Oxford, Cambridge and Durham, although none of these universities now plays a prominent role in the education of future clergy as they did prior to the introduction of the Act. After proclamation of the Act the Church of England effectively lost its pre-eminence as the 'established church' while still maintaining its ceremonial visibility within these universities, and in religious life. Since the time of the Act, all public universities around the world have expanded the concept of access to universities beyond that of religion. As a consequence religion does not play any role in admission to public universities and is less visible in university life.

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<sup>18</sup> Warren Nord, *Does God Make a Difference? Taking Religion Seriously in Our Schools and Universities* (New York: Oxford University Press, 2010), accessed July 12, 2012, (<http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780195323443.001.0001/acprof-9780195323443-chapter-11>).

<sup>19</sup> Nord, *Does God Make a Difference?*, p.109.