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COLUMN

OPINION & COMMENTARY

Opinion: William & Mary stakes claim as oldest university in America

By THOMAS J. MCSWEENEY
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A processional of students and faculty march into Kaplan Area during William and Mary's Charter Day ceremony Friday... [MORE](#)
(Jonathon Gruenke / Daily Press)

On the portico of the Wren building at William & Mary, there is a plaque with the heading “Priorities of the College of William & Mary.” One of the priorities listed is “First College to Become a University, 1779,” a claim disputed by the University of

Pennsylvania, which claims to have become a university a mere three days before William & Mary.

I recently discovered that William & Mary became a university much earlier than originally thought, however. William & Mary was granted the status and privileges of a university in its original 1693 charter.

The English-language version of the charter, which we read every February at Charter Day, calls the new institution a “place of universal study or perpetual college.” As a student and then faculty member at William & Mary, I had always been curious about what was meant by the phrase “place of universal study.” So, I turned to the Latin version of the charter to see if that would give me any clue as to what the drafters meant. What I found surprised me. The Latin is *studium generale*, a phrase that was immediately recognizable to me as a scholar of medieval Europe: it was a term for a university. *Studium generale* was a sought-after status in medieval Europe. King Edward II successfully petitioned the pope to confirm the University of Cambridge’s status as a *studium generale*. Although Oxford repeatedly petitioned the pope for confirmation of its status, it never received it.

The drafters of William & Mary’s charter appear to have been deliberate in including these words. The charter generally follows the pattern for the charter of an Oxford or Cambridge college, but inserts the phrase *studium generale*, which does not appear in college charters. It seems that the drafters intended to make William & Mary both a college and a university. This makes sense when you



Thomas J. McSweeney is the Robert and Elizabeth Scott Research Professor of Law at William & Mary Law School. (Gretchen Bedell and OddMoxie Stu / HANDOUT)

consider some other aspects of the charter in combination with the *studium generale* language. The charter created both the offices of president (the head of a college) and chancellor (the head of a university). It granted William & Mary a seat in Virginia's legislature, a privilege King James I had granted to the universities of Oxford, Cambridge and Dublin in the English and Irish parliaments.

The idea that an institution could be both a college and a university was not unusual. The British Isles contained several single-college universities. Although we are used to thinking of colleges as universities on a smaller scale, colleges and universities were distinct types of institutions in the 17th century. Colleges had no power to award degrees, for instance. The University of Edinburgh, which was the alma mater of William & Mary's founder James Blair, was referred to both in common speech and official documents as "King James' Colledge." Its earliest surviving diploma, however, awarded the year after Blair graduated, is issued in the name of the "University of King James in Edinburgh."

The crown did not grant the status of a university lightly. Scotland had the largest number of universities within the crown's dominions with five, the most recent chartered in 1582. England had only two; an attempt to elevate a college at Durham into a third university in 1659 was thwarted by opposition from Oxford and Cambridge. Ireland had one. William & Mary was only the ninth university established within the crown's dominions. No more would be established until the 19th century.

William & Mary is rightfully proud of its royal charter. That charter is even more significant than we have realized, however. At Charter Day this year, we'll celebrate the birth of a university, the first in what would become the United States.

Thomas J. McSweeney is the Robert and Elizabeth Scott Research Professor of Law at William & Mary Law School. This piece is based on the article, co-authored with Katharine Ello and Elsbeth O'Brien, "A University in 1693: New Light on William & Mary's Claim to the Title 'Oldest University in the United States,'" which appeared in the *William & Mary Law Review Online*.