

A State responsibility to provide some free tertiary education for adults?

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Abstract

One way of responding to the question of whether we should give some people access to free tertiary education is to start from a consideration of people's rights. In the interests of bringing another perspective to bear on this question, we could approach it from the starting point of the State's responsibilities. This paper addresses the following question: does the State's general responsibility to provide education to support societal needs extend to providing any free education opportunities for adults? I start from the assumption that a democratic State has a responsibility for managing and encouraging the democracy of the society; the security of the society; the physical welfare of the society; and the cultural riches of the society. I suggest this assumption supports a claim of the State's responsibilities to provide certain free education opportunities for children, then consider whether it suggests a responsibility to provide any free tertiary education opportunities for adults. I will argue that it does for some types of opportunities, including education for political awareness, and offer an example to indicate how the State could do this.

Approach

One way of responding to the question of whether we should give some people access to free tertiary education is to start from a consideration of people's rights. Rights theories usually argue for a fundamental valuing of the moral equality of individual human beings, giving rise to equal rights to those things minimally necessary to live an individual human life in society. Suggested lists of fundamental human rights typically include claims of rights to life, liberty, freedom of speech, a fair trial, and a basic education. Asserting the moral equality of individual persons means that each person is equally morally considerable — no one is to be arbitrarily deprived of these core human rights. Carl Wellman suggests that the purpose of rights is to give various sorts of freedoms and controls to the rights-holder. These rights are to be respected by members of society, and this respect should be encouraged and enforced by the State.¹ So starting from the consideration of people's rights, we would ask what it is that is most important in a human life, and see where this might lead us in terms of access to tertiary education. This response starts from the position of the subject: the person who would be given access to tertiary education.

This paper starts from a different position: that of an *agent* involved in the issue, rather than the subject. I see this as reflecting the more concrete end of the approach of applied philosophy. If we are going to apply philosophy to respond to a question about what should be done, then no matter what other positions from which we might also want to consider the question, we should have one that starts with the agent who must decide how to act on an issue.

For the question of whether we should give some people access to free tertiary education, the agent could be either a member of society or the State (through its chosen representatives). Some members of society may speculate about whether they should personally offer some people access to free tertiary education by funding some of their education. Non-poor parents, for example, might ponder this in relation to their adult children; and wealthy people might consider endowing their old alumnus to provide a scholarship. However, if the area we are interested in is policy, I believe it will be fruitful to start from a consideration of the responsibilities of the State. I ask: what do the general responsibilities of the State to cater for societal needs

say about the State's responsibilities with regard to X, where X is education? This is different from the sort of philosophical approach that starts from the question: "what is X?" or "how is X important for a person?"², and goes from there to ask: what should the State's responsibilities be with regard to X?

What is tertiary education?

The focus of this paper is on tertiary *education*. What distinguishes education from learning is the imposition of an intentional goal that structures the activity. With education, the learning activity is structured by the intended goals of the educator (or policy maker).³ Education is, in some sense, a planned or intended learning experience. Of course, people can learn through other experiences; for example, we might learn habits unintentionally or learn fears unconsciously. If, in these cases, we are learning from experiences that no one intended to be learning experiences for us, then this is not education.

Presumably education should usually involve the learner engaging with facts or theories or methods currently held to be reasonable by experts in the relevant fields – including the views of those who dissent from the mainstream. However, some education might not involve this, or at least, not as its primary activity. Training, for example, is a part of education that typically involves giving guidance to people about the application of skills and procedures to achieve particular results. Still, trainers are expected to be open to the possibility of alternative methods. In this broad sense, education can be distinguished from indoctrination. Indoctrination involves people who have the power to persuade systematically manipulating others to hold certain beliefs or theories. This manipulation represses an objective consideration of these beliefs or theories, or their alternatives.

The current New Zealand Government offers this characterisation of tertiary education in the *Tertiary Education Strategy 2007-2012*: "Tertiary education in New Zealand includes all post-school education." (Office for the Minister of Tertiary Education, 2007, p.6). The list of types of education this includes covers providers of formal and informal post-school education.⁴ There are many levels of tertiary education. These include levels that are also part of the later years of secondary schooling (levels 1-3), as well as levels that go beyond secondary schooling (levels 4 and higher). A degree is levels 5-7. I will refer to the levels of tertiary education that are beyond secondary schooling as *higher tertiary education*, and by this I will have in mind levels 5 and higher.

Tertiary education is post-school education in the sense that its learners have moved on from the stage of life characteristic of secondary school pupils. I would suggest that what distinguishes tertiary education from primary and secondary schooling is simply this *characterisation of the learners* by educators or policy makers. Learners in tertiary education are seen, from an educator's or policy-maker's point of view, as full members of society. This means the learners are seen as being above a (hypothetical and vague) threshold of autonomy such that they are held 'adultly' responsible for their actions. In my experience as a tertiary teacher⁵, there is also a presumption that the tertiary learner is an adult aiming to change or explore the place in society they think they currently occupy. For the learner, this activity might be directed at vocational, civic, or other personal goals. By contrast, school learners are children or adolescents who are not able to act as fully autonomous members of society and are not presumed to have a specific societal occupation focus.

What are the State's responsibilities?

I have suggested that a State has responsibilities to cater for societal needs. What these are will depend on the nature of the society. In a democratic society, for example, the state has a responsibility for managing and encouraging the democracy of the society. In New Zealand's case (and that of many other modern States), our society is a type of democracy. Moreover, like most societies today, we comprise a large collective of clusterings of individual humans. The State must respond to the societal needs arising from these aspects of the nature of our society: being individual humans; being a large collective; being clusterings within this large collective. So the State governance must facilitate: the opportunity for equal participation in society (*democracy*); those things basic to living an individual human life (*physical welfare*); those things basic to individual humans being able to live their life in a large collective without constant fear (*security*); and those things basic to supporting their chosen clusterings (*cultural riches*).

I will just say a little here to indicate more clearly what I understand by the terms I have used for the State's responsibilities. *Democracy* refers to an equal opportunity to participate in the construction of collective issues to be dealt with in society (drawing on Marshall, 1981). *Security* refers to freedom from having your safety threatened by an assault on your person or your property. *Physical welfare* refers to basic health and welfare needs, including food and shelter. *Cultural riches* refers to shared ways of shaping and appreciating activities that are particularly valued by the cluster or clusters that share them. (For example, activities to celebrate Matariki or Chinese New Year or Christmas; significant events in motorsport or horse racing; soccer tournaments, annual school BBQs; harvest times; viewing artwork or artefacts of special significance to a particular collective; whakapapa, genealogy, family reunions). I hasten to add that I am offering these definitions as a rough-and-ready basis to work from in this paper. Such claims about the State's responsibilities obviously stand in need of further argument; however, therein would lie another paper!

Each of the societal needs of democracy, security, physical welfare and cultural riches is intrinsically socially important. This means each is important as a societal need in its own right, so the State has a responsibility to consider all of these when managing the distribution of resources amongst them. In terms of how a State manages the distribution of resources to serve societal needs, this is done through systems. Of course, formal systems in themselves don't usually provide resources; clusters of people do. The State is responsible for providing resources that appropriately enable clusters of people to support societal needs. Systems are combinations of institutions run by such people in accordance with principles and procedures that ought to be transparent. So a democratic state has a general responsibility for providing such systems to support the societal needs of democracy, security, physical welfare and cultural riches.

What broad systems might a democratic state be responsible for providing to support the societal needs? To offer some obvious examples, policing system and justice system would support the security need; a healthcare system and a social welfare system would support the physical welfare need. There would of course be other systems, and some systems would support several needs. Take a transport infrastructure system, for example. People may need to travel to access resources for health; and people will want to travel to access sites of cultural experiences, such as or a touch rugby game or a library or the Big Day Out. A transport infrastructure system is here serving the needs of physical welfare and cultural riches; and in fact, it would serve all needs where travel is necessary.

One of the biggest spheres of cultural riches is the histories of people and places. So a cultural history system is another resource that a democratic state has a responsibility to provide. The people who preserve our histories deal with shaping the present into the past (and shaping the past back in the present). A cultural history system would offer resourcing to manage and encourage their efforts, and facilitate public access.

Such a system would presumably involve resources such as museums, libraries, national parks and sanctuaries, heritage buildings and memorials, film archives, and mandated public holidays.

An education system is a necessary resource for supporting societal needs for a large democratic collective of humans. First, given the other resources/systems the State needs to provide to fulfil its responsibilities, it will need to educate people to enable them to set up and run these systems. So people will require education to become health policy developers and medical specialists and hospital managers and so on. Second, democracy requires that the individual adult members of the collective can understand and communicate with State representatives of public systems, to appropriately access and influence the provision of resources for societal needs. This requires a certain level of literacy and numeracy; so the state will have a responsibility to ensure education is provided for this.

Education in childhood– parents and the State

A democratic state has a responsibility to provide certain educational opportunities to children. Of course, the majority of the education and training of children is probably carried out by parents and guardians, and appropriately so. Amongst other things, parents teach children how to eat, walk, toilet themselves, talk, share, follow instructions, clean and groom themselves, understand rules and predict consequences. These must surely be considered some of the most major learning achievements in a human's life. Given children's attachment to their parents and their dependency on their parents at this stage in their lives, and the willingness and preparedness of most parents to undertake this education, it seems reasonable to have parents be responsible for this education, rather than state representatives. These are not skills the education system is responsible for having children achieve (although it may have a role in furthering the development of these through education dealing with other skills). So, to be clear, the education system is not responsible for all of the education of a child, but only a part (and perhaps a relatively small part compared with a parent's role).

The part of the education of a child the education system is responsible for is that which will fulfil its responsibility to the societal needs, minus what parenting can reasonably be expected to provide. I have said that the state has two responsibilities through the education system: 1) to educate people in order that the state can fulfil societal needs; 2) to educate people in order that they can appropriately access and influence the provision of resources for societal needs – a democratic necessity. Both of these require basic literacy and numeracy skills. The first also requires specialist higher education that is provided to adults, not children, and I will say more on this later. Regarding the second, we cannot assume that all parents are currently equipped to educate their children adequately with regard to literacy and numeracy. It seems unlikely that trying to equip all parents to do this would be a better idea than having teachers available to do this systematically (i.e. in an education system). Thus the state has a democratic responsibility to provide an education system to help children develop the skills they will require as adults to be able to participate and influence the provision of resources in society.

Just as an aside, while the eventual goal is for children to have the skills to be able to manage and enjoy their adulthood in society, there should also be a goal for them to develop skills useful for managing and enjoying childhood. After all, most children are in some form of the education system from the age of about 4 til the age of 16, and where possible, we want children to enjoy their childhoods as well as their adulthoods. Moreover, some children will die before they reach adulthood. I estimate that about 3000 of the children under 16 years old who are currently in the education system will not live past the age of 16.⁶ So if the education system's focus on developing children to become competent adult members of society can also

incorporate a focus on developing skills useful for enjoying childhood, we have a moral obligation to take this into account, in order not to be imposing on these children an end that we know will not be their own.

I've said that the State must provide literacy and numeracy education to fulfil its responsibility to facilitate democracy. The other societal needs for which the State is responsible are security, physical welfare and cultural riches. It's probably reasonable for parents to do the bulk of the education concerning security and physical welfare that is appropriate in childhood. The education system can supplement this as needed. Parents can also educate children in the cultural riches that belong to the parents; that is, a parent can teach their children (and perhaps their children's friends) the rituals of that parent's history, and that parent's own particular interests. Children will get exposed to the rituals of the dominant culture also; this will be either as outsiders or as insiders depending on who their parents (and their friends' parents) are.

If the cultural understandings of a child's home closely match whatever cultural views dominate in society, then the child may have difficulty understanding their milieu as a culture. The child may not appreciate the understandings and activities of their milieu as simply one of a variety of ways of appreciating the world and the activities of people in it, each of which is normal for a group of people, and each of which has its own strengths and weaknesses. Moreover, the child may have difficulty conceiving of how a dominant culture 'normalises' its own activities as acceptable, and reacts to those cultural preferences, understandings and activities that are different from (and perhaps considered an imposition on) the mainstream.⁷ We cannot expect a child's parent/s to be able to help the child with this (the parent is responsible for passing on their own cultural experiences, not those of others). So there is a role for the education system to make efforts to help children from dominant cultures step outside the mainstream and develop some empathy with the contemporary activities and understandings of minority cultures.⁸

A State obligation to provide free educational opportunities to children.

The State requires parents to have their children educated according to overarching dictates of the State. Even if parents home-school their children, they must comply with a State-imposed curriculum. The State constrains parental choice to the extent that parents are legally required to expose their children to what the State considers an adequate education. Moreover, the benefits of the particular education children receive accrue more to the children in their future adulthood, and to society in general, than to the parents. Through their education, children become better equipped to deal with society as adults. Children are also equipped to try to gain higher qualifications as adults. These may qualify them to fulfil roles that supply societal needs for which the State is responsible, or to gain other employment that also pays taxes the State will draw on to fund its activities. For these reasons, it is unfair to charge individual parents for the State-provided education of their children.

It is also unfair to charge children themselves for the education they receive. Obviously, most children and adolescents would simply not have their own resources with which to fund their education, and could not reasonably be expected to generate these. Aside from this, children also do not get a choice about being educated. Education is compulsory in New Zealand until the age of 16. As children are not fully enfranchised (or otherwise enabled) to choose to enjoy or change the society they are in, it would be unfair to charge them for a social service. This leaves society as the appropriate body to be charged to cover the costs involved with the education of children, with the State providing it free to those who use it.

The State's responsibilities for providing tertiary education

I have argued thus far that the State has a responsibility to provide an education system for educating children and that the State should provide this system free to the children who use it. I now want to turn to a consideration of adult education, namely the question of whether the State has an obligation to provide any free tertiary education opportunities for adults. There are actually two questions to be asked here. First, does the State have a responsibility to provide *tertiary* education as a resource to meet societal needs - in other words, is there a responsibility to provide a *tertiary education system*? Second, does the State have an obligation to provide any of this tertiary education to adults for free, and if so, and what tertiary education opportunities in particular?

Part of the answer to the first question is foreshadowed earlier in this paper, where it was noted that the State has a responsibility to provide a general education system in order to equip adults to set up and run the other systems the State should provide to fulfil its other responsibilities. Many of these systems require higher education, including specific professional education. For example, people will need higher education to become legal specialists and barristers and defence lawyers and so on, in order to run the justice system. Of course, one option might be to put this material in the secondary school curriculum. However, it seems likely that most people need a certain level of maturity, autonomy and educational experience to successfully choose and complete such education, which suggests this education ought to be provided to *adults*, rather than *children*.⁹ In other words, this needs to be *tertiary* education. Moreover, the State must ensure such education is provided *systematically* to achieve an extent and standard of learning that will appropriately meet society's needs. Effectively, this means the State has a responsibility to provide a *tertiary education system*.

Moreover, at the start of the paper I noted that democracy requires that the individual members of the collective can understand and communicate with State representatives of public systems, to access and influence the provision of resources for societal needs. I suggested this requires a certain level of literacy and numeracy; so the state will have a responsibility to ensure education is provided for this. Exactly what level of education is minimally necessary for this is no doubt contestable. But the Minister of Education said in late 2006 that around 13 percent of students were leaving school without any useful qualifications, where 'useful qualifications' meant some level 1 NCEA qualifications or above.¹⁰ These students have thus not demonstrated they have mastered the lowest level of literacy or numeracy skills that the State considers important for a secondary school leaver. So it's likely at least 13 per cent of young adults lack what the State considers the minimally necessary literacy and numeracy skills. The state has a democratic obligation to ensure education is provided for these skills, and if the education hasn't worked for these pupils at secondary school, then remedial education must be made available for them as adult students should they wish to undertake it. In other words, the State must see to it that lower-level tertiary education, as well as higher education, is provided.

The situation of adult learners who qualify for remedial tertiary education

The second question was: does the State have a responsibility to provide any of this tertiary education to adults *for free*; and if so, what tertiary education opportunities in particular? Obviously, the rationale for this could not be the same as the rationale for providing schooling free of charge for children and adolescents. Unlike for children, there is no legal coercion on the part of the State requiring that adults undertake education. Adults are fully enfranchised and free to choose not to participate in education (and if they choose to participate, they have much more freedom in terms of what they can study). Also, higher tertiary education can bring a significant financial benefit to the adult undertaking the education, in comparison with

the financial situation of adults who do not undertake such education.¹¹ This is not the same with the compulsory primary and secondary schooling, because all children and adolescents are required to undertake such schooling, and so there is little comparative advantage to be gained.

Actually, as noted, there are some adults who do not complete their schooling as youths and thus are at a comparative disadvantage to other adults even before higher tertiary education is added into the mix. Of those who reach adulthood with schooling lacks through not having learnt from the State-prescribed education, there are two senses in which these adults might not have learnt. First, they were offered the opportunity but didn't learn from it. Second, they were not offered the opportunity; for example, some refugees and migrants may not have been offered much by way of secondary schooling in their original home country. The question is, does the State have an obligation to offer *free* remedial tertiary education to adults to help them make up a schooling lack?¹²

A major concern with having some children not learning from the State-prescribed education opportunities offered to them is that we will have adults who lack certain essential information interpretation and communication skills, especially literacy and numeracy. From the perspective of the first of the State's responsibilities, however, this is not necessarily a problem. We might note that the majority of children do currently learn from the education opportunities the State offers. Moreover, a sufficient number of children learn enough to successfully participate in higher tertiary education as adults, and form a pool the State can draw on to fill the positions in the systems that the State is responsible for resourcing. So if there is an argument that the State should provide free remedial tertiary education for adults who lack secondary school-level literacy and numeracy skills, it must draw on another responsibility.

The State obligation's to provide free remedial tertiary education.

The obvious candidate is the State's responsibility to facilitate democracy.¹³ Democracy requires that every person has an equal opportunity for participation in the construction of the issues to be dealt with in society. In a large collective, this is usually seen as best achievable through *representative democracy*, where adults are able to elect persons and parties to represent their interests in the distribution and management of social services. So the responsibility to facilitate democracy requires the State to provide periodic elections where adult members of society may vote for whomever they want to represent their interests.

However, the opportunity to vote, on its own, is not sufficient to facilitate a minimal level of democracy. There must also be the opportunity for people to cast an *informed* vote. It is anti-democratic for a State to actively suppress or distort information sources, as this will hinder people's ability to assess what their vote means and what is in their interests. For example, if a State were to provide elections, but also required that all information about political parties be suppressed, this would be anti-democratic. If a State allowed the provision of information, but only about one party; or required that all negative information about one particular party was suppressed, these actions would also be anti-democratic. Purposely allowing only one-sided information is a form of indoctrination. In these situations, people do not have the proper opportunity to get information to develop their political awareness.

On the other hand, we should not *require* that people must cast an informed vote, in the sense of checking adults are politically aware to a certain level in order for them to be *allowed* to cast a vote. The State would have to set the level and content of the information, but this is too contentious an idea to work in practice. It

would be impossible (and arbitrary?) to agree on a level; and setting the content of the information to be tested would likely raise accusations of indoctrination by different factions in society. Moreover, people's lives are busy in different dimensions at different times. Given the contestability in this area, we shouldn't force people to inform themselves using a State-set level and content, and deny the vote to those deemed "under-informed". This would deny people the choice of how much of their own time and resources they want to spend on this at the expense of other priorities in their lives. So, while highly desirable for democracy, political awareness ought not to be required.

Instead, what is needed to facilitate democracy is that adult members of society have the *opportunity* to cast an informed vote. This means that adults must be able to access information themselves about their voting options such that they can inform themselves about these and consider how these might affect their interests. And this is where the need for basic literacy and numeracy becomes paramount. A modern, literate society relies heavily on written information to communicate information.¹⁴ Moreover, the particular policies a party has will impact financially on individuals in different ways, given their different situations. A person who lacks basic numeracy skills may not be able to work out what that financial impact is likely to be; this is compounded if the person lacks sufficient literacy to interpret the help that, for example, newspapers might provide about this. Given the preponderance of written information provided about different parties, politicians and political issues, a lack of basic literacy means a lack of ability to access information, which means the lack of the opportunity to cast an informed vote.

That said, I still haven't provided a reason why the State should provide opportunities for basic literacy and numeracy education to adults *for free*. After all, as Brown points out, those adults who were children in this society have already had the opportunity to learn these skills for free when they were at secondary school; why should the State have to offer it again? (Brown, 2006, pp.63ff). And regarding migrants and refugees, it's not obvious that the State should be financially liable for the poor education that other societies offered their children. Moreover, the State has other societal needs to manage as well, and spending tax money on remedial adult education means not spending it on other State responsibilities. Why not offer the educational service, but charge all individual adults who want to use it; or at the least, charge all those who are judged able to afford to pay for it (presumably through means-testing)?

On this, I would simply note that it costs money to offer elections, and that this is money the State could spend on other social services. But no one suggests that we should charge all individual adults a fee to be able to vote; nor that we should means-test individuals, and charge a fee to those judged able to afford it to be able to vote. Having as many adult individuals engaging in non-coerced voting is so fundamental an element of what it is to be a democratic State that it is appropriately a social service that the State has an obligation to fully resource, not a service that users ought to pay for as individuals. I have argued that the opportunity to cast an informed vote - the opportunity to develop one's political awareness - is an essential part of this. From this, I would argue that the State is similarly obliged to fully resource remedial tertiary education for those adults who lack basic literacy and numeracy skills.

A State responsibility to *compel* adults to take remedial tertiary education?

Lacking the minimum secondary school qualification in literacy and numeracy is likely to be a serious barrier to being able to function in today's society for most people. This is no doubt a good part of the reason the State requires children to undertake learning to secondary school level. If education to this level is considered important enough that the State should legally compel children to undertake it, why shouldn't the State also compel adults who lack this level of education to undertake free remedial tertiary education? The phrasing of this point is misleading, however: children are required to *try to* learn up to the age of 16 years

when they are in the education system as children; they are not required to actually learn (although we really hope that they will). If the adults who lack the level of education have had a go at trying to learn in a State system as children, then they have done what is required.

Just as an aside, presumably it is ok to require children to try to learn in the State education system because we reasonably think the education is in their best interests, and that children do not have the intellectual or emotional maturity or life experience to be able to make informed judgements for themselves about what is in their best interests for their future life. Adults, however, have some life experience on which to make such judgements. Also, the adults in question have already had an extended experience of compulsory education in a State institution not working for them. This could have been because they didn't want to try to engage in learning. There's no reason for the State to expect success from again *forcing* those who didn't want to engage, so this would be futile. It's not acceptable, as well as being a waste of resources, to force people into futile activity. Hence it is not acceptable to compel these adults to try to remedially learn through State-provided education.

Another reason the compulsory education in a State institution didn't work for these adults when they were children could be because, despite attempts to engage at various points, they couldn't engage with the learning activities and learn successfully from what was provided. Those adults who couldn't learn successfully have reason to be wary of State-provided education. This, combined with their being better placed than children to decide what is in their best interests for their future life, means we should respect their capacity to judge and afford them the liberty to choose for themselves. Hence it is not ok to compel these adults either to try to remedially learn through State-provided education. However, there is an obligation on the State to inform such adults about what the tertiary State-provided remedial educational experience would be like for them. The tertiary education might be relevantly different from their schooling that they no longer have reason to be so wary of it, and these adults need to be able to make an informed decision.

Does the State have any responsibility for providing further free tertiary education opportunities?

The argument above suggests a fundamental State obligation to offer free tertiary education in literacy and numeracy to NCEA level one, on the basis of facilitating democracy. Earlier I defined democracy as requiring an equal opportunity to participate in the construction of collective issues to be dealt with in society. Elizabeth Anderson describes "those who occupy positions of responsibility and leadership in society: managers, consultants, professionals, politicians, policy makers" as an elite (Anderson, 2007, p.596); from my point of view, these people have a particular power to construct issues and make decisions in society. Anderson suggests that elites are often composed in a large part of those who have benefited from multiple social advantages. Social advantage is attached to social identities that enjoy higher social status. These can include identities of class, ethnicity, nationality, caste, gender, sexual orientation, religion, marital or parental status, immigrant status, family membership, accent, and able-bodiedness, for example (Anderson, 2007, p.599).

Anderson states that to be well-placed to fulfil the responsibilities of a democracy, the elites who have the power to construct issues and make decisions in society need to be effectively responsive to all interests in society.¹⁵ Unfortunately, she argues, elites usually do not have the *practical knowledge* and are not *compellingly disposed* to effectively serve the interests of all sectors of society - in particular the interests of the multiply disadvantaged.

"Formal academic training may give segregated elites some knowledge of the disadvantaged that was originally acquired through the ethnographic route. They could take a sociology course

on poverty, for example. However, academic exposure does not generally lead to that knowledge being practically engaged when elites need it for decision making. They may be able to recall it when their own interests are at stake – for instance, when they have to pass the exam in Sociology 101. But in the absence of some powerful motivation to care about the disadvantaged, that same knowledge is unlikely to be practically engaged when elites need it to exercise their powers responsibly.” (Anderson, 2007, p.609).

What elites need, according to Anderson, is first or second-person awareness of the interests and problems of the multiply disadvantaged. This requires having elite members with personal experience of multiple disadvantage, either through being or having been multiply disadvantaged themselves, or being personally familiar with people who are. Moreover, in order to try to counter the lower social status attached to these social identities, this experience must be in situations where those with multiply advantaged and those with multiply disadvantaged social identities have met and dealt with each other *as equals*. To facilitate this, Anderson says the State must be required to ensure that schooling can adequately prepare all students (including the multiply disadvantaged) to qualify for enrolment in a degree programme at a tertiary institution (should they wish to) with the reasonable expectation that they can succeed.¹⁶ This will help more persons of lower advantage levels to participate successfully in higher tertiary education with the more advantaged where both groups will be mixing with each on a footing of equality.

I have defined democracy in terms of equality of opportunity to participate in the construction of collective issues to be dealt with in society. While there can be different levels of participation, roles where a person gets to lead or be responsible for representing interests (that they share) offer greater opportunity for participation. Anderson suggests social leadership and responsibility attach only or mostly to roles that require higher tertiary education in order for people to be able to access them. Her paper makes reference to, and makes sense, in the context of the United States. But is this the case in a society such as New Zealand’s?

In the New Zealand context, there are several ways a person could participate in the construction of collective issues to be dealt with in our society. These include joining or forming a lobby that communicates on behalf of an interest group either with State representatives, or the media, or with the public directly - say as an invited speaker at a meeting or a hui. Examples of organised interest groups would include unions, professional bodies, iwi, business groups such as Federated Farmers or the Business Roundtable, other interest groups such as Women’s Refuge, RSA, Forest & Bird or Outdoor Recreation NZ. Or a person could become an agent of the media, such as an independent commentator or a journalist. Or a person could become an agent of the State, such as a member of the judiciary or a member or a local council, a policy advisor, or a party politician.

It is clear from the list of ways a person could participate in the construction of collective issues to be dealt with in New Zealand society that a higher tertiary education is not essential. There is no requirement for union members or leaders to have such an education, for example, nor for iwi representatives or spokespersons for Federated Farmers or Women’s Refuge. However, for some of the ways above a higher tertiary education *is* necessary; for example, to be a member of the judiciary or a profession. Moreover, there are different levels of influence or power attached to different roles. The greatest influence attaches to the roles that bring with them the power to construct the set of alternatives between which decisions are to be made, or the power to make the decisions between these alternatives. These would include, for example, government (including local government) researchers, policy analysts, advisors and chief executives, and ministers. To have the opportunity to access this type of role in today’s society, higher tertiary education is pretty much essential.

So while access to higher tertiary education is not essential for some participation in the construction of collective issues to be dealt with in New Zealand society, it is necessary for the more influential and powerful participations. I have defined democracy in terms of *equality* of opportunity for participation, rather than simply any opportunity for participation. This suggests that adults who are not able to gain admission to higher tertiary education lack equality of opportunity. Admission to higher education – that is, degree courses – usually depends on having gained credits at NCEA levels 3 or above, or demonstrating equivalency. This means adults who did not achieve this level of academic qualification at school, and have not since received academic training to achieve this level, are effectively disqualified from admission to a degree course. The question then becomes, is this lack one that the State is responsible for remedying with some free tertiary education opportunities?

There are two main possibilities for why such adults did not achieve this level at school: i) they left school early; ii) they disengaged from the learning activities the State provided such that they did not learn.¹⁷ In the first possibility, the adolescents were not there to use the educational resources. In the second possibility, the adolescents did not find the resources provided were sufficient to engage their learning such that they succeeded in gaining the qualification. Either way, the State has not used its resources to prepare these persons to be able to choose whether or not to pursue higher tertiary education. The State provided adequately-effective education resources for students who stayed more years and were able to complete NCEA level 3, and it did this without charging those students for these education resources. It thus provides the opportunity for those students to progress to higher tertiary education for free. To fulfil its responsibility to offer an *equality* of opportunity to participate in the construction of collective issues to be dealt with in society, the State should similarly make available free tertiary education to NCEA level 3 to adults who did not achieve it at school.

Mark Goyder (2007) argues that adolescents who have reached the leaving age, or achieved minimum literacy and numeracy skills earlier, and who want to leave school, should not be required to stay. Instead, he suggests we should give them some sort of education credits for the upper years of secondary education they miss out on, that they can ‘cash in’ for this education later on. I support the principle behind this suggestion, but suggest it should be extended to all adults who did not achieve qualifications in the first round of schooling. While the State has a responsibility to provide effective education at all levels of secondary schooling, we cannot expect it to be all things to all pupils at all times. But for any capable person, we can expect it to be adequate for all such persons at *some* time. No such person should be prevented from being able to try their hand at higher tertiary education through a lack of effective State-provided education. Given this, the State has a responsibility to offer free remedial tertiary education to NCEA level 3 to any adult who wants to undertake it.

Conclusion

Starting from an admittedly rough-and-ready outline of the State’s general responsibilities, I have argued that the State has an obligation to offer an education system; that it is obliged to offer free education to children / adolescents; that it is obliged to offer a tertiary education system; and that it is obliged to offer some tertiary education opportunities free to adults. The main basis for the claims about free tertiary education has been the State’s responsibility to facilitate democracy; in particular, the necessity for ensuring adults have the opportunity to develop political awareness and the opportunity for equal participation in the construction of collective issues to be dealt with in society. This has been used to support my eventual conclusion that, in a society such as New Zealand’s, the State has a responsibility to offer free remedial tertiary education opportunities to adults to enable them to meet the admission criteria for higher tertiary education.

Notes

1. “A human right is a cluster of ethical liberties, claims, powers and immunities that together constitute a system of ethical autonomy possessed by an individual as a human being vis-à-vis the state” (Wellman, 1978, pp. 55-56).
2. Boston (1990) asks *What is X good for?* (pp.170-171).
3. Even if we are talking about self-education, where the learner and the educator are the same person, there can be a difference between learning that is *education*, and other learning. To be education, the learning must be programmed in some way; or at least, the learning must be intended and recognised as learning.
4. It does not include self-education.
5. Involving tutoring or lecturing undergraduate university and polytechnic degree courses.
6. Estimate generated from Statistics NZ website: life table statistics available for 2000-2002: <http://www.stats.govt.nz/products-and-services/info-releases/nz-life-tables-info-releases.htm>, combined with information from the 2001 census on the number of children: <http://www.stats.govt.nz/NR/rdonlyres/F218ACC1-A7F5-4DC7-B54A-A842D7849EC4/0/CenChn.pdf>, both last accessed 23 October, 2007.
7. For example, say there is an amendment to the path of a new road being built, so that it now crosses an area where the local Maori iwi says there is a taniwha (signifying people had died there in the past). The iwi asks for building to stop for a day for the site to be blessed. This might get reported in the media in a way that implies Maori cultural beliefs are imposing extra costs on society by holding up building progress. But say the amendment to the path of the new road instead means it will cross a local cemetery, no longer in use. An Act of Parliament automatically protects this land and building will need to halt while special permission is sought. This does not get reported in the media as European / Pakeha cultural beliefs imposing extra costs on society by holding up building progress.
8. This thought was influenced by Snook’s PESA conference paper, 2004.
9. And of course, extending the secondary school curriculum would probably be a bad idea for other reasons as well.
10. Minister’s comment at: <http://theyworkforyou.co.nz/portfolios/education/2006/sep/12/o02>, accessed 16 October, 2007. *Education Counts*, a Ministry of Education website giving statistics on education in New Zealand, reports that, in 2006, 11% of school leavers leave with “little or no” qualifications; a further 5% leave with less than half of the level one NCEA qualification completed. http://www.educationcounts.edcentre.govt.nz/statistics/schooling/school_leavers2/school_leavers/school_leavers_2006, last accessed 23 October, 2007.
11. *Education Counts* reports that “Average earnings are 28% higher for those with a tertiary education compared to those with only upper secondary education.” http://www.educationcounts.edcentre.govt.nz/indicators/education_and_learning_outcomes/labour_market_and_social_outcomes/impact_of_education_on_income, last accessed 19 October, 2007.
12. Of course, this would not involve going back to school with children or adolescents. Educators must offer age-appropriate learning materials and learning environments. In the case of children and adolescents, this is because they will learn better; because we want children to enjoy the experience; and because we want to give children skills to manage their current lives as well as their future lives. These reasons apply equally in the case of adult students.
13. Note there may be other grounds, such as broad economic grounds. For example, offering free remedial education may improve employment uptake for these adults and thereby increase the tax take that the State can spend serving other societal needs. (Of course, whether this is so, and whether this is a good thing, will depend on the economic circumstances, the employment market, how well current resources are serving other societal needs, and whether this use of resources meets the wishes of the rest of society).
14. A society that is largely pre-literate does not rely on written information to communicate, so a lack of literacy does not prevent access to information.
15. This requires “awareness of the interests and problems of people from all sectors and (ii) a disposition to serve those interests ... (iii) technical knowledge of how to advance these interests and (iv) competence in respectful interaction with people from all sectors.” (Anderson, 2007, p.596).
16. “Access to elite status is largely governed by attainment of a four-year college degree, reflecting success in a curriculum demanding enough to prepare students for postgraduate (professional) education. Since the elite must draw its membership from all social groups, members of all social groups must have effective access to a primary and secondary education sufficient to qualify them for success at a four-year residential college with such a curriculum.” (Anderson, 2007, p.614).

17. There is a third possibility: that they are not capable of learning at this level. My arguments and suggestions do not apply to persons who are incapable of successfully completing NCEA level 3 credits. I am presuming that this would only be true of a small proportion of the group of persons that does not get this qualification at school.

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