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Introduction

For many, higher education by definition conjures up images of substantial state-run institutions. The great universities dominate the educational landscape, their traditions and reputations defining not only educational standards but also the place of education within wider society. Where higher education takes place through residential study, it achieves the status of a rite of passage for the young, signifying not merely the opportunity to apply oneself to academic study under the tutelage of those who are experts in their fields, but the chance for personal growth amid like-minded peers. None of this is undesirable *per se*; quite the contrary. However, there is more to higher education than the present university establishment, and indeed some highly progressive work in education can in fact take place outside it.

The University and the Establishment

The expression “non-traditional” when applied to education suggests by its nature an anti-establishment outlook, and thus it has often proved in practice. What then, one might ask, is wrong with the university establishment, and what aspects might alternatives to it focus on? In the first place, by using the definition of an establishment, one moves to the heart of the matter; the universities are undeniably and explicitly politically-influenced, and bear the imprint of governmental education policies and strategies. Indeed, the state has arguably always seen education as its preserve to control and direct. One has merely to look superficially at the oldest and most influential of institutions to see that the universities both actively court political influence and that they seek to influence public debate in an explicitly political context. Conversely, where socialist or neo-socialist governments seek to bring objectives of social engineering into the operation of universities (as has frequently been debated concerning the issue of admissions to Oxbridge from the maintained sector) we see the clash of old and new elites and competing ideologies, and the question of potentially threatened academic standards is once more brought into play.

However, recent debate in the UK has suggested that there is certainly a case for the privatisation of higher education, at least in part, and that this concept even has the personal support of Tony Blair. In an article in the *Daily Telegraph*,¹ Terence Kealey, vice-chancellor of the University of Buckingham, argues that, “The best universities in the world are the independent Ivy League institutions in America (Harvard, Stanford etc), and the most innovative are the independents in the Far East (there are now more than 1,000). Independence provides better management, higher investment and, contrary to myth, greater access for the poor.” The E. G. West Centre at the University of Newcastle² was set up in 2002 in order to explore the area of educational privatisation and has produced extensive resources on all aspects of the issue.

Academic Arguments for Privatisation

Since 1992, the overall value of university graduates in the UK employment market has declined sharply with the democratisation of university entrance. The former polytechnics have taken on a conspicuous and valuable role in the university landscape, but for a large number of students, the dawning realisation that their degree qualifications are simply not valued in the workplace has come as a rude awakening in the light of the initial post-1992 euphoria. The growing trend towards US-style diplomaism in the UK, where degrees and similar qualifications are demanded even where they are not genuinely necessary, is a prevalent and worrying issue, reflecting the glut of over-qualified individuals in the employment market. Furthermore, students today are encouraged to see three or four years in residence at a university—any university—as their automatic right, even when their decision is more motivated by social than academic concerns, and as the only real option for them at age eighteen given the dearth of attractive job opportunities for school leavers.

Reactions against these trends in academia, which are not new by any means, take several forms. The most common of these seeks to find ways to free education from political influence so as to be able to promote a more selective admissions policy or a more adventurous curriculum. State control sets up active impediments towards experimentation in education when it allows its political and academic elites to promote an agenda of conservatism and general stasis. Furthermore, many of these elites are by their nature self-perpetuating and therefore resistant to radicalism. Usually, a certain degree of challenge to the norm is encouraged providing this challenge is limited in its scope and does not threaten the establishment itself. The suggestion that a thriving private sector in education might come into being outside state control, however, is guaranteed to strike fear into the hearts of many who are aware that such a sector is likely to be more easily adaptable to market demand and thus a very considerable competitor for the mainstream.

How Independent Can Privatised Universities Be?

Most European countries have a tradition of private universities, but the extent of their control by the state varies considerably. In some Scandinavian countries and Belgium, for example, private universities are free to operate without constraint. In France, private universities can operate, but the curriculum for all degree awards is set out by law with penalties for deviation. In the UK, domestic private universities were abolished (ironically at the height of a Conservative government) in the 1988 Education Reform Act, with the exception of the University of Buckingham, which had been granted a Royal Charter in 1983 and was allowed to operate post-1988 under what amounts to exceptional measures. It remains possible for institutions with degree-granting authority from overseas to operate legally and offer their awards in the UK.

It is sometimes asked why private universities feel the need to grant degrees at all. The best answer to this is that to do so is seen as a fundamental hallmark of academic independence and of faith in its own standards and practices by the institution concerned. The post-1992 universities could easily have continued to confer the degrees of the Council for National Academic Awards as they had previously done as polytechnics; however, none did so and all opted to introduce their own awards instead.

Progressive Strategies Within a Privatised Sector

Both within and beyond Europe, the limited financial resources of small private institutions mean that many have historically chosen to operate via correspondence rather than face-to-face or residential tuition, and now the advent of the internet means that a small school can operate as effectively as a much bigger rival. The offering of programmes via correspondence or the internet does not mean that those programmes are necessarily lacking in rigour by comparison with residential degree courses; the widespread acceptance of distance education has been long-established within the UK market by the Open University, for example, and many major UK universities are now following the OU's lead. Indeed, non-residential study is often a much more appropriate fit for most mid-career adults than more traditional alternatives. The ability to fit learning around the other demands of a busy life is a basic necessity for many, but there is still a good deal of unnecessary lack of flexibility within state universities as far as physical attendance at seminars, examinations and the like is concerned. In addition, the acceptance of the concept of accreditation of prior experiential learning, despite its enshrining by the QAA at all levels, is still insufficient in state postgraduate programmes, where arbitrary limits are placed on credit that can be counted and doctoral programmes by published work remain a closed shop for alumni and staff of the university only. Where these strictures are felt to be academically unreasonable, it is inevitable that some will seek alternatives that meet their needs.

The Effect of the 1988 Education Reform Act

Looking at the British private sector at the time of the ERA, we are confronted with a multiplicity of institutions which are distinct in nature and should not be lumped together. On the one hand there were some obviously fraudulent bodies that existed merely to sell meaningless pieces of paper. On the other, there were some institutions which were serious in intent but which were too small or too unusual to fit any model of UK governmental approval, including the Geneva Theological College (founded 1958), the Central School of Religion (1896) and the Anglo-American Institute of Drugless Therapy (1911), all schools with an American orientation offering correspondence instruction to a predominantly adult constituency. As chance would have it, the former two of these were able to continue operations as a result of overseas degree-granting authority. In retrospect the ERA can be seen both as a move against the legitimate private schools, who had "usurped" the privileges now reasserted by the state, and as a consumer protection measure. I am sure that I am not the only one, however, to consider that the latter is insufficient justification for the suppression of the entire sector. The Act, indeed, is a deeply anti-libertarian measure emanating from a regime that suffered from the dichot-

omy of being libertarian and progressive in its fiscal policy whilst remaining deeply elitist and ideologically entrenched when dealing with matters concerning the British establishment.

The question of why what is now the University of Buckingham should have been exempted from the general crack-down of the ERA is interesting indeed. It is clear that the personal influence of then-Prime Minister Margaret Thatcher was key to its being singled out—Lady Thatcher has served as Buckingham's Chancellor (now Chancellor Emeritus) and along with other members of the political establishment such as Lords Hailsham, Harris and Beloff was instrumental in its foundation.³

The Natural Place of Education Outside State Control

Why, then, should the legitimate among these institutions have existed in the erstwhile British private sector in the first place? Invariably the answer lies not merely in circumstance alone, but at the very heart of education itself. The nature of the educational experience is that it is individualised and personal, not institutionalised and faceless. The oldest detailed model of education we have—that of classical antiquity—presents education as a one-on-one mentoring process reinforced by work in small groups. We should realise, consequently, and not hesitate to strongly emphasise the point, that to treat education as something that is naturally carried out in large state-run institutions is not merely *inimical to its very essence* but also *deeply unnatural*. Education cannot truly be subjected to blanket rules and regulations or to the greater good, however construed; it is as particular, as quixotic and not infrequently as strange as humanity itself. What could be more inevitable, then, but that those who have likewise come to this conclusion should seek to follow the model of the Greeks and establish their own small institutions where their own ideals could be realised?

What is perhaps striking is that the rebel spirit against state education finds a happy position in British education up to the age of 18. Perhaps because of the reliance of the British establishment upon the great public schools, independent school education thrives in the UK in all shapes and sizes, with no legislative demand that education even take place in what would be regarded by most as a school. It is rare for independent schools to set their own alternatives to public examinations, but not unknown—Winchester College being a prominent example. Those sitting the bespoke Winchester leaving examination have no difficulty in finding acceptance at the best universities, because of the reputation of the awarding body in question. The more esoteric independent schools, such as Summerhill, the best-known example of the free or democratic school movement in the UK, offer government awards at 16 and 18 but make candidature on the student's part optional.

To Regulate... Or Not?

To extend such measures to the university sector causes some interesting questions to come into play. Firstly, can this putative sector be relied upon to self-regulate, or does it need some kind of legislative framework to prevent the worst excesses of poor quality provision? As a libertarian, my answer is that without question self-regulation will provide

most of the necessary checks and balances, and indeed that self-regulation is necessary in order to protect the academic freedoms that will be outlined below. In practice the private sector in education falls into two categories. One category consists of legitimate organisations whose reputation—often in the process of being established, where they are new and relatively unknown—depends entirely on their ability to create trust and confidence in the public in the probity of their practices and their high standards. For this category, decline in standards or reputation means commercial death, and they are without the safety net that poor-quality state universities have in the form of government to prop them up. The other category consists of schools that sell academic qualifications or documents purporting to be such with no academic process involved. This category is a menace to all involved in legitimate education and a justifiable concern to consumers and others. However, controlling it can be aided by “bottom-line” legislation that outlaws the selling of academic qualifications outright. Another sensible measure is to encourage regulation by the relevant professional licensing bodies in appropriate areas, for example whereby medical degrees must receive approval from the GMC in order to allow their holders to proceed to licensure as physicians.

The issue of what actually happens in small private sector universities is an interesting one indeed. Historically, universities have determined their curriculums and standards for themselves. If experimentation and freedom of curriculum is to be encouraged, its interpretation must rest with the academic authorities of the institution in question, not with political masters. This opens the door to the teaching of much that is unorthodox and contrary to academic received wisdom, and in some cases to the weird and peculiar. However, what it also does is to empower individuals so that they, rather than the state, can determine their own educational needs and the most appropriate solutions to them. In short, it promotes free choice and properly subjects universities to the forces of the free market, where successful institutions will thrive and weaker institutions will decline or seek to serve niche markets.

Credibility in Unregulated Institutions

Where is credibility to be sought in the output of private universities? Ultimately, in the same place as any other university—in the work done for the awards and the people who stand behind them. If a private university is able to attract faculty and examiners of high calibre, and if its alumni take their place in leading roles within society as a result of their new qualifications, it will attract the respect that is its due and take its proper place in the educational landscape. It is possible to do this both where the envisioned mission is to be a campus-based university and where the aim is to function as an internet or correspondence-based university. The American writer on distance education John Bear has written, “I have been suggesting for years that in a rational world, any degree would be evaluated based only on the work done to earn it, and the credentials of the person or people who approve and stand behind it.”²⁴

Towards a Model of Education Driven by the Market Rather than the State

Professor Robert Stevens, former Master of Pembroke Col-

lege, Oxford, has argued (with his views quoted extensively in a *Telegraph* article⁵) for the creation of private universities, “Universities would be truly independent, living off the charges they receive. This approach would allow universities to choose their own future. If they wished to educate and pass on cultural values—the original goal of universities, which is an anathema to today’s political parties—they would be free to do that. If people did not want that kind of education, they would not borrow the money to fund their education. Similarly, if, as the Government suggests, employers are demanding specific skills, then those universities which teach specific skills would do exactly that and people would flock to them, perhaps partly funded by potential employers. People would be free to choose. The market would decide.” It can already be seen that those private institutions outside the UK that employ a specifically workplace-driven curriculum, granting full APEL credit where appropriate for workplace learning achievement, are among the most popular of institutions both with the student public and with employers.

Freedom to accept or reject academic dogma is the most fundamental of educational rights, and yet the phenomenon of state-controlled higher education makes this choice a major undertaking. It must be understood that academic freedom and the concept of an academic establishment, more yet a politically-linked academic establishment, are not happy bedfellows. There must be not merely the freedom to join the club, but the freedom to create an opposition or an alternative to that club. That freedom does not truly exist whilst higher education remains within the shackles of state control.

Notes

- (1) Terence Kealey, ‘How we could have our own Ivy League’, *The Telegraph*, 13th October 2004, URL (consulted 29th November 2004): <http://crossword.telegraph.co.uk/education/main.jhtml?xml=/education/2004/10/14/tefivy13.xml&sSheet=/education/2004/10/14/ixtetop.%20Html>.
- (2) E. G. West Centre website, <http://www.ncl.ac.uk/egwest>.
- (3) ‘History of the University’, University of Buckingham website, <http://www.buckingham.ac.uk/facts/history>.
- (4) In a post at the www.degreeinfo.com forum. A cached, longer version of this quote can also be found via Google at http://www.google.com/advanced_search.
- (5) Julie Henry, ‘Universities should be independent and set fees according to market, says top Oxford don’, *The Telegraph*, 28th March 2004, URL (consulted 29th November 2004): <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2004/03/28/nuni28.xml>.