

# Three dimensions of equity of access to higher education

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## **Abstract**

Concerns over equity of access to higher education are widespread, but there is significant disagreement over what should constitute a fair system. This article assesses diverse conceptualisations of equity, and explores the ways in which they embody themselves in the policies of three systems: England, Brazil and Kenya. While showing significant disparities of income level and enrolment ratio, all three have made concerted efforts to expand higher education access, accompanied by increasing stratification in terms of the quality and prestige of institutions. Analysis of policy options and outcomes leads to a proposal of three principles for understanding equity of access: availability, accessibility and horizontality. The third of these principles addresses the little acknowledged safeguard that disadvantaged students should not be confined to lower quality institutions, while at the same time allowing for diversity of ethos and disciplinary focus.

## **Keywords:**

Access to higher education; equity; higher education policy; widening participation; university admissions

## Introduction

The challenge of ensuring equity of access to higher education is one that affects high, middle and low income countries alike. Press attention, public debate and protest can be seen across the world, from student boycotts over fees in Lagos, to street demonstrations in Santiago, and continuing controversies over elitism in the Universities of Oxford and Cambridge. While the nature of the problem differs somewhat across contexts, all higher education sectors are struggling to find a formula that will allow for a sustainably funded system of high quality providing opportunity for all (Brennan, King & Lebeau 2004; Knight 2009; Meyer et al. 2013a; Singh 2011; Unterhalter & Carpentier 2012). At the heart of the problem is the fact that expansion of the system does not necessarily translate into increased opportunity for disadvantaged populations. To a significant extent, the phenomenal growth of higher education globally since the Second World War has been an expansion for the middle class. In the UK, for example, where there has been a range of 'widening participation' policies, while the percentage of students on free school meals (a proxy for low socio-economic level) going on to university has risen from 13% to 18% since 2005, the rate for other students has risen from 33% to 38%, thus maintaining a more or less constant gap (BIS 2013a).

While most would agree that fairness in higher education access is highly important, there is nevertheless considerable disagreement as to what might constitute a fair system (Brennan & Naidoo 2008; Clancy & Goastellec 2007; Duru-Bellat 2012; Jacobs 2013). A range of pivotal political debates is brought into play, including tensions between equity and efficiency, public versus private, academic versus vocational, and views on human ability and potential. This article addresses these competing perspectives in a theoretical form, while also assessing their concretisation in specific national contexts, in order to build a new framework of equity of access. To this end, the study will draw on the principles of equity put forward in two previous studies on higher education in Brazil (McCowan 2004; 2007), presenting a revised conceptualisation with broader applicability.

Sen (2009) advocates the use of 'comparative' rather than 'transcendental' models of justice, arguing that there are multiple reasonable positions, and that we can still employ partial ranking and move societies in the right direction even in the absence of a perfect blueprint of justice. This approach is also adopted in Meyer et al.'s (2013) recent comparative collection on fair access in higher education. In contrast, this article will propose something more akin to the abstract blueprint of justice of the transcendental position. This approach is taken not because it is considered that a single model can apply to all contexts (and the latter stages of the article will outline some important areas in which there can and should be contextual diversity), nor because an attempt is being made to assert an exclusive claim to validity in relation to the question. Instead, the intention is to contribute a set of principles, the 'bare bones' of a common understanding of equity, to the ongoing debate – a debate that is necessarily normative, involving conflicts of a fundamentally moral and political nature, and one that involves an interaction between universal and contextual features of human justice. Clearly, as Meyer et al. (2013b) argue, there are specific historical factors in different contexts that make dimensions of equity distinct (e.g. whether discrimination occurs on the basis of gender, social class, race/ethnicity etc.), affecting in turn the strategies adopted in response. In addition, it is acknowledged that currently there may not be sufficient resources in all countries to fund the kind of system that these principles would require: nevertheless, lack of

resources at the present moment should not constrain our reasoning around a just distribution (see McCowan 2013).

A qualification regarding scope is needed at this point. This article will focus primarily on the question of initial access to higher education: that is to say, the gaining of a place to study in a higher education institution. Clearly, this is not the only question of importance in higher education, nor even the only dimension of equity. It also matters what students learn in the course of their studies, how they experience their institutions, and whether they are able to convert that learning and the resulting qualifications into meaningful opportunities afterwards (issues explored in Morley & Lugg 2009, for example). Furthermore, access requires a range of financial considerations, including maintenance throughout the course of a student's time at university, without which dropout or delayed completion are common. These are all relevant questions, but due to limitations of space cannot be dealt with fully here. In addition, the article will focus exclusively on the teaching function of universities, rather than their research and community engagement activities.

The article will start with a discussion of conceptual issues pertinent to the question: primarily the concept of equity itself, as well as the broader approaches to justice underpinning it (egalitarianism and sufficientarianism), and the diverse forms of value provided by higher education. These ideas are then explored in the context of three cases: England, Brazil and Kenya. These three locations have been chosen as they represent different types: a high-income country with a long-standing higher education system and something approaching 'universal' access in Trow's (1974) terminology; a middle-income country with a rapidly expanding system entering the massification phase; and a low-income country with an expanding system but still restricted to a very small proportion of the age cohort. These three contexts, while grappling with the challenge of providing an equitable expansion, have also adopted diverse policy responses that highlight important aspects of the theoretical questions at stake. Finally, implications are drawn out from the partial success but significant limitations of these three systems, leading to the formulation of principles of equity of access and discussion of ramifications for policy. The article argues that we should view equity of access in terms of three dimensions – availability, accessibility and horizontality – all of which must be present in order to consider a higher education system to be fair.

### **Conceptual underpinnings of equity**

The notion of 'equity' as used in this article is close to 'fairness'. Consequently, it is distinct from the idea of 'equality' -- in particular it will not always involve either equality of treatment or equality of outcome. It may be fair to treat people in different ways (for example in admissions exams to university) if they have specific needs that would otherwise present an insurmountable barrier, such as a visual impairment. It may be fair for there to be a diversity of outcomes (e.g. either achievements at university or diverging use of university qualifications subsequently) if that diversity has resulted from factors over which the individual has responsibility or control (such as effort), or is an expression of agency (i.e. the choice to become a sculptor rather than having a well paid job for an insurance firm). Equity is, however, close in meaning to 'equality of opportunity', and just as subject to ambiguity and diversity of interpretation.

In terms of the kinds of factors that might be justifiable and unjustifiable in relation to judgements about access, this article starts from the assumption that advantage or disadvantage accruing from the chance of one's birth into a particular social milieu are not considered fair grounds to allow or disallow a person from entering university. Disparities arising from differing effort, innate ability and ambition may be acceptable if it is possible to separate these from environmental factors. While it is possible to value equity for consequentialist reasons (i.e. discrimination will stop us getting the best talent through, and thereby hamper the development of the economy), this article takes as its starting point that there is intrinsic value in a fair distribution of opportunity.

In understanding approaches to equity of access it is useful to bear in mind the distinction between egalitarian and sufficientarian approaches to social justice made by Brighouse and Swift (2006)<sup>1</sup>. Egalitarian approaches *sensu stricto* assert the necessity of an 'equal' distribution of given resources or opportunities – if not identical in every way, at least in certain significant ways. A sufficientarian approach, on the other hand, asserts that there is a minimal level to which all people should be raised, but that inequality beyond that point is acceptable. In particular, this is to guard against 'levelling down', restricting (in the interests of equality) the achievements of those with the most talent or who put in the most effort, but with potentially negative results for the individuals in question and society as a whole. Sufficientarian approaches would certainly seem justifiable in some cases. We might consider it just that all people have access to clean and safe drinking water: if some people have additional access to naturally sparkling mineral water from the Italian Alps, and are willing to expend their own resources on it, we might not consider it a real challenge to justice.

But is a sufficientarian approach to higher education access adequate? Is it acceptable, as happens in many national systems in practice, for access to *some* form of higher education to be widely available, but for significant inequality to be allowed in relation to the nature of the higher education? To answer this question we need to look more closely at the kind of benefits that higher education provides. In this, it is useful to distinguish between intrinsic, instrumental and positional value. Like many goods, education has benefits that can be seen as intrinsic, i.e. the value of being educated in itself, of having a deep understanding of the world, engaging in critical dialogue with others, possessing knowledge about a particular field of study or the ability to perform complex operations. Beyond these, education has a number of instrumental benefits, underpinning a broad range of human functions such as work, political participation and health. 'Positional' benefits can be seen as a subset of instrumental benefits, referring to the opportunities that one has in relation to the opportunities of others: i.e. in the context of scarce goods, if my opportunities increase, then the opportunities of others diminish and vice versa.

In addition to its intrinsic and instrumental value, higher education clearly has positional value in this sense. In competing for a finite number of well-paid jobs, my gaining an undergraduate degree will increase my chances and decrease the chances of my competitors who only have a secondary level leaving certificate. If a friend of mine – Alpesh – then obtains a Masters degree my opportunities will consequently decrease, and so on. The existence of positional

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<sup>1</sup> The authors also address a third framework, 'prioritarianism', based on the difference principle of John Rawls, although this approach will not be discussed in this article.

benefits from higher education makes the sufficientarian position outlined above highly problematic. If higher education only had intrinsic value then it would be more acceptable for everyone to have access to a minimum, and be allowed to pursue further opportunities in accordance with their particular interests and values. However, in the context of positional benefits, the overall distribution of higher education is highly significant. Even if Alpesh and I both have the same level of qualification -- an undergraduate degree -- if he has a high-prestige and high-quality degree from an elite university, and I have one from a little known and poorly resourced institution, my opportunities will consequently suffer. Expanding access to higher education in a stratified way (in providing higher quality provision to students of a higher socio-economic status) may increase the overall intrinsic benefits of higher education to the population, but will not provide any more positional benefits to the previously disadvantaged population, and ultimately will not lessen inequalities.

### **Approaches to fair access in higher education**

Clancy and Goastellec (2007) argue that approaches to higher education access have passed through three historical phases: initially, universities were only available for those from particular backgrounds, whether relating to gender, religion or racial origin – termed by the authors ‘inherited merit’. In the 20<sup>th</sup> century this state of affairs gave way to ‘equality of rights’, through which no explicit discrimination was permitted, though practice showed that, despite the lack of formal barriers, access was still extremely difficult for marginalised groups. As a consequence, ‘equity’ or ‘equality of opportunity’ approaches have been adopted to address the more subtle mechanisms that prevent students from disadvantaged backgrounds obtaining places in higher education, and particularly in the most elite institutions.

The last of these phases has been characterised by a range of affirmative action or positive discrimination policies and practices. Affirmative action challenges the supposedly meritocratic basis of admissions procedures – particularly those of elite institutions – giving preferential access to students with particular characteristics. In the USA, where debates over affirmative action have been most vigorous for the last half century (e.g. Bowen & Bok 1998; Gurin et al. 2002), the key dimension has been race, but affirmative action based on other characteristics has been seen elsewhere: for example, by gender (e.g. Sweden), by caste (e.g. India) or by district of origin (e.g. Sri Lanka). It also takes a range of forms: in some cases specific quotas of places, and in others a bonus on admissions scores, scholarships or outreach programmes.

Affirmative action has been justified on a range of grounds. The distinction is sometimes made (e.g. Rhoads et al. 2005) between ‘backward looking’ and ‘forward-looking’ justifications: the former relating to the need for redress for historical discrimination against particular groups, and the latter aiming to achieve a goal for the future, i.e. the composition of a more just society through enabling people from disadvantaged groups to take up positions of influence, thereby setting in motion a process of social transformation. There is also a more individualised form of affirmative action that relates to the increasing recognition of ‘potential’ as legitimate grounds for selecting candidates for entry. In this instance, the difficulties that some students face in their earlier lives and the poor quality of their previous schooling are taken into account when evaluating their admissions scores -- on the basis that

even with a lower score they may have more potential than another candidate. (In fact, this hypothesis has been borne out in empirical research: at the University of Bristol, for example, students from impoverished neighbourhoods entering on a widening participation programme outperform students entering with higher grades by the end of their courses [Hoare & Johnston 2011]).

Affirmative action, therefore, puts in tension conceptions of procedural justice and social justice (the latter sometimes referred to as 'background justice', e.g. Jacobs 2013): that is to say, considerations of what is fair in terms of the process of admissions and impartiality of the treatment of candidates, as opposed to what is fair in terms of the broader society, and the existence of historical and ongoing discrimination of and structural barriers for certain groups. To these two, Jacobs (2013) has added a third form - *stakes justice* - to refer to the outcomes of the process, and the extent to which the distribution of benefits to 'winners' and 'losers' is fair. These tensions have led to a series of high profile court cases in the USA, such as *Regents of the University of California v. Bakke*, in which an unsuccessful candidate sued the Medical School of the University of California - Davis for being unfairly barred, in violation of the 14<sup>th</sup> Amendment. In this case, the court ruled unconstitutional the use of racial 'quotas', but upheld the 'diversity' position: asserting that affirmative action is justified in enhancing the educational climate through the development of a diverse student body, given the benefit for all students (and not just those from disadvantaged groups). This 'compromise' position is distinct from the earlier demands for affirmative action on the basis of historical redress emerging from the civil rights movement, and also from the conservative position of rejecting positive discrimination in any circumstances (Rhoads et al 2005).

A further debate has emerged in recent years concerning what has been referred to as 'epistemic', or 'epistemological' access (Clegg 2011; Morrow 2009; Stevenson et al. 2014; Wheelahan 2007). Following sociological work spanning a number of decades, these positions acknowledge that access to formal educational institutions for disadvantaged groups does not necessarily translate into meaningful access to the curriculum, or to conversion of education into opportunities in the broader society. Curricula and institutional cultures are seen to favour dominant social groups and can serve to marginalise others and lead to their 'failure' within the system. This premise has led to two contrasting responses in higher education: first, calls for transformation of curricula to include non-dominant forms of knowledge; and second, work associated with the ideas of Michael Young (2008) and others around 'powerful knowledge', which argues that disadvantaged groups must be given access to the forms of thought that confer advantage in society, in particular traditional disciplinary areas. As an example of the latter position, Clegg (2011) and Wheelahan (2007) have problematised the confinement of lower-income students to vocational courses in the UK and Australia, without access to context-independent knowledge and the structuring principles of disciplines. Questions of curriculum and knowledge cannot be fully covered in this article, but differentiated provision between institutions within a system is central to the concept of horizontality outlined below.

As discussed in the previous section, justice requires an egalitarian approach to access to higher education. But does that mean that all people, regardless of their abilities, interests and circumstances, should have access to exactly the same form of higher education? There may be a range of objections to this position. Limitations of resources are often cited as an

insurmountable barrier, although they will not be addressed here, for the reason expressed above that the purpose of this article is to consider principles: the task of reforming systems and economies to make them possible in practice is a subsequent task. However, there are further objections relating to the differing interests and abilities of prospective students. As argued in McCowan (2012), higher education should not be compulsory in either a *de jure* or a *de facto* manner, the latter expressing itself in cases in which university level study becomes essential in order to secure employment. Access is only required, therefore, for those people who actually desire to study in higher education. Another objection to universalisation of access relates to ability to study at the higher education level. Clearly, there is little point in a person enrolling in university studies if they are not able to engage fully with them. A minimum level of academic preparation is therefore also necessary in order for access to be granted for a prospective student.

International rights instruments defend equitable procedures for selecting students to higher education, but say nothing about the total number of places available (McCowan 2012). The principle of *accessibility* is, therefore, present, but not that of *availability*. It is clearly insufficient for a system to have an equitable procedure for selecting students but only places for 1% of the age cohort. Attention is needed, therefore, to both fair selection and availability of places. These principles were formulated in McCowan (2007) in the following way:

1. There must be sufficient places so that all members of society who so desire, and who have a minimum level of preparation, can participate in higher education.
2. Individuals must have a fair opportunity of obtaining a place in the institution of their choice.

As discussed above, it is important to highlight firstly that fairness does not require all selection criteria to be abandoned. All students need a certain level of preparation in order to engage meaningfully with the content, so universities are justified in gauging preparation and admitting only those who fulfil those criteria, however conceived. Access to higher education institutions then should be based on criteria, not competitive allocation of a fixed (and small) number of places. The second principle above relates to the positional implications of higher education: higher education systems are not fair if they restrict certain individuals and groups to institutions are experiences that confer less positional advantage.

However, the principles above, while highlighting some important and often neglected aspects of access, have their shortcomings. In the first place, there is insufficient attention to the kinds of barriers that can prevent access to higher education even in the context of availability of places, as highlighted by the literature discussed above on affirmative action and epistemic access. Furthermore, the guarantees of fair opportunity in the second principle are unlikely to be operationalisable in practice, given the unequal choice-based systems in existence in which students are aiming to maximise their subsequent opportunities. This article will therefore recast the above statements in terms of a set of three fundamental principles of equity that can address these considerations. In order to do so, it will analyse three country contexts, deriving from their juxtaposition the primary concerns relating to fair access.

## Access to higher education in national contexts

Entry to higher education institutions is regulated by two primary mechanisms: academic performance and tuition fees. There is considerable diversity between countries in relation to these mechanisms, and even within countries, particularly between public and private sectors. In relation to the first, there is a continuum from open access systems requiring only a secondary leaving certificate (e.g. Argentina, Italy, France), to specific academic examinations with intense competition for places (e.g. national universities in Japan and public universities in Brazil). The existence and level of fees also varies significantly between countries, and between sectors, as do the schemes in place to support those without sufficient financial resources to pay them.

Higher education policy in practice has not even fulfilled even the partial view of accessibility put forward in international law. While few systems exclude explicitly on the basis of background characteristics of the individual, most rely on a fairly high level of material wealth -- either directly in order to pay fees, or indirectly in order to obtain the required level of previous educational achievement. Few countries now maintain free of charge provision even in public institutions.

In terms of availability, there is extreme diversity between countries, with a range from under 2% gross enrolment ratio in Niger to nearly 100% in South Korea (UNESCO Institute for Statistics [UIS] 2014<sup>2</sup>). To a large degree this disparity is connected to national wealth, with 60% of young adults across all OECD countries expected to go to university in the course of their lifetime. Nevertheless, there are exceptions, with some less wealthy countries with high gross enrolment ratios, such as Venezuela (78%) and Mongolia (62%) (UIS 2014); furthermore, amongst OECD countries the highest enrolment rate (excluding international students) is in Poland, at approximately 70% (OECD 2013). Even in those countries with extensive availability, there is still the question of quality, with concerns either with provision across the board, or the concentration of quality in a few elite institutions.

The policy of supranational agencies has not substantially altered this landscape. After decades of neglect of higher education, influenced by studies showing the higher rates of return to lower levels of education (e.g. Psacharopoulos 1994), there has of late been an increasing recognition of the importance of this level in the context of the knowledge economy. World Bank (e.g. 1994) policy on higher education has for the most part advocated expansion through new private providers, or through cost-sharing in public institutions, aiming for a diversity of institutions across the sector. There has been substantial global convergence around this model of higher education development. While UNESCO has presented a somewhat different approach in terms of access and curriculum (with a more humanistic and citizenship-based, and less narrowly economic vision), it has been more marginal in terms of its influence. Article 3 of the Declaration from the 1998 World Conference on Higher Education, for example, provides a strong and comprehensive expression of equity of access (UNESCO 1998). However, it remains an aspirational document, not binding on countries, and for the most part playing second fiddle to visions of higher

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<sup>2</sup> UIS figures are for ISCED 5 and 6.



education based on what are considered to be the more pressing demands of economic competitiveness and efficiency.

In spite of global policy convergence, there are nevertheless discernible national characteristics, and countries have adopted different strategies to address the common problem of ensuring equitable expansion of the system in the context of budgetary constraints. The following sections will assess the distinct approaches taken by England, Brazil and Kenya, and the resulting landscape of access.

In the space available, it will not be possible to provide adequate coverage of the relevant contextual factors in each case: these should therefore be treated in the spirit of vignettes, in order to highlight divergences on thematic axes of interest to this study. As stated above, the three territories have high (England), upper middle (Brazil) and low (Kenya) income respectively in terms of the World Bank's income classification, and have enrolment rates of approximately 49%, 15% and 4% respectively (BIS 2013b; INEP 2013; UIS 2014)<sup>3</sup>. They also have different forms of inequality presenting barriers to particular groups in society. Yet in all three cases, the governments are essentially engaging with the same task: that of expanding access to higher education as broadly as possible within the constraints of public finances, while attempting to maximise the impact of the system on society and the economy.

### England

Higher education in England<sup>4</sup> has a long history, with Oxford and Cambridge dating from the 12<sup>th</sup> and 13<sup>th</sup> centuries, but the majority of the expansion took place through the 20<sup>th</sup> century. With the exception of a few purely private providers, most universities in the country have a hybrid nature, being private foundations with a significant amount of public funding. In fact, the proportion of this public funding has been reduced considerably in recent years (Carpentier 2012). Fees for 'public' universities were introduced in 1998, and steadily increased to their current level of £9000 for most institutions. There are nevertheless full loans available for all students studying their first undergraduate degree, thereby ensuring the possibility of continuing uptake of higher education places. Overall enrolment rates for the age cohort have expanded from 39% in 1999/2000 to 49% in 2011/12 (BIS 2009; 2013b).

The model adopted by England for equitable higher education expansion has therefore been that of cost-sharing and government-backed loans. This strategy has enabled the continuing expansion of the system without immediate state investment (although ultimately the costs to the state of the loans may be high). An accompanying policy emerging in recent reforms has been the entry of for-profit providers: while potentially a highly significant development, it is not one that is yet having a significant impact on access.

There are some very positive points to the English higher education landscape. In the first place there is substantial availability at one of more than a hundred universities for those students who have completed upper secondary education. Second, loans are universally available to cover the fees. These loans only have to be repaid once the graduate is earning

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<sup>3</sup> The figure for Kenya is the gross enrolment ratio, as the net figure is not available. The UIS data for Kenya are from 2009.

<sup>4</sup> On account of the significant differences between the higher education systems in England, Wales, Scotland and Northern Ireland, this discussion will relate only to England, rather than the whole of the UK.

above a particular salary level, and at preferential interest rates. Third, entry requirements are flexible for 'mature' students, allowing for re-entry into the system at a later stage for those who missed out first time round and do not have the necessary academic qualifications. There has also been a range of 'widening participation' policies in place, and outreach work in schools to raise aspirations of prospective students from non-traditional backgrounds (Hoare & Johnston 2011).

Nevertheless, there are significant inequities. As stated above, the gap between the higher and lower socio-economic groups has not changed dramatically even in the context of rapid expansion. Social class (intersecting with other dimensions of inequality such as gender and race/ethnicity) is the key barrier to higher education access in England. While loans are universally available, there are various factors that may act as subtle barriers for low-income or working-class students, including debt aversion, high opportunity costs, and a perception of 'not belonging' in the university (Reay et al. 2001) - with a further range of factors compounding opportunity barriers for refugees (Stevenson & Willott 2007). Furthermore, it is a highly stratified system. At the top of the heap are the selective and research-intensive Russell Group universities, followed by a range of middle level institutions, the more vocationally oriented former polytechnics (granted university status in 1992) and a range of new institutions which – while often providing high quality teaching – suffer from lower prestige. Students from lower socio-economic backgrounds are disproportionately represented in the newer and lower prestige universities (Universities UK 2013). England, therefore, scores fairly well on availability and accessibility, but poorly in relation to stratification. Furthermore, the strategies in place to ensure access are precarious to say the least, with the sustainability of the generous loan system in question.

### Brazil

In contrast to England, Brazil has highly differentiated public and private sectors. Public universities still have a strong link to the state (either the federal government or one of the state governments), and are completely free of charge to students. Private universities, on the other hand, have significant autonomy, and little public funding, generating necessary revenue mainly through direct fees to students (McCowan 2004). With the exception of the long-standing Catholic universities, most of the prestigious institutions are in the public sector. The system expanded rapidly from the 1990s in the context of neoliberal policies of privatisation in many social sectors. A very rapid growth in the number of private higher education institutions allowed for an increase in student numbers from 1.5 million in 1992 to over 7.5 million in 2012, with a current enrolment rate of 15.1% (net) and 28.7% (gross) (INEP 2013).

Access to higher education is severely limited for lower socio-economic groups in Brazil (Pedrosa et al. 2014). While public universities are free, entrance is dependent on passing competitive examinations, with more than 50 candidates per place for popular courses (INEP 2013). Chances of passing these exams are strongly linked to prior attendance at high quality primary and secondary schooling and fee-paying preparatory courses, all of which are out of reach of most lower-income students. Even though many middle-class Brazilians are able to self-fund their degrees by working full time while studying in the evening, even the low fees available at some private institutions act as a barrier to most lower-income students.

While there has been some increase in the number of places available in federal universities since the election of the Workers' Party government in 2002, the primary model of expansion has been through the private sector. Access has to some degree been facilitated by loans, but unlike in England, these are not universal and lack the same preferential repayment safeguards. The most significant programme for widening participation has been the *Prouni (Programa Universidade Para Todos)* initiative, which grants tax breaks to private institutions in exchange for allocating free of charge places to low-income students (Neves 2009). This scheme has been highly successful in quantitative terms, with over 1 million students gaining access to higher education through the scholarships. However, once again this is a stratified model of access, with these low-income students entering for the most part the lower prestige institutions, with lower subsequent value on the employment market (Leher 2010; Norões & McCowan forthcoming).

Perhaps the most visible policy on higher education access has been the quotas in public institutions (Childs & Stromquist, forthcoming). Following the actions of various individual universities, the federal government passed a law in 2012 guaranteeing the allocation of 50% of places to students from government schools, and a substantial proportion of these places to those of African or indigenous descent. African Brazilians are significantly underrepresented in Brazilian universities: the participation rate for these students has been estimated as being as low as 2%, compared to 14% of the population as a whole (Noroes & Costa 2012). The quota policy is having a significant impact on the composition of students in the high prestige public universities, although in the context of limited expansion of the overall number of free-of-charge places. In addition to quotas there are also some further affirmative action policies in public universities, such as a score bonus on entrance exam results for lower-income students.

Brazil has made significant strides in terms of availability of places, although it still has lower overall enrolments than many other middle-income countries, including those in the Latin American region. Accessibility for lower-income and disadvantaged groups has been facilitated by targeted policies including *Prouni* and quotas. Nevertheless, it is still a highly stratified system with access to institutions of quality or prestige for the most part restricted to the upper-income groups.

### Kenya

Higher education in Kenya began with the University of Nairobi, which gained independence in 1970 from its previous affiliations to the University of London and the University of East Africa. Expansion of the system was slow until 2000, but since that date various new public and private institutions have been created. There are now 22 public and 21 private universities (with approximately 45,000 of the 240,000 students in private institutions), and a number of campuses have been established in smaller towns across the country (Sifuna & Oanda 2014). Access is still very restricted, with only 4% gross enrolment ratio, low female enrolment (less than 40% of students in the public universities) and low rates of representation from geographically marginalised regions of the country (Oanda & Jowi 2012). As with Brazil, competitive exams for public universities and fees for private universities ensure that lower-income students have access to neither.

Perhaps the most significant and distinctive development, however, is the emergence of the parallel stream within public universities (Oketch 2003; Turner Johnson & Hirt 2014; Wangenge-Ouma, 2007). Students not passing the competitive entrance exams can nevertheless be admitted to the prestigious public universities (e.g. Nairobi, Kenyatta) by paying a substantial fee. Given that these students ultimately obtain a diploma that is indistinguishable from those of the competitive entrance stream, there are obvious implications for equity, with the elites able through their financial resources to insert their children into prestigious universities that will then ensure their future financial security. There are also issues of quality, with the added numbers of students (since 2013 the majority of the students in public universities have been in the parallel stream) presenting an intolerable burden on human and physical resources (Oanda 2013; Sifuna & Oanda 2014).

Kenya's model of expansion, therefore, has been one of maintaining a highly restricted number of free of charge places allocated on the basis of competitive exams, while addressing rising demand from the upper middle classes by allowing the expansion of private institutions and private streams within public institutions. Neither of these strategies is adequately enabling an equitable expansion.

### **Three dimensions of equity**

From these vignettes we can see that all three countries have attempted to increase *availability* of places over recent years -- and all have succeeded in it, although Brazil and particularly Kenya have started from a small base. However, this expansion has not in all cases been accompanied by the facilitation of *accessibility*, with the major barriers being competitive exams for free-of-charge places, and tuition fees in the private institutions. There have been two partially successful forms of policy to address these barriers. The first and most prominent is the allocation of loans and scholarships to facilitate entry to fee-charging institutions -- particularly the universal loan system in England, and also the *prouni* initiative and partial loans in Brazil. The second is affirmative action policies in relation to selection of students to high prestige institutions, for example the racial quotas in Brazil.

However, even these more progressive policies do not represent an entirely adequate solution. Quota policies address the unfair disadvantage groups may have on account of discrimination in society or poor quality of previous schooling, but ultimately they are working within constraints of availability. They provide a fairer allocation of those places that are available, but do not ensure sufficient places. Loan systems go some way towards addressing accessibility, although as discussed above there may still be more subtle barriers to lower-income students. However, even if disadvantaged students can in fact gain access to the system via loans and the kinds of scholarship made available by *Prouni*, there is still the problem of stratification. In Brazil and England, 'non-traditional' students are predominantly filling the low prestige institutions: in the case of Brazil the new demand-absorbing private institutions, and in England the former polytechnics and newly established, more vocational, universities.

The two choices on the table then appear to be allocating an insufficient number of places more equitably, or expanding the system inequitably - in other words, either cutting the

same cake in a different way, or increasing the size of the cake but still distributing it unfairly. What we need instead is an approach to higher education access that simultaneously ensures sufficient places (availability), conditions to support all to access those places (accessibility) and consistently high quality and recognition (a principle that we might term 'horizontal', drawing on the idea of horizontal, as opposed to vertical, differentiation [Brennan and Naidoo 2008; Teichler 2008]).

In assessing whether policies on access to higher education are equitable or not, attention is therefore needed to three dimensions: availability, accessibility and 'horizontal'. *Availability* relates to the overall number of places available, as well as the existence of adequate facilities, teaching staff and so forth. The term is employed in international law, and appears as one of the '4As' in Tomasevski's (2006) scheme for understanding the right to education, although unlike accessibility, its applicability is restricted to the primary and secondary levels. If applied to higher education, this principle would require systems to expand in almost all cases, though not necessarily to provide vacancies for 100% of each age cohort: as discussed above, places are only required for those people who are interested in studying at this level and who have the minimum level of preparation. Furthermore, availability would not necessarily require the expansion of individual institutions, as long as there was sufficient capacity across the whole of the system.

However, the existence of places does not mean that they will be accessible, or at least not to all individuals or groups. Barriers exist such as tuition fees, competitive exams that disadvantage those with poor quality previous schooling, geographical location of institutions, the opportunity costs of spending years out of employment, as well as a range of other constraints relating to language, culture and identity. *Accessibility* requires the removal of these barriers, along with policies and interventions to provide information, raise aspirations and ensure adequate preparation. Challenges to accessibility and the mechanisms employed to address them will necessarily vary by context.

Yet even in a context in which strategies are in place to ensure access of all students to the system, there is still the problem of stratification. In this case, there is a hierarchy of prestige and quality amongst universities, with disadvantaged students generally confined to the lower ranked institutions. *Horizontal*, therefore, is the characteristic of even prestige and quality across the system: this is not to say identical institutions, and there may well be value in diversity in relation to ethos, specialisation, size of institution, distribution of taught courses, research focus and so forth. Nevertheless, this diversity should exist in the context of consistently high quality and recognition of diplomas in the broader society. As discussed above, an egalitarian rather than sufficientarian basis for distribution of higher education is necessary, given the positional nature of the good.

But what about arguments that unevenness across a system is in fact a positive characteristic? That horizontality is undesirable because only with the existence of a differentiated system with some elite and restrictive institutions, and other lower-level demand-absorbing institutions, can we achieve a prosperous society? Meyer et al. (2013) assert that there are three considerations in deciding how to allocate the scarce commodity of higher education - need, talent/merit and ability to contribute. On the basis of the third of these, we might consider that unequal opportunities were in fact justified, if, for example, such a system

would allow the emergence of a high-level cadre of surgeons, nuclear physicists and military strategists, needed by all in society. Two points are of relevance in response to this argument. First, a *horizontal* system does not preclude differentiation in study type or outcome, and can allow for highly specialised forms of training and subsequent work: the point is that it does not restrict these opportunities to those with prior socio-economic privilege. A second point is that societal considerations should not entirely subsume individual ones in our reasoning about opportunities in higher education -- at least not from the Kantian perspective of seeing human beings as ends rather than means. From this perspective, it is illegitimate to restrict valuable opportunities to the few on the basis of a perceived need in society for only a small proportion of high-level workers. While there are many benefits to society as a whole accruing from higher education (ones which may justify collective funding through taxation), having access to higher education is important primarily because of the enhancement of the lives of those engaging with it -- and if it is indeed an intrinsically and instrumentally valuable experience, then it should be made available to as wide a proportion of the population as possible.

As stated above, the 1998 Declaration of the World Conference on Higher Education provides a strong basis for a conception of equity of access with its emphasis on protecting against discrimination on the basis of background characteristics, entry to university at any point in life and affirmative action for specific groups. Nevertheless, there are some further areas needing attention. First, as in international law, the question of availability is not fully addressed -- the existence of sufficient places is a primary characteristic of an equitable system. Second, the focus on merit is problematic as it suggests selection of 'the best' rather than of all who are capable of higher education study. Instead, as stated above, what is required is criterion-based rather than norm-based admission. Third, attention is needed to stratification between institutions -- occurring primarily through fee levels and entrance exams -- and to guarding against the relegation of disadvantaged students to lower quality/prestige institutions. These problems are exacerbated in a situation of variable fees: in this case the dimension of horizontality is severely challenged, with wealthier students able to purchase diplomas of a higher value. This phenomenon is seen particularly in the private sector in Brazil, in which fees can vary from as little as US\$300 to as much as US\$3000 per month.

The affirmative action policies adopted in a number of countries are primarily a mechanism for enabling *accessibility*: they address the barriers to entry for disadvantaged groups -- in particular, highly competitive entrance exams that require extensive preparation not available to all social groups. However, they can also address *horizontality*, by allowing access for disadvantaged groups to the most elite institutions. The one area they do not address is *availability*. These debates are for the most part predicated on the existence of limited space in higher education systems and institutions: they assume that there will be more candidates than there are places, and deliberate on the highly complex question of the fairest way of allocating those places. With sufficient capacity, these trade-offs between procedural and social justice would no longer be necessary, since there would be sufficient places for both disadvantaged students and higher performing students from advantaged backgrounds. (There would, nevertheless, still be room for affirmative action policies to raise aspirations and to ensure that all reach the required level of academic preparation).

The one selection criterion admissible according to these principles is minimum academic preparation. It is not possible within this article to fully address the issue of how this preparation should be conceptualised within criterion-based admission: the question depends on context and on the specific subject to be studied, and a degree of variation is legitimate. Care, however, must be taken not to allow the minimum preparation criterion to be abused and become another mechanism for exclusion. There are significant implications here for primary and secondary schools, and it is important to look at issues of access to higher education in relation to the whole of the education system. If some students are inadequately prepared by their previous experiences of schooling, then further free-of-charge preparatory provision should be made available. In addition, for those people deciding not to study at university aged 18, there need to be easy re-entry points at later stages in life. These points bring into play the debates on epistemic access discussed above, making necessary not only horizontality across higher education situations, but also attention to the forms of support and institutional transformation needed for non-traditional students to meaningfully access the curriculum.

The global landscape is not encouraging in relation to the upholding of the three principles of equity outlined here. Systems for the most part are on a trajectory of increasing marketisation of access, economisation of curriculum and stratification of institutional type, with inequalities exacerbated even in the context of expansion. Nevertheless, there are some rays of light, for example in the context of the countries considered within this article, the reinvestment in federal universities in Brazil (including establishment of campuses in interior towns, increasing the number of places and introduction of new selection procedures via the ENEM<sup>5</sup>), increasing government recognition of the centrality of HE to development in Kenya, and in England, widening participation policies including the facilitation of entry of mature students via 'access' courses. Despondency perhaps can be averted by focusing on the green shoots of these initiatives in many countries around the world, and encouraging their growth even in the context of hostile tendencies.

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