

NATIONAL LEGISLATION FOR ADULT EDUCATION AND THE EUROPEAN BUREAU

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Legislation – compared, contrasted, measured for effectiveness, attacked for necessary reform – has been almost an obsession for the European Bureau of Adult Education (EBAE) during these past forty years. As was stated in the Introduction to the Bureau – published in Notes and Studies (No.62-63) of 1974), which was a "Special Issue: Adult Education Legislation in Ten Countries in Europe":

"On several occasions associates of the European Bureau of Adult Education and members of other international bodies expressed interest in legislative matters concerning Adult Education. This led to the Steering Committee's decision to attempt to assemble relevant material. The Danish Act for Leisure Time Instruction of 1967 was then one of the newest developments. We were most grateful when the Dansk Folkeoplysnings Samråd invited our associates to a conference in Elsinore in 1968..."

In a sense the Bureau's efforts have both stimulated and fed this appetite for legislation knowledge with its conferences of 1968 in Elsinore, cf 1972 in Oslo, the sponsored meeting of experts at the Council of Europe in 1974, the further contract for the Council of Europe resulting in the 1976 supplement to the 1974 report, and culminating in the grand commission from UNESCO in 1983 "...to prepare a survey of adult education legislation in the various countries of Western Europe together with Yugoslavia and Israel" which was regarded as important documentation for the 1985 UNESCO World Conference on Adult Education. Comparative studies on any substantial educational topic, certainly on the scale required by the UNESCO commission, require extensive and meticulous organisation of the many country authors (23 in that case) plus the recruitment of a knowledgeable international editorial committee (in the same instance) and careful supervision of the production of the resulting inevitable bulky and detailed report. All this was achieved in the case of 1985 Survey by a host of voluntary activists associated with the European Bureau and coordinated by the then Director, Mr. Willem Bax of the Netherlands.

THE DANISH INFLUENCE

It may well be useful in this retrospective collection of articles about the Bureau's priorities and activities during the past forty years to re-examine the documentation associated with the events linked to the Legislation topic.

First and foremost we have the summary of a speech given at Højstrupgaard in November, 1968 titled 'Introduction on Adult Education in Denmark, by Per Himmelstrup, then Inspector of Youth and Adult Education in Denmark. In fact, Himmelstrup was introducing the (then) new Danish Leisure-time Education Act which was passed by the Danish Parliament in 1967, to an international conference of adult educators convened by EBAE. His speech must have stimulated great interest in his audience as it became clear that Denmark had set up a legislative framework for the most liberal structure and content of adult education ever to be publicly financed.

In his preamble to announcing the details of the new Act, Himmelstrup emphasised the historical development of education for adults in Denmark which reached as far back as the first Education Act of 1814 which, in addition to marking the inception of the daytime elementary schools for children also introduced evening classes particularly aimed at young people and adults who would have had little or no formal schooling whatsoever.

However this early venture into post-school education only began to prosper following the political reforms of the 1830s and 1840s – particularly following the adoption of the free democratic constitution of 1849. It was stated at the time that '...the citizens must be given a sense of their new tasks and responsibilities otherwise the democratic government would more likely lead to the people's ruin than to their happiness'. Himmelstrup considered, in his 1968 speech, that the emphasis on 'nation-building' in the early growth of adult education, developed greatly for individual as well as national well-being by the powerful writings of Grundtvig and Kold, had a narrowing effect on the scope and range of education for adults. Thus 'oplysnings' (roughly translated as 'enlightenment') became the dominant concept in the development of folk high schools and of other Danish educational movements for youth and adults; and, incidentally, "folkeoplysnings" (people's enlightenment) remains in the title of the newest Danish legislation for youth and Adult education enacted in 1990.

One of the more revolutionary aspects of the 1967 Act on Leisure Time Education was the abandonment of the lists of prescribed subjects which had been a feature of the previous legislation. As Himmelstrup again said: "...In the new Act the only criteria for approval will be that a proper teaching in the subject is offered and that a sufficient number of participants in the class has been enrolled...".

In effect the 1967 Danish Act allowed virtually any subject to be "allowed" for public financial support providing there was a group (originally eight participants but later increased) of interested potential students and that a qualified teacher could be found. The old Danish post-school educational principles of giving priority to the established voluntary bodies in the promotion of courses and classes were maintained; and the 'public authorities' must only intervene when there is no initiative from such bodies or from private persons. He further underlined the fundamental Danish notion that society has a duty to meet individual and group educational needs, to bridge generation gaps, to counteract the alienation which is a product of lack of knowledge and information. In short, that society has to offer the "cultural possibilities" to all the citizens not merely to a privileged elite.

Thus:

"...adult education is the richly varied and differentiated offer from society to the individual citizen..."

For many activists in Europe, not only those present at the 1968 EBAE Conference the new 1967 Danish Act became an inspiration; for some, perhaps even a model for future developments in their own countries. However, others – as became evident in the discussions at the 1972 UNESCO World Conference on Adult Education held in Tokyo – felt that the Danish Act over-emphasised the 'out-of-school' style of provision, whereas in their countries they were busy planning adult education as a 'sub-sector' (or sub-set, in some writings) of the whole national education system. Out of these mildly conflicting notions emerged the notion of '...non-formal education in the framework of life-long education...' which became an almost 'mantra'-like chant at the 1972 Tokyo UNESCO encounter.

The Norwegian event

From the 3rd to 9th December 1972 a full EBAE Conference was held in Oslo/Norway, generously supported by the Norwegian Ministry of Church and Education and organized by Samnemnda for

Studiearbeid, a major Norwegian national voluntary organization. The aim of the conference was to identify 'Common ground principles' which ideally, might inform the further development and framing of laws connected with education for adults in the various member countries of Europe. The strategy adopted to achieve this aim was to examine a number of existing examples of national legislation, to identify their strengths and weaknesses (not forgetting the importance of recognizing the cultural contexts in which they had emerged); to set up groups for intensive discussion to formulate recommendations under certain key headings, viz. – Objectives and Tasks of Education, Organisation and Structure – National, Regional and Local; Training of Staff, Finances and Control. Finally there were to be plenary sessions to receive the reports from the groups and to attempt to generate the common principles arising from an overview of all the previous sessions.

In the event, the very busy and active Oslo meeting turned into a form of comparative adult education action research which this present author attempted to report in Issue 55–56 of Notes and Studies. Valuable factual input was received from Norway – not only on current practice in that country but also about the new Adult Education Bill which was going through the Norwegian Parliament at that time; also from Nord-Rhein/ Westphalia, Hesse and lower Saxony in Germany who had recently established or were about to pass new adult education laws; from England and Wales (exemplifying a then totally de-centralised system); from the Netherlands (illustrating the well-developed Dutch system of staff training and development); and from Switzerland (outlining the complex pattern of finances and control from federal agency and cantons applying to the educational and cultural organizations in that country).

"In the discussion which followed the presentation of Group Reports, the polarity between the ideal (as represented by the full concept of "education permanente") and the reality of the present and near future, was fully represented. The strong arguments to frame laws for the full integration..of adult education into the formal educational system were countered by others which stressed the impossibility of relating a reformed (...) adult education system to a not-yet reformed school system.

In the final session, some twelve points of Common-Ground Principles were identified including:

- *A basic right for continuing educational opportunities throughout life;*
- *Decision making at lowest possible levels;*
- *Adult education to include vocational and non-vocational programmes*
- *Proper training for teachers and organisers of adult education was essential;*
- *National salary negotiations;*
- *Parity with other sectors of education;*
- *A clear legal basis for financial provision and the responsibility of implementing it;*
- *A nationally funded National Institute for research, consultation, information, evaluation and to promote standards of excellence".*

In fact, this "manifesto" of principles appears to have contributed to a number of legal formulations since 1972 including the final form of the Norwegian "Adult Education Act" and the 1990 Danish Law "Act on the Allocation of Financial Support to People's Enlightenment".

THE TEN COUNTRY REPORT

The next stage in the European Bureau's saga of comparative legislation was essentially the contracts offered to EBAE by the Council of Europe in 1973 to prepare a "...report (not exceeding) 12,500 words (to include abstracts of important legislation and regulations in Austria, Belgium, Denmark, France, Federal Republic of Germany, the Netherlands, Norway, Switzerland, Sweden and United Kingdom". The intention was to include all pertinent material up to 1st August 1974. For this enormous task the Council of Europe allocated the meagre sum of F.frs 7,500 which necessarily became a severely limiting factor from the start. Moreover important national commissions in England and Wales (Russell), the Netherlands (Roelfsema) and Scotland (Alexander) were publishing their recommendations at the end of contracted time limit, and new adult education laws were going through the Land Parliaments in Germany. Inevitably, therefore, this 1974 contracted Report had an interim, rather makeshift air about it. Nevertheless it was the first systematic gathering of adult education legislation information across Western Europe. The same basic working headings were employed as had been found to be so useful at the Oslo Conference of December 1972, as described above, namely:

- Objectives and Tasks of Adult Education.
- Organisation and Structure of Adult Education.
- Training of Staff.
- Finance and Control.

And apart from the country-by-country descriptions the editors drew up a tabulation for the Finance and Control aspects, with sub-headings of Institution, Number of Permanent Staff, Grants Towards Salary Costs of Full-time Staff, Finance for Salaries of Part-time Staff, Other Costs. The resulting display for each of the ten countries greatly facilitated useful comparison both for overall insight into the (then) current legislative provision and specific comparisons and contrasts between countries.

The recent very substantial reforms and forward-looking dispensations for adult education in many of the states of Europe were immediately obvious in this 1974 comparative analysis, with further evidence from several national institute suppliers of relevant information of more developments in train for the near future. By contrast some countries with earlier framework legislation – such as the countries of the United Kingdom – had administrations which seemed reluctant to face necessary large-scale holistic reforms, but instead picked out rather more narrowly focused objectives related to adult training and paid educational leave for work place representatives in the fields of Health and Safety at Work, and Protection of Employment.

THE 1976 SUPPLEMENT

Recognising the inevitable deficiencies of the 1974 Report, but stimulated by the many approvals of that valiant first attempt at systematic comparisons the Bureau undertook to continue to collect information, and this was fed into a supplementary publication (Adult Education Legislation in Ten Countries of Europe-II) which appeared in the autumn of 1976 in a simple cyclo-styled print form. Amongst other valuable updating information it contained a substantial description of the comprehensive new Norwegian Adult Education Act of 1976 which later incorporated a number of the 1972 Oslo Conference recommendations particularly those regarding decentralization and the involvement of local organizations and institutions. In addition there was a comprehensive presentation of the new adult education laws of the German provinces Baden-Wurtemberg (1975) and Berlin (1975) to add to those already included in the published 1974 Report. Further details on Training and Paid Educational Leave laws in France and Sweden were added to similar information in the earlier document. And finally, an updating of the list of currently operating adult education laws and regulations in all ten countries appeared at the end of the Supplement.

Thus referencing of the extensive and constantly growing material relating to adult education legislation became rather complex, as it was distributed over two volumes. For example, the French entries on laws relating to the Training of Adult Education Teachers and Organisers was annotated as I – 1 and II – 1, 2, 3, 4, where the Roman figures refer to the respective 1974 and 1976 volumes and the Arabic numerals refer to the Sections within those volumes.

THE 1985 SURVEY OF ADULT EDUCATION LEGISLATION

In 1983 the European Bureau was commissioned by UNESCO to prepare a survey of adult education in the various countries of Western Europe plus Yugoslavia and Israel. In the event this amounted to eighteen countries, namely Austria, Belgium, Denmark, Finland, France, Federal Republic of Germany, Greece, Iceland, Israel, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom, Yugoslavia. Following a Foreword and General Introduction the volume consisted of major sections on "The Structure of Adult Education as developed in history and The Development of Polics Making in the field of A.E. over the past ten years". "National Reports on Adult Education Legislation" (the latter subdivided into fourteen sub-sections, viz:

- Definition of Adult Education;
- Aims and Tasks of Adult Education;
- Contents of Adult Education/Specific Fields of Work/Necessity to differentiate Programmes;
- Methods, Means: Regulations and Rules on Types of Provision;
- Research and Evaluation;
- Structures of Adult Education;
- Adult Education Staff: Status and Training;
- Relations with Youth Education;
- Management of A.E.; Inspection of Management and Financing;
- Coordination: between various government departments; between public bodies and all other bodies;
- Financing: minimum/maximum amounts;
- International Cooperation;
- Conclusions;
- Lists of Laws and Regulations;
- Appendices – consisting of late reports from Greece, Iceland, Northern Ireland.

There were 6 commentating authors and 23 authors providing direct information from their respective

country sources – several of the latter having more than one such author.

The resulting published volume is very substantial probably amounting to some 25,000 words or so. However one major disadvantage which immediately strikes the would-be user of the text is that there is no pagination to link the Contents listed early on, to a specific location within the book. However, by dipping at random into the text, and adopting an inductive approach it is possible to relate the arcane notations at the head of various pages to the Contents pages. Thus, for example one finds a page designated at its head with the notation B:UK/SCOT/1; and further exploration suggests that B refers to the second part of Section III relating to 'The Development of Policy making in the field of Adult Education over the past 10 years', UK, of course, meaning United Kingdom and SCOT meaning Scotland; the 1 apparently indicating the first 1/2-page column devoted to Scottish Adult Education Policy making in the volume. Again 5/SWE/3 translates as 5 Research and Evaluation/SWE = Sweden/3 = third 1/2-page column devoted to a description of Swedish adult education research.

There is, in short, a vast amount of information and scholarly commentary available in this very substantial volume but it takes a great deal of browsing and burrowing to locate any required specific piece of detail. The easy comparisons of the earlier Bureau legislation reports are therefore missing. One particularly notices the lack of the user-friendly tabulations of the previous texts. But the comprehensive updating of some of the sections, particularly the listing of titles of current legislation in each of the eighteen countries, is often impressive although still depending, one suspects, on the relative application and zeal of the various individual information contributors. There are therefore a few country lists which include, culture, broadcasting, libraries, community work, occupational training, museums, social education, higher education and workers' education. Others confine their listing to 'narrow' named educational decrees only. The introductory commentaries to each of the information sections were written by eminent academic scholars of adult education from five different European countries. Although of varying extent, detail and accuracy they provided very extensive international overviews along the lines of the listed topics. They did not engage in rigorous comparative studies employing a standard model of comparison. However, clear standardised guidelines for international (and national) reporting were offered and were, in many instances followed consistently; and this strategy was certainly of considerable assistance for those in the

1985 UNESCO Conference, and subsequently in home countries who wished to use the document for planning or development purposes.

TWO RECENT ACTS AFFECTING ADULT EDUCATION

Since the vast 1985 E.B.A.E. Survey there have been further legislative enactments directly influencing the range, form and style of education available to adults. Those emerging in the Netherlands, Denmark and England and Wales immediately come to mind.

Denmark began in 1985 a series of studies, pilot-projects, international comparisons and internal assessments which led to the drafting of a White Paper for wholesale consultation and finally the introduction of a Bill into Parliament which was ultimately ratified as an Act in 1990 for implementation at the beginning of academic year 91/92. This was the Act on the Allocation of Financial Support to 'Folkeoplysning (Popular Enlightenment) (11). The main features of this Act are as follows:

- public financial support for "folkeoplysning";
- responsibility for the amount of such support is devolved to individual municipalities (note: the total municipal expenditure on this sector is currently approximately 3% of annual budgets of the municipalities);
- historical, fundamental rights are maintained, i.e. freedom to initiate, freedom to participate, free choice of topics, free choice of teachers; and, for children and young people, free choice of facilities;
- involvement of users in planning, development and organization, and thus a requirement for user-representation at local level;
- municipal council responsibility to establish a 'folkeoplysning' committee – consisting of a majority of users and a minority of council members – to administer the agreed budget;
- municipalities to be advised by the "folkeoplysning" committee as to the extent and mode of distribution of the overall budget;
- however, the Act provides for two main categories of recipients for grants:
 - (i) adult education associations and other groups engaged in teaching/organising study groups or lecture activities;

(ii) sports and youth associations, also youth clubs.

- When allocating grants, municipalities must earmark a specific sum – at least 5% of the total budget – for innovation and development work.

It is immediately clear that the major difference of this relatively new Danish Act, as compared to its predecessors, is the vastly increased extent of municipal responsibility and direct involvement in the local provision of adult education. Also there is not an 'open-ended' financial dispensation for the work as might have been interpreted from earlier Danish laws and regulations. However, much of the great liberal and liberating, pluralistic tradition of Danish education for adults is conserved and re-interpreted into new contexts in this Act. So far, in the fairly short experience of its operation, it has been well received.

In England and Wales, there has been an even more recent major legislative change, in that many of the original operational requirements of the signal post-war 1944 Education Act have been overthrown by the 1992 Further and Higher Education Act (12).

This removes the local education authority (cf. 'Municipal' in many countries) control of education beyond the statutory school leaving age (which is 16 years) and transfers most (though not all) of the responsibility for funding – and therefore for control, quality, standards and curriculum to Further Education Funding Councils for England and Wales which receive central government allocated finance and distribute it directly to colleges and some other designated agencies. Similar organizations – one for England and one for Wales – termed Higher Education Funding Councils – operating in the same way – provide funds for universities and certain other designated higher education institutions. Moreover, as well as these radical changes in the distribution of power, the 1992 Act intervenes in curriculum by specifying fairly precisely which courses can be funded by the Further Education Funding Councils (FEFC) – mostly vocational and qualificational courses – and, by implication, which can not be so funded. There is the possibility that local authorities may establish – from central and local tax sources – certain funds to contribute to the provision of non FEFC funded courses, but there is no absolute legal imperative that they should do so. Thus the resources for adult education in England and Wales have been split down the middle by this Act; and local free-standing adult education centres have

been particularly hard hit in many parts of the two countries.

CONCLUSIONS

It would be pleasant, though certainly naive, to conclude that the very considerable efforts to study national adult education laws of the European Bureau during these last forty years, have directly influenced the on-going development of relevant legislation. However, an indirect influence through the involvement of so many – and nationally diverse – participants in the various projects and meetings, have undoubtedly occurred. Many of the providers and recipients of organised information on this topic have themselves been drawn into their respective national (or regional or local) design of legal frameworks and administrative fiats. Indeed, some of the recent fairly new laws show features remarkably similar to those so positively recommended at the 1972 Oslo Conference reported on above. Others, such as the English/Welsh 1992 Further and Higher Education Act, appear to show features diametrically opposed to the 1972 Oslo Conference findings.

It is, of course, a very different Europe – a different world – from 1972. The present economic, demographic, technological and social environments could not have been envisaged twenty two years ago. And adult education, like much else, has to relate to these new environments.

Nevertheless, there are certain values – almost ethical imperatives – which emerged from a study of the history and the culture of the various nation states whose governance and administration were being examined, which are still being cherished in most countries of Europe (although rather privately or subversively in some). Above all, it becomes ever more clear how the well-being of all national states is dependent upon the presence of a comprehensive, flexible, readily accessible system of continuing, lifelong education for all ages. For these insights the European Bureau of Adult Education has been the stimulator and benefactor.