

**PRIVATE SCHOOLS FOR THE POOR AND THE RIGHT TO EDUCATION:
A STUDY IN POLITICAL ECONOMY**

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I certify that all material in this thesis which is not my own work has been identified and that no material is included which has been submitted for any other award or qualification.

ABSTRACT

The primary research question of this thesis is:

Are fee paying private schools serving low income communities in developing countries consistent or in conflict with the United Nations concept of the right to education?

A classical liberal framework is then used to explore the following four additional supplementary questions:

- a. What is meant by the United Nations concept of the right to education? How did it come to be and what were the implications for the role of government, the private sector and parents?
- b. How and why did the colonial authorities intervene in education in Kenya? What role did the private sector play in these developments? And what were the hidden costs and unintended consequences associated with these interventions?
- c. Is there any evidence of private schools serving low income communities in Kenya either prior to or during colonial rule?
- d. Did the introduction of free primary education in Kenya in 2003 have a negative impact on local private schools and did the crowding out process take place and was it similar to the UK experience previously documented by E.G. West?

The thesis uses a classical liberal approach as its theoretical framework which is discussed in Chapter Two. The research methods used in this thesis are set out in Chapter Three. The case study approach is discussed and the issues concerning best practice in research are explored. Chapter Four introduces historical and contemporary evidence of the growth of private schools serving low income communities in developing countries and in Chapter Five the United Nations concept of the right to education is examined and defined. The findings from the Kenya case study will be reported and discussed in Chapters Six, Seven and Eight. Chapter Six is a historical study of the initial missionary and colonial interventions in education in Kenya and Chapter Seven will examine the rise and fall of Kenya's independent school movement during the 1930's and 40's. Chapter Eight will then fast forward to 2003 and the introduction of Free Primary Education (FPE) in Kenya. Based on these findings and conclusions the final chapter (Chapter Nine) will introduce an alternative to the current rights based approach to education for all.

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

This thesis is concerned with private schools serving low income families in developing countries and whether they are consistent or in conflict with the United Nations concept of the right to education. To help explain why this subject has been chosen and how the research was carried out this chapter will address the following questions:

- Why look at private schools serving low income families?
- Why look at the right to education?
- Why classical liberalism as the theoretical framework?
- Why a case study approach?
- Why choose Kenya?

1.2 Why look at private schools serving low income families?

The subject and nature of this thesis has been inspired by a number of different but interrelated factors. First and foremost, my work as a Research Assistant to James Tooley, Professor of Education Policy at Newcastle University from 2001 onwards, placed me in a unique position to witness the development of his research program concerning the growth of private schools for the poor in developing countries. Tooley's interest in developing countries materialized during the late 1990s when he directed a study for the International Finance Corporation (IFC) which examined the state of private education in a number of developing countries including Argentina, Brazil, Columbia, India, Indonesia, Peru, Romania, Russia, South Africa and Zimbabwe. His findings, published in 1999 (Tooley, 1999), challenged conventional wisdom by highlighting that the private education sectors in these countries were found to be innovate, expanding rapidly and not just catering for the rich.

In the following years, Tooley's research would increasingly focus on the growth and development of private schools serving low income families in India, a subject area which had previously been neglected both by the leading international agencies and NGO's and the vast majority of development experts. Between 2003 and 2005, Tooley directed another international research project, which extended his research across India, and into China, Nigeria, Ghana and Kenya. His findings were published in 2005 (*Private Education is Good for the Poor – A Study of Private Schools Serving the Poor in Low Income countries*), and again showed that in each of the areas studied, a majority of schoolchildren were attending private unaided schools. The second component of the research examined a random sample of between 2,000 and 4,000 children from each area, and tests were given in mathematics and English. The raw scores showed considerably higher achievement in private than in government schools, achievements which were obtained at a much lower cost. Tooley and Dixon (2005) concluded:

‘Rather than assume that the private unaided education sector is a problem, we should see it as a strength. It is a dynamic demonstration of how the entrepreneurial talents of people in Africa and India can forcefully contribute to the improvement of education, even for the poor. Its existence and flourishing should be a cause for celebration’ (Tooley and Dixon, 2005, p.25).

One of the unique features of Tooley's research programme is that it has helped to shed light on the ability of some low income communities in developing countries to establish, finance and manage schools themselves, without any external help or assistance from local or national governments, international agencies, NGOs or charities.

Finally, in 2006, Tooley's global research program received international recognition when his essay *Educating Amarech – Private Schools for the Poor and the New Frontier for Private Investors*, was awarded first prize in the International Finance Corporation (IFC) and Financial Times (FT) private sector development competition, “Business and Development: The Private Path to Prosperity”. This competition which was launched in 2006 was designed to encourage new and innovative thinking in the ongoing dialogue on the role of business in development, and attracted over 500

submissions from over 70 countries. Tooley's essay highlights the potential of private investment and for-profit schools at the primary level in developing countries and in February 2007, the Financial Times published the following editorial comment titled *Educating the poorest*, highlighting the importance of Tooley's work:

Without literacy and numeracy, people are doomed to a life of poverty. Development experts know that. So, too, do parents. Disgusted by corrupt and incompetent public sector provision, many of the world's poorest people are turning to private sector alternatives. This is a fascinating development, on which the world should now build.

Almost everybody knows that governments cannot run factories, farms or shops. But many people still expect them to do a first-rate job of delivering education. They are deluded. Poor parents have realised this already. They have also done something about it, as James Tooley of the University of Newcastle upon Tyne has discovered. Consider this: in today's economically dynamic India almost a third of females between the ages of 15 and 24 are illiterate. This is a scandal and a blight. Education is not, as has long been believed, too important to be left to the private sector. It is, instead, too important to be left to failing public monopolies. The private-sector revolution empowers the one group of people that cares about the education of children: their parents. Outsiders - both official and private - must build on the initiative the poor have shown' (Financial Times, Feb 17, 2007).

Another important development which has influenced this thesis occurred in 2001 with the passing of E. G. West, who was a former Professor of Economics at Carleton University (Ottawa, Canada) and had been a key inspiration behind Tooley's research. As Tooley was in the process of establishing a research centre in the School of Education, Newcastle University, to help further develop and expand his global research program, it was decided to name the new institution the E.G. West Centre, which was born in March 2002. During this period I travelled to Ottawa, Canada to collect E.G. West's library, which his widow Ann West had kindly donated to the Centre and I have since jointly edited (with Tooley) a collection of E.G. West's articles, titled *Government Failure: E.G. West on Education*, published by the Institute of Economic Affairs, London.

When working at Newcastle University during the 1960's, E.G West published *Education and the State* (1965), which examined the growth of education in England

and Wales prior to government intervention and found that ‘most people in England and Wales were literate, *most* children were receiving a schooling and *most* parents, working class included, were paying fees for it (West, 1994, p.xvii). West also found that when free government schools were introduced they simply crowded out the private fee paying alternatives, resulting in a government monopoly and the corresponding restriction of parental choice. Finally, West also found that the government takeover of education would inevitably result in less investment in education, as private investment would quickly disappear and public investment would be restricted to what people would be prepared to pay in taxation. This thesis will therefore provide a unique opportunity to examine for the first time, the implications of both Tooley’s and E.G. West’s research findings on the concept of the right to education.

1.3 Why look at the right to education?

While Tooley’s research was primarily concern with documenting the events on the ground, it was difficult to ignore the wider context within which this research was taking place, including the significant role being played by international agencies, NGOs, charities and development experts, in helping to guarantee the right to education across the developing world. To highlight the importance of recognising education as a basic human right, UNESCO dedicated its World Education Report (2000) to the subject and according to UNESCO’s Director General, Koichiro Matsuura:

‘it was important that education was recognized not only as a human right but also a vital means of promoting peace and respect for all other human rights and fundamental freedoms. And if education’s potential to contribute towards building a more peaceful world was to be realized then ‘education must be made universally available and equally accessible to all’ (UNESCO, 2000, p.7).

In November 2001, Oxfam then launched a report titled “Education Charges: A Tax on Human Development”, and their press release stated the following:

‘Half a century ago, the Universal Declaration of Human Rights established free basic education as a fundamental human right. Yet on current trends there will be 75 million children out of school in 2015. Governments and international organisations have paid lip service to the idea that basic education should be free; they have done precious little to address it in reality. In absence of sufficient public finance, the cost of education is being transferred to poor families as part of a creeping privatisation of education financing. Households face a bewildering array of education charges, from direct school fees to indirect costs for books, pencils and uniforms. Parents consistently cite cost as a major factor in deciding to keep children out of school. The evidence is undisputable. Success in achieving universal basic education depends on education becoming affordable to the poor, and this requires the abolition of education charges’ (Oxfam Press Release, November 12th 2001)¹.

Oxfam’s 2001 report was part of a number of high profile global campaigns to help reduce the number of out of school children and guarantee the Millennium Development Target of universal access to primary education by 2015. Across Africa, it was suggested that this could be achieved by abolishing school fees at all government primary schools, a policy which has already been introduced in a number of countries including Ethiopia, Ghana, Malawi, Mozambique and Tanzania².

However, with reference to Tooley’s research, this campaign by a highly respected international charity now posed some challenging questions and suggested that Tooley and Oxfam were now moving in two opposite directions. For example, if Oxfam is correct to identify school fees as a tax on human development, then why are so many low income parents now choosing to send their children to low cost private schools? Furthermore, if the United Nations has previously identified ‘free’ primary education as a basic human right and if the ultimate goal is to provide all children with access to a free government school then will this exclude the need for fee paying private schools in the future?

¹ This press release had been sent to Tooley by a Member of Parliament with the following comment written on the front “I thought you might have something to say about this!”

² As part of a wider cost recovery programme, many countries in Africa were advised by the World Bank to introduce school fees in all government schools during the 1980s to help spread the burden of cost across the wider population.

Therefore if school fees do represent a tax on human development and if the United Nations has previously identified ‘free’ primary education as a basic human right, then what are we to make of the recent growth of fee paying private schools for the poor in developing countries? While academic interest in the growth and quality of private schools serving low incomes families in developing countries is now increasing, it still remains a largely unexplored phenomenon. As a result the relationship between these schools and the United Nations concept of the right to education has yet to be examined.

1.4 Why classical liberalism as the theoretical framework?

The thesis uses a classical liberal approach as its theoretical framework. This approach was adopted for a number of reasons. Firstly, the classical liberal approach has previously been used with great success by Professor E.G. West in exploring the origins of government intervention in education in England & Wales, New York and New South Wales. This approach also helped to provide a unique insight into the nature of government interventions in education and how these interventions have impacted parents and existing private schools (West, 1965, 1970, Tooley, 2009). It is hoped that similar understandings and unique insights can be developed by applying this approach to the concept of the right to education and its application in developing countries over time.

Second, given that the thesis is concerned with concepts such as the right to education and the growth of the private schools, which includes concepts such as “choice” and “freedom”, this subject area seems to lend itself particularly well to the classical liberal approach, where these concepts play a central role.

Third, and perhaps most important of all, classical liberalism was one of the two leading theories which helped shape the Universal Declaration of Human Rights (1948), including Article 26 concerning the right to education (evidence of this influence is discussed in Chapter Two, Section 2.2). Evidence of the influence of classical liberal ideas can also be found in the final text of the 1948 Universal Declaration of Human

Rights which includes a total of 30 separate articles, with the first twenty one reflecting certain aspects of the classical liberal approach. Furthermore, a cursory glance at Article 26, suggests that classical liberal ideas also had at least some influence on the original definition of the right to education, focusing in particular on paragraph three:

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children

Using a classical liberal framework will therefore provide a useful opportunity to better understand the influence of classical liberal ideas on Article 26. Finally, while there have been many discussions about the right to education in recent years, they have tended to focus on paragraphs 1 and 2, concerning access to education and the nature and quality of education being provided. There has been a distinct lack of discussion about the rights and responsibilities of parents in education and the hidden costs and unintended consequences of international and government intervention. This thesis aims to fill this lacuna in the literature.

It will be important to highlight that the purpose of this thesis is not to critically examine or challenge the classical liberal approach, as this would require a separate thesis. Instead its aim is to explore its implications for the right to education and the growth of private schools for the poor in developing countries. According to Hayek

(1948), classical liberal philosophy will only serve as a practical guide if it enables us to distinguish between the agenda and the non-agenda of government. It is therefore hoped that this thesis will also help to shed light on this wider research theme concerning the agenda and the non-agenda of government in education in developing countries.

1.5 Why a case study approach?

The case study approach has been used in this thesis, based upon a number of considerations. Firstly, a case study approach has been used in thesis as this was deemed to be the most appropriate method of capturing and managing the complex range and scope of the data required to examine the relationship between the United Nations concept of the right to education and the growth of private schools for the poor. Secondly, according to Costello et al (2002) case studies can be effective because of their 'relationship to theoretical issues... the relationship between model and actuality is not taken for granted but is explored' (Costello et al, 2002, p. 22). As this research will examine the United Nations concept of the right to education not only on paper but also in practice and will also explore its relationship with classical liberal principles, a case study approach was deemed appropriate. Thirdly, Costello et al (2002) suggest that case studies are considered to be best suited to situations where individual's perceptions and viewpoints make up a large part of the subject. The research attempts to reveal the hidden costs and unintended consequences of colonial intervention in education in Kenya and so the historical records detailing the perceptions and viewpoints of individuals will provide much needed information and data concerning this subject. Furthermore, the research also attempts to reveal the hidden costs and unintended consequences of introducing Free Primary Education (FPE) in Kenya and so the perceptions and viewpoints of parents will also provide much needed information and data concerning this subject.

In a single country case study, the nation-state is identified as the dominant type of case and a single country is studied. Focusing on one country allows for a much more intense examination of the subject under discussion taking into account a variety of different factors and conditions which have developed over a long period of time. Typically, the purpose of the case study is to help explain any gaps or inconsistencies

with what is claimed in principle with what is observed in practice. While there is an on-going debate in the literature about the value of single country case studies and whether they can be described as comparative or not, Landman (2008) argues that they can be considered comparative if concepts are used ‘that are applicable to other countries, and/or seeks to make larger inferences that stretch beyond the original country used in the study’ (Landman, 2008, p.28). Therefore, as this thesis is concerned with the concept of the right to education which is universal and applicable to all people and countries around the world and the growth of private schools serving lower income communities which is again another global phenomenon, a single country case study is deemed to be an appropriate method of research.

Finally, the case study approach also corresponds with using classical liberalism as a theoretical framework as this emphasises the importance of historical research into the origins of institutions and the history of government intervention over time and also the importance of taking into account the perceptions and viewpoints of individuals.

1.6 Why choose Kenya?

The decision to choose Kenya as the primary case study for this thesis was heavily influenced by the decision to introduce Free Primary Education (FPE) in Kenya in January 2003, an initiative which was financed and supported by the international community. This coincided with the start of Tooley’s international research project on the existence and performance of private schools serving low income families in five developing countries including India, China, Ghana and Nigeria. In consultation with Tooley, Kenya was therefore chosen as the fifth country study. Therefore while Tooley’s research was solely concerned with mapping the existing public and private schools in the slum area of Kibera (Nairobi) and with comparing and contrasting their facilities and the quality of education being provided, there was now also an additional opportunity to investigate how these schools were affected by the introduction of FPE and the abolition of school fees in all local government primary schools.

As FPE was a policy that was justified by the United Nations and all leading international agencies as being essential to guaranteeing the right to education – and in

particular the right to free and compulsory education – this would provide a unique opportunity to better understand the impact of these policies on any existing fee paying private schools serving low income communities. The fact that Kenya was also a former British colonial territory until 1964, would also add a further interesting historical dimension to the research.

There is also the question of whether Kenya can be viewed as being representative of other countries. First, Kenya is one of forty seven countries that make up Sub-Saharan Africa, which is widely recognised within the international community as the region in need of the most development assistance. These countries are often grouped together when discussing development issues and international aid. Furthermore, the introduction of FPE in Kenya in December 2003 was held up by the international community as a great success story within the international community with Kenya being viewed as an example of best practice for other countries to follow. For example, twelve months after the introduction of FPE, it was already being reported that enrolments in government primary schools had increased by 1.3 million and the example of Kenya was already being praised by the UK Secretary of State for International Development, Hilary Benn, as a successful example of how international aid is helping to make poverty history across Africa. Bill Clinton also lent his support to the initiative and told an American television audience that the person he most wanted to meet was President Kibaki of Kenya, “because he has abolished school fees,” which “would affect more lives than any president had done or would ever do....” Finally, in January 2005, Gordon Brown made a high profile visit to Kenya, and speaking outside Olympic Primary School on the outskirts of Kibera, he said that it was simply not acceptable for the rest of the world to stand by and have hundreds of millions of children not getting the chance at education. According to Gordon Brown, Kenya's free primary education policy represented an African success story of which to be proud.

1.7 The thesis and its structure

According to Anderson (1970) historical research problems often arise from personal interests that are often kindled by exposure to a particular person, an event or a source of unused original data. This is certainly the case with this thesis which has been

stimulated by a particular interest in the recent growth of private schools for the poor in developing countries and whether this development corresponds or comes into conflict with the United Nations concept of the right to education.

As noted in Section 1.4 there is also an underlying research theme concerning the agenda and the non-agenda of government in education in developing countries. By exploring the relationship between the right to education and the growth of private schools for the poor in developing countries, using classical liberalism as a theoretical framework, it is hoped that new insights will emerge concerning this broader research question.

The primary research question of this thesis is:

Are fee paying private schools serving low income communities in developing countries consistent or in conflict with the United Nations concept of the right to education?

A classical liberal framework is then used to explore the following four additional supplementary questions:

1. What is meant by the United Nations concept of the right to education? How did it come to be and what were the implications for the role of government, the private sector and parents?
2. How and why did the colonial authorities intervene in education in Kenya? What role did the private sector play in these developments? And what were the hidden costs and unintended consequences associated with these interventions?
3. Is there any evidence of private schools serving low income communities in Kenya either prior to or during colonial rule?

4. Did the introduction of free primary education in Kenya in 2003 have a negative impact on local private schools and did the crowding out process take place and was it similar to the UK experience previously documented by E.G. West?

The thesis uses a classical liberal approach as its theoretical framework which is discussed in Chapter Two. The research methods used in this thesis are set out in Chapter Three. The case study approach is discussed and the issues concerning best practice in research are explored. Chapter Four introduces historical and contemporary evidence of the growth of private schools serving low income communities in developing countries and in Chapter Five the United Nations concept of the right to education is examined and defined. The findings from the Kenya case study will be reported and discussed in Chapters Six, Seven and Eight. Chapter Six is a historical study of the initial missionary and colonial interventions in education in Kenya and Chapter Seven will examine the rise and fall of Kenya's independent school movement during the 1930's and 40's. Chapter Eight will then fast forward to 2003 and the introduction of Free Primary Education (FPE) in Kenya. Based on these findings and conclusions the final chapter (Chapter Nine) will introduce an alternative to the current rights based approach to education for all.

CHAPTER TWO: A CLASSICAL LIBERAL FRAMEWORK

2.1 Introduction

This thesis adopts a rule based classical liberal perspective as its theoretical framework. This chapter will therefore begin by defining classical liberalism, detailing how it has developed over time and outlining its key principles. Different approaches and schools of thought within the classical liberal tradition will then be examined.

Classical liberalism is often referred to as a political philosophy or an ideology. If an ideology refers to a set of consistent principles about how to organise society then it is unfortunate that its use in academic discourse is now frowned upon. Nor is this a recent development. For example, in 1948 the Nobel economist F.A Hayek had already noted that those who tended to champion a particular ideology or a set of principles was likely to incur ‘the stigma of being an unpractical doctrinaire’ (Hayek, 1948, p.12). At the time the alternative was a much more pragmatic approach to social problems where each different issue was to be decided on its own merits, without taking into account the bigger picture. However, according to Hayek, this was now resulting in the compromise of important principles and the gradual drift of a free society towards one which was dominated by central government planning and control - a state of affairs which he believed nobody wanted. To prevent this drift along the road to serfdom, Hayek therefore argued that it was critically important that the principles of classical liberalism are continuously restated to each successive generation:

If we are to succeed in the great struggle of ideas that is under way, we must first of all know what we believe. We must also become clear in our own minds as to what it is we want to preserve if we are to prevent ourselves from drifting (Hayek, 1945, p.2).

According to F.A. Hayek, a leading proponent of classical liberal ideas during the twentieth century, it should primarily be viewed as “a theory of society, an attempt to understand the forces which determine the social life of man, and only in the second instance a set of political maxims derived from this view of society”(Hayek, 1989).

The term “liberalism” comes from the Latin word “liber”, meaning “free” and traditionally refers to the historical struggle of people against the oppressive rule of monarchs, governments and dictators. The United Kingdom (UK) is often referred to as the home of liberalism and the Magna Carta (1215), also known as ‘The Great Charter of the Liberties of England’), is widely recognized as being the first charter which attempted to restrict the arbitrary powers of the monarch and to proclaim and protect certain liberties of the people. For example, Article 39 states that “no free man should be captured and imprisoned or disseized or outlawed or exiled or in any way harmed except by a lawful tribunal of his peers and by the law of the land.” (Magna Carta, 1215). The right to due process was therefore introduced combined with the concept of trial by jury. The Great Charter also restricted royal interference in the church and the ability of the King to introduce new taxes as and when he pleased. Prior to this document, it was believed that the ruling King or Queen had a ‘divine right’ to rule which derived directly from God. As a result Kings and Queens were accountable to God and not the people. Magna Carta’s legacy was that it began to restrict the King’s authority by challenging this tradition and introducing the principle that the law was a power in its own right and that the King was now subject to the law and not above it.

In Great Britain, from the Middle Ages onwards, a concept of freedom under the law therefore began to develop which meant that people were increasingly protected by the law against arbitrary coercion.³ The sense of protection from external interference was therefore an important value and this referred to interference from rulers, politicians and other individuals. The development of the institution of private property was also an essential development because it protected people’s property and encouraged people to exchange and trade goods and services.

The important role played by the UK in the history of freedom is referred to in a pamphlet published in 1831 titled ‘On the Laws and Liberties of Englishmen’:

³ While it has previously been argued that the concept of individual liberty was not widely recognised across medieval Europe, more recent research has helped to trace the ‘discovery of the individual’ back to a number of high profile thinkers from the 12th century, including the English juror Henry de Bracton (d. 1268); the Italian priest Thomas Aquinas (1224–1274) and the English philosopher William of Ockham (1285–1347). Ugucione da Pisa (d. 1210). See *Liberties and Identities in the Medieval British Isles*, edited by Michael Prestwich, Boydell Press (2008).

What travellers are respected like Englishmen! Why? Because all nations know, that, be the pretensions of others what they will, there are none truly free but the English: for they have been so from generation to generation, and the stability of the Laws which guard their Liberties is not, like that of others, yet to be tried. Britons ever shall be free! It is a general principle, that Liberty is the birth-right of Man; and not less so, that Law is the Guardian of Liberty (Anonymous, 1831)

While new forms of government had been introduced across Europe, the UK was alone in retaining what the author refers to as its ancient style of government based on gradual advances and the experience of ages which now formed ‘the bulwark which makes the house of the humblest peasant his "castle.”’ This reference to what has since become the well-known dictum ‘An Englishman’s home is his castle’ refers to an English legal tradition which recognises a person’s home as their own private domain where they are free from external interference. This was established as common law by Sir Edward Coke in *The Institutes of the Laws of England* (1628): "For a man's house is his castle, et domus sua cuique est tutissimum refugium [and each man's home is his safest refuge]."⁴

The intellectual development of this tradition was subsequently reinforced by the English philosopher John Locke (1632–1704), who believed that all individuals have the natural right to life, liberty, health and property. Locke would subsequently become known for his anti-authoritarian theory of the state, his focus on the individual and his promotion of religious toleration. Other leading champions of this tradition have included the Scottish economist Adam Smith (1723-1790), the principle author of the United States Constitution, Thomas Jefferson (1743-1826), the French political economist Frederic Bastiat (1800-1851) and finally the Nobel Prize-winning economist Friedrich Hayek (1900-1988). All of these ‘champions of freedom’ were committed to

⁴ Further reading on these historical developments can be found in the following texts: *History of the Common Law of England* by Matthew Hale (Ca. 1670; published 1713); *The Spirit of the Laws* by Charles Louis Montesquieu (1748); *The History of England* by David Hume (1754–62); *Commentaries on the Laws of England* by William Blackstone (1765–1769); *The Constitution of England; Or, an Account of the English Government* by Jean Louis De Lolme (1784).

the ideal of a free and open society based upon the principles of individual freedom, the rule of law and limited government.

2.2 Key concepts

According to Raico (2010), students attempting to survey previous and current definitions of freedom will inevitably come across a condition which he describes as “conceptual mayhem”. Raico is referring to the confusing way in which words such as freedom, rights, liberty and liberal have been used in academic discourse and the fact that they often have a number of different and sometimes contradictory meanings. Compare, for example, the following two statements: “the right to a free press” and “the right to a free education”, where the word “free” clearly has two very different meanings. In the first example, the word free refers to the freedom of the press and the corresponding need to restrict government intervention. In the second example, the word free refers to the provision of tax funded education delivered in government schools, free at the point of use. It therefore appears to encourage extensive government intervention, which clearly lies in stark contrast to the former example.

When the same words are used to describe different things then common sense suggests that discussions and debates are likely to become confused and over-complicated. Nor is this a recent problem as the Greek philosopher Confucius previously noted that “When words lose their meaning, people will lose their liberty” (Confucius, 551 BC - 479 BC). More recently, the Nobel economist F.A Hayek often criticised what he referred to as the mischievous and poisonous use of the English language⁵ and Isaiah Berlin highlighted his frustration with discussions about basic concepts when he stated that “everything is what it is: liberty is liberty, not equality or fairness or justice or culture, or human happiness or a quiet culture” (Berlin, 1958). To help remove any confusion this section will therefore introduce three key concepts or principles that lie at the heart of classical liberalism.

⁵ For example see *The Confusion of Language in Political Thought*, F.A. Hayek, Institute of Economic Affairs, 1968 and *Our Poisoned Language*, Chapter Seven, ‘The Fatal Conceit’, F.A. Hayek, 1988.

2.2.1 Individual freedom

The concept of individual freedom refers to a state of affairs in which people are free from interference or control by others, or as suggested by Hayek it is a ‘condition of men in which coercion of some by others is reduced as much as is possible in society’ (Hayek, 1960). Freedom therefore refers to the absence of constraints on people by other people and according to Lester (2010) this has been the dominant idea of freedom throughout Western history.

This traditional understanding of freedom is reflected in the difference between a slave and a free man. The slave’s desire to be free, relates to his desire not be forced to perform certain activities which will help to achieve goals which are being imposed on him by someone else. Instead he wants to be able to pursue his own goals and aspirations and doesn’t want to be compelled, constrained or interfered with. Freedom of speech is therefore said to exist when no one prevents you from speaking your mind and religious freedom refers to the ability to practice a religion of your choice without being constrained or restricted by other people.

That said, it is important to note that this definition of freedom does not mean that people are free to do whatever they want. If this was the case then not only would your actions begin to undermine your neighbour’s freedom but their actions would also begin to undermine your freedom. Instead people are free to do whatever they want as long as their actions do not interfere or undermine the freedoms of anybody else. Therefore, it is the reciprocal nature of this rule - I won’t interfere with you if you don’t interfere with me - that is critical in guaranteeing freedom for everyone.

It is also important to note that this traditional definition of freedom does not guarantee the individual any form of happiness, prosperity or wellbeing. Nor does it guarantee people access to any particular products or services. Instead it simply outlines the universal rules of the game in which people are free to pursue their own aims and ambitions. Because the focus in this definition is on the absence of coercion and constraints and not on the capacity to do something it is often labelled as negative freedom. Historically, it has been classical liberals that have focused on recognising

and championing the importance of these so called negative freedoms and in the field of international development these are often referred to as civil and political rights and can be found in the first half of the Universal Declaration of Human Rights (1948).

Examples include freedom of the press, freedom of association, freedom of movement, freedom to vote, freedom of opinion and expression and religious and educational freedom.

From the mid nineteenth century onwards however, the traditional concept of negative freedoms champion by classical liberals, came under sustained criticism from a variety of socialist philosophers, political theorists, economists, politicians, trade unions and local campaigners. While the nature of negative freedoms was not generally challenged, it was argued that they were now deemed to be incapable of protecting the vulnerable and those unable to help themselves. This was expressed in increasing demands for government intervention to help redistribute wealth from the rich to the poor and for governments to take a much more active role in planning the national economy.

To complement negative freedoms, the concept of positive freedoms was therefore introduced which claimed that people should also have the power and resources to fulfil their own potential. In the field of international development these are often referred to as social and economic rights and can be found in the second half of the Universal Declaration of Human Rights (1948). Examples include: the right to work and the right to unemployment benefit; the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services; the right to social security in the event of sickness, disability, widowhood and old age and finally the right to education.

Therefore, while first generation freedoms were concerned with protecting people from external interference, second generation freedoms were now mainly concerned with increasing people's capacity to carry out certain activities. They are also sometimes referred to as entitlements, where people have a right or an entitlement to particular goods and services or to a particular standard of living. The fact that education can be

defined as both a first generation civil and political right and a second generation social and economic right helps to highlight the ongoing confusion surrounding the potential role of government in this important sector.

Classical liberals have consistently argued that governments should only concern itself with protecting negative freedoms and should resist the temptation to actively promote positive freedoms. This is because positive freedoms are guaranteed indirectly by promoting negative freedoms and any government interventions to promote positive freedoms are likely to undermine negative freedoms and eventually positive freedoms as well. Therefore, if governments are serious about promoting the positive freedoms or the capacity of the poor, then they should focus on protecting their negative freedoms. Critically, if governments do decide to intervene to promote positive freedoms then these interventions must not in any way undermine or disrupt any existing negative freedoms.

It is clear that the use of the word freedom to describe two different concepts confuses this debate and presents the classical liberal scholar with a dilemma. On the one hand they are expected to champion, support and promote one particular type of freedom (i.e negative), while rejecting and criticising a different category of the same freedom (i.e positive). However, it is important to note that from a classical liberal perspective, negative freedom and positive freedom are two different concepts. While traditional negative freedoms refer to the absence of coercion, positive freedoms are best defined as entitlements or having the power, capacity or resources to do certain things.

To conclude, at the heart of the classical liberal approach lies the individual and the principle focus is on maximising individual freedom and choice. Common sense suggests that it is much better to allow people to make their own decisions instead of allowing distant politicians to make decisions on their behalf. Furthermore, people should not be viewed as being the property of government which can be used to help the government achieve its social and economic goals. Instead, people are ends in themselves and they have their own aims and objectives, which only they can realise.

2.2.2 Spontaneous orders and self-organising systems

During the eighteenth century a significant development occurred which Hayek has previously described as ‘the great discovery of classical political economy which has become the basis of our understanding not only of economic life but of most truly social phenomena’ (Hayek, 1936, p.8). Hayek was referring to an important discovery made by a number of scholars which have since become associated with the Scottish Enlightenment – a period in eighteenth century Scotland characterised by an outpouring of intellectual and scientific accomplishments⁶. In an attempt to explain the increasingly complex nature of society, scholars such as Bernard Mandeville (1670-1733), David Hume (1711-1776) and Adam Smith (1723-1790), concluded that many of the institutions that played an essential role in society, including language, law, money and markets, had not been invented or designed by a central planner. Instead, these institutions had emerged and evolved spontaneously over a long period of time. According to Hayek it was people’s inability to recognise and understand the important role played by spontaneous orders and self-organising systems in society, which caused much of the opposition to classical liberal ideas.

While the exact origins of this concept remain unclear, Hayek identified Bernard Mandeville (1670-1733), a Dutch doctor who practised as a psychiatrist in London, as the first person to formulate the idea and bring it to the attention of the British public. In 1705 Mandeville published a short poem titled *The Grumbling Hive: or, Knaves Turn’d Honest*, which was subsequently expanded and re-published a number of times under the title *The Fable of the Bees: or, Private Vices, Public Benefits*. The poem was written as a commentary on life in England and it tells a story about a prosperous beehive which has bees that grumble about the lack of virtue. A higher power therefore decides to grant the bees their wish and make them all virtuous. As a result the beehive ceased to function and the bees were all forced to withdraw and live in the hollow of a tree. The moral of Mandeville’s poem was that it was private vices, such as the pursuit of self-interest, and not virtue which drives and maintains prosperity and progress. As a result it was counterproductive to grumble and criticise such vices.

⁶ See *Capital of the Mind: How Edinburgh Changed the World*, James Buchan, Birlinn, 2007; *The Scottish Enlightenment: The Scots’ Invention of the Modern World*, Arthur Herman, Fourth Estate, 2003; *The Scottish Enlightenment: the historical age of the historical nation*, Alexander Broadie, Birlinn, 2001; *When Scotland ruled the world: the story of the golden age of genius, creativity and exploration*, Stewart Lamont, HarperCollins, 2001.

It is important to note however that Mandeville was not championing private vices per se. Instead as previously noted by Barry (1999), the revolutionary significance of Mandeville's argument lay in his claim 'that the 'passions' of men were not disruptive and harmful and that order did not require the suppression of man's natural instincts but only the channelling of them in an appropriate framework' (Barry, 1999). For an English audience that normally associated promoting the public interest with charitable giving and the selfless pursuit of virtue, the contents of Mandeville's publication were seen as controversial and somewhat perverse. How could society have been made possible by the adoption of practices that the majority of people viewed as being undesirable and even anti-social? The consensus at the time reinforced the notion that existing institutions must have been the product of good intentions and deliberate design. It was simply assumed that those institutions that had been carefully designed were deemed to be superior to any unplanned and chaotic alternative.

In a direct challenge to this consensus, Mandeville implied that laws and institutions often emerge unintentionally over a period of time and are therefore a product of evolution and not planning and design. He can therefore lay claim to being one of the first scholars to introduce the theme of evolution into the social sciences. As this debate was taking place a century and a half before Darwin published *The Origin of Species* (1859), this was clearly a significant development. When we consider the transformational effect that Darwin's theory of evolution had on the natural sciences, it is perhaps surprising that a similar transformational effect has not also been felt across the social sciences, the field in which these theories were originally developed.

Perhaps Mandeville's greatest legacy was the fact that his work influenced a number of moral philosophers associated with the Scottish Enlightenment. Out of all of the scholars associated with the Scottish Enlightenment, Adam Smith is the one whose work is most closely associated with the theory of spontaneous order and according to Hayek his *Inquiry into the Nature and Causes of the Wealth of Nations*, (1776) represents the beginning of the development of modern liberalism. The English philosopher Antony Flew also believed that this publication should be seen a landmark in the history of the growth of the social sciences:

For – almost a century before Darwin’s origin – Smith was uncovering a mechanism by which something strongly suggesting design might, indeed must, come about quite spontaneously and without direction (Flew, A, 1999, p.84).

As previously noted by Barry (1999), the theory of spontaneous order is concerned with those institutions and practices that are not the product of deliberate human design or purely natural phenomena. Instead it is concerned with those institutions and practices from the 'third realm', which emerge as a result of human action but not the result of some specific human intention. Horwitz (2001) has also identified spontaneous orders as being the product of human action but not human design:

They comprise practices, rules, institutions, and so forth that have developed not because human actors rationally foresaw their likely benefits and deliberately, consciously constructed them, but rather because they are unintended consequences of various human actors’ pursuit of their own purposes and plans (Horwitz, 2001, p.82)

According to Klein (2010), spontaneous order refers to ‘the emergence of order in a system resulting from a bottom-up process of interaction among many individual agents, rather than from top-down control’. He continues:

Or in other words spontaneous order is the emergence of ordered behaviour from the seemingly unorganized interactions of individuals; producing results which are in many cases unpredictable (Klein, 2010)

A more straight forward description has been provided by Reed (2010), who states that a spontaneous order simply represents ‘what happens when you leave people alone - when entrepreneurs ... see the desires of people ... and then provide for them’ (Reed, 2010, px).

The importance of understanding the concept of spontaneous orders was previously championed by Hayek who identified a number of important factors that need to be taken into account. Firstly, orders of various sorts exist in nature and an order is said to occur when the actions of various elements or members of a group are brought into mutual adjustment. Secondly, orders can sometimes occur without anyone consciously designing them and such spontaneous orders are the result of the individual elements following particular rules – rules which may not aim at creating the resulting order. Thirdly, these rules are often simple, and often take the form of prohibitions. People don't need to know that they are following these rules, and even when they do know they may not be able to explain why they are following them or what the results may be. Furthermore, not all rules lead to order, and their ability to do so may change as the environment changes. Fourthly, these rules are not consciously selected by individuals aiming at an order. Instead, rules will persist when the groups in which they are practiced persist. Fifthly, the history of a group, including its past environments and rules, will determine the existing rules and the corresponding nature of the order. Sixthly, orders will vary in complexity and social orders are among the most complex because the individual elements (i.e people) are themselves complex structures. Finally, when dealing with complex social orders, it will not be possible to make precise predictions – instead only “pattern predictions” about the range of activities to expect will be available and it may only be possible to provide an “explanation of the principle” by which they operate (see Caldwell, 2004, pp. 309-310). The recognition that society is spontaneous, self-organising and self-regulating therefore lies at the heart of the classical liberal tradition.

2.2.3 Limited government

Classical liberalism identifies individual freedom as a key principle and it also recognises that society and its most important institutions are complex, self-organising and continuously evolving. To be consistent, classical liberalism must therefore advocate a limited role for government, which gives individuals the space to pursue their own aims and ambitions and which does not interfere or undermine the organic growth and development of institutions.

While classical liberal scholars often identify excessive government intervention as the primary threat to individual freedom, it is important to note that these same scholars

recognise that government still has a critical role to play in any kind of vision of a free society. For example, consider the following statement by the Austrian economist Ludwig von Mises:

For the liberal, the state is an absolute necessity, since the most important tasks are incumbent upon it: the protection not only of private property, but also of peace, for in the absence of the latter the full benefits of private property cannot be reaped. (Mises, 1962, p. 39)

National governments therefore have a critical role to play in promoting peace and security and in protecting private property. With reference to private property the role of government is viewed as a practical necessity and it is charged with the responsibility of administering the apparatus of compulsion. As noted by Mises “[o]ne must be in a position to compel the person who will not respect the lives, health, personal freedom, or private property of others to acquiesce in the rules of life in society.” (Mises, 1962, p. 37). However, while government is necessary to preserve private property, it is also necessary to prescribe strict and definite limits to government intervention so that it doesn’t interfere or undermine private property. The role of government can therefore be viewed as two sides of the same coin – one recognising that it is a practical necessity and the other recognising the importance of establishing strict and definite limits.

Beyond this essential role of government, there is less agreement amongst classical liberals as to what constitutes a limited role of government in a free society. For example, according to Hayek a distinction should be drawn between “the kinds of measures which are and those which are not compatible with a free system” (Hayek, 1960, p. 221), which can be achieved by only accepting those interventions which are compatible with the rule of law and which also pass the criterion of expediency. Furthermore, it is the “character rather than the volume of government activity that is important” (Hayek, 1960, p. 222). Hayek concludes by suggesting that “the range and variety of government action that is, at least in principle, reconcilable with a free system is thus considerable” (Hayek, 1960, p. 231) and this may include the following: setting of standards of weights and measures, land registration, sanitary and health services, the preservation of natural beauty or of historical sites or places of scientific interest, the construction and maintenance of roads, the support of some kind of education, the

protection against epidemics, floods and avalanches, and the assurance of a minimum income for everyone (Hayek, 1960, p. 223-227)

While Hayek is often viewed as a staunch critic of the welfare state, this is not entirely the case, as suggested in the following paragraph:

In the Western world some provision for those threatened by the extremes of indigence or starvation due to circumstances beyond their control has long been accepted as a duty of the community (Hayek, 1960, p.285).

According to Hayek a safety net of social services is legitimate in a free society because those who would potentially neglect to make provisions against the needs of old age, unemployment, disability and sickness would subsequently become a burden on those who did make such provisions (Hayek 1960, p.286). Therefore to prevent this free-riding problem there is a strong externality argument to make the necessary institutions compulsory. However, the delivery of such services should still be delivered by a variety of private, charitable and community based organisations which compete to deliver their services in an open market. Hayek strongly disagreed with interventions that would inevitably lead to compulsory membership in unitary organizations that were financed and controlled by the government.

The potential role of government in education epitomises the friction between the two sides of the same government coin referred to above. For example, Hayek followed in the footsteps of many classical economists and advocated for government intervention to help guarantee that parents provide their children with a minimum level of education. Therefore, on the one hand, according to Hayek government intervention in education is a practical necessity to help create and protect a legal framework guaranteeing freedom of education, research and learning. However, while Hayek recognised that freedom of thinking, information and communication were essential elements for furthering knowledge and science he was also concerned that certain kinds of state interventions in these areas could also have disastrous results. Government finance of education was therefore permitted but only in the form of educational vouchers (as proposed by Friedman) which would allow competition between schools and the development of different curricular and qualification programs (Hayek, 1964, p.381). However, Hayek is sceptical of the need for government schools as they would inevitably come under the

control of vote-maximizing politicians, who would inevitably turn education into a tool of politics.

2.3 Schools of thought in classical liberalism

Discussions about the meaning of classical liberalism have been complicated by the confusing and sometimes contradictory use of words such as ‘freedom’ or ‘liberal’ in academic debate. This debate is further complicated by questions relating to the ultimate justification of classical liberal ideas and policies. For example, why do some political economists, philosophers and politicians believe that classical liberalism is the preferred way of organising society? And why do classical liberals advocate a limited role for government? As classical liberalism claims to be such an all-embracing philosophy which Western civilisation is based upon, one might expect its leading champions to agree on why it should be embraced. However, this is not the case and instead there are a number of different schools of thought within classical liberalism which all provide similar conclusions but justify them in different ways.

2.3.1 Natural rights versus consequentialism

In most philosophical discussions about the morality of human actions there are at least two distinct positions. The first is deontological which suggest that we live in a world of moral rules or natural rights, which are different, separate and above the laws which are created by governments. Certain actions are therefore identified as being either right or wrong in themselves. This approach is therefore primarily concerned with the actions that people take (and if they conform to a set of predetermined natural rights) and not with the consequences of their actions - even if these consequences prove to be beneficial. The second approach, discussed below, is primarily concerned with consequences.

The concept of natural rights can be traced back to ancient Greece and in modern times to Hugo Grotius and his publication ‘The Law of War and Peace’ (1625), in which he declared that ‘inalienable rights are things which belong so essentially to one man that they could not belong to another, as a man’s life, body, freedom and honour’ (Grotius, 1625). According to Schmidtz and Brennan (2010) this may represent the earliest articulation in intellectual history of the idea that freedom is an inalienable property,

which helped to ‘lay the foundation for the concept of inalienable rights, while also planting the seeds of liberalism’ (Schmidtz and Brennan, 2010, p.107). In the seventeenth century natural rights were championed by John Locke and in the eighteenth century this concept can be found embodied in America’s Declaration of Independence which states that:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness...” (Thomas Jefferson, US Declaration of Independence, 1776)

While philosophers such as John Locke have previously argued that natural rights are ‘God given’, more recent classical liberal scholars such as Murray Rothbard have argued that natural rights originate from man’s nature. This approach is based upon the belief that we are governed by basic innate laws, or laws of nature. These rights are therefore natural in that we have them because we are rational human beings possessing dignity. In particular it is important to reinforce that these rights have not been given to us by national governments. Instead they have always existed and governments have been created in order to protect our natural rights. Within the classical liberal tradition, champions of this approach have included Ayn Rand, Murray Rothbard and Tibor Machan, who have all argued for limited government, whose sole purpose is to protect our natural rights. And when governments begin to violate our natural rights, it then becomes excessive.

Perhaps the most vocal critic of natural rights in the nineteenth century was Jeremy Bentham who famously declared:

That which has no existence cannot be destroyed — that which cannot be destroyed cannot require anything to preserve it from destruction. Natural rights is simple nonsense: natural and imprescriptable rights, rhetorical nonsense – nonsense upon stilts (Bentham, 1843).

Bentham goes on to conclude that:

Right... is the child of law: from real laws come real rights; but from imaginary laws, from laws of nature, fancied and invented by poets, rhetoricians, and dealers in moral and intellectual poisons, come imaginary rights, a bastard brood of monsters' (Bentham, 1843).

While the natural rights based approach has clearly played an important role in the history of classical liberalism it also raises a number of challenging questions. For example, for those classical liberals that are not religious, then the 'God given' brand of natural rights as championed by John Locke and expressed in the US Declaration of Independence, fails to provide a satisfactory explanation of where these rights come from. The same can also be said about natural rights being part of our nature, as this still leaves open the question of how do we identify what is and what is not part of our nature? And who is responsible for making these all important decisions? Furthermore, the natural rights approach gives the impression that these rights are somehow fixed, permanent or 'set in stone'. However, if human beings themselves have evolved over time, then this implies that any kind of rights or freedoms that are deemed to be natural or part of man's nature must also have evolved. And because evolution is a continuous process of change and adaptation, then this also suggests that these rights or freedoms will also be in a continuous state of flux.

The second approach is consequentialist, which states that an act is morally right if it produces good consequences. The value of any particular action therefore derives from the value of its consequences and so the focus is on producing the right kinds of consequences. The most well-known example of consequentialism is the utilitarianism of Jeremy Bentham and John Stuart Mill, who argued that a morally correct action is the one that produces the most utility or good and the aim is to maximize the overall good. Consequentialist classical liberals therefore argue that a policy that limits government intervention, respects individual freedom and encourages open markets, will improve our social and economic wellbeing far more than any alternative. What works the best (and not what is deemed to be morally right or wrong) is therefore paramount.

This approach was championed by Ludwig von Mises (1883-1973) who studied under Carl Menger in Vienna and exported the Austrian school in economics to America when he emigrated during World War II. Instead of attempting to judge legislation according to an untrustworthy perception of "nature," Mises was more attracted to the proposition that legislation must be judged according to its probable consequences and it was the role of economics to identify those consequences. According to Mises, economics had clearly demonstrated that the consequences of freedom were superior to the inefficiency and poverty created by socialism. His defence of individual rights and freedoms was therefore based on the consequentialist argument that they produce better results than the next best alternative.

While Mises was happy to describe himself as a consequentialist utilitarian it is important to make the distinction between 'act' and 'rule' consequentialism. While act consequentialism is when an action is judged in terms of the consequences of that single action, rule consequentialism is when an action is judged on whether it conforms to a particular rule that leads to the greatest good when followed. Consider, for example, the use of traffic lights. If a car approaches a red light at a junction with no other cars in sight, then an act consequentialist could argue that there is no benefit in this car stopping and that the most efficient use of the car would be to ignore the red light. However, in contrast, a rule consequentialist would argue that the car should adhere to the simple rule that 'cars must always stop at a red light' and that there must be no exceptions to the rule. This is because following this rule will have better consequences for everybody in the long run – despite the fact that better consequences can be demonstrated by ignoring this rule in this particular circumstance.

In education, an act consequentialist might therefore justify forcing a parent to send their child to School A instead of School B because School A delivers better exam results. The implication is that this will lead to beneficial consequences for the child and wider society. However, a rule consequentialist might recognise the importance of educational freedom and the negative impact in the long run of undermining the rights and responsibilities of parents. Forcing parents to send their child to a particular school

would therefore come into conflict with this rule and so this approach would be rejected.

This thesis will therefore adopt a rule based classical liberal perspective where the rules of individual freedom, spontaneous order and limited government are deemed to be essential in a free society and to help promote human flourishing. The following two popular schools of thought within the classical liberal tradition can both be described as rule based and consequentialist and they will both be drawn upon to help answer the primary and supplementary research questions in this thesis.

2.3.2 The Austrian school

The Austrian school of economics emerged towards the end of the nineteenth century in order to challenge the theories, approaches and methods which had come to dominate the economics profession across Europe. While German economists agreed with the British classical economists⁷ that economic theory was derived from experience, they concluded that because experiences were always different (depending on time and place), it was impossible to establish universal laws of economics. The German historical school therefore rejected the idea of economics as a universal science. Instead, economics was to be treated much more like history, which dealt with unique events that are not repeated in the future. As a result mathematical modelling, which was preferred by some British classical economists, was rejected in favour of historical analysis. According to a leading Austrian economist, Ludwig von Mises, economics in Germany would subsequently degenerate into ‘an unsystematic, poorly assorted collection of various scraps of knowledge borrowed from history, geography, technology, jurisprudence and party politics’ (Mises, 1949, p23).

During the second half of the nineteenth century, Vienna became a leading centre of intellectual activity and it was the economist Carl Menger (1840-1921), based at the University of Vienna, who was to lead the challenge against the prevailing consensus. In his 1871 publication *Principles of Economics*, Menger argued that principles can

⁷ Classical economics is viewed as the first modern school of economic thought and the founding fathers included Adam Smith, Jean-Baptiste Say, David Ricardo, Thomas Malthus and John Stuart Mill.

indeed be applied in economics, but only at the level of each individual actor. This new approach to economic analysis therefore identified the subjective choices of individuals as being at the heart all economic phenomena. Economics was therefore defined as the study of purposeful human action and choice and the relationship between means and ends.

2.3.2.1 Methodological individualism

At the heart of Austrian economics lies the concept of methodological individualism, which according to Kirzner refers to the claim that ‘economic phenomena are to be explained by going back to the actions of individuals’ (Kirzner, 1987, p148).

Methodological individualism was originally championed by Menger towards the end of the nineteenth century and then further developed by Hayek and other Austrian economists throughout the twentieth century. According to Hayek methodological individualism refers to the view that "the concepts and views held by individuals [...] form the elements from which we must build up, as it were, the more complex [social] phenomena" (Hayek, 1942/44, p. 38). The philosopher Karl Popper, a colleague of Hayek’s at the London School of Economics, also described it as "the quite unassailable doctrine that we must try to understand all collective phenomena as due to the actions, interactions, aims, hopes, and thoughts of individual men, and as due to traditions created and preserved by individual men" (Hayek, 1944/45, pp. 157-158). Economics and other social sciences must therefore begin with individuals and attempt to understand how they choose. Unfortunately, as these choices depend on people’s different values, preferences and emotions, social scientists often find it very difficult if not impossible to get direct access to this important knowledge and information.

According to Hayek, social scientists that have previously attempted to emulate the physical sciences have tended to focus on statistical correlations between different social and economic variables. Unfortunately this has not helped in understanding and explaining why these correlations occur and this can only be done by developing a better understanding of how and why individuals act. Macro analysis is therefore incomplete in the absence of micro foundations or as Hayek suggests ‘[w]e can understand the macro society only by micro economics’ (Hayek, 1980s). Hayek also suggests that the central problem with ignoring the individual’s perspective is that it can

encourage social scientists to overestimate their powers of rational planning and control. On the other hand methodological individualism can help social scientists to recognise the limits of their own knowledge and reason which should therefore result in greater modesty with respect to government planning.

2.3.2.2 The subjective theory of value

Another distinguishing feature of the Austrian School of economics is the importance placed on the subjective theory of value⁸. According to the cost of production or labour theory of value, favoured by classical economists such as Adam Smith and David Ricardo, the value of a product or service is derived from the costs of production and labour used in bringing the product or service to market. However, according to the Austrian school, value is completely subjective. Goods and services therefore don't have any intrinsic value in themselves. Instead value is dependent upon the ability of a good or service to satisfy the wants of the customer and this value is expressed in the price that other people are prepared to pay for it. This understanding of value therefore implies that the value of a good or service may be different for different people and that people's preferences may be continuously changing in response to changing circumstances.

Menger used the subjective theory of value to challenge the idea that exchange involves a transaction of equal value for equal value. Instead people will exchange something they value less for something that they value more and because both parties adopt this approach this implies that they will both benefit from the exchange. The subjective theory of value therefore implies that all voluntary trade is mutually beneficial. Furthermore value can be created by simply transferring ownership of an item to a different person who for whatever reason places a higher value on it. This suggests that if wealth refers to an individual's subjective valuation of his own possessions, then acts of voluntary trade will increase the total wealth in society,

⁸ While it is thought that the subjective theory of value was discovered in the late 19th century by the economists William Stanley Jevons, Léon Walras, and Carl Menger, David Gordon (2000) has traced its origins to the Middle Ages and the Renaissance. It has since become widely accepted throughout the economics profession.

2.3.2.3 The profit motive and entrepreneurship

Writing in 1949, the economist Henry Hazlitt stated that ‘[t]he indignation shown by many people today at the mention of the very word profits indicates how little understanding there is of the vital function that profits play in our economy’ (Hazlitt, 1949, p17). Hazlitt’s brief description of the function of profits is perhaps worth revisiting. First, according to Hazlitt, the prospect of profits helps to decide what will be produced and in what quantities:

If there is no profit in making an article, it is a sign that the labor and capital devoted to its production are misdirected: the value of the resources that must be used up in making the article is greater than the value of the article itself. (Hazlitt, 1949, p18)

The profit motive also helps to put constant and unremitting pressure on business managers to continuously improve and innovate:

In good times he does this to increase his profits further, in normal times he does it to keep ahead of his competitors, in bad times he may have to do it to survive at all. For profits may not only go to zero, they may quickly turn into losses; and a man will put forth greater efforts to save himself from ruin than he will merely to improve his position (Hazlitt, 1949, p18).

Hazlitt also challenges a common misconception which claims that profits can be increased simply by raising prices. Instead, it is by introducing economies and efficiencies that cut costs of production:

It seldom happens (and unless there is a monopoly it never happens over a long period) that every firm in an industry makes a profit. The price charged by all firms for the same commodity or service must be the same; those who try to charge a higher price do not find buyers. Therefore the largest profits go to the firms that have achieved the lowest costs of production. These expand at the expense of the inefficient firms with higher costs. It is thus that the consumer and the public are served (Hazlitt, 1949, p18).

In short, profits ‘resulting from the relationships of costs to prices, not only tell us which goods it is most economical to make, but which are the most economical ways to make them’. Hazlitt then concludes with the following comment:

I have been putting my emphasis on the tendency to reduce costs of production because this is the function of profit-and-loss that seems to be least appreciated. Greater profit goes, of course, to the man who makes a *better* mousetrap than his neighbor as well as to the man who makes one more efficiently. But the function of profit in rewarding and stimulating superior quality and innovation has always been recognized (Hazlitt, 1949, p19).

A more recent description of the function of profits is provided by Gwartney, Stroup & Lee (2005), who identify the profit motive as one of the ten key elements of economics. They highlight that as resources are limited it is basic ‘common sense’ that we will be better off if they are used efficiently to produce goods and services that we all want, instead of being wasted on goods and service that people don’t want. An entrepreneur will therefore invest in raw materials, transform them into a product or service, and then sell it to the customer. If the revenue from sales exceeds the costs incurred, a profit is generated. However this will only occur when products and services are produced which customers value more than the cost of the resources used in their production. While some entrepreneurs will succeed in increasing the value of resources by transforming them into products and services which customers want, other entrepreneurs are not as successful and will reduce the economic value of resources. Profit can therefore be defined as a ‘reward for transforming resources into something of greater value’, while losses are a ‘penalty imposed on business that uses up resources without converting them into something more valuable’ (Gwartney, Stroup & Lee, 2005, p.18). The losses simply indicate that the resources would have been better used producing other things. Gwartney, Stroup & Lee therefore conclude:

If we are going to get the best out of the available resources, projects that increase value must be encouraged, while those that use resources less productively must be discouraged. This is precisely what profit

and losses do. . . . Profit and losses direct business investment towards projects that promote economic progress and away from those that squander scarce resources. This is a vitally important function. Economies that fail to perform this function well will almost surely experience stagnation or worse. (Gwartney, Stroup & Lee, 2005, p.17-19)

From the above comments, it is clear that the profit motive plays an important role both within individual organizations and in the economy as a whole. They also suggest that while there has been much debate about the ethics of the profit motive itself, less attention has perhaps been given to the actual process of calculating profit and loss and how this influences how organizations operate and perform. For example, it is clear that if an organization is driven by profits, then there appears to be an inbuilt incentive to record and monitor all costs. This is because if costs and revenues cannot be compared, then the calculation of profit obviously becomes impossible. If an organization is driven by profits, then there also appears to be an inbuilt incentive to continuously reduce costs, as any reduction in costs will help to increase profits. The ongoing calculation of profit and loss also provides an organization with a continuous flow of information about the quality of its products and services and if they are succeeding in meeting customer needs and expectations. The calculation of profit and loss therefore provides an essential link between what the customers want and what the organization produces.

2.3.2.4 Competition as a discovery procedure

In *Common Sense Economics*, competition is identified as one of the seven major sources of economic progress because it places pressure on producers to operate efficiently and cater to the preferences of consumers. It also gives firms a strong incentive to develop better products and services and to discover new low cost methods of production, which will both ultimately benefit customers.

For a sector of the economy to be described as competitive, freedom of entry must be guaranteed and a level playing field established. As noted by Israel M. Kirzner, freedom of entry refers to the ‘legal and institutional prerequisite for the discovery procedure of

the market' (Kirzner, 1982). Competition is therefore a continuous process of discovery which drives organisations to improve their internal efficiency, reduce costs, adopt new technology, invest in innovation and reduce managerial inefficiency. Or as previously suggested by Hayek '[a]ll competition is a discovery procedure, a method to find out what we do not yet know'. Furthermore, '[c]ompetition is the only way to show error and therefore leads to wisdom'. (Hayek, 1980s)

2.3.2.5 Spontaneous orders and self-organising systems

For Austrian economists, the global economy or society is dominated by spontaneous orders and self-organising systems which have emerged over time. Private property, languages, laws, markets and money are therefore all deemed to be self-organising systems as discussed in Section 2.2.2.

2.3.2.6 The fundamental importance of prices

For Austrian economists, the pricing system plays a fundamentally important role in the spontaneous market system in helping to collect and communicate important information. According to Hayek, the central problem facing society is how to secure the best use of widely dispersed local knowledge, which will give people the greatest chance of achieving their own particular aims and objectives. Or as Hayek (1945) suggests, 'it is a problem of the utilization of knowledge which is not given to anyone in its totality'. Obviously this problem cannot be solved by forcing everyone to communicate their specific knowledge to a central government committee, which then integrates all this knowledge and issues its orders. The solution therefore lies with decentralized planning by many different people, which will allow them to use the knowledge of their particular circumstances of time and place. However, as Hayek (1945) suggests, this still only answers part of our problem:

But the "man on the spot" cannot decide solely on the basis of his limited but intimate knowledge of the facts of his immediate surroundings. There still remains the problem of communicating to him such further information as he needs to fit his decisions into the whole pattern of changes of the larger economic system (Hayek, 1945, p.524)

The question therefore remains – together with utilising their own personal knowledge, how do people integrate and fit their decisions into the wider pattern of changes occurring in society? For Hayek (1945), the missing link was the price system:

Fundamentally, in a system in which the knowledge of the relevant facts is dispersed among many people, prices can act to coordinate the separate actions of different people in the same way as subjective values help the individual to coordinate the parts of his plan (Hayek, 1945, p.526).

Therefore according to Hayek the real function of the price system is to act as a mechanism for communicating important information. By transmitting and coordinating this information, the price system helps to overcome the widespread ignorance that often prevents the effective utilization of scarce resources. In short, freely determined prices allow for the greater utilization of knowledge.⁹ Writing in 1986, Hayek suggested that this insight will have important consequences once its truth has been accepted, because:

‘[e]ither you must confine yourself to creating an institutional framework within which the price system will operate as efficiently as possible, or you are driven to upsetting its function’ (Hayek, 1986, p.145).

According to Cassidy (2000), the notion that prices are a means of conveying and exploiting important information, was one of the great insights of the twentieth century and Hayek’s most lasting contribution to economics. Thankfully, this understanding of prices is now more widely accepted throughout the economics profession. For example, in *Common Sense Economics* (2005), Gwartney, Stroup & Lee describe the fundamental function of prices as follows:

‘[m]arket prices register the choices of millions of consumers, producers and resource suppliers. They reflect information about

⁹ For a more recent discussion on the role of prices in the economy see Russell Roberts, *The Price of Everything: A Parable of Possibility and Prosperity*, Princeton University Press, 2008.

consumer preferences, costs, and matters relating to timing, location and circumstances that are well beyond the comprehension of any individual or central planning authority.’ (Gwartney, Stroup & Lee, 2005, p.24).

Seldon (2005) has also recognised the importance of prices in helping to convey knowledge that makes the use of resources better informed and therefore more efficient. Furthermore, he has also examined the hidden costs and unintended consequences of abolishing or controlling prices in the delivery of public services. Without prices and the payment of fees there is no guide to relative costs or values. Prices are imperfect guides but without them buyers and sellers are blind and government must use even more crude indicators of the value of resources in different uses. The end result is confusion, distortion and waste, and their restoration wherever possible is essential in making the best use of resources. According to Seldon, it is therefore a misunderstanding of the function of price to think of it as a barrier between potential buyer and a service. Instead it is the exact opposite – as it provides a link between the buyer and seller. We owe this decisive insight to the Austrian school of economics.

2.3.3 The public choice school

The public choice approach emerged as a distinctive field of study in the 1950’s and was championed by a number of American economists including Kenneth Arrow, the Nobel economist James Buchanan (1919-2013), Gordon Tullock, Anthony Downs, William Niskanen (1933–2011) and Mancur Olson (1932–2008). Based upon the economic model of rational behaviour, the public choice approach uses the tools of economics to analyse the political process. Public choice economists have therefore focused their attention on the interests and motivations of politicians, civil servants, interest groups and voters and how they act and behave in a variety of different institutional settings. As a result the conventional view of benevolent “public servants” who are only interested in promoting the “public interest” or the “will of the people” has been challenged. Instead, a much less romantic and a much more sceptical view of the political process has been introduced which recognises that while people are often concerned with others, they are primarily guided by their own self-interests. Critically, the motivations of people in the political process are assumed to be no different from the motivations of people operating in the market.

This approach has therefore helped to challenge the previous consensus that promoted government intervention to help solve examples of market failure. While economists were often quick to highlight examples of market failure, which they assume have been caused by individuals acting to promote and protect their own self-interest, they often fail to recognise the fact that these same self-interested motivations may also dominate decision making within the political process. Furthermore, they also fail to acknowledge that while the pursuit of self-interest is generally beneficial in markets, there will be hidden costs and unintended consequences when this type of behaviour begins to dominate the political process. This is because of the structural imperfections in democratic and collective decision-making processes and the lack of checks and balances which help to govern individual behaviour. The public choice approach has therefore helped to shed light on the extent of government failure and its hidden costs and unintended consequences.

For example, in *An Economic Theory of Democracy (1957)*, Anthony Downs explained how voters are largely ignorant of many political issues and he also suggests that this ignorance is rational. This is because an individual's vote will very rarely decide the outcome of an election and so there is little incentive for the voter to invest their time and resources into becoming more informed. The costs associated with collecting information are relatively high compared to the benefits of voting. As the size of the election and the number of voters continues to increase, the chances of a single voter having a direct impact continues to decrease. This suggests that if voters do act rationally then they are unlikely to vote at all which perhaps helps to explain the low turnout in national elections.

2.3.3.1 Vote maximising politicians

As noted above the public choice approach drops the naïve assumption that politicians only try to serve 'the public interest' and instead assumes that politicians will also try to serve their own interests, in particular their own chances of re-election at the next election. In politics this is often referred to as the vote motive, which in the private sector is replaced by the profit motive. The implications of the vote motive are enormous because it implies that governments may not in fact be acting to protect the

poor or maximize the well-being of its citizens. Recognising the importance of the vote motive is therefore essential in understanding the positions that politicians and political parties adopt on key policy issues. Policies will therefore be chosen because they will help the party win the next election and not because it is the right thing to do.

Butler (2012) has previously identified a number of dangers associated with the vote motive. Firstly, politicians are unlikely to support radical policy reforms because of the fear of losing public support. As a result policy reforms tend to be minor and very gradual. Secondly, politicians have a strong incentive to support government spending in their own constituency, even if they know that it represents bad value for the country as a whole. Thirdly, before elections take place politicians may be tempted to engage in electoral bribery by supporting popular causes, without understanding or explaining the financial consequences. Finally, the end result is that political parties tend to shift to the centre ground in order to attract more voters, thereby providing the public with less of a real choice (Butler, 2012, pp. 82-86).

2.3.3.2 Special interest groups

Mancur Olson, in his publication *The Logic of Collective Action (1965)*, has also challenged Lord Acton's claim that 'the one pervading evil of democracy is the tyranny of the majority, or rather of that party, not always the majority, that succeeds, by force or fraud, in carrying elections' (Acton, 1877). Acton was therefore suggesting that democratic governance was threatened when the majority of the population use the political process to force their views onto minorities or when the interests of the majority are placed above and beyond the interests of individuals and minorities. However, Olson's research found that large interest groups can often have difficulties in attracting and maintaining the support from those expected to benefit from a change in government policy. This is because individuals can simply "free ride" on the efforts of others, while still benefiting from their efforts. Instead, Olson found that many policies in democratic countries appeared to favour small and well organised interest groups and not the majority. This was because the smaller groups tended to be much better organised, as each member was expected to benefit significantly if their lobbying efforts were successful. Furthermore, while the benefits may have been concentrated on a small group, the costs were spread across the whole population. The voting public were

therefore unlikely to vote against a change in government policy which would cost each individual voter next to nothing in additional taxation. When vote maximising politicians recognise they can afford to offer benefits to certain interest groups without losing any votes, then there is little or no incentive to stop politicians from engaging in this activity. The end result is a very gradual growth in taxation and government intervention in all areas of social and economic life. Public choice economists highlight that it will be the cumulative effect of these subsidies that pose the greatest threat to freedom and a free society.

2.3.3.3 Self-seeking bureaucracies

It is not only politicians or special interest groups that are looking to promote their own self-interests within the political process. As noted by William A. Niskanen in *Bureaucracy and Representative Government (1971)*, the private interests of civil servants and public officials must also be taken into account. According to Niskanen (1971), those who work in public agencies will often seek to maximise their budgets as this brings power, status and security. Civil servants also have an information advantage concerning the workings of their public agency when compared with politicians who tend only to have a general level of knowledge. As a result civil servants will often disrupt cost saving initiatives or dramatically increase the cost of new initiatives, knowing that politicians will not want the public humiliation of abandoning the project. The end result is a much larger and a much less efficient bureaucracy than electors actually want or need.

2.3.3.4 The public-private displacement mechanism

In his 1946 publication *Economics in One Lesson*, Henry Hazlitt defined economics as a science of tracing consequences, and suggested that we ‘must have become aware that, like logic and mathematics, it is a science of recognizing inevitable implications’ (Hazlitt, 1946). For the French political economist Frederic Bastiat, writing approximately one hundred earlier, the inevitable implications of certain government interventions were already clear to see:

In the first place, we note that always or nearly always public service eliminates, in law or in fact, private services of the same nature. When the state undertakes a service, it generally takes pains to decree that no one except itself shall render it, especially if it anticipates revenue from the venture. In France the postal service, tobacco, playing cards, gunpowder, etc., etc., are cases in point. But even if the state did not take this precaution, the end result would be the same. What industry can undertake the rendering of a service to the public that the state performs for nothing? We rarely find anyone seeking a means of livelihood in the private teaching of law or medicine, the construction of highways, the breeding of thoroughbred horses, the founding of schools for the arts and crafts, the clearing of Algerian land, the establishment of museums, etc., etc. The reason is that the public will not buy what the state offers it for nothing (Bastiat, 1850).

Bastiat was referring to a concept which E.G. West previously identified as the public-private displacement mechanism, which is more commonly known as ‘crowding out’. *The Economist* defines it as follows:

When the state does something it may discourage, or *crowd out*, private-sector attempts to do the same thing. . . . Crowding out may also come from state spending on things that might be provided more efficiently by the private sector, such as health care, or even through charity, redistribution (Economist, 2007).

The importance of this concept in the development of education in the UK and US has previously been highlighted by E.G. West, who found that government intervention in primary education in the mid nineteenth century had the unintended consequence of crowding out an already flourishing private sector. West also concluded that crowding out can only occur in education if two key circumstances are present. First, there needs to be a large initial base of privately provided schooling, and second, the government would have to choose a particular method of intervention - to open its own heavily subsidized schools, instead of directly subsidizing students from low income families. When these circumstances exist, tax paying parents will be tempted to transfer their children from the fee paying private schools to the free government schools, resulting in the closure of private schools and the growth of a government monopoly. And this is

despite the fact that the legislation that was introduced was specifically designed not to reduce the choice of schools available to parents. Evidence of crowding out can therefore be used as an indicator to help highlight examples of government failure or examples of when the pursuit of positive rights in education (the right to free and compulsory schooling) undermines existing negative rights in education (including the right of parents to choose).

Recognising the importance of the public choice approach in education, West suggested that Adam Smith had not just one but two ‘invisible hands’. The first involves an individual who intends only his own gain but is led by an invisible hand to promote an end that was no part of his intention. The second invisible hand is explained as follows:

An individual who intends only to serve the public interests by fostering government intervention is led by an invisible hand to promote private interests which was no part of his intention. . . It was the decline of the recognition of the second (rent seeking) invisible hand, that surely accounted, more than anything else, for the increasing nineteenth century classical departures from Smith’s prescription of minimal government (West, 1990, p.94).

2.3.3.5 International aid and perverse incentives

While many public choice economists have previously focused their attention on studying the politics and economics of government institutions and regulations, research previously carried out by Elinor Ostrom, the 2009 winner of the Nobel Memorial Prize in Economic Science, has focused on developing a better understanding of how people and local communities develop their own institutions to help solve their own common problems. Her work in developing countries highlighted the importance of institutions and incentives and how international aid can often create perverse incentives which undermine the sustainability of both local organisations and the aid projects themselves. According to Ostrom when international aid first started in the 1950s, ‘missing money’ was perceived to be the problem. Transferring money and helping to build roads, schools and hospitals, would therefore help to kick start the development process. However, [a]fter decades of trying to understand the problems of development, it is now

widely accepted that the core problem is ‘missing institutions’ (Ostrom, Gibson, Shivakumar & Andersson, 2002. p.10).

Ostrom defines institutions as the rules of the game that structure incentives and coordinate human interaction. Incentives are the rewards and punishments that are related to individual actions, including the payments which people receive and the prices they pay, which act as external stimuli encouraging some kinds of behaviour and discourage others. When incentives are defined as perverse then they will ‘lead individuals to avoid in engaging in mutually productive outcomes or to take actions that are generally harmful to others’. As noted by Ostrom, different institutions will alter the incentives of individuals and so different institutions can either help or hinder the efforts of individuals to be optimally productive. Different institutions and incentives can therefore either promote or undermine the sustainability of projects funded by international aid.

Ostrom’s empirical research has discovered numerous different institutional arrangements and local systems of self-governance which have demonstrated that people even in the most difficult circumstances do have the capacity to help themselves if given the autonomy and an enabling environment. The solutions to many local problems can therefore be found in the arrangements worked out by people themselves and not in a central government department or an international agency. The practical experience of everyday life therefore appears to contradict the textbook theories which often suggest that low income communities are not be capable of self-organisation and would instead always be dependent on government intervention and international aid.

According to Ostrom, the complex nature of both people and society has made simple formulas or panaceas redundant. Therefore, instead of a simple state or market solution, Ostrom favours a polycentric approach which she defines as one which enables ‘both market and governments at multiple scales to interact with community organization so that we have a complex nested system’ (Ostrom, 1999, p.197). This approach advocates complex and multi-level systems to tackle what are often very complex and multi-level problems. Therefore, instead of the government being the key stakeholder and decision

maker, the emphasis shifts towards individuals and their local communities, which have multiple centres of power and decision making which are often independent but still overlap in competition and cooperation. No one organisation or institutional arrangement can be defined as being optimal and a variety of different organisations will be possible within the same institutional framework. While the polycentric approach can often appear to be messy and chaotic, Ostrom again reinforces the point that as both people and society are complex then the idea of having simple solutions to complex problems is unrealistic.

Of particular relevance to this thesis are Ostrom's findings concerning the previous attempts by central government and international agencies to increase agricultural productivity by building and managing irrigation systems. Ostrom refers to a number of externally funded projects to construct irrigation systems in Nepal in areas where local irrigation systems already existed. Unfortunately, the project planners failed to consult the farmers and so these local systems were not recognized and taken into account. As a result, these efforts to improve agricultural productivity resulted in a smaller service area being served, unreliable water deliveries and the severe weakening and sometimes destruction of existing local organizations. According to Ostrom, these findings were not unusual and she concluded that '[s]omething was wrong when efforts to improve agricultural productivity by investing in physical infrastructure have the opposite result' (Ostrom, 1999, p.198). The lessons for international agencies were therefore clear. Before intervening in specific geographical areas, understanding and working with what already exists was critical if the project was to succeed.

However, this still left the puzzling question of why the 'primitive' irrigation systems which were built and governed by local farmers were often better maintained and more productive than those built and managed by central government or those which had been improved and modernised by external donors. Ostrom's research found that while government and international aid had tended to focus on investing and building new physical structures, these investments had often proved to be unsustainable in the long run and had failed to take into account the impact that they have on the institutions which already existed. While Ostrom found that many factors affected how different institutions perform, she concluded that many of these factors related to the diverse

incentives faced by those involved in the financing and management of the various institutions.

For example, when the farmers were paying their own officials to manage an irrigation system then the incentives faced by the officials were closely aligned with the incentives of the farmers. However, in many centralised government systems, no such linkage was found to exist and when the officials were no longer dependent on the farmers for their income then large government-managed systems could not be expected to perform very well. Furthermore, when the revenue received by an irrigation agency was not linked to the amount of water taken and when the fees paid by farmers was not an important source of revenue then performance of the irrigation system would also be expected to decline. Major problems with corruption could also be expected. Ostrom also warns that when externally funded projects appear to the farmers as if they were "free" then this can also prove to be very disruptive because it reduces the incentive for the irrigation agency to continuously meet the changing needs and demands of farmers:

By denying the farmers an opportunity to invest in the improvement of infrastructure, external assistance may also deny those who are most disadvantaged from being able to assert and defend rights to the flow of benefits (Ostrom, 1999, p.195).

Therefore, by having the opportunity to invest in irrigation provides the mechanism through which farmers can assert and defend their rights to the flow of benefits. Unfortunately, the way in which different external interventions affect the incentives of the key participants is rarely explored and instead project evaluations often consider any reductions in the labour needed to maintain a system as a project benefit. And as Ostrom concludes 'the possibility that reducing the need for resources to maintain a system would substantially alter the bargaining power of farmers is not usually considered' (Ostrom, 1999, p.198).

It was therefore not simply about recognising the importance of local organisations but also about recognising the fact that different institutional frameworks and incentives

will often dictate how people and organisations perform. Furthermore, the existence of perverse incentives would encourage non-productive behaviour which would often make projects funded by international aid unsustainable in the long run. Therefore to be effective and sustainable a donor intervention cannot simply involve a temporary infusion of funds but it must also help to solve the underlying incentive problems. Sustainable interventions must therefore focus on the beneficiaries themselves and they must understand the problems they face at the operational level. The proposed solutions must therefore incorporate local knowledge about the needs, preferences and problems of the beneficiaries concerned which only they themselves will know.

This suggests that simply creating a public bureaucracy will not necessarily solve the initial problem and may even create new problems. Instead Ostrom suggests that individuals and communities are often capable of creating their own solutions to their own diverse problems but this will often require a variety of different institutional arrangements in both the public and private sector. Critically, in developing countries where the institutional environment is less able to overcome incentive problems then there is a much greater need for institutions which match contributions with rewards. Perverse incentives therefore lie at the heart of the difficulty in achieving sustainable development assistance programmes. It is therefore critical for international donors to consider how their interventions are going to affect the incentives facing people on the ground, which in turn will affect the sustainability of the aid project in question.

2.4 Conclusion

This chapter has outlined the theoretical framework that will be used to help guide and inform this thesis. As noted in Chapter One (Section 1.4), the purpose of this thesis is not to challenge this tradition, but to outline the implications of this theoretical approach for the United Nations concept of the right to education and the growth of private schools for the poor in developing countries. The following chapter will explain and justify the methods used to conduct the research and also provide a more detailed description of how the data was collected and any related ethical issues.

CHAPTER THREE: METHODOLOGY

3.1 Introduction

According to Landman (2000), good human rights scholarship needs strong methodological foundations and attempting to analyse human rights problems with poor methods will lead often to ‘erroneous conclusions, bad policy advice and failure to improve human rights conditions on the ground’ (Landman, 2000, p.74). Coomans, Grunfeld and Kamminga (2009) have also criticised human rights scholarship because of its lack of attention to methodology with many authors failing to discuss or explain the methods used in their research. Furthermore, they suggest that because many human rights scholars already know which conclusions they would like to arrive at, there has been the temptation to engage in wishful thinking which has involved limiting sources to those that support the desired conclusion and ignoring those that point in the opposite direction.

While in most disciplines researchers are encouraged to challenge the conventional wisdom, in human rights scholarship ‘it often appears to be considered an achievement to come up with findings that support conventional wisdom. In other words, there appears to be a marked absence of *internal* critical reflection among human rights scholars’ (Coomans, Grunfeld and Kamminga, 2009). To help explain this lack of rigor in human rights scholarship, they continue:

Our hypothesis is that human rights scholars tend to passionately believe that human rights are a good thing. Many of them are activists or former activists in the field of human rights. Without saying so explicitly the aim of their research is to contribute to improved respect for human rights. They therefore risk ignoring the fact that human rights are not a goal in themselves but merely one instrument to help improve respect for human dignity. They may forget that human rights standards are the result of compromises concluded by states and may therefore be less than perfect. They may also overlook the fact that the mere adoption of resolutions by international bodies and the mere establishment of a new international institutions will not necessarily result in improvement of the enjoyment of human rights on the ground (Coomans, Grunfeld and Kamminga, 2009).

With this in mind, when examining the concept of the right to education and its relationship with private schools for the poor, this thesis will adopt what Karl Popper has previously referred to as a ‘critical approach’. According to Flew (1991), this suggests that those who want to discover the truth must always be ready to test and test again:

And in the present context criticism just is this sort of testing. It is testing by raising and pressing relevant questions. Are there, for a start, any inconsistencies within or between the propositions propounded? And are these propositions all compatible with whatever else we know or believe that we know? (Flew, 1991, p.12).

This research will therefore critically examine the concept of the right to education to see if it does indeed represent an imperfect compromise. This research will also question whether the adoption of resolutions by international agencies concerning the right to education (such as FPE), have resulted in improvements on the ground. The remainder of this chapter will provide an explanation of the methods used to conduct the research and also a more detailed description of how the data was collected and any related ethical issues.

3.2 Methods used to conduct the research

As the growth of private schools serving low income communities in developing countries is still a relatively recent phenomenon, the relationship between these schools and the concept of the right to education is an issue that has not been addressed before. This research is therefore best described as exploratory and as with most exploratory research the methods used have been qualitative. Within this general approach a number of different research methods have been used, including a single country case study, historical research methods and focus groups. While it has been suggested that there is no typical, preferred method for carrying out research in the field of human rights, ‘a combination of methods, if expertly employed, may of course produce more reliable results’ (Coomans, Grunfeld and Kamminga, 2009).

3.2.1 The case study

While case studies have previously received a bad press for their supposed lack of rigour, they can be very useful in helping to deal with a full variety of evidence including documents, interviews, and observations. Yin has also identified the following five characteristics of a successful case study:

1. That the case study is significant in some way;
2. That the case study is complete. It must be apparent that the researcher has tried to attain and assemble every piece of relevant evidence for the case. The boundaries of the case study must be shown and it should be obvious that as the boundaries are met the information becomes more irrelevant to the case;
3. The case study must consider alternative perspectives. It is important to analyse the data from the rival position and different perspectives. The evidence must not have been collected in order to support a single point of view. The case study must approach these alternative propositions and show empirically why or how they can be rejected or even accepted;
4. The evidence should be reported without bias, with challenging and supporting data. The amount of data must be sufficient to confirm the knowledge of the researcher on his or her subject area;
5. The case study must be engaging (Yin, 1994, p.147-152).

Because this thesis is concerned with exploring a relatively new field of investigation, this case study is best described as exploratory. As a result, the exploratory case study provides the researcher with a high degree of flexibility and independence with regard to the research design as well as the collection of data.

In a single country case study, the nation-state is identified as the dominant type of case and a single country is studied. Focusing on one country allows for a much more indepth examination of the subject under discussion taking into account a variety of different factors and conditions which have developed over a long period of time. Typically, the purpose of the case study is to help explain any gaps or inconsistencies with what is claimed in principle with what is observed in practice. While there is an on-going debate in the literature about the value of single country case studies and whether they can be described as comparative or not, Landman (2008) argues that they can be considered comparative if concepts are used 'that are applicable to other

countries, and/or seeks to make larger inferences that stretch beyond the original country used in the study' (Landman, 2008, p.28). Therefore, as this thesis is concerned with the concept of the right to education which is universal and applicable to all people and countries around the world and the growth of private schools serving lower income communities which is again another global phenomenon, a single country case study is deemed to be an appropriate method of research.

An important decision in a single country case study concerns the selection of the country to be studied and this decision may be impacted by a variety of different factors including: the country is representative of a group of countries; the country appears to be the odd one out; the country has not previously been studied; the researcher is already familiar with the country in question or finally because a policy related to the research question has recently been implemented in the country in question (Landman, 2008, p.28). Kenya was chosen as the single country case study for this thesis primarily because the national government, with the full support of the international community, had recently introduced Free Primary Education.

3.2.2 Historical research methods

The majority of this thesis is historical and so a number of historical research methods have been used, methods which can be described as 'the application of systematic and rigorous methods of inquiry for understanding the past' (Verma & Mallick, 1999, p.76).

Historical research often attempts to understand the meaning of past events and according to Leedy (2001), '[t]he heart of the historical method is not the accumulation of facts, but rather the interpretation of the facts' (Leedy, 2001). The continuing importance of historical research has also recently been restated by Sikes (2000), who suggests that:

'some awareness of what has gone before and explanations as to why things might be as they are, would surely seem to be of great value. Cliched though it might sound, we reject the lessons of history at our peril (Sikes, 2000, p.xii).

According to the Austrian economist Ludwig von Mises, the function of historical research is to trace historical events back to their sources:

The historian has to demonstrate how any historical situation developed out of previously existing - natural and social - conditions and how the actions of men and occurrences beyond human control transformed any previous state of affairs into the subsequent state of affairs (Mises, 2011).

This approach has previously been utilised in education by E.G West to help better understand the original purpose of government interventions in education and also the hidden costs and unintended consequences of these interventions over time (West, 1965, 1970). Following in the footsteps of West, this thesis will therefore utilise historical research methods in order to get a much better understanding of the origins of the concept of the right to education and private schools serving low income families. Historical methods will be utilised to help answer the following questions:

- What is meant by the United Nations concept of the right to education? How did it come to be and what are the implications for the role of government, the private sector and parents?
- How and why did the colonial authorities intervene in education in Kenya and what role did the private sector play in these developments?
- Is there any evidence of private schools serving low income communities in Kenya either prior to or during colonial rule?

One challenge for the researcher is to develop a framework for organising and interpreting the data collected which can either be organised by date or by concept. In this thesis historical data has largely been organised chronologically. With reference to the writing of Article 26 this is because it was important to understand the sequence of events and the order in which each paragraph was drafted as this would prove significant when attempting to interpret the final text.

As noted by Ary, Jacobs, Razavieh, and Sorensen (2010), there are a number of limitations of historical research which need to be taken into account. First there is limited opportunity to test the conclusions in a new situation. Therefore while it might be possible to validate a general conclusion, this may often only apply to a specific situation. Second, historical research will often provide incomplete evidence due to the simple fact that this is the only evidence that exists. Conclusions are therefore often drawn from partial and fragmentary evidence. Third, there are often concerns about the validity of the data itself. Since historical records are not usually created to aid future research and instead are created for a very different purpose, this may increase the risk of them being biased. Finally, Ary, Jacobs, Razavieh, and Sorensen (2010), refer to the fact that all researchers will bring their own perspective and personal baggage to the research problem:

The difference with qualitative researchers in general is that there are few conventions about the form of data collection and reporting requirements. The historian, therefore, like the novelist, can create a storyline and text which is only incidentally shaped by the available data. You or I might do it differently and we might relate a different history. (Ary, Jacobs, Razavieh, and Sorensen, 2010, p.106).

All of the above factors were taken into account when carrying out the historical research for this thesis.

3.3 How the data was collected

This section will explain the various methods by which the different data sources for the research were collected and collated.

3.3.1 Understanding Article 26

The concept of the right to education plays a prominent role both in the academic literature and in the documents published by international agencies and NGO's on the subject of education in developing countries. It is used to justify existing policies and all new reforms or policies are expected to correspond with this basic human right. It is also widely recognised in the literature that the original definition of the right to education as agreed by the international community is Article 26 of the Universal

Declaration of Human Rights (1948). However, due to the lack of discussion in the literature concerning paragraph three and the on-going confusion surrounding its original meaning and subsequent interpretation, it was decided that the only way to fully understand Article 26 and in particular why the third paragraph was included, was to return to the primary historical source - the official United Nations records of the minutes taken at each UN meeting involved in the process of drafting the declaration. I had become aware of these historical documents through reading the following article: ‘The writing of Article 26 of the Universal Declaration of Human Rights’, Appendices 1, World Education Report, UNESCO 2000. Access to these records was provided by the British Library in London.

Furthermore, to help understand and interpret these records, it was also important to understand the context in which they were written which again highlights the importance of reading around the subject. This was achieved by reading dairies, biographies and auto-biographies of the individuals involved including: *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (2001) by Mary Ann Glendon; *On the Edge of Greatness: The Diaries of John Humphrey* (1994) by John P Humphrey and finally *The Challenge of Human Rights – Charles Malik and the Universal Declaration* (2000) edited by Habib C Malik. Reading these secondary sources also allowed the author to cross check different accounts of particular events, thereby confirming their legitimacy.

3.3.2 Researching the history of private schools for the poor in Kenya

Before visiting Kenya desk research was carried out to help develop a better understanding of the history of education in Kenya. Did private schools exist prior to missionary and colonial intervention? During the period of colonial rule is there any evidence of private schools for the poor being established to serve local communities? If so, what impact did missionary and colonial interventions have on private schools?

In a number of general books on the subject a number of references are made to the growth of independent schools in Kenya during the 1930s and 40s. For example, in *A History of Modern Education in Kenya (1895-1991)* by S.N Bogonko (1992) a discussion about these independent schools can be found on pages 52 to 57. A further

reference can also be found on page 7 of *A History of Education in East Africa (2001)* by Ssekamwa & Lugumba. By following some of the references used in these publications it was soon possible to identify all of the published research concerning these independent schools.

The first detailed account of the Kikuyu independent school movement was published by Ranger (1965), whose article *African Attempts to Control Education in East and Central Africa 1900-1939*, examines attempts by Africans to control their education through the establishment of independent schools across East and Central Africa. This was followed with Anderson's *The Struggle for the School (1970)*, which provides a much more detailed account of Kenya's independent school movement, making extensive use of Kenya's national archives. Michael Harry Kovar's 1970 PhD thesis *The Kikuyu Independent Schools Movement: Interaction of Politics and Education in Kenya (1923-1953)* provides further detailed analysis and a number of relevant articles by Natsoulas (1988, 1998) and A.S. Adebola (1981, 1998) have also appeared in academic journals. Finally, James Arthur Wilson's 2002 thesis *The Untold Story: Kikuyu Christians, Memories, and the Kikuyu Independent School Movement 1922-1962*, provides an invaluable resource as it includes interviews with some of the people involved in the movement during the 1930 and 40s. When combined, these sources help to provide a much more informed account of the Kikuyu independent school movement and its role in the development of education in Kenya under colonial rule.

In the articles, publications and thesis referred to above, numerous official documents from the 1930's and 40's concerning education in Kenya were also referred to. As these documents were all located in the Kenyan National Archives in Nairobi it was decided that some further explorative research was now possible. The Kenyan National Archives was therefore visited on two separate occasions and numerous documents were photocopied including:

- Correspondence between Governor of Kenya (R Brooke-Popham), and, Secretary of State for the Colonies (Malcolm Macdonald, MP) – 19th October, 1938

- Note of meeting held in Chief Native Commissioner's Office, 6th February 1939
- Letter from Church Missionary Society (CMS) to The Hon. S.H La Fontaine, 14th February 1939
- Letter from the District Commissioner , Kiambu to Provincial Commissioner, Central Province, 8th April 1939
- The District Education Boards (Amendment) Bill Objects and Reasons, June 5th 1939
- Statement of Mr Dougall to the Advisory Committee on Education in the Colonies, 15th June 1939
- The Principle's Report, Alliance High School, Kikuyu, 13th December 1941
- Application for a Secondary School in Chief Joel's location, Fort Hall, 8th April 1947

Such documents helped to provide a much more detailed account of how missionary societies and colonial authorities intervened in education and what impact that this had local communities.

3.3.3 Documenting the impact of FPE in Kibera, Nairobi

In Kenya, the Minister of Education, Hon. Prof. George Saitoti was interviewed and the author attended a three-day National Conference on Education, which provided a useful insight into the prevailing views within the Ministry of Education, academia, international agencies and NGOs. From the contacts made at this conference I also organised and carried out further interviews with representatives from the Ministry of Education, the World Bank, Oxfam, UNESCO and Action Aid.

Professor Tooley's research programme on the growth of private schools serving low income families in five separate countries, included an extensive amount of fieldwork. This has involved identifying a specific slum area to carry out the research and then organising a systematic search of this area to help locate and identify each different local school. After the schools have been located across a particular region, each school manager was then asked to complete a detailed questionnaire which records a variety of details including management type, pupil numbers and when each school was established.

To help better understand the impact of introducing FPE on existing government and private schools, it was agreed that the questionnaire for Kenya would also include the two additional questions outlined below:

For all schools – government and private for Kenya only

29. In January 2003, the government introduced free education in government primary schools. Has this made any difference to your school? Please complete the table how and if it has made a difference.

		1) Yes	2) No	If Yes:	
				from	to
Enrolment					
a	Enrolment has decreased				
b	Enrolment has increased				
c	Enrolment at first decreased but then increased				
d	Our enrolment has stayed roughly the same				
Fees					
e	Our school fees were increased				
f	Our school fees were decreased				
g	Our school fees stayed the same				

h	We/I had to make my/our school more attractive			
---	--	--	--	--

If the answer is yes to 29h) please list how you made the school more attractive:

(i) _____

(ii) _____

(iii) _____

(iv) _____

30a. Do you know of any private schools that closed as a direct impact of the new policy?

(1) Yes (2) No

30b. If the answer is yes please estimate how many schools.

30c. Please could you name these private schools?

As previously noted by Tooley, Dixon and Stanfield (2008), there are at least three reasons why the data collected may be inaccurate, and so it must be treated with some caution. First, it is based on the reported decline in school enrolment by school managers, which relied on memory, and so may be incorrect. Furthermore, managers may have felt some incentive to exaggerate their decline, as they felt this might lead to financial assistance. Second, the figure assumes that all children who have left private schools could only have gone to the five government schools bordering Kibera. However, they may have enrolled at other government schools located further away. Third, as Lauglo (2004) has previously pointed out, children may also have moved

elsewhere, through natural movement of families in and out of the slum areas. It is important that these limitations are taken into account.

3.3.4 Selecting and recruiting the focus group participants

As Professor Tooley's research had taken place a number of months prior to this research, positive relationships had already been established with several owners of private schools in Kibera. Due to the lack of time and resources it was therefore decided to ask these school owners if they knew of any parents who had sent their children to their private school, and had then moved them to a government school to take advantage of "free" education, but then had subsequently returned their children to the same private school. The views of these parents were deemed to be particularly important because they would be able to provide a unique insight into why they appeared to prefer to send their children to a fee paying private instead of a "free" government school.

It is often suggested that the slum area of Kibera suffers from NGO overload and from an endless stream of researchers asking difficult questions. When visiting the private schools in Kibera to carry out focus groups it was therefore important first to highlight the nature of my research, and second to highlight the importance of recording the views of parents which have in the past been neglected.

As with all focus groups it is important to select participants that are going to be comfortable speaking in front of their peers and the fact that these parents were already familiar with each other helped to create a comfortable environment in which parents could freely express themselves. For convenience it was also decided to hold each focus group at each of the four chosen private schools. As a result it was important that no head teachers or school owners were present when the focus groups were taking place and we explained to the participants that any information recorded would be strictly confidential.

As previously noted by Pugsley (1996) and Barbour & Kitinger (1998), certain dilemmas can arise if researchers use a gatekeeper, such as a head teacher or school

owner, to access their target population. It was therefore made clear to the school owner that the subject of discussion would not be about the quality of their private school but about developing a better understanding of why these parents had rejected “free” government schooling and also to help shed light on any important differences between private and government schools in general. The fact that these parents had already decided to return their children to the private school in question clearly suggested that they would view the school in a positive light, at least when compared to other local private and government schools. That said, it remains unclear what selection criteria each school owner used to choose which parents should be invited to take part in the focus group. However, due to time constraints, it was decided that this was the most effective method of selecting and recruiting the appropriate participants.

All but one of the discussions was video-taped in full, and these videos were then independently translated by professionals on return to England (see Appendix 1). One of the discussions was not videoed in full because of the lack of electricity in the school, the fact that the battery on the video camera did not last for as long as expected and finally because a spare battery was not taken into the field. Altogether, 43 parents took part—in groups of 7, 8, 12 and 16. Questions were asked about the reasons why parents might send their children to private schools, why they might have transferred from private to government schools and back again, probing answers to explore reasons in more depth.

3.4 Ethical considerations

This research has followed the ethical guidelines laid out by the British Educational Research Association (BERA), which state that:

‘All educational research should be conducted within an ethic of respect for persons, respect for knowledge, respect for democratic values, and respect for the quality of educational research’ (BERA, 1992, guideline number 1).

BERA's ethical guidelines also state that researchers have a responsibility to be mindful of 'cultural, religious, gendered, and other significant differences within the research population in the planning, conducting and reporting of their research' (category 11). According to Kimmel (1988) ethical problems can often result from conflicting values relating to the subject of the research and also how the research is carried out. This is especially the case when dealing with non-English speaking participants who may not understand all of the consequences of participating in the study. To overcome any potential problems with this issue, a local researcher who spoke the participant's mother tongue was present at each focus group. This helped to ensure that all participants were fully aware of the nature and purpose of the research and it also enabled each participant to provide informed consent to take part.

With reference to obtaining informed consent, BERA's guidelines state the following:

'Participants in a research study have the right to be informed about the aims, purposes and likely publication of findings involved in the research and of potential consequences for participants, and to give their informed consent before participating in research... Honesty and openness should characterise the relationship between researchers, participants and institutional representatives' (BERA, 1992, category 7 and 9).

Every effort was therefore made to inform the participants about the nature of the research and to receive their informed consent. According to Fettermann (1998) and Costello et al (2002) when carrying out research the anonymity of participants is essential, especially when dealing with controversial issues. This is because revealing a participants identity can have a negative impact on their career and standing in the community or in extreme cases result in physical harm. In order to maintain participants anonymity labels or pseudonyms should therefore be used. The BERA (1992) ethical guidelines state the following:

'Informants and participants have a right to remain anonymous. This right should be respected when no clear understanding to the contrary has been reached. Researchers are responsible for

taking appropriate precautions to protect the confidentiality of both participants and data' (category 13).

In each focus group the participants were asked to keep confidential what they heard during the discussion and they were also told that they will remain anonymous when the discussions are translated and written as a document. No names were therefore recorded and parents were simply referred to as Parent A, Parent B and so on. To record the discussions, each focus group was recorded on video camera and prior to each discussion, permission to record was asked and obtained by all participants.

3.5 Alternative research methods

With reference to the empirical research undertaken in Kenya two different research approaches were considered. First, ethnographic research methods were examined. Ethnography is the study of social interactions and behaviours that occur within groups, organisations and communities and data is collected through detailed observations and interviews. According to Hammersley (1992) 'The task of ethnographers is to document the culture, the perspectives and practices, of the people in these settings. The aim is to 'get inside' the way each group of people sees the world.' (Hammersley, 1992, p.26)

While these methods are often used to examine behaviour inside the school environment, a number of difficulties emerge when attempting to understand the behaviour of parents. For example, there are the practical difficulties of a UK researcher attempting to immerse himself in a family living in the slum area of Kibera for an extended period of time. The research would also have been limited to a very small number of families, thereby further limiting the scope of the research. Furthermore, attempting to document an individual parent making a choice concerning their children's education in real time would also pose significant practical difficulties as it will be unclear to the researcher when such a specific choice is likely to be made.

Perhaps most important of all however is the focus that ethnographic research methods can sometimes place on ‘group behaviour’, as noted in the above quotation. As this research was concerned with the actions of individual parents it was unclear how ethnographic research methods could be utilised to better understand the actions of individuals. That being said, elements of ethnographic research were utilised in this research including in-depth focus groups that enabled the researcher to better understand the behaviour and actions of several parents at the same time.

Second, more extensive quantitative analysis was also considered. However, while some quantitative research was essential in helping to understand the impact of introducing FPE on existing low cost private schools, this form of analysis would not help in understanding the opinion of parents and why some parents were choosing to reject a “free” government schooling in favour of a fee paying private school. This critical ‘on the spot’ knowledge could only be accessed by in-depth interviews or focus groups with parents.

With the benefit of hindsight it is also clear that this thesis would have benefitted from the researcher carrying out many more focus groups and interviews with parents living in Kibera. This would have been consistent with the concept of ‘methodological individualism’ which is central to the classical liberal approach. A number of reasons account for the limited number of focus groups.

3.6 Lessons learned and future improvements

With reference to future improvements in the research design, the author has recently discovered the work of the Workshop in Political Theory and Policy Analysis at Indiana University and in particular the work of Nobel economist Elinor Ostrom. Ostrom’s research in developing countries has examined the problem of declining fisheries, forests, and water resources and contrary to popular belief they have found that resource users will often self-organize to maintain their own common resources. Government solutions were therefore not necessarily required. Furthermore, they found that some government policies have contributed to and accelerated resource destruction, despite their intention to do just the opposite.

To help structure and organise their findings, the Institutional Analysis and Development (IAD) framework was introduced, which according to Ostrom:

is intended to contain the most general set of variables that an institutional analyst may want to use to examine a diversity of institutional settings including human interactions within markets, private firms, families, community organizations, legislatures, and government agencies (Ostrom, 1999).

Critically, this framework seeks to identify any variables that will affect or disrupt the likelihood of self-organization. It is this emphasis on self-organisation that suggests that it could have been used to guide the collection of empirical data in Kenya following the introduction of FPE. This framework could therefore be used in the future when attempting to understand the impact of particular government policies on private schools in developing countries. That said, this framework does not take into account any historical findings which are relevant to the research question. Therefore, what is needed is a framework that combines both the empirical research findings in Ostrom's framework with the historical analysis of the institutions under investigation.

3.7 Conclusion

This chapter has outlined the methodology of this thesis, which has enabled this researcher to carry out research which is valid, reliable and hopefully meaningful.

CHAPTER FOUR: PRIVATE SCHOOLS FOR THE POOR: A REVIEW OF THE LITERATURE

4.1 Introduction

This chapter introduces the phenomenon of low cost private schools. Firstly, a brief review of some of the historical evidence concerning the existence of private schools serving low income communities that existed in countries such as England, Wales, Prussia/Austria and India is presented. These countries have not been chosen for any particular reason. Instead, these are simply the findings that the author has come across during the research process. Therefore attempts to generalise these findings should be treated with caution. Secondly, a brief review of some of the contemporary evidence concerning the recent growth of private schools serving the poor in developing countries is also presented together with some of the restrictions being placed on these developments.

4.2 Historical evidence

4.2.1 England and Wales

As previously documented by West (1965), prior to government intervention in education in England and Wales, the supply of schooling was already relatively substantial with parents and the Church being the largest contributors. Critically, the historical evidence also suggests that parents were purchasing increasing amounts of education as their incomes were rising from 1818 onwards. West also found that the literacy record before the introduction of free and compulsory state schooling was even more impressive than the numbers of children in school. West quotes the historian R. K. Webb, who estimated that between two-thirds and three-quarters of the working classes were literate by the late 1830s. The rate of growth in literacy was also impressive. By 1880, when compulsory schooling was introduced, West calculated that over 95 percent of fifteen-year-olds were already literate.

This evidence published by West in 1965 can then be compared with a UNESCO publication by Lester Smith titled *Compulsory Education in England* (1970), in which he describes education prior to state intervention as ‘very restricted in scope and was of poor quality; and worse still there were thousands of children receiving no schooling at

all' (Lester Smith, 1970, p.12). According to Lester Smith (1970), an education policy developed during the eighteenth and nineteenth centuries, where education was viewed as a private service and not a public responsibility and so by 1870 'it had become all too clear that a national system of education could not be constructed by voluntary enterprise, even when subsidised by the state' (Lester Smith, 1970, p.11). This interpretation of the initial government intervention in education in England and Wales, gives the impression of a population who were in desperate need of assistance from a benevolent government whose only interest was with helping its people. This also appears to reflect the prevailing consensus within the international community, which implies that when parents, families and communities are left to their own devices, they are not capable of educating their own children. As a result, national governments have no option but to intervene on their behalf.

However, it is important to note that far from encouraging education, the British government has a previous track record of actively attempting to suppress education. For example, a tax was first imposed on British newspapers in 1712, to help restrict their circulation amongst the 'lower orders'. As William Lovett has previously highlighted, many dissenting publishers refused to pay what become known as a 'tax on knowledge' and as a result over five hundred people across the country were jailed for the publication or sale of so called 'radical publications' such as Poor Man's Guardian (Lovett, 1876).

Therefore, while the British parliament is often credited with coming to the rescue of low income families in 1833 following the introduction of government subsidies, it was not until 1855 that the government finally abolished stamp duty on all newspapers. An editorial in The Economist from April 4th 1847 confirms that when the history of government intervention in education is examined it will clearly show how the government had positively impeded the reasonable education of the people:

'Its excise duties on paper, its stamp duties on journals and almanacs, its impediments to free discussion in past times, have all tended to this end. Even now it maintains two great universities, where the great object of the teaching is to hold back-society, and impede the

advancement of useful knowledge. It has given great encouragement to one sect; it has largely endowed with wealth and privileges, the Church of England, and frowned on the exertions of other sects to extend their knowledge. Mr Macaulay should not have overlooked the fact, that the "statutes of the 13th and 14th, Car. II, c.4, and 17th Car. II, c. 2," prohibited, upon pain of fine and imprisonment, all persons from teaching school unless they be licensed by the ordinary, and subscribe a declaration of conformity to the liturgy of the church, and reverently frequent service established by the laws of this kingdom' (Blackstone, book iv, c. 4.)

The Economist therefore concludes that:

'No members of the corporate government which has impeded the growth of knowledge, and imposed fines and imprisonment on teaching, except according to a foregone conclusion, have a right to reproach the people with ignorance, and make that a pretext for increasing taxation, and adding to their own ill-used power' (Economist, April 4th 1847).

A brief look at the historical records relating to the growth of education in Newcastle upon Tyne (the city where this thesis was written), also helps to reinforce West's thesis. Newcastle's oldest school is the Royal Grammar School, which was founded in 1545 and taught many of the classical subjects, combined with commercial subjects from 1601 onwards. By 1800, nine charity schools existed, which increased to twenty two by 1839. In addition to charity schools there was also a variety of private adventure schools and while the quality of education was varied, a number of private school masters published textbooks and distinguished themselves as teachers of navigation and of the classics. While there were twenty nine private schools for the poor in Newcastle in 1790, the number had increased to fifty seven by 1833 (see Rallison, 1934, p.28-30).

These private schools were also the first to experiment in post-primary education and many of the methods employed by the private schoolmasters, were subsequently adopted in the charity schools. To complement the charity and private schools the Newcastle Sunday School Union was set up in 1815 to encourage Sunday Schools for the religious instruction of the poor and by 1834 there were twenty such schools, enrolling over 4,000 children (see Rallison, 1934, p.34).

From the mid nineteenth century onwards a number of company/industrial schools were also set up including the Hebburn Colliery School (1855), the Templeton School in South Shields (1855) and the Lake Chemical Work School in South Shields (1864). Schools were also set up at Hebburn Iron and Shipbuilding Works and at the Elswick Works. As early as the late 1820s, Mackenzie (1827) was confident in claiming that there was ‘no town in England, considering the population, where the means of education were better or more varied than in Newcastle’ (Mackenzie, 1827, p.756, quoted in Rallison, 1934, p.37). Based upon his findings, Rallison (1934) makes the following conclusion:

‘In 1838, the population was 53,000 and reckoning the proportion of children as a sixth, there were 8,800 children. Of these, about 4,000 children could find places in public day schools. The other half had to depend on private adventure schools which at that time numbered about and were probably adequate since nearly 5,000 scholars in Newcastle and Gateshead were taught in type of school as early as 1827’ (Rallison, 1934, p.37).

An interesting feature of Newcastle’s charity (public day) schools was that instead of becoming dependent on endowments, they combined subscriptions with the payment of school fees. Encouraging the poor to pay a nominal charge was therefore viewed as a positive example of self-help, enabling each person to make a contribution instead of depending upon the charity of others. Again, this positive approach to the payment of school fees lies in stark contrast to the prevailing consensus of today which simply view school fees in developing countries as an unnecessary barrier which can only restrict access to education. Finally, the following comment made by Newcastle’s most famous inventor, Sir Joseph Wilson Swan (1828-1914)¹⁰, suggests that while this ‘notable education revolution’ was an important development, the traditional school was not necessarily the best learning environment for all children:

¹⁰ Sir Joseph Wilson Swan was the inventor of the electric light bulb, which is often accredited to Thomas Edison in the US.

‘My education was according to common rule rather neglected, but I owe very much of my true education to that neglect’ (Swan, 1828-1914).

4.2.2 Prussia and Austria

While countries in central Europe are often credited with being the first to introduce national systems of free and compulsory government schooling, research carried out during the 1980s has helped to shed light on the existence of ‘Winkelschulen’, private schools serving low income families, from the 18th century onwards. For example, Friedrichs (1982) refers to the existence of ‘Winkelschulen’ or ‘corner schools’ in Germany, which were not officially sanctioned by the city government, but were often silently tolerated as they served a need that was not being met. According to Friedrichs (1982), parents from low income families often preferred the corner schools because they charged lower fees, were located closer to home and focused on reading and writing instead of religious education. This simply reflected ‘a practical decision by parents of lesser means that skills in reading and writing were more essential to their children's success than comprehension of Christian doctrine’ (Friedrichs, 1982, p.84). Another distinguishing feature of these corner schools was that the teachers were financially dependent on the fees provided by parents, which was in stark contrast to the privileged Latin teachers who often enjoyed municipal salaries. As a result, teachers in corner schools were more accountable to parents who would often threaten to transfer their children to competing cheaper schools.

Melton (1988) also refers to Germany’s so called Winkelshulen or ‘backstreet schools’¹¹, which focused on imparting literacy in the shortest time possible and therefore offered low income families a more cost effective means of acquiring literacy. According to Melton (1988), the steady stream of ordinances directed against the backstreet schools testifies to their enduring popularity, and while they may have been distrusted for their neglect of religious instruction and often resented as a source of competition, they continued to flourish in many Central European cities. Melton (1988) cites an example of the Viennese municipal authorities closing down a backstreet school with 60 pupils at the instigation of a neighbouring franchised schoolmaster who had only 18 pupils. However, despite efforts to eradicate these schools, Melton (1988)

¹¹ Melton (1988) also refers to the Scottish equivalent of backstreet schools, ‘adventure schools’, which educated more children than the Parish schools in some parts of Scotland (see Melton, 1988, p.11 fn. 33).

refers to records which show that in 1716 Leipzig had 39 backstreet schools enrolling approximately 1,200 pupils. Also, in 1771 an investigation in Vienna found 59 backstreet schools enrolling a total of 317 pupils (see Melton, 1988, p.12). For Melton (1988), it was revealing that those schools which focused on instruction in the 3 R's were part of the educational underground in early Central Europe, suggesting that literacy was not necessarily an essential goal of the official religious schools. Those who acquired literacy therefore frequently obtained it not because of parish and community schools, but in spite of them. As Melton (1988) concludes '[p]arish schools primarily sought to train good Christians, not necessarily literate ones' (Melton, 1988, p.13).

4.2.3 India

While India is not yet classified as a developed country, its experiences in education are still relevant to this thesis because like Kenya it was a former colonial territory and India is also where recent research by Tooley & Dixon (2007) has found an existing 'notable education revolution' taking place. However, was this discovery of private schools serving the poor an entirely new phenomenon? While some may credit the colonial authorities with helping to introduce formal schooling and university education into India, the colonial authorities are also criticized for not doing enough to extend education to the local population and for using education to help indoctrinate the public with Western values. However, each of these different interpretations fails to take into account *what is not seen*, which is that prior to British intervention, education was already flourishing in India and was subsequently undermined by British intervention.¹²

In October 1931, Mahatma Gandhi made a controversial statement at Chatham House, London, when he claimed that India had become more illiterate than it was fifty or a hundred years ago. This was because when the British arrived in India 'instead of taking hold of things as they were, began to root them out. They scratched the soil and began to look at the root, and left the root like that, and the beautiful tree perished' (Ghandi, 1931, p.728). According to Ghandi, the British administrators neglected the existing village schools in India and attempted to introduce the British model of

¹² This issue is discussed at length in Tooley (2009).

schooling which was much more expensive and not sustainable in the long run. As Gandhi suggests '[t]his very poor country of mine is ill able to sustain such an expensive method of education' (Ghandi, 1931, p.728).

While Gandhi didn't have any hard evidence to support his claim at the time, Dharampal's research has helped to reinforce his argument. In his 1975 publication *The Beautiful Tree*, Dharampal outlines the findings from numerous surveys and studies carried out by the British, which detail the extent of a 'notable education revolution' occurring prior to British intervention. For example, he refers to a report by William Adam, who found that in the 1830s there were approximately 100,000 village schools in Bengal and Bihar. Previous reports had also recorded similar findings in the Madras Presidency and in the Presidency of Bombay around 1820, G.L. Prendergast had noted that there was hardly a village without at least one school, with many villages having more (Dharampal, 1975, p.18). Dharampal also refers to research into the state of indigenous education in the Punjab by Dr Leitner who found that in 1884-85 there were at least 30,000 schools, educating approximately 300,000 children. However, despite the best intentions of a generous government, Dr Leitner suggested that the true education of the Punjab had been crippled, checked and was now nearly destroyed. Speaking at a conference in July 2001, Shoban Negi from the India Literacy Project (ILP), refers to his sense of disbelief 'that a large part of the country did have a sustainable education system, as late as even the early years of the 19th century, and that this was systematically demolished over the next 50 years or so' (Negi, 2002).

In India, like Kenya, it is also clear that private schools serving low income communities also emerged during the period of colonial rule. For example, in his influential account of the early development of education policy in India, Valentine Chirol's (*Indian Unrest*, 1910) highlights a concern with the way in which the government's grant-in-aid system was encouraging the growth of a large number of private schools and colleges, which were employing Indian staff and therefore enabling them to charge low fees. As a result, many parents who were illiterate themselves were now encouraged to try and secure for their children the benefits of this 'miraculous Open Sesame to every kind of worldly advancement' (Chirol, 1910, p.142). Apart from those private schools which received government aid, Chirol also refers to the growth of

another type of private school which ‘purchase complete immunity from Government control by renouncing all the advantages of grants-in-aid’ (Chirol, 1910, p.160). The growth of these schools is also reinforced by Whitehead (2005) who has found that by the early 1830s the demand for education was so strong that ‘many schools, run purely for profit, were able to survive without any form of government assistance’ (Whitehead, 2005, p.321).

Critically, Chirol also suggests that the growth of these new private schools was also being driven by dissatisfied parents, who have long complained ‘that the spirit of reverence and the respect for parental authority are being killed by an educational system which may train the intellect and impart useful worldly knowledge, but withdraws their youths from the actual supervision and control of the parents or of the guru’ (Chirol, 1910, p.165).

While Chirol went on to criticise these schools as being ‘mere hot-beds of sedition’, he also claims that ‘their *raison d’etre* is alleged to be the right of Hindu parents to bring up Hindu children in a Hindu atmosphere’ (Chirol, 1910, p.160). These comments help to shed light on why these private schools were now emerging, which was to satisfy the ‘alleged’ right of parents to choose and therefore control the kind of education which their children receive. Again, this highlights the critical link which exists between private schools and the right to education. A surprising aspect of Chirol’s critique is that the estrangement of the young educated Indian was not due to the lack of education, but with the rapid growth in education, largely within the private sector. As Chirol himself states ‘paradoxical as it may sound, it is the eagerness of young Indians to respond to our educational call that has led to the breakdown of the system in some of the most important functions of education’ (Chirol, 1920, p.142).

Based upon this interpretation of the problem, Chirol’s solution was for the government to increase intervention to help prevent further uncontrolled expansion and to redirect the content of education. This certainly runs contrary to the popular view which credits the colonial authorities in India with helping to expand and increase access to education. Instead, increasing government intervention was required not to expand access to

education but to control and suppress the growth of education. Therefore while the colonial authorities may have been opening new government schools with one hand, they were also restricting and preventing the opening of new private schools with the other.

Finally, it becomes increasingly clear when reading Chirol's critique that he is discussing exactly the same process, or series of events, which Ranger found to be occurring across Central and Eastern Africa during the first few decades of the twentieth century. That is, the initial enthusiasm for education introduced by the missionary societies or the colonial authorities was often quickly followed by increasing criticism of the education being provided. The initial enthusiasm and the subsequent criticism of education were simply two sides of the same coin, which often resulted in an increasing demand for schools independent of missionary and government control. It is also interesting to note that because of their willingness to employ teachers from the local community, many of the new private schools were able to reduce their school fees, making them more accessible to a much larger number of parents. Tooley and Dixon (2005) have also found that this practice is common today in existing private schools serving low income communities across India and Africa.

Ghandi's statement from 1931 and Dharampal's subsequent research are also significant because they provide a unique insight into the hidden costs and unintended consequences concerning the British influence on the development of education in India from the mid nineteenth century onwards. As Dharampal's (1975) research has now confirmed, British attempts to improve literacy and education in India, had the opposite effect of what was originally intended. As there is no evidence to suggest that the British intended to increase illiteracy in India, these developments provide an early example of how well intended foreign aid and assistance in education can easily undermine what already exists and also prevent and restrict the natural growth of education.

4.3 Contemporary evidence

4.3.1 The recent growth of private schools for the poor

Over recent years developing countries have experienced a rapid growth in the number of private schools serving low income communities. For example in India, the Probe Team (1999) examined villages in four north Indian states and found that ‘even among poor families and disadvantaged communities, one finds parents who make great sacrifices to send some or all of their children to private schools, so disillusioned are they with government schools’ (Probe Report, 1999, p.103). In the following year, the Oxfam Education Report (2000) confirmed that ‘the notion that private schools are servicing the needs of a small minority of wealthy parents is misplaced . . . a lower cost private sector has emerged to meet the demands of poor households’ (Watkins, 2000, pp.229-230). Research carried out in Haryana, India, also concluded that private schools were now operating practically ‘in every locality of the urban centres as well as in rural areas’ (Aggarwal, 2000, p.20) and reporting on evidence from Haryana, Uttar Pradesh and Rajasthan, De et al. (2002) found that ‘private schools have been expanding rapidly in recent years’ and that these ‘now include a large number of primary schools which charge low fees’ (De et al. 2002, p.138). In Kolkata, Nambissan (2003) also found that there had been a ‘mushrooming of privately managed unregulated . . . primary schools serving low income families’ (Nambissan, 2003, p.52).

Tooley and Dixon (2007) have carried out more detailed research in Hyderabad, Andhra Pradesh, and of the 918 schools they found located in low-income areas, 320 (34.9%) were government, 49 (5.3%) were private aided, and 549 (59.8%) were private unaided. Of these, the largest number are unrecognized (335 schools, or 36.5% of the total), while 214 private unaided schools were recognized (23.3% of the total). The total number of children in all 918 schools was 262,075 and 65% of school children attended private unaided schools. Therefore, a large majority of the children in the low-income areas of Hyderabad are reported to be attending private unaided schools.

Tooley and Dixon also carried out extensive testing on children in both private and government schools in Hyderabad and found that mean scores in mathematics were about 22% and 25% higher in private unrecognized schools and recognized schools than

in government schools, and that this advantage was even more pronounced in English. While the majority of parents with children attending private schools in Hyderabad paid school fees, approximately 18% of children in Hyderabad were provided with a free school place. Salaries in government schools were also nearly four times the reported salaries in private schools. Further research carried out by Tooley and Dixon (2005) in China, Nigeria, Ghana and Kenya also documented similar findings.

Based upon their research in Asia and Africa, Tooley and Dixon (2005) make the following conclusions. Firstly, the majority of children in the poor areas which they studied were attending private unaided schools. Secondly, this meant that the official number of school enrolments was widely underestimated. Thirdly, children were getting better results in private unaided schools and, finally, the teacher costs in private unaided schools were significantly less than government schools (Tooley and Dixon, 2005).

It is fair to suggest that Tooley and Dixon (2005) had indeed stumbled across a 'notable education revolution'. More recent studies in India have also confirmed these early findings. For example, the India's Annual Status of Education Report (2009) shows that private school enrolment increased from 16.3% in 2005 to 22.6% in 2008, an increase of approximately 40%. The report also shows that private school students have a 41% advantage in English as compared to government school students even when adjusted for socio-economic and other factors. In rural areas, such as Maharashtra, the number of children enrolled in private schools has also increased from 18.3% in 2006 to 28.2% in 2009.

In Pakistan the share of the private sector in education has also increased from approximately 3% in the early 1980s to approximately 25% today. As a result one in every four schools in Pakistan now belongs to the non-religious private sector and according to Salman (2009) the fastest growth segment for private schools is the rural poor, with a typical private school in Punjab charging Rs.60 – Rs.70 per month in fees.

The most extensive research carried out to date in a single location is the Learning and Educational Achievement in Punjab Schools (LEAPS) survey which examined all the public and private primary schools in 112 villages in the Punjab province of Pakistan. The survey also included the test results for 12,000 children in Class III in Urdu, English and Mathematics. The key findings included the following. Approximately half of the population of rural Punjab were living in villages where parents have seven or eight schools to choose from, creating an active educational marketplace with multiple schools competing for students and parents actively making educational decisions. Between 2000 and 2005 the number of private schools had increased from 32,000 to 47,000. Since 1995, one-half of all new private schools have set up in rural areas and they are increasingly located in villages with worse socioeconomic indicators and by 2005, one out of every three enrolled child was studying in a private school. The research also found that the average rural private school was affordable, with 18% of the poorest third families sending their children to private schools in villages where they existed. Furthermore, due to the high teacher salaries, educating a child in a public school costs approximately twice as much as in a private school.

Children studying in private schools also achieved higher test-scores in all subjects and the difference between public and private schools was so large that it would take government school students between 1.5 to 2.5 years of additional schooling to catch up to where private school students were in Class 3. The public-private learning gap was also found to be much larger than that across children from different socioeconomic backgrounds.

Concerning the quality-adjusted cost of private schools, education in public schools was three times more expensive than in private schools. For every Rs.1 that a private school spends on an extra percent correct on a test, the public system spends Rs.3. Finally, in addition to higher test-scores, parental satisfaction with private schools was also found to be higher (Andrabi et al, 2007, p.x).

The research team therefore concluded that '[w]hether we look at test scores, costs or parental satisfaction, private schools look a whole lot better' (Andrabi et al, 2007, p.x).

Commenting on these and related developments in June 2010, Sir Michael Barber (Co-chair, Pakistan Education Task Force) stated that '[t]he extraordinary growth of the low-cost private sector in the last decade reveals incontrovertibly that as soon as parents in Pakistan have the marginal extra income to afford these low-fee schools, that is what they choose to do' (Barber, 2010).

Finally, the EFA Global Monitoring Report (2009), confirms that private provision in some developing countries is no longer the sole preserve of the rich and that '[p]rivate primary schools charging modest fees and operating as small businesses, often with neither regulation nor support from government, are changing the education landscape' (EFA Global Monitoring Report, 2009, p.162).

Based upon the research carried out to date a number of conclusions can be made. First, the reasons for the growth of private schools has depended on a number of local factors including: the extent and quality of existing public provision; the nature and level of the demand for education within each local community; the willingness and ability of parents to pay for education and finally the nature of the regulatory environment. As a result the growth of private schools has not been universal and it differs from location to location, although they do tend to be more concentrated in highly populated urban and slum areas.

Second while national figures show that government schools continue to enrol the majority of children, these figures hide the fact that in many low income or slum areas (the areas of primary concern for international donors), the majority of school children are now attending either registered or unregistered private schools. In many locations the rate of increase in the number of private schools has been higher than the rate of increase in the number of government schools.

Third, the official figures used by national governments and international agencies underestimate the number of children currently in school as they fail to take into account those children currently enrolled in non-registered private schools. There also

appears to be little incentive for national governments to include these children in their national statistics as this may result in a corresponding decrease in international aid.

Fourth, the per-pupil expenditure in low cost private schools are much lower in private schools than in government schools, because the qualified teachers in government schools are paid significantly more than the less qualified teachers working in private schools. For example research carried out by Tooley and Dixon (2005) in India, Ghana and Nigeria found that salaries in government schools were more than three times higher than in private schools. As labour costs in schools in developing countries account for a large percentage of the total costs, then this helps to explain the significant difference in costs.

Fifth, with reference to the quality of education being provided then the majority of research to date shows that in the specific locations studied the children attending private schools outperformed their counterparts attending government schools. Parents may also prefer private schools for a variety of other reasons, including: close location, flexible payment options, smaller class sizes and less overcrowded, more responsive and accountable teachers and a more attractive and relevant curriculum.

Six, due to the low quality of service being provided by many government schools it is also fair to suggest that if public funds were directed to parents who were then free to choose their preferred school, then we would expect the demand for local private schools to increase and the demand for government schools to decrease.¹³

It is important to note that the research carried out to date has predominantly focused only on low income rural and slum areas and so these findings cannot be used to generalise about the growth of private schools serving middle and higher income communities. Furthermore, while the research to date has focused on fee paying private schools located in what are commonly referred to as low income or slum areas, it

¹³ For further discussion of the following issues see: *Private Schooling in Less Economically Developed Countries: Asian and African Perspectives* edited by Prachi Srivastava and Geoffrey Walford, Symposium Books (2007), *Low cost private education: impacts on achieving universal primary education*, edited by Bob Phillipson, Commonwealth Secretariat (2008), *Non-state provision of education: Evidence from Africa and Asia*, Compare, (2009), *The private education sector: towards a reconceptualisation*, Compare, (2006).

remains unclear how these schools can be expected to cater for large numbers of families who have no income. This would include areas suffering from high unemployment, natural disasters or armed conflict. While some private schools are known to offer free or subsidised places to children from the local community this is certainly not universal and it remains unclear if this will be sufficient to capture all of those children who do need a helping hand. This suggests that there will still be an important role to be played by charities, NGO's, national governments and international agencies, to help fill in these gaps.

4.3.2 The restriction of low cost private schools

While the growth of these schools is now widely recognised, opinion differs on the potential role that these school may now play in helping to guarantee universal access to education. However, to understand the full potential of this emerging private sector it will be important to take into account the fact that many of these developments have taken place in difficult and often hostile regulatory environments. First, the way in which public funds are distributed in education creates an uneven playing field where the fee paying private schools are forced to compete with free government schools¹⁴. Second, despite the fact that the vast majority of low cost private schools will not receive any public subsidies they will still be forced to comply with unrealistic government regulations, which government schools themselves may often find difficult to comply with. Furthermore, when a government school fails to meet specific government regulations then there is often a call for an increase in government funding or a plea for more international aid. However, if a private school fails to meet specific government regulations then they can be fined or forced to close until the school can raise enough funds itself to make the necessary changes.

An indication of the extent of the hostility which exists towards private schools in some countries is reflected in the ongoing attempts by some national governments to force the closure of private schools for not meeting specific government regulations. For example in Malawi in 2009, 841 private schools were forced to close after failing a

¹⁴ The history of government intervention in education in the West has shown that when governments choose to subsidise education by directing public funds to government schools instead of to parents, then this will often crowd out the majority of private schools over a period of time, resulting in a government monopoly. This will occur even if the original intention was simply to fill in the gaps in an already flourishing private sector, as was the case in the UK. For a detailed account of how this occurred in the UK see *Education and the State* (1965) by E.G. West.

government inspection (Malawi Sunday Times, 20th Dec. 2009) which examined the level of school fees being charged, the availability of staff and their qualifications, teachers' salaries, school management and its structures, quality of classrooms, availability of laboratory facilities, subjects being offered, availability of teaching and learning materials, availability of reference materials and school records, surrounding environment and space for extra curricula activities like health and safety facilities. The fact that these private schools were sustainable and many may have been outperforming government schools at a fraction of the cost will not have been taken into account.

By February 2010, 270 of these schools were reported to be operating illegally, which prompted the Ministry of Education to threaten these schools with legal action and demand the public report any closed schools which had since re-opened. At the same time the Ministry was also in the process of prosecuting some of its own employees for accepting bribes from some private schools which were hoping to avoid re-inspection. The chairman of the private school association was heavily critical of the government and claimed that the association had attempted to advise the government but had been ignored. Finally, even though many of the closed private schools had now met the government requirements and were ready for re-inspection, they remained closed due to the lack of government inspectors (Malawi News, 7th Feb 2010).

In Nigeria in December 2009, the national government ordered 124 private schools to close down due to their failure to upgrade their facilities in line with the standards set by the government. The minister stressed that 'schools operating illegally and those in shanties or uncompleted buildings that pose threats to the future of children and the nation's development, will be shut' (Nigeria Daily Trust, 29 Dec 2009). No doubt if similar criteria were applied to all government schools, then many of these schools would also be forced to close. Finally, in May 2010 the Ministry of Education in Uganda shut down 95 private schools for defying a ban against holiday teaching, which had been introduced in 2007 to give teachers and students "time to rest"! According to the education minister Huzaiifa Mutazindwa "We are going to pull out a hammer. They can no longer go against the ministry policy with impunity" (The Uganda Monitor, 3 June 2010).

These examples help to shed light on the difficult and often hostile regulatory environments in which some private schools serving low income communities are often struggling to operate in. These examples also raises the following question - if the government believes that a low cost private school is lacking in facilities, then instead of forcing the school to close why doesn't the government simply give the private school a grant so that it can improve its facilities to the required standard? While the above examples may be isolated, little is known about the nature and extent of the specific regulations concerning the treatment of private schools in each developing country, how these regulations are implemented in practice and to what extent they restrict the ability of private schools to expand and develop. The fact that each newly elected government or Minister of Education may also adopt a more or less favourable approach towards private schools helps to reinforce the uncertain and unpredictable nature of the sector as a whole.

It is also important to note that national governments will also take money out of this emerging private education sector via registration fees, bribes and taxes. For example, in Nepal private schools pay a 25% Education Service Tax on all profits and so in 2010 the Inland Revenue Department collected a total of Rs 183.6 million or approximately \$2.5 million (The Himalayan Times, 27 July 2010). The pointless nature of this tax is reinforced by the fact that those schools paying taxes may also be the ones which the government may now force to close for failing to meet its specific regulations, which the school may have been able to meet if it hadn't been taxed in the first place. This raises further questions.

For example, why would any government want to introduce any kind of tax on any kind of school if this will only discourage private investment, make it more difficult for private schools to meet government regulations and also result in a transfer of resources out of education into a less productive sectors of the economy? Furthermore, why are developing country governments asking the international community for more investment in public education with one hand whilst taking resources out of private education with other?

As previously noted by Patrinos et al (2009), it is clear that many national governments still refuse to accept the private sector as a legitimate partner in education, which is often reflected in the nature and extent of the regulation which governs each education sector. This is confirmed by previous research carried out by Fielden and LaRocque (2008) who found that the regulatory and funding frameworks in many countries did little to promote growth in private education. Instead they were likely to reduce both the quality and the sustainability of the sector. Examples of regulatory barriers identified by Fielden and LaRocque (2008) included the following:

- confused or unclear national policies concerning the role of the private sector in the education system;
- cumbersome and complex school registration processes;
- imposition of unclear and subjective criteria and standards to qualify for registration;
- inconsistent application of existing rules leaving significant scope for arbitrary intervention;
- limits on the ability of private schools to set tuition fees at market rates and their ability to operate as for-profit entities (Fielden and LaRocque, 2008, p.4-5).

It is therefore important to note that national governments not only continue to finance and manage the majority of schools across the developing world, but they also control and strictly regulate the growth and development of the education sector as a whole. Education therefore remains one of the most protected and regulated sectors in many developing country economies. For example, it is difficult to find any other sector in a developing country economy where it remains illegal for private for-profit companies to operate. While it will be impossible to identify the full costs of such regulations, it is fair to suggest that if they were applied to other sectors of the economy (such as food), then they would have a significant impact on levels of investment and they would severely restrict the supply and distribution of such products and services.

The potential size of the impact which these regulations can have was highlighted in 2002 when the Chinese government introduced a new law permitting private for-profit companies to enter its higher and tertiary education market. As a result enrolments in this sector increased from 14.7 million in 2002 to 23 million students by 2006 (Dukkipati, 2010). This example raises a number of interesting questions. For example, what would happen if similar reforms were introduced in the primary and secondary education sectors in countries such as China and India, where for-profit schools remain illegal? Furthermore, to what extent is the failure to guarantee education for all in developing countries due to the reluctance of developing country governments to deregulate their education sectors and fully embrace the private sector as a legitimate partner?

The regulatory frameworks governing private education markets in developing countries therefore appear to be excessive, anti-educational and sometimes perverse. They therefore suffer from many of the inbuilt problems that are often associated with government regulations, including their ability to continuously expand and outlive the circumstances which brought them into being.

As well as having to operate under difficult national government regulations, private schools serving low income communities have also been neglected by the majority of international agencies, global charities and NGO's which have previously focused their attention and resources on helping to improve access to government schools. It is well known that institutions such as UNESCO have previously been reluctant to encourage private sector development in education, an approach which is still shared by many global charities and NGO's. For example, an Action Aid and Educational International report published in 2007 states that '[p]ublic education, *even where under resourced*, remains the most effective means to guarantee quality education for all' (italics added); it is warned that 'private education in multiple forms is on the rise everywhere, undermining the capacity for education to be an equalising force in society' (ActionAid, 2007, p.18). The report therefore recommends a number of actions to ensure that the rise of private education is actively checked and reversed, including: an end to all government and international donor subsidies to private schools; taxes on any profit-

making institutions and a demand that all teachers in private schools are governed by the same rules, regulations and salary scales as government teachers.

With reference to UNESCO, in 2001 the General Director (Mr Koichiro Matsuura) declared that '[t]he role within EFA of the private or corporate sector and private foundations is a subject that is long overdue.' Matsuura continued:

'I would like to propose that a task team be set up under auspices of the Working Group to review this area and report at its next meeting. It may be useful for position papers to be generated and workshops convened so that our thinking on these matters may advance' (Matsuura, 2001, p.26).

Unfortunately, this proposal was ignored and no further action was taken, which perhaps highlights the difficulties which organisations like UNESCO now face when attempting to persuade people working at all different levels throughout the organisation to pursue policies that they don't personally agree with. UNESCO have recently entered into a partnership with the World Economic Forum titled *Partnerships for Education (Pfe)* which hopes to enhance global understanding of the role of what are described as "*Multistakeholder Partnerships for Education (MSPEs)*", in helping to achieve education for all. The reasons for this change in direction are outlined in a joint UNESCO and World Economic Forum publication:

'Classic methods of conceiving and implementing development goals through the public sector have encountered some intractable problems, thus increasing public sector motivations for benefiting from private sector's creative impetus, additional resources and implementation capacity' (Draxler, 2008, p.15).

Unfortunately, there still appears to be a difference between recognising that intractable problems exist, and fully embracing the private sector as an equal partner. As a result, the EFA campaign continues to focus its attention on increasing access to government schools by abolishing school fees.

The international community's neglect and sometimes hostile attitude towards the private sector in education will also have had a large influence on the attitude and approach of many national governments towards their private education sectors. If all international aid programmes have previously been directed towards helping government schools and have completely neglected private schools, then it is hardly surprising that national governments have felt justified in following this example in their domestic policies.

With the benefit of hindsight it has been a remarkable achievement that so many low cost private schools have not only survived but have continued to expand in both size and number. If nothing else it helps to highlight the strength of the demand for education in these low income communities; the willingness of some parents to pay and the sacrifices they are prepared to make; and also the entrepreneurial spirit and talent which exists within these communities.

4.4 Conclusions

This chapter has provided a brief review of some of the historical and contemporary evidence concerning the growth of private schools serving low income communities in different countries around the world. While it is difficult to generalise, it is clear that for many families around the world children's schooling is a private service which they are willing to pay for. Within these communities it is therefore fair to suggest that these schools have emerged spontaneously from the bottom up without the aid of any government plan or financial assistance. This highlights the ability of some local communities to self-organise and manage their own schooling.

CHAPTER FIVE: ARTICLE 26 AND THE RIGHT TO EDUCATION

5.1 Introduction

While the Universal Declaration of Human Rights (1948) was written over half a century ago, for some it still represents ‘one of the greatest steps forward in the process of global civilisation’ (Eide and Alfredsson, 1999 p.xxvii). And according to Morsink (1999) it has since become a ‘secular bible for hundreds of thousands of human rights foot soldiers who are active in the field’ (Morsink, 1999, p.xii). As the central research question of this thesis is concerned with the United Nations concept of right to education, this chapter will aim to develop a better understanding of what this means both in principle and in practice.

With this in mind, this chapter will examine the historical records which documented the debates and the discussions involved in the drafting of Article 26 of the 1948 Declaration. This represents the first definition of the right to education agreed by the international community. As previously noted by Malik (1949) the great questions of the age were nowhere more dramatically discussed than in the United Nations debate on human rights and that ‘nothing would be more repaying to the thoughtful student of the present ideological situation than to read and ponder, in all their prolonged, dramatic richness, the records of our debates on this question’ (Malik, 1949, p.89).

However, before examining the official United Nations documents it will be important to briefly examine the developments in education which took place within the international community prior to 1948 and the ideological conflict which existed within the international community during this period. This will help to understand the context in which Article 26 was written. This first and second section of this chapter will therefore briefly examine these developments. The third section will then examine the debate and discussions involved in the drafting of Article 26. In the fourth section, the unique characteristics of Article 26 will then be discussed and based upon these findings an interpretation of Article 26 will be provided in section five. A general conclusion discussing the implications for the future development of education will then be provided.

5.2 Developments in education prior to 1948

Following World War I, the League of Nations was set up to help prevent future armed conflict and in 1922 a League of Nations Committee on Intellectual Cooperation was formed under the chairmanship of the French philosopher Henri Bergson, with Marie Curie, Gilbert Murray, and Albert Einstein also serving on the committee. Four years later, the International Institute of Intellectual Cooperation was set up in Paris with the aid of the French government and in 1925 the International Bureau of Education (IBE) was established with the help of a grant from the Rockefeller Foundation. Following a reorganisation in 1929, the IBE became the first intergovernmental organization dedicated to education and Article 2 of its charter states that its purpose will be ‘to collect information relating to public and private education, and to undertake experimental or statistical research and to make the results known to educationists’ (IBE Charter, 1929).

In the period leading up to the outbreak of World War II, the IBE would begin to develop relationships with Ministries of Education around the world and in 1934 it held its first annual *International Conference on Public Education*. At each annual conference, national reports were presented and delegates would examine draft policy recommendations proposed by IBE. These would subsequently be published and sent to each participating Ministry of Education. While the Ministries of Education were under no obligation to implement the policy changes recommended, Rossello (1979) has previously suggested that they certainly had some influence on both education legislation and practice. Table 1 lists the recommendations published between 1934 and 1948, which help to shed light on IBE’s key areas of interest during this period.

Table 1 Recommendations from IBE’s Annual Conference 1934-1947

1934	Compulsory schooling and the raising of the school leaving age; Admission to secondary schools; Economies in the field of public education
1935	The professional training of elementary school teachers; The professional training of secondary school teachers;

	Councils of public instruction
1936	The organization of special schools; The organization of rural education; Legislation regulating school buildings
1937	School inspection; The teaching of modern languages; The teaching of psychology in the training of school teachers
1938	The salaries of elementary school teachers; The teaching of classical languages; The drafting, utilisation and choice of school text-books
1939	The salaries of secondary school teachers; The organization of pre-school education; The teaching of geography in secondary schools
1946	Equality of opportunity for secondary education; The teaching of hygiene (health education) in schools
1947	The free provision of school supplies; Physical education in secondary schools

The first important point to note is that while Article 2 of IBE's statutes refers to the collection of information relating to both *public* and *private* education, IBE's annual conference which started a few years later would focus solely on public education and completely neglect the private sector. While it remains unclear why this decision was made, it perhaps reflects the increasing emphasis being placed on the public sector provision of education during this period. However whatever the reasons for this decision, it would have far reaching implications on the nature of IBE's work over the coming years.

From the above table, three broad categories of recommendations can be identified. First, there are eleven recommendations relating to the organisation and administration of government schools. Second, there are six concerning the content of education to be

delivered in government schools and finally there are five recommendations concerned with the training and pay of teachers. Guaranteeing universal access to education was also high on IBE's agenda as this issue was addressed in the second recommendation which states that despite the diverse conditions in different countries concerning the status of free schooling 'school fees should in no way prevent attendance at secondary schools' (IBE, 1934, p.4). However, the IBE did not recommend that all school fees for all parents should be abolished. Instead scholarships should be granted to help cover all necessary costs. IBE therefore acknowledged that abolishing all school fees was not necessarily the only way of guaranteeing universal access to education.

The third recommendation from 1934 titled *Economics in the Field of Public Education* also helps to shed light on a hidden cost or an unintended consequence of education becoming dependent on government funding. With the global economic depression at its height, it was noted with great regret that 'certain countries have been compelled by circumstances due to the economic crisis, to introduce retrenchments often of serious consequences, in the field of education' (IBE, 1934, p.5). This decrease in spending on education is an important hidden cost of the government's decision to introduce free education which relieved all parents of the need to pay at the point of use. The fact that all parents are no longer required to pay at the point of use is what is recognised. However, because education is now funded through taxation, it is politicians and not parents who now decide how much money is spent on their children's education. And as the income of a government will change over time, these trends will now affect the level of investment in education. Furthermore, parents are also denied the opportunity of increasing investment in their children's education if and when this becomes possible. As parents are now kept in the dark about how much the government is spending on their children's education, they now have no way of knowing if they can afford to increase this investment.

Finally, the recommendation titled *Equality of Opportunity for Secondary Education (1946)*, helps to shed light on another hidden cost associated with the continuously increasing levels of government planning and control in education:

‘In countries where secondary education is in principle compulsory, the distribution of students between the different types of teaching should be decided largely in the light of the systematic investigation of their aptitudes, rather than primarily from the pupils own preferences or those of their parents’ (IBE, 1934, p.4).

While the increasing levels of government planning and organisation are often supported they fail to recognise that this will inevitably mean that parents will now be restricted in the amount of planning and organisation that they can do concerning their children’s education. Furthermore, to casually declare that government experts instead of parents will now control the type of education which children receive sounds more like the policies of a totalitarian dictatorship than that of a democratic government which is committed to protecting peoples human rights and fundamental freedoms.

This is perhaps a clear example of where the desire to promote social and economic rights begins to come into direct conflict with the more traditional civil and political rights or fundamental freedoms. For example, what would happen if some parents disagreed with the expert opinion and instead declared that they had the right to choose which school their child should attend? Should these parents now be forced to accept the expert advice or sent to prison if they continue to disagree? It is difficult to envisage how this level of government control and interference in children’s education can be justified or related to any concept of the right to education. As the above reference to ‘parents’ is the only one which can be found in IBE’s recommendations published between 1934 and 1948, it is fair to suggest that along with private education, the role of parents was also not one of IBE’s primary concerns.

It is also worth noting that within these recommendations a link is made between the right to education and democratisation, suggesting that the implementation of the right to education was essential or a prerequisite for democracy. However, isn’t there a contradiction between suggesting that education is important for democracy with one hand and then expecting (or forcing) all children to attend a government school with the other? While guaranteeing all children access to a government school might at first appear to be democratic, this could also be compared to guaranteeing all adults the right

to vote in a political system where only one political party is allowed to operate. It is important to remember that a key feature of any system or process which can be described as democratic is that it guarantees that people will always be free to choose between a variety of competing alternatives. This suggests that democracy, choice and competition are all inextricably linked and so an education system that was truly democratic would therefore guarantee that parents have a variety of competing alternative schools to choose from.

These early developments also highlight how important and influential, organisations such as the IBE can become especially when they become closely associated with organisations such as the United Nations. This association will certainly have helped to legitimise both IBE's research and its recommendations, placing them beyond any serious criticism. As the recommendations were distributed to ministries of education around the world then its influence may well have been substantial. It is also important to note that the kind of influence that IBE will have had on education around the world will also have been influenced by the personal opinions and beliefs of those individuals who were leading the organisation during this particular period.

5.3 The ideological conflict within the international community

This section will provide a brief insight into the ideological debate that was taking place in the immediate post war period. Despite being a minority opinion at the time, classical liberal ideas did play an important role in the drafting of the Universal Declaration of Human Rights in 1948.

While the international community was still coming to terms with the horrors associated with World War II, the fifty countries which had declared war on Germany and Japan by March 1st 1945 were invited to San Francisco to attend the founding conference of the United Nations (UN). One of the first decisions taken was to ask the United Nations

Commission on Human Rights, chaired by Eleanor Roosevelt,¹⁵ to draft the first ever universally accepted international bill of rights. This task was made all the more difficult because it had already become clear that within this grand alliance there were some very different and often competing ideologies at work.

For example, in March 1946, Winston Churchill had alerted the international community to the new confrontation which was already emerging across the war torn continent of Europe. In what was to become known as his “iron curtain speech”, Churchill warned about the increasing measure of control from Moscow and called for a special relationship between Britain and the United States to help prevent future confrontation with the Union of Soviet Socialist Republics (USSR) and its ideology of Communism:

‘We cannot be blind to the fact that the liberties enjoyed by individual citizens throughout the United States and throughout the British Empire are not valid in a considerable number of countries, some of which are very powerful. In these States control is enforced upon the common people by various kinds of all-embracing police governments to a degree which is overwhelming and contrary to every principle of democracy. The power of the State is exercised without restraint, either by dictators or by compact oligarchies operating through a privileged party and a political police’ (Churchill, 1946).

While Churchill suggested that it was not their duty to interfere forcibly in the internal affairs of countries which they had not conquered in war, he concluded that:

‘we must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through Magna Carta, the Bill of rights, the Habeas Corpus, trial by jury, and the English common law

¹⁵ Eleanor Roosevelt (1884–1962) was the widow of President Franklin D. Roosevelt who died in 1945. As a vocal campaigner for basic civil rights and her husband’s New Deal policies, she was appointed by President Harry S. Truman as a delegate to the UN General Assembly from 1945 to 1952, where she chaired the committee that drafted the Universal Declaration of Human Rights.

find their most famous expression in the American Declaration of Independence' (Churchill, 1946).

While there is no universally agreed starting date of the Cold War, it was clear that by 1947 a new confrontation within the international community had already begun. This was confirmed by Charles E Bohlen, a US diplomat serving in Moscow, who reported in 1947 that there was already disunity between the Soviet Union and the rest of the world, resulting in two worlds instead of one. At the heart of this conflict were two competing ideologies, promoting two very different visions about how best to organise government, the economy and the rest of society. As noted by one of the architects of the Universal Declaration of Human Rights, this was an age of 'ideologies, of passionate fundamental beliefs about the nature of things, and especially the nature of man and of society' (Malik, 1947, p.86).

A useful insight into the nature and extent of this ideological conflict can be found in the findings of a UNESCO research programme on the theoretical basis of human rights carried out by a special committee of experts in 1948¹⁶. The memorandum and questionnaire which was distributed to leading scholars around the world identified two different concepts of human rights. The first developed during the eighteenth century and was based upon 'the premise of inherent individual rights, and with a bias against a strong central authority and against government interference' (UNESCO, 1949, p.251). However, according to the memorandum, it had since become clear that this classical liberal concept of human rights had various 'unexpected shortcomings and difficulties' which had become apparent following recent developments including, the rise of Marxism, the development of the U.S.S.R. after the communist revolution of 1917, the Great Depression and high rates of unemployment and finally the rapid growth of social security schemes around the world. As a result, an entirely different conception of human rights had developed which was 'based upon Marxist principles and the premise of a powerful central government, and early wedded to total planning' (UNESCO, 1949, p.254). The memorandum therefore defined the challenge facing the UN as a 'confrontation of two different working conceptions of human rights, which are in some

¹⁶ In November 1945, a UN conference established what would subsequently become UNESCO, whose purpose was to contribute to peace and security by promoting collaboration among nations through education, science and culture.

ways complementary, in others opposed'. The major task was 'to find some common measure for the future development of the two tendencies, or in the terms of the Marxist dialectic, to effect a reconciliation of the two opposites in a higher synthesis' (UNESCO, 1949, p.254).

This interpretation of the problem facing the United Nations was supported by the majority of the responses received from leading scholars from around the world. For example, the origin of the two different conceptions of human rights was also referred to by the Chairman of the Committee, Edward Carr:

'The conception of the rights of man dates historically from the eighteenth century when it was particularly (though, not of course, exclusively) associated with the American and French revolutions. It was expressed at that time in wholly political terms. The more modern concept of the rights of man may perhaps be associated (though also not exclusively) with the Russian revolution and is economic and social as much as political' (UNESCO, 1949, p.19).

According to the Secretary of the Committee, Richard McKeon, the problem facing the international community was no longer 'a problem of rights of individuals reserved from interference by government or of rights by which individuals may secure proper influence on government' (UNESCO, 1949, p.43). Instead it was a problem of 'how far opportunities to which men have a right must be secured by government action' (UNESCO, 1949, p.43). The economic and social rights were rights which required that something be done if they were to be guaranteed, bring them into direct conflict with civil and political rights 'for the planning and control essential to the former impinge on some of the freedoms of choice and action that had seemed defensible under the latter' (UNESCO, 1949, p.44). The disagreement was therefore between those who believed that 'the preservation of civil and political rights is basic even to the establishment of economic and social rights' and those who believe that 'unless economic and social rights are first secured, civil and political rights are an empty sham and pretence' (UNESCO, 1949, p.44).

However, it is important to note that a minority opinion did exist amongst the responses received from the noted academics from around the world, which to date, have largely been ignored¹⁷. For example, Arnold J. Lien (Head of Department of Political Science at Washington University), declared that self-interest was the force of gravity which draws individuals together and so it was this force on which the new order must be built. According to Lien '[as] individuals grow in knowledge, understanding and wisdom their self-interest will find itself on even higher levels until it ultimately coincides with the common interest of all' (UNESCO, 1948, p.29). Similar views were expressed by S.V. Puntambekar, Head of Department of Political Science at Nagpur University, and suggested that freedom was important and necessary because authority was not creative. Instead it was freedom which gives full scope to developing personality, thereby creating the correct conditions for its growth. Therefore in a free society '[n]o uniformity or conformity or comprehension of all aspects of life will be helpful' (UNESCO, 1948, p.195). Puntambekar was also concerned with what he referred to as the 'present centralisation of all authority, its bureaucracy and party dictatorship, its complexity and standardisation, which often leave little scope for independent thought and development, for initiative and choice' (UNESCO, 1948, p.195).

These views correspond much more closely with those of the Special Rapporteur of the Commission on Human Rights, Charles Malik (Lebanon),¹⁸ who would play a key role in the drafting of the Universal Declaration, including Article 26 concerning education. In July 1948, Malik outlined what he believed to be the key issues facing the Commission and he highlighted the importance of individuals remaining free to question, criticise, oppose and challenge governments:

'In this age of spreading socialism it is difficult to champion the cause of freedom; it is difficult to shout from the housetops that man cannot be

¹⁷ For example, while Yacoub (2005) has examined and discussed many of the contributions received by the UNESCO Committee of Experts, no reference is made to any dissenting views.

¹⁸ Access to the ideas and views of Charles Malik was enhanced in 2000 following the publication of a selection of his speeches and short articles in *The Challenge of Human Rights – Charles Malik and the Universal Declaration*, edited by his son Habib C. Malik.

absorbed by society, that he is by nature free to think, free to choose . . .
' (Malik, 2000, p.109).

Malik therefore issued the following warning:

'unless we reject the total subordination of man to the State; unless, that is, we succeed not only in limiting the claims of the State on man, but also in ensuring the State's recognition of his claims on it, the battle for the fundamental rights and freedoms will have been virtually lost'
(Malik, 2000, p.110).

According to Malik, we enjoy our deepest and truest freedom and humanity 'in our family, in the church, in our intimate circle of friends, which are utterly independent in their origin of any Government and any State' (Malik, 2000, p.110). For Malik therefore, it was these intermediate institutions between the government and the individual which were now under threat 'precisely because society and the state trespassed upon man, to the extent, in totalitarian states, of choking him altogether. In our formulation we are therefore called upon to correct the excesses precisely of statism and socialism' (Malik, 1948, p.2). Malik therefore clearly provides a classical liberal interpretation of the challenge facing the United Nations in 1948. For Malik it was the shift in focus away from the individual and towards the collective that was now his main concern. This was because the increasing government intervention which was required to achieve the latter was now beginning to undermine the former. Therefore, this wasn't simply a case of adding some new rights onto the old traditional freedoms. Instead it was about protecting the traditional freedoms from being undermined by the pursuit of a new set of human rights.

Five years earlier, F.A Hayek launched his most direct attack on the growing socialist consensus, with the publication of the *Road to Serfdom (1944)*. Hayek begins by introducing the concept of classical liberalism which was based upon the simple belief that it was much better if people were left free to develop their own individual gifts and talents. This belief had initially developed during the renaissance and this freeing of the individual from his previous restrictions had resulted in the remarkable growth of

science over the previous 150 years. However, as Hayek explains, it was the very success of liberalism which had now become the principal cause of its decline:

‘A consequence of this success was to create among men a new sense of power over their own fate, the belief in the unbound possibilities of improving their own lot. What had been achieved came to be regarded as a secure and imperishable possession, acquired once and for all; *and the rate of progress began to seem to slow*. Moreover the principles which had made this progress possible came to be regarded as obstacles to speedier progress, impatiently to be brushed away’ (Hayek, 1944, p.43).

For Hayek, while the economic growth of the nineteenth century may have appeared too slow for some, there were still enormous possibilities for further progress along the same lines. However, after spending the first half of his adult life in Austria and the second half in the UK, Hayek was now concerned that some of the forces which destroyed freedom in Germany before the war (including the growing enthusiasm for government planning), were now becoming familiar in the UK and US. Therefore, the question was no longer about how we can best make use of the spontaneous forces found in a free society, but instead ‘we had undertaken to dispense with these forces and to replace them by collective and ‘conscious’ direction’ (Hayek, 1944, p.43).

As national planning had been so successful during the war, the momentum was now growing to continue and extend the use of planning in the immediate post war period. According to Hayek this was not a question of whether or not we should plan our affairs, but a dispute about who should do the planning and the best way of going about it. The choice was therefore between creating conditions under which the knowledge and initiatives of individuals are given the best scope so that they can plan most successfully, or directing and organising all economic activities according to a ‘blueprint’, which conforms to the planners’ particular views of who should have what.

Hayek also criticised the suggestion that it was because of the increasing complexity of modern life that central planning was now inevitable. Instead the opposite was true and it was this increasing complexity which had now made central planning redundant:

‘There would be no difficulty about efficient control or planning were conditions so simple that a single person or board could effectively survey all the facts. But as the facts which have to be taken into account become numerous and complex, no one centre can keep track of them. The constantly changing conditions of demand and supply of different commodities can never be fully known or quickly enough disseminated by any one centre’ (Hayek, 1944, p.17).

According to Boettke (2005), Hayek believed that the pursuit of socialism had two unintended and undesirable consequences – poverty and political tyranny. This was because the planning and control required to implement socialist ideals ‘assume a level of responsibility for economic life in a country which is both cumbersome to the point of impossible, and powerful beyond any reasonable limit that could be safely trusted to any one individual or group of individuals’ (Boettke, 2005). As Hayek himself suggests:

‘Our freedom of choice in a competitive society rests on the fact that, if one person refuses to satisfy our wishes, we can turn to another. But if we face a monopolist we are at his mercy. It would have complete power to decide what we are to be given and on what terms. It would not only decide what commodities and services are to be available and in what quantities, it would be able to direct their distribution between districts and groups and could, if it wished, discriminate between persons to any degree it liked. Not our own view, but somebody else’s view of what we ought to like or dislike, would determine what we should get’ (Hayek, 1944, p.20).

For Hayek, national planning therefore resulted in the loss of freedom, because it was impossible for a national plan to take into account all of the specific knowledge and circumstances of each individual and their changing needs and demands. As a result people will be continually restricted by the will of others who now make decisions on

their behalf. According to Skidelsky (1995), the culmination of this critique was that in a centrally planned system ‘the arbitrary preferences of the central planners were bound to replace the wants of rational consumers’ (Skidelsky, 1995, p.79). Hayek concludes that in order to build a better world we must first clear away any obstacles and realise the creative energy of individuals. In short, we must aim to create the conditions favourable to progress instead of attempting to plan progress.

5.4 The Universal Declaration of Human Rights (UDHR) and the writing of Article 26

The universal declaration declaration that member states finally signed ‘pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms’ (UN, 1948). Following Article 1 which states that ‘all human being are born free and equal in dignity and rights, the declaration proceeds with another twenty articles similar to the fundamental freedoms outlined in the US Constitution of 1787. These include the right to life and liberty, freedom from arbitrary arrest and involuntary servitude, the right to own property and the freedom of thought, conscious and religion. Several articles then deal with social and economic rights, including the right to work and protection from unemployment, the right to an adequate standard of living, including food, clothing, housing, medical care and provisions against sickness, disability and old age; and finally the right to education.

The fusion of both human rights and fundamental freedoms within one document represented a compromise between the two competing ideologies at the heart of the Cold War, a conflict between political and civil rights on the one hand and social and economic rights on the other. When taking the political circumstances into account, this was a significant diplomat achievement. While it is beyond the scope of this thesis to comment on these two opposing ideologies, it is sufficient to simply acknowledge that they existed and that they would clearly play some role in the process of drafting the 1948 Deceleration and in particular Article 26 concerning the right to education. As previously noted by Moskowitz (1977) ‘we cannot ignore the ideological division in the world, anymore than we can disdain the diversity of perception which stems from differences in culture and history; they lie at the heart and core of the international

implementation and provide the keys to an understanding of the human rights situation anywhere, anytime (Moskowitz, 1977, p. 111).

With this in mind, the following section will now examine the historical records which documented the debates and the discussions involved in the drafting of Article 26. According to Malik (1949) the great questions of the age were nowhere more dramatically discussed than in the United Nations debate on human rights and that ‘nothing would be more repaying to the thoughtful student of the present ideological situation than to read and ponder, in all their prolonged, dramatic richness, the records of our debates on this question’ (Malik, 1949, p.).

Meeting for the first time in January 1947, New York, the eighteen members of the commission¹⁹ appointed Eleanor Roosevelt as Chairman, Peng-chun Chang (China) as Vice-Chairman and Charles Malik (Lebanon) as Rapporteur. A resolution was immediately approved requesting the three officers to form a Drafting Committee and to prepare a preliminary draft with the assistance of the UN Secretariat, directed by John Humphrey (Canada). Over afternoon tea at Eleanor Roosevelt’s New York apartment it was decided that John Humphrey should prepare an initial draft, making use of the relevant documents recently collected by the Secretariat from around the world. Following complaints from France and the USSR the Drafting Committee was subsequently enlarged to include representatives from Australia, Chile, France, the United Kingdom (UK), and the USSR. At the extended Drafting Committee’s next meeting in June 1947, the UN Secretariat presented its preliminary draft,²⁰ which aimed at including every conceivable right which the drafting Committee might want to discuss, and at the time was reported to be ‘the most exhaustive documentation on the

¹⁹ Including representatives from: Australia, Belgium, Byelorussian Soviet Socialist Republic (BSSR), Chile, China, Egypt, France, India, Iran, Lebanon, Panama, Philippines, United Kingdom, United States of America, Union of Soviet Socialist Republics, Uruguay, and Yugoslavia.

²⁰ Humphrey borrowed from two documents in particular: a draft of a transnational rights declaration then being deliberated in Latin America by the predecessor of the Organisation of American States, and a “Statement of Essential Human Rights” sponsored by the American Law Institute (Humphrey, 1984). In a letter to his sister on 21st February 1947 Humphrey wrote: “I am now playing the role of Jefferson, because it is I who have responsibility for drawing up the first draft of the International Bill of Rights. I have been working on it for three days now.” (see Glendon, 2000, p. 253)

subject of human rights ever assembled' (UN Weekly Bulletin, 17th June 1947). The document contained 48 separate articles with Article 36 concerning education:

Article 36

Everyone has the right to education.

Each State has the duty to require that every child within its territory receive a primary education. The State shall maintain adequate and free facilities for such education. It shall also promote facilities for higher education without distinction as to race, sex, language, class or wealth of the persons entitled to benefit there from (E/CN.4/AC.1/3).

The Drafting Committee was also presented with a document prepared by the United States suggesting amendments to the original draft prepared by the Secretariat, and finally, the UK presented their draft International Bill of Human Rights, including eighteen separate articles, none of which referred to education. To consider these documents in more detail the Committee established a temporary working group composed of representatives from UK, US, France and the Lebanon. Following three meetings it was decided to 'request Professor Cassin (France) to undertake the writing of a draft Declaration based on those articles in the Secretariat outline which he considered should go into such a Declaration. It was the consensus of opinion that such a document would have greater unity if drawn up by one person' (E/CN.4/21). In Professor Cassin's first redraft, Article 36 was amended, and renumbered Article 41:

Article 41

All persons have an interest in learning and a right to education. Primary education is obligatory for the children and the community shall provide appropriate and free facilities for such education.

Access to higher education should be facilitated by the grant of equal opportunities to all young persons and adults without distinction as to race, sex, language, religion, social standing or financial means.

Vocational and technical training should be generalised (E/CN.4/AC.1/W.2/Rev.1).

After further discussion the Drafting Committee accepted Professor Cassin's offer to prepare another draft which was then examined by the Drafting Committee and further

revised. Article 41, concerning education, received further amendments and was renumbered to Article 31:

Article 31

Everyone has the right to education. Primary education shall be free and compulsory. There shall be equal access for all to such facilities for technical, cultural and higher education as can be provided by the State or community on the basis of merit and without distinction as to race, sex, language, religion, social standing, political affiliation or financial means (E/CN.4/21).

Professor Cassin's latest draft was next discussed at the Second Session of the Commission on Human Rights meeting in Geneva from 2nd to 17th December 1947. With reference to Article 31, Mr Easterman (World Jewish Congress) was concerned that it 'contained nothing about the spirit governing education which was an essential element. Neglect of this principle in Germany had been the main cause of two catastrophic wars'. He therefore proposed the addition of the following text:

This education shall be directed to the full development of the human personality to strengthening respect for human rights and fundamental freedoms, and shall combat the spirit of intolerance and hatred against other nations or racial or religious groups everywhere.

A Working Group was established to examine the draft Declaration in detail and Article 31 received further amendments including the addition of a second paragraph which focused on the content of education:

Article 31

Everyone has the right to education. Primary education shall be free and compulsory. There shall be equal access to higher education as can be provided by the state or community on the basis of merit and without distinction as to race, sex, language, religion, social standing, financial means or political affiliation.

Article 31(a)

Education shall be directed to the full physical, intellectual, moral and spiritual development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the combating of the spirit of intolerance and hatred against other nations, or racial or religious groups everywhere (E/CN.4/77/Annex A).

The draft declaration was then circulated to all UN member nations early in 1948, and the Drafting Committee met again from 3rd to 21st May 1948 in New York to consider further amendments. While no changes were made to Articles 31 and 31a they were subsequently renumbered as Articles 27 and 28 respectively. Both articles were next examined by the Third Session of the Commission on Human Rights which met in New York from 24th May to 18th June 1948. Mr Quijano, representing Panama, was the first to comment:

The constitutions of forty countries proclaimed the principle of free and compulsory education. In those countries, anyone without any distinction whatsoever had the right to primary education. Certain countries, including Panama, extended that right to secondary education and even to higher education, in the sense that both those stages of education were free (E/CN.4/SR.67).

Mr Quijano also highlighted that Article 12 of the Declaration on Human Rights adopted at the Inter-American Conference at Bogota²¹ had already established the right to education for everyone and that in the opinion of the Panama delegation, ‘that fact was a weighty argument in favour of proclaiming the same right in the International Declaration of Human Rights’ (E/CN.4/SR.67). As a substitute for Articles 27 and 28, Mr de Quijano submitted the following draft article:

Everyone has the right to education and to free primary schooling. Education shall be inspired by the principles of human freedom, morality and solidarity. It shall be accorded to everyone without

²¹ The Member States agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases:

- a) Elementary education shall be compulsory and, when provided by the State, shall be without cost;
- b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed or social condition.’

Bogota Conference of American States, Charter of the Organisation of American States, March 30th – May 2nd 1948.

distinction as to sex, race, language, religion or political opinion and shall promote the spiritual, intellectual and physical development of the people (E/CN.4/SR.67).

Speaking on behalf of UNESCO, Mr Lebar reminded the Commission that following a war in which fundamental human rights had been ‘trodden in the dust’, it was now of the utmost importance to again clearly define these rights. Highlighting the importance of Article 28, Mr Lebar then cited the example of Germany, where, under the Hitler regime, education had been admirably organised but had, nevertheless, produced disastrous results. It was absolutely necessary to make it clear that education to which everyone was entitled should strengthen the respect for the rights set forth in the Declaration and combat the spirit of intolerance’ (E/CN.4/SR.67). Mr Bienenfeld, representing the World Jewish Congress, echoed the sentiments of Mr Lebar and also stressed the importance of defining the content of education:

‘As the representative of UNESCO had pointed out, education in Germany and other fascist countries had been carried out in compliance with the principle of the right to education; yet the doctrines on which that education had been founded had led to two world wars. If the Declaration failed to define the spirit in which future generations were to be educated, it would lose its value as a guide to humanity. The Declaration was not merely an appeal to the State; it was an appeal also to parents, teachers and educators. It was necessary to stress the importance of the article devoted to the spirit of education, which was possibly greater than that of all the other articles of the Declaration’ (E/CN.4/SR.67).

Mr Bienenfeld’s comments received support from Mr Malik (Lebanon), who suggested that it was not enough to say that everyone has the right to education; it was necessary to specify the nature of such education. For Mr Malik and the Lebanese delegation this was the only guarantee that future generations would not be educated in a spirit contrary to the aims of the United Nations. Concerning the critical issue of who governs in education, the politician or the parent, Mr Malik, stressed the need to ‘exclude the possibility of situations in which dictators had the power to prevent parents from educating their children as they wished. Control of education could not be left entirely

to the discretion of the State; parents should be allowed the freedom to determine the spirit in which they wished their children to be brought up' (E/CN.4/SR.67).

However for Professor Cassin (France), Article 27 was intended to protect the economic, social and cultural rights of man and should therefore 'confine itself to stating the right to education and the principle that elementary education was free and compulsory'. Commenting on the importance of retaining Article 28, Professor Cassin continued:

'Article 28 had given rise to long and earnest discussion in Geneva and the draft adopted there reconciled two trends of thought on the subject, one favouring the right of the State to determine the system of education and the other favouring the right of the family. At that time, the Commission had felt that, in the interests of the child and of mankind in general, the Declaration should not set forth directives regarding the system of education, but should, however indicate the factors which would favour the development of human personality. Consequently the text adopted in Geneva contained no illusion to the State or the family' (E/CN.4/SR.67).

Miss Schaefer, representing the International Union of Catholic Women's League, then expressed her concerns, and while emphasising the importance of both articles, she observed however that the existing text

'failed to mention the fundamental right and responsibility incumbent upon parents to educate their children as they saw fit. If that right were not stated in the Declaration, there might very well be a recurrence of situations such as that which prevailed in Germany under Hitler. The sentence: "Elementary education is free and compulsory" might be interpreted to mean that if the State provided free education, it was entirely free to determine the system of education' (E/CN.4/SR.67).

To conclude the session the Chairman announced that a drafting sub-committee, composed of representatives from China, France, Lebanon, Panama, the United

Kingdom and Union of Soviet Socialist Republics and the United States, would be asked to submit suggestions for the redrafting of Articles 27 and 28. The meeting rose at 1.15pm. Reconvening at 3.30pm, the Chairman recalled that the drafting sub-committee had agreed on a combined text for Articles 27 and 28:

The first paragraph had been considered in three parts. The first sentence "Everyone has the right to education" had been unanimously accepted by the sub-committee. Two alternatives for the second sentence had been drafted for consideration by the Commission, as follows:

1. "This right includes free, compulsory elementary education", or
2. "This right includes free fundamental education".

Finally, the drafting committee had reached agreement on the third part of the paragraph: "and equal access on the basis of merit to higher education." (E/CN.4/SR.68).

Following the unanimous approval of the first sentence, the Chairman opened the discussion on the two alternatives for the second. Mrs Mehta (India), immediately 'objected to the use of the word "compulsory" in a Declaration of Rights'. However Professor Cassin disagreed and explained that 'the word "compulsory" should be interpreted to mean that no one (neither the State, nor the family) could prevent the child from receiving elementary education; the idea of coercion was in no way implied (E/CN.4/SR.68). Mr Pavlov, representing the Union of Soviet Socialist Republics (USSR) reinforced the importance of free and compulsory elementary education, and argued that:

The concept contained in the word compulsory was closely linked with the concept of the right to education. It presupposed that the obligations of society correspond to the rights of every human being to free education. The State had the obligation to furnish opportunities for education for everyone and to ensure that no one could be deprived of these opportunities. In his own country, almost fifty million persons of all ages were receiving education. On the other hand, millions of inhabitants of countries of the Far East were receiving no education at all. He had learned from United States sources that almost ten million persons were not fully literate in that country. Therefore, Mr Pavlov strongly supported the inclusion of the word "compulsory" in the definition of the right (E/CN.4/SR.68).

Mr Wilson, representing the UK delegation, disagreed and sympathised with the representatives of India and Australia who had suggested ‘that it was dangerous to include the word “compulsory” in the Draft Declaration because it could be interpreted as acceptance of the concept of State education.’ While recognising that the UK had enjoyed free and compulsory education for several generations, Mr Wilson still believed that it was ‘difficult to reconcile the statement of a right to education with the notion of the compulsory nature of that education’. Immediate support for Mr Wilson’s position was received from Mr Chang (China), who agreed that the word compulsory should be deleted from the draft text.

However Mr. Larrain, (Chile), disagreed and explained that he would vote to retain the terms “free, compulsory, elementary, education” because, ‘The constitution of Chile contained identical terms and the implementation of that constitutional provision and proved an effective weapon in combating illiteracy’ (E/CN.4/SR.68). Mr Azkoul (Lebanon) then proposed the following compromise amendment that would avoid use of the word compulsory and more adequately safeguard the right of the individual, ‘Parents have the right to control their children’s education, but cannot prevent them from receiving education’. According to Mr Azkoul:

The right to education was not in the hands of the individual alone; the family and the State shared in ensuring that right. However, neither the family nor the State could deprive the individual of it. The concept of compulsion was in contradiction with the statement of a right and his amendment was intended to eliminate any implication of coercion (E/CN.4/SR.68).

In opposition to the Lebanese amendment, Mr Stepanenko, (Byelorussian Soviet Socialist Republic), suggested that the amendment neither clarified nor simplified the definition of the right to education:

The first alternative agreed upon by the drafting sub-committee ensured the right to free and compulsory elementary education and should be maintained. It meant that the individual had the right to education himself and should discharge his obligation to society to do so. Since no one could prevent him from exercising his right, he would benefit himself and himself and his community. In the Byelorussian SSR, the exercise of the right had contributed greatly to stamping out illiteracy (E/CN.4/SR.68).

Mr Stepanenko's statement was supported by Mr Pavlov (USSR) who agreed that the Lebanese proposal could be covered in the simple statement: 'free and compulsory education.' Mr Pavlov believed that, 'the word "compulsory" should not be feared for it could only work to the advantage of the child whose parents might not understand his vital interests and to the improvement of society, which would receive educated individuals (E/CN.4/SR.68). However Mrs Mahta, representing India, reminded delegates that they were discussing 'the rights of all human beings and should not concern itself either with the rights of children or with the obligations of parents.' In her opinion 'the contradictory concepts of a right and a compulsion could not be reconciled in the draft Declaration' (E/CN.4/SR.68). Mr Lebar, representing UNESCO, disagreed and called attention to the fact that 'the phrase "free and compulsory education" had become traditional in all countries' and so its omission would therefore constitute a 'backward step'. To help dispel any confusion surrounding the use of the word "compulsory", Mr Lebar assured delegates that, 'it did not mean that the state exercised a monopoly over education, nor did it infringe the rights of parents to choose the schooling facilities they wished to offer their children' (E/CN.4/SR.68). The records continue with the following statement:

The Chairman put to the vote the deletion of the word "compulsory" from "This right includes free, compulsory . . ."

The deletion of the word "compulsory" was rejected by eight votes to seven.

Responding to the failure to delete the word "compulsory" Mr Malik (Lebanon) explained that his delegation had voted against its inclusion 'lest it be interpreted as

making it imperative for children to be sent to schools designated by the State'. The Lebanese amendment was therefore 'all the more necessary to guarantee the right of the family to determine the education of its children, but not to prevent such education'. Mr Malik then proposed two versions of his previous amendment:

1. Parents have the primary right to determine the education of their children.
2. This does not exclude the right of parents to determine the education of their children (E/CN.4/SR.68).

Mrs Schaefer, representing the International Union of Catholic Women's Leagues, immediately appealed to the Commission to adopt the first of the two versions, suggesting that:

The inclusion in the article of the word "compulsory" introduced an element of obligation by the state which might be misinterpreted. While the state should guarantee education to children, the primary responsibility for that education and the right to determine it rested with the parents. She urged the Commission to recognise that right and to state it in the Declaration of Human Rights (E/CN.4/SR.68).

As Chairman of the Commission, Mrs Roosevelt explained that in her understanding, 'it was the general view of the Commission that acceptance of the word "compulsory" in no way put in doubt the right of a family to choose the school which its children should attend' (E/CN.4/SR.68). Speaking as the United States representative, Mrs Roosevelt 'suggested that the Lebanese amendment was 'unwise', and argued that:

The obligation of the State to provide free and compulsory education meant that children had to attend school, but not necessarily the school provided by the State. While the latter was distinctly obliged to provide schools for all children without distinction, the choice of the school, was left to parents. In the United States there was a difference of opinion on what should be provided by the State to non-public schools; the limits

were extremely difficult to define. The Lebanese amendment might well give rise to an endless discussion in which she urged the Commission not to engage (E/CN.4/SR.68).

Support for Mrs Roosevelt's comments were received from Klekovkin (Ukrainian Soviet Socialist Republic) who also believed that the Lebanese amendment was unnecessary as the word compulsory 'did not exclude the right of the family to choose the school to which its children would go'. After thanking the Chairman and Mr Klekovkin for their interpretation of the text, Mr Malik provided the following response:

As the text did not deprive the right to choose the school to be attended by the children, there was no objection of substance to the Lebanese amendment, which was intended to safeguard the right by stating it explicitly. In spite of the explanations and interpretations given at the present meeting, it was not excluded that a state might understand the word "compulsory" as depriving the parents of the right to choose their children's school (E/CN.4/SR.68).

Mr Malik then urged the Commission to adopt a milder version of his amendment, which stated that 'this did not exclude the right of the family to choose the school to which its children should go (E/CN.4/SR.68). Members of the Commission were then asked to vote on the Lebanese amendment, which was subsequently rejected by ten votes to three with one extension. With the Lebanese amendment rejected, Mr Ingles, (the Philippines), voiced his concerns of allowing governments to take control of education, and suggested that it was necessary not only to sanction the right to education, but to outline the objectives of that education. Mr Ingles warned that, 'if the determination of the objectives were left entirely to Governments, there was a danger that some of them might pursue anti-social aims'. The meeting rose at 5.50pm.

Consideration of Articles 27 and 28 continued the following day and the discussions again focused on the content of education and several amendments were discussed including the addition of the following text at the end of the second paragraph of Article 27: ' . . . and to the combating of the spirit of the intolerance and hatred against other

nations or racial or religious groups everywhere'. The amendment was proposed by Mr Pavlov (USSR), who justified its inclusion with the following comment:

The program prepared by the Drafting Sub-Committee was quite positive and acceptable. But education also had a political side which it was essential to stress, if it was to be an effective instrument for peace. The State should assume responsibility for political education of its people, so as to lead it towards peace, condemning any attempts at a revival of fascism. Under the USSR constitution anti-semitism and racial and religious hatred was considered as a crime. How could the prohibition of propaganda of hatred or intolerance be considered an intolerable restriction of the democratic freedoms? He recalled the disastrous results of the education given the German youth by the Nazis. The education of young people in a spirit of hatred and intolerance had been one of the fundamental factors in the development of Nazism and Fascism. It should be made impossible for young people to be brought up in a spirit of hatred. There were certain circles in New York where one could see the development of a new racial theory which alleged the superiority of the Anglo-Saxon race. The origins of that theory could be traced to Mr. Churchill's speech at Fulton. . . . All such propaganda became extremely dangerous the moment it affected the education of young people. He therefore called on the Commission to accept the USSR amendment, the purpose of which was to promote the education of people who would combat hatred and would work for a new international understanding.

The USSR amendment was subsequently adopted by 6 votes to 5, with 4 abstentions and Article 27 as a whole, was finally adopted by 7 votes to 4, with 3 abstentions. It was then decided to delete Article 28 by 11 votes to 1, with 3 abstentions. The final text of the article concerning education (renumbered from Article 27 to 23) now read as follows:

Article 23

1. Everyone has the right to education. Elementary and fundamental education shall be free and compulsory, and there shall be equal access on the basis of merit to higher education.
2. Education shall be directed to the full development of the human personality, to strengthening respect for human rights and

fundamental freedom and to combating the spirit of intolerance and hatred against other nations and against racial and religious groups everywhere (E/800).

The final draft declaration was then submitted to the United Nations General Assembly and was considered in further detail by its Third Committee meeting in Paris in November 1948. The most significant change was the addition of a third paragraph recognising the right of parents to choose to education. Again leading the debate on this issue was the Lebanese delegation, this time supported by the Netherlands, who had both submitted new amendments:

Lebanon:

Parents have a priority right to choose the kind of education that shall be given to their children (Annexes, A/C.3/260).

Netherlands

The primary responsibility for the education of the child rests with the family. Parents have the right to determine the kind of education their children should have (Annexes, A/C.3/263).

These were considered at the Third Committee's 146th meeting held in Paris on Friday 19th November 1948, with Mrs Bodil Begtrup (Denmark) acting as Chairman. Mr Beaufort (the Netherlands), argued that the family should be given primary responsibility for education because 'it was in the family that the child first learned the methods of living within the community', and therefore 'the family could not be replaced by any public or private institution which contributed to education'. Justifying the Netherlands amendment Mr Beaufort continued:

'The rights of children were sacred because the child itself could not demand their implementation: parents were the most natural persons to do so. That was the sense of the first sentence of the Netherlands amendment. The second sentences followed logically from the first. Parents would be unable to bear that primary responsibility unless they were able to choose the kind of education their children should have.

Nazi Germany, where the Hitler Youth deprived parents of control over their children, had provoked an experience that should never be allowed to incur again. It might be objected that such a provision restricted the child's right to education in that it deprived it of protection against negligent or unwise parents. Such cases would be exceptions, and, in any case, the influence of teachers and educational organisations would most probably prevent any real damage. The Declaration could not be based on the consideration of exceptional cases' (UN Records, 1948, p. 582²²).

Mr Watt (Australia) also objected to the mandatory form in which Article 23 laid down that education should be free and compulsory:

'He was not against the principle; in Australia elementary and secondary education was free and universities had a liberal system of scholarships and remission of fees. The mandatory form implied however, that no other kind of school would be permitted. A wording should be found which would safeguard the right to choose education at a private school. . . He hoped that an amendment would be submitted to remedy that defect' (UN Records, 1948, p. 582).

Reinforcing the Lebanese delegation's position outlined at previous meetings, Mr Azkoul reinforced his objection to the use of the word compulsory as it appeared to give the government unrestricted authority over education. Therefore, the purpose of the Lebanese amendment was to:

'restore the balance by giving parents a prior right to choose the kind of education which they wished their children to receive. Undoubtedly, the State must compel negligent parents to see that their children obtained education, but parents should have the right to limit the State's authority if it became excessive or arbitrary (UN Records, 1948, p. 584).

²² *Official Records of the Third Session of the General Assembly, Part I, Social, Humanitarian and Cultural Questions, Third Committee, Summary Records of Meetings, 21 September – 8 December, 1948*, United Nations, Lake Success, New York, 1949. Hereafter referred to as *Records*

Support for the Lebanese amendment was received from Mrs Ikramullah (Pakistan) who believed that ‘it was essential to guarantee freedom to choose education, a principle flagrantly violated by the Nazis’. Mrs Ikramullah also rejected the argument that parents might refuse to give their children education because, ‘the article gave them only the right to choose the kind of education they wished, but not the right to withhold education from their children’ (UN Records, 1948, p.585).

However, Mrs Corbet (UK) opposed both the Lebanese and Netherlands amendments, and argued that, ‘the basic text of the draft article did not exclude parents from the right to choose their children’s education, and anyway a specific mention of the rights and duties of the family was inappropriate in a declaration of human rights’ (UN Records, 1948, p.585). The meeting rose at 1pm and reconvened at 3.20pm, with Professor Cassin the first to speak:

‘He would try to sift out from the amendments submitted by other delegations the principles which might lead to agreement. The right to education had been in no way contested; three points, however, had attracted the attention of the Commission on Human Rights, namely, the fact that education should be free, that it should be compulsory, and the question of the influence of parents’ (UN Records, 1948, p. 586).

Concerning the issue of compulsion in education, Professor Cassin believed that it would be advisable for elementary education to be compulsory and ‘for its compulsory nature to be explicitly stated, so that parents would not be able to neglect their duty to their children’. With reference to the ‘delicate problem’ raised in the Netherlands and Lebanese amendments, Professor Cassin declared that:

‘the French delegation would vote for the amendments, were it not that it feared, as did the United Kingdom representative, to impose a one sided viewpoint upon nations which thought differently. Mr Cassin pointed out that there was nothing in paragraph 1 that threatened the freedom and rights of parents. Moreover, the United Nations was at present engaged in a study of educational matters as a whole, and of the rights of parents and of the State of such matters. There was therefore no necessity to

mention that aspect of the problem in Article 23' (UN Records, 1948, p. 586).

Professor Cassin received immediate support from Mr Santa Cruz (Chile) who stated that his delegation attached great importance to the basic principle of free and compulsory education. Additional support was received from Mr Pavlov (Union of Soviet Socialist Republics) who reinforced his delegations opposition to any form of discrimination in education. Mr Pavlov wished to emphasise this principle again because he believed that the right to education was currently limited in many countries including the US where the coloured population remained largely illiterate. For Mr Pavlov 'this situation arose from a policy of discrimination based upon race or personal wealth' and 'it was clear that in a country where the cost of education was very high, only a small minority could really enjoy the right to education'. Highlighting that education in the USSR was open to all because both elementary and secondary education was free, Mr Pavlov then quoted the following figures to reinforce the progress that they had achieved since the 1917 Revolution:

'In the USSR, there were at present 47,402,000 schoolchildren and more than a million students – a figure greater than the total number for all European countries together. Furthermore, the great majority of those schoolchildren and students were of very humble origin, statistics for the year 1933 showing that 51% of the students were from workers' families and 16% from peasant stock. The real importance of those figures stood out when they were compared with like statistics for Germany where, in 1933, only about three percent of university students came from working class families and 2 per cent from peasant families. Before the 1917 Revolution Russia had 230,000 teachers and professors, whereas the USSR now had 1,200,00; during the same period the number of higher educational establishments had increased from 91 to 800. Similarly, various minorities which, prior to the revolution, had not even a written language of their own, now had schools where instruction was given in their own language, and had been able to create their own national literature' (UN Records, 1948, p. 588).

Therefore for Mr Pavlov the USSR's track record 'gave it every right to express a firm opinion; moreover, its experience might usefully serve other countries'. While acknowledging that some delegations had opposed the inclusion of the word "compulsory" in Article 23, Mr Pavlov argued that:

A child had an absolute right to education, independently of the wishes of its parents. Education should be compulsory because a child could not itself claim the right, as it had no strength to defend it. The word “compulsory” was therefore necessary in the body of Article 23 (UN Records, 1948, p. 589).

The amendment submitted by the Netherlands received further Mr Carrera Andrade (Ecuador), believed that the Netherlands amendment was ill-advised, because ‘its principle was applicable not to the present age but to the time when the father was really the head of the family which was no longer the case’. Mrs Roosevelt (USA) also acknowledged that several delegations were anxious that the right of parents to govern the education of their children should be explicitly mentioned, and believed that it was ‘a well-founded principle which was taken into account by most educational systems.’ However Mrs Roosevelt suggested that it would be difficult to find a satisfactory statement of that principle, ‘since it was also necessary to take the interests of the children and of the State into account.’ Mrs Roosevelt continued:

The amendments suggested were designed to avert a situation such as prevailed in the Nazi countries, where education, which was entirely under State control, tended to atrophy children’s intellectual faculties. No object could be of more legitimate concern, but the provisions of article 23 were drafted with a precision which left no opening for misunderstanding. Moreover, if article 23 made specific reference to the rights of parents to control the education of their children, it might be interpreted as giving them the right to supervise school curricula, which clearly might have undesirable consequences (UN Records, 1948, p. 590).

It was on these grounds that the US delegation would vote against both the Lebanese and the Netherlands amendment. Mr Contoumas (Greece), agreed with the US position and suggested that ‘the evolution of modern society had reached a stage, which made it impossible for parents to be granted the exclusive right to choose the kind of education to be given to their children. It was preferable not to raise the question’ (UN Records, 1948, p. 591).

It was at this point in the proceedings that Mr Malik (Lebanon) took the Chair. For Mr Kaminsky (Byelorussian Soviet Socialist Republic), the principles stated in Article 23 were important because the culture and intellectual development of everybody was based on education. Therefore the right to education should not be subject to any restrictions. Mr Kaminsky continued:

In the Byelorussian SSR that right existed for all. The State and society guaranteed it to all citizens, and it had not become the object of commerce as in certain countries where it was only accessible to those able to meet the cost of study. The situation in the Byelorussian SSR was due to the Revolution of 1917, which had opened the doors of schools and universities to the young people of the working classes. . . . From the early days of the revolution, new principles of education had been proclaimed, based on equality without distinction on grounds of sex or income, and energetic and concrete measures had been taken to combat adult illiteracy and to evolve an extensive plan of popular education. The number of elementary schools had doubled and that of secondary schools and of institutions of higher education had shown a very large increase. The Government of the Byelorussian SSR attached particular importance to education, and the new five year plan provided for the expenditure of 243,000,000 roubles or 13 per cent of the national revenue, for that purpose. In the United States expenditure on education represented only 1.5 per cent of the national revenue and only 3 per cent in the case of the United Kingdom (UN Records, 1948, p. 591).

Recognising the importance of education as the fundamental element in progress, Miss Zuloaga (Venezuela) highlighted that a number of the amendments proposed to Article 23 did not retain the compulsory character which must be given to elementary education and 'that idea of compulsion was contained in the Constitution of Venezuela, which proclaimed the principle that primary education should be free and compulsory for all without any restrictions' (UN Records, 1948, p. 592). Miss Zuloaga therefore hoped that the Third Committee would vote unanimously in favour of free and compulsory education, 'that being the sole the sole means of ending the illiteracy which was still widespread in the world'.

For Mr Aquino, representing the delegation from the Philippines, history had shown that ‘an enlightened and well informed public constituted the best defence of democracy and progress’. It was therefore important for the United Nations to state its position unequivocally, ‘not only on certain immediate objectives on the subject of which there could be no disagreement, but also on questions of principle which went beyond the question of education pure and simple and touched upon the ideological, where there was conflict between the concepts of totalitarianism and of democracy and between the principles of authority and liberty’ (UN Records, 1948, p. 592). Within this context, Mr Aquino believed that Article 23, as it stood, was ‘entirely compatible not only with the spirit of the Charter, but also with the Constitution of UNESCO’. However Mr Aquino would vote in favour of the Lebanese amendment, ‘which, without giving excess authority to parents, gave them the right to decide the type of education which they wished their children to receive. That provision would provide protection against the risk of undue intervention by the State in the sphere of education’ (UN Records, 1948 p. 593).

Speaking on behalf of the Australian delegation, Mr Watt recalled that both the Netherlands and Lebanese amendments addressed a delicate question and feared that ‘it would be extremely difficult to express the idea contained in those amendments in a way which would be acceptable to everyone’. Mr Watt then warned the delegates that ‘it should not be forgotten that fundamentally the person affected by the right which the Committee wished to establish was the child and that it was above all the child who should be protected’ (UN Records, 1948, p.593). It was at point in the proceedings that Mr Malik, representing the Lebanon, took the Chair.

Count Carton de Wiart, representing the Belgium delegation, suggested that it would difficult not to include the idea of compulsion in Article 23 and ‘if the idea of compulsory education was retained, the idea of free education, which was its corollary, also had to be retained’. However the Count also believed that the Lebanese and Netherlands amendments contained an idea which the Committee could not ignore. He agreed that the family must have prior rights over the state in education and that it would be useful to recognise this principle in Article 23. The Count continued:

The Netherlands representative had expressed the horror which the Nazi-occupied countries still felt at the thought that the State could compel children to be deformed morally and intellectually by the doctrine of the party in power. In Belgium, the idea of freedom in education was fundamental: that concept was not based solely on tradition, but was prescribed by the Constitution. For that reason, the Belgium delegation considered that the Lebanese amendment could very usefully introduced into paragraph two of Article 23. It would in fact, be an error not to retain the rights of the family in an article of such importance, especially as it could not be assumed that the rights and duties of the State in the field of education had been disregarded by doing so (Records p. 594).

In response to some of those who thought that it was unnecessary to mention the rights of parents in Article 23, Mr Azkoul reinforced the Lebanese delegations' concerns about the principle and practice of compulsion in education:

By stating that education was compulsory, the State would be authorised to force parents to send their children to school. Were the parents not entitled however, on the other hand, to select the school to which they would send their children, and the type of education they intended to give them? The Lebanese amendment was intended simply to assert that right (Records p. 598).

Representing the Netherlands delegation, Mr Beaufort, then expressed his surprise at the objection to his amendment raised by the United Kingdom:

He could not see why the text should be criticised for defending the rights of families instead of the rights of individuals. It stated specifically: "Parents have the right to determine the kind of education their children should have." Surely, parents were individuals. The United Kingdom representative emphasised the fact that nothing in the original text precluded the right of parents. To say that the right was not precluded, however, did not mean that it was implicitly included. The right of parents should have a place in the declaration. During the last war it had been violated, with dreadful consequences. The Netherlands delegation's amendment was not in any way aimed at enabling parents to intervene in drawing up school syllabi. The Netherlands delegation maintained the principle of compulsory education and did not wish to diminish the States responsibility in any way. It wished merely to stress

the inalienable rights of parents who should be in a position to choose what type of education, religious, vocational or otherwise, should be given their children. Children had a right to education; the use of that right belonged to their parents, who were their natural guardians (Records p. 598).

Recognising that several delegations had shown a preference for the amendment submitted by the Lebanese delegation, Mr Beaufort agreed to withdraw his own amendment in its favour. Mr Demchenko (Ukrainian Soviet Socialist Republic) stressed the fundamental importance of the right to education. He continued:

In his own country that right was guaranteed by the Constitution. He wished to point out the progress his country accomplished in that domain despite the onerous legacy left by the Government of Tsarist Russia: over half the population had been completely illiterate before the Revolution of 1917. The Government of the Ukrainian SSR could therefore be proud of its immense work it had accomplished. It would be gratifying if all countries had such vast achievements to their credit. That was unfortunately not the case. He thought that the unsatisfactory situation prevailing in the field of education in certain countries, particularly in the United States with regard to the coloured population and in the colonies belonging to the United Kingdom, was the result of the systematic policy of the Governments concerned (Records p. 599).

Mr Cassin (France) then proposed a new draft of Article 23 which would retain the essential points of the various amendments, apart from the issue concerning the role of parents. Mr Cassin did explain however that this did not mean that he attributed no importance to it:

He had, however, been struck by the fact that countries such as France, the United States and the United Kingdom, which recognised that parents had the right freely to choose the kind of education they wished their children to have, had not proposed that the principle should be inserted into Article 23. The matter was indeed a very delicate one which could not be decided hastily. It would be preferable not to raise it in the declaration, thus leaving every country free to maintain its traditions. When the United Nations came to consider the question of the rights of the child, a resolution could be drawn up taking into account all aspects of the matter (Records p. 600).

The meeting rose at 6.15pm and reconvened at 8.30pm with Mr Charles Malik (Lebanon) remaining in the Chair. Following the acceptance of paragraphs one and two, the Chairman drew attention to the Lebanese amendment, which would add the following third paragraph to Article 23, 'Parents have the priority right to choose the kind of education that shall be given to their children (Records p. 582). The Chairman then asked the Committee to proceed to the vote on the Lebanese amendment which was subsequently adopted by 17 votes to 13, with 7 abstentions:

In favour: Argentina, Australia, Belgium, Brazil, Chile, Colombia, Cuba, Denmark, India, Lebanon, Luxembourg, Netherlands, Pakistan, New Zealand, Paraguay, Philippines, Sweden.

Against: Afghanistan, Byelorussian Soviet Socialist Republic, Ecuador, France, Mexico, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Canada, China, Czechoslovakia, Dominican Republic, Honduras, Peru, Turkey (Records p. 605).

The Chairman then asked the delegates to vote on the full text of the article concerning education (renumbered as Article 27), which was subsequently adopted by 34 votes to none, with 2 abstentions.

Article 27

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote tolerance, understanding and friendship among all nations, racial or religious groups, and shall

further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Mr Carrera Andrade (Ecuador) argued that he had abstained from voting on Article 23 because he considered paragraph 3 to be in conflict with the system established in countries such as Ecuador, where the government enjoyed certain prerogatives in the field of education. In stark contrast, the Count Carton de Wiart (Belgium) was glad that paragraph 3 had been included because the recognition of the rights of the family was not a question of secondary importance. It was important to remember that children belonged to the family and not the state.

5.5 Three unique characteristics of Article 26

UNESCO's World Education Report (2000) suggests that 'without a detailed knowledge of how the wording of individual articles was arrived at, it is not always possible to understand their full meaning'. The above records suggest that this would apply in particular to the writing of Article 26 which involved constructing three separate but interconnected paragraphs.

5.5.1 The influence of World War II

While it is recognised that the abuse of human rights experienced both before and during World War II provided the key catalyst for setting up the United Nations and inspired the writing of the 1948 Declaration, it is less obvious how these events influenced the writing of each individual article. However, the above records clearly show that the experiences of World War II did have a significant influence on the writing of Article 26. For example, Mr Lebar (UNESCO) was one of the first to cite the example of Nazi Germany, where education had been very well organised but had still produced disastrous results. Mr Bienenfeld (World Jewish Congress) also stated that while education in Germany had been carried out in compliance with the principle of the right to education, the doctrines on which that education had been founded had led to two world wars. Miss Schaefer (International Union of Catholic Women's League), was also concerned that if the fundamental right and responsibility of parents to educate their

children as they saw fit was not stated in the Declaration, then there could be a recurrence of situations such as that which prevailed in Germany under Hitler. Finally, according to Mr Beaufort (the Netherlands), Article 26 must ensure that the experience of Nazi Germany, where the Hitler Youth deprived parents of control over their children, would never be allowed to occur again.

The experiences of World War II therefore played a critical role in highlighting the deficiencies of free and compulsory state schooling and helped to persuade many of the delegates involved in drafting Article 26 of the importance of including two more paragraphs concerning the content of education and the primary role and responsibilities of parents. These findings therefore correspond with previous comments made by Glendon (2001) who states that:

‘Article 26 on education is one of the few articles in the declaration directly influenced by the European holocaust. . . . The paragraph on parental rights was prompted by recollection of Nazi indoctrination tactics. It provides a bridge between the new right to education and the older family protection idea of Article 16’ (Glendon, 2001, p.48).

Morsink (1999) has also identified Article 26 as one of the articles in the 1948 Declaration most clearly shaped by the experiences of the war and suggests that ‘the second and the third paragraphs were put in the article as a way of condemning what Hitler had done to Germany’s youth and of making sure that it would never happen again. . . . they were written in direct reaction and opposition to this Nazi abuse of state power’ (Morsink, 1999, p.29). With reference to the importance of paragraph three, Morsink (1999) continues:

‘The defence again was that the Nazis had usurped the prerogative of parents when they demanded that all children enrol in poisoned state controlled schools. The paragraph was especially necessary because the word “compulsory” had been used in the first paragraph’ (Morsink, 1999, p.90).

One thing is clear, the right to education as defined before World War II was no longer deemed sufficient in the post war period. While the previous model may have been successful in helping to achieve universal access, it had failed to protect the primary role and responsibilities of parents from excessive government intervention and control. If parental responsibility can only be realised when parents are free to choose the kind of education which their children receive, then this implies that a variety of different schools must be allowed to flourish. This suggests that a government monopoly in the provision of education is no longer acceptable. While authors such as Glendon (2001) and Morsink (1999) have recognised the influence of World War II on Article 26, it remains unclear if they have been prepared to accept the full implications of this influence outlined above.

5.5.2 Free and compulsory

The second unique characteristic of Article 26 is that it is the only article in the 1948 Declaration which describes a human right or a fundamental freedom as being either ‘free’ or ‘compulsory’. As noted in the above records, free and compulsory education had already become associated with the right to education before 1948, which was confirmed by Mr Quijano (Panama), who highlighted that it was already enshrined in the constitutions of forty countries. Mr Larrain (Chile), and Mr Stepanenko (Byelorussian Soviet Socialist Republic) also highlighted that their constitutions contained identical terms and that free and compulsory education had proved an effective weapon in combating illiteracy. It is also important to note that free and compulsory education had already been introduced in the US and across Western Europe. Therefore according to Mr Lebar (UNESCO), to exclude free and compulsory education would constitute a step backwards. However, simply because free and compulsory education had been universally accepted prior to World War II, doesn’t help to justify if it is consistent with the right to education either before or after the war. This argument also fails to take into account the experiences of World War II and the concerns highlighted above.

The records also show that the inclusion of the words ‘free’ and ‘compulsory’ in Article 26 was certainly not a foregone conclusion. First, they were not included in the draft document prepared by UNESCO’s Committee of Experts in June 1947 which simply states that ‘[e]very man has the right to a certain minimum of elementary education.

That elementary education should eventually be brought to a minimum level of fundamental education available to all men'. Furthermore, while Humphrey's first draft did include the word 'free', there is no mention of education being compulsory, which was only included by Professor Cassin (France) in a later draft.

It is also important to highlight that following the inclusion of the word 'compulsory' in Professor Cassin's second draft document, several delegates on the drafting committee continued to have serious reservations and would subsequently vote for it to be removed. For example, Miss Schaefer (International Union of Catholic Women's League) suggested that education which is free and compulsory might be interpreted to mean that if the state provided free education, it was entirely free to determine the system of education. Mr Wilson (UK) also argued that it was dangerous to include the word 'compulsory' as it could be interpreted as acceptance of the concept of state education and that it was difficult to reconcile the statement of a right to education with the notion of the compulsory nature of that education. This was a concern also shared by Mrs Mahta (India), who argued that the contradictory concepts of a right and a compulsion could not be reconciled in the draft declaration. Finally, Mr Azkoul (Lebanon) argued that the concept of compulsion was in contradiction with the statement of a right and he was concerned that the word 'compulsory' appeared to give the state unrestricted authority over education. While the state should guarantee education to children, the primary responsibility for that education and the right to determine it rested with the parents. To conclude Mr Azkoul posed the following question – if education was compulsory, and the state was authorised to force parents to send their children to school, then at the very least were parents not entitled to choose the school and the nature of education being provided? The fact that a vote to remove the word 'compulsory' from the draft text was only just defeated by seven votes to six also highlights the strength of opinion against its inclusion, despite the fact that compulsory education had already been universally accepted prior to the 11948 declaration.

While the inclusion of the concept of compulsion in education was debated at some length, it is surprising that the inclusion of so called 'free' education attracted much less attention. Again this may be because it was already universally accepted. However,

from a classical liberal perspective, the idea of ‘free’ education raises a large number of questions. For example, as governments have no money of their own then it is clear that parents will still be paying for their children’s education, albeit indirectly via taxation. The use of the word ‘free’ is therefore misleading. It also remains unclear if ‘free’ education is intended for all children irrespective of the income of their parents, or if it is only intended to help those families in genuine need. Finally, is education to be free in all schools or just government owned schools? And who decides – parents or politicians?

5.5.3 Combining first and second generation rights

The third and final unique characteristic of Article 26 is that it is the only article in the 1948 Declaration which attempts to combine both first and second generation rights. As noted above, during the first half of the twentieth century, the right to education was originally associated with the introduction of free and compulsory education and was therefore initially identified as a second generation right. Paragraph one therefore represents a second generation right as it places a duty on the government to guarantee free and compulsory education. However, as this was now deemed to be insufficient, paragraphs two and three were included which represent first generation rights as they aim to protect parents from excessive state intervention. According to Coomans (1999) a main feature of the right to education is its mixed character, as ‘on the one hand it affords individuals a claim against the state in respect of receiving education. . . . On the other hand, the right to education embraces a freedom dimension’. (Coomans, 1999, p.xx).

However, it is important to note that while the final text of Article 26 did include a reference to both first and second generation rights, Professor Cassin’s original draft was only intended to protect the economic, social and cultural rights and he believed that it should therefore confine itself to stating the principle that elementary education was free and compulsory. Professor Cassin explained that the draft adopted in Geneva ‘reconciled two trends of thought on the subject, one favouring the right of the State to determine the system of education and the other favouring the right of the family. At that time, the Commission had felt that, in the interests of the child and of mankind in

general, the Declaration should not set forth directives regarding the system of education, but should, however indicate the factors which would favour the development of human personality. Consequently the text adopted in Geneva contained no illusion to the State or the family (E/CN.4/SR.67). This is true, as the text adopted in Geneva only included paragraph's one and two, which according to Professor Cassin attempted to reconcile the two trends of thought, one in favour of state control and the other in favour of parental control.

However, this compromise and the concept of state control was later rejected following the inclusion of paragraph three which reaffirmed parental control and placed important new restrictions on future government interventions. The combination of both first and second generation rights in Article 26 also helps to shed light upon an uneasy tension which lies at the heart of the concept of the right to education. As paragraph one places a duty on the state to intervene to help guarantee universal access to education, it still remains unclear what constitutes excessive state intervention. For example, when does the pursuit of universal access to education begin to undermine and distort the role and responsibility of parents? On this critical issue, the above records do help to provide some general guidelines. For example, in the debate on whether or not to exclude the word compulsory, Mr Lebar, representing UNESCO, stated that the word compulsory 'did not mean that the state exercised a monopoly over education, nor did it infringe the rights of parents to choose the schooling facilities they wished to offer their children' (E/CN.4/SR.68). Therefore if parents are to have the right to choose then this would imply that national governments must not be allowed to dominate the sector but instead must allow and encourage a variety of competing educational providers to develop and flourish.

Why was each paragraph included in Article 26? Paragraph one was included to help guarantee universal access to education and ensure that no child is denied access due to either parental neglect or a lack of finance. It was not included to lend support to or justify a government monopoly in education or to ensure that all children receive exactly the same level or standard of education, or to prevent some children from receiving a different kind of education than others. The need to include a paragraph concerning the content of education was motivated primarily by the experiences of Germany and other

fascist countries, where education had been free and compulsory in compliance with the right to education but had still been used by the political party in power to promote intolerance and hatred of others with disastrous results. Paragraph two was included after it was recognised that guaranteeing universal access to education was no longer sufficient to guarantee the right to education. The inclusion of paragraph two would therefore help to ensure that the content of education conforms to certain general guidelines.

Finally, paragraph three was included to ensure that paragraph one was not misinterpreted to mean that the state was also free to determine the system of education, or to deprive parents of their right to choose. It was therefore introduced to eliminate any implication of coercion and provide protection against undue intervention by the state. Paragraph three was also included to reaffirm that it is parents and not politicians who are primary responsible for their children's education and that this responsibility can only be carried out if parents are free to choose the nature, form and content of education which their children receive. Paragraph three therefore places important new restrictions on future government intervention in education, as any attempts to guarantee universal access (implement paragraph one) must not interfere, distort, undermine or usurp the primary role and responsibility of parents. Therefore, paragraph three is perhaps best viewed not as a separate paragraph but as an extension to paragraph one. They should be viewed as two sides of the same coin.

Are the three paragraphs listed in order of importance? The above records suggest that the three paragraphs are not listed in any order of importance and there are no records of any debate or agreements which identified any one of the three paragraphs as being more (or less) important than the others. Instead the order of the three paragraphs reflects how the modern concept of the right to education has developed over time from a second generation right including only paragraph one, to a combination of both first and second generation rights.

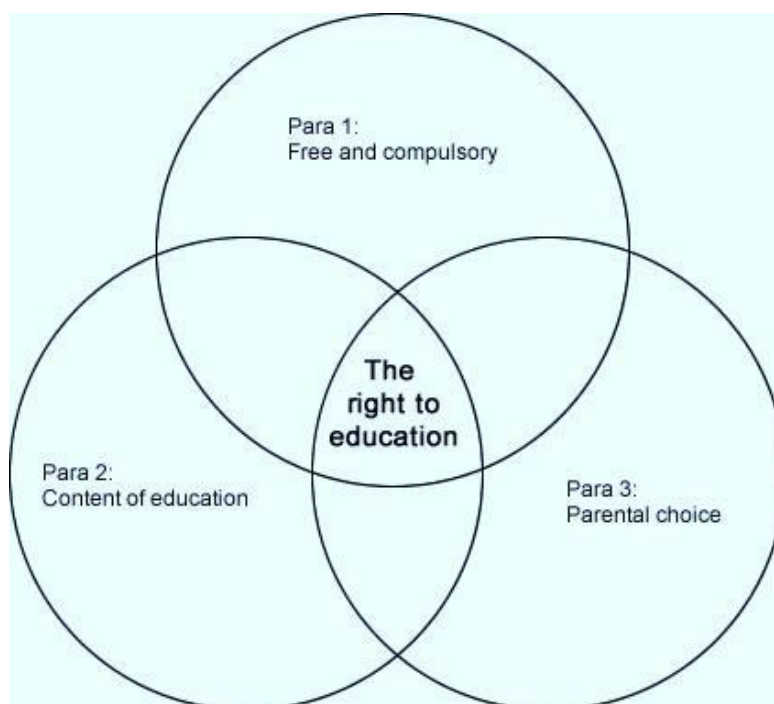
Can each paragraph be considered individually and in isolation to the other two paragraphs? The above records clearly show that the three paragraphs of Article 26

were not expected to be considered individually or in isolation to the other two paragraphs. In particular, paragraph three was specifically included to help ensure that paragraph one was not misinterpreted and as noted above it is therefore best viewed as an extension of paragraph one. While the right to education was closely associated with free and compulsory education as expressed in paragraph one prior to World War Two, the lessons from this conflict highlighted that this approach was longer sufficient to guarantee the right to education. Therefore, to focus only on paragraph one would be to deny or simply neglect the lessons to be learnt in education following the horrors experienced during World War II and instead to return to the old definition which dominated during the first half of the twentieth century.

5.6 The whole is greater than the sum of the parts

While the three paragraphs are numbered one to three, this merely reflects the order in which they were drafted, and does not reflect a particular hierarchy of importance. The records also suggest that it was not the original intention of those who drafted Article 26 for each of three paragraphs to be addressed separately or that any single paragraph should take priority over the others. In particular, it was not their intention for paragraph one to be addressed in isolation to paragraph three. Instead, while each paragraph addresses a different component of the right to education, all three components are interconnected and dependent upon each other. Therefore, the right to education as defined in Article 26 can only be guaranteed when all three components interact. Figure 1 shows the three interconnected paragraphs of Article 26:

Figure 1 Article 26 and the right to education



In Figure 1 the right to education is represented by three interrelated components which interact not only with each other, but also with the surrounding environment. It is only when all three components interact together that the right to education is guaranteed - the whole (the right to education) is therefore greater than the sum of its parts.

The right to education as defined in Article 26 is based upon the principle that while the state should guarantee education for all, the primary responsibility for that education and the right to determine it rest with the parents. This principle corresponds with Article 16 of the UDHR which states that 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the State', and Article 12 which guarantees that 'No one shall be subjected to arbitrary interference with his privacy, family, home . . . Everyone has the right to the protection of the law against such interference or attacks.'

For the international community, Article 26 represented an important departure from the past and introduced a new definition of the right to education, explicitly stating the prior

right of parents to choose and imposing important new restrictions on the nature and extent of future government intervention. In order to guarantee universal access to education without undermining the roles and responsibilities of parents, UNESCO and national governments would now be required to adopt a different approach. For example, if history has shown that free and compulsory education (as it is currently understood), has more often than not resulted in a government monopoly in education, restricting the right of parents to choose, then it is clearly not compatible with the right to education and comes into direct conflict with Article 30 of the UDHR, which states that ‘Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein’ (UDHR, 1948).

The paragraph on parental rights was prompted by recollection of Nazi indoctrination tactics. It provides a bridge between the new right to education and the older family protection idea of Article 16’ (Glendon 2001). Glendon’s reference to Article 16 is significant as it suggests that Article 26 cannot be considered in isolation to the other articles in the 1948 Declaration. For example Article 16 states that ‘The family is the natural and fundamental group unit of society and is entitled to protection by society and the State’. This would therefore appear to confirm the need to explicitly state the right of parents to choose in education, as it is the family, and not the state which is primary responsible for education.

The right to education as defined in Article 26 is based upon the principle that while the state should guarantee education for all, the primary responsibility for that education and the right to determine it rests with the parents. This principle corresponds with Article 16 of the UDHR which states that ‘the family is the natural and fundamental group unit of society and is entitled to protection by society and the State’, and Article 12 which guarantees that ‘No one shall be subjected to arbitrary interference with his privacy, family, home . . . Everyone has the right to the protection of the law against such interference or attacks.’

The commanding role of parents in education is outlined in paragraph three of Article 26 which states that ‘parents have the prior right to choose’. Within this context, the right to choose implies that there must be a variety of possible alternatives to choose from. The implications of this basic principle on the right to education are far reaching as any intervention by the state to help guarantee education for all must not interfere, restrict or undermine the commanding role of parents. Therefore the primary role of the state in education is to establish and maintain a regulatory framework which encourages a variety of schools to flourish, which will guarantee parents a variety of possible alternatives to choose from. The state must also protect parents against the development of a monopoly in the provision of education, which will restrict their ability to choose. Competition must therefore be encouraged.

While the above three paragraphs give some indication as to what is meant by the right to education and how it can be guaranteed in practice, a number of important questions remain unanswered. For example, what exactly is meant by “free” education and who should pay for it? Should public subsidies be directed towards parents or schools? Should all parents be given “free” education, including those who can afford to pay for it themselves or should public funds only be directed towards those parents who are in genuine need? Also, what impact will these government interventions have on existing private schools and the freedom to set up new schools? In this context impact not only refers to the immediate and visible consequences of a particular government intervention, but also the hidden costs and unintended consequences which may accumulate over time. Furthermore, what does the right to education as defined in Article 26 mean to those parents who choose to send their children to fee paying private schools and to all of those individuals and organisations who currently own and manage a private school? For example, does it protect them from arbitrary government interference in education or are national governments free to intervene as and when they please?

These questions help to shed light on some of the complexities involved in attempting to define and guarantee the right to education. In particular, it is clear that the way in which a government intervenes in education will have a significant impact on how the education sector as a whole develops and whether the right to education is guaranteed or

not. A key failure of previous interpretations of the right to education has been the tendency to automatically assume the existence of a national system of free and compulsory government schools and then attempt to accommodate parental choice within this framework. However, this new interpretation recognises that the freedom dimension of the right to education concerning the right of parents to choose exists prior to any state intervention.

5.7 Sir Julian Huxley versus Jean Piaget

Following the signing of the 1948 Declaration, UNESCO commissioned a collection of articles, edited by its first General Director, Julian Huxley, which provide a useful insight into some of the conflicting opinions which existed during this period.²³ In his introduction to *Education and Freedom* (1951), Huxley reinforces some of the previous concerns highlighted by Charles Malik relating to the ongoing threat to individual freedom from increasing government intervention and control:

The brute fact of history that power corrupts, or at least tends to corrupt; the authority tends to arrogate more authority to itself and to oppress those who are submitted to it., unless they are reduced to what Aldous Huxley calls ‘the equality of universal rightlessness’; that the state tends to degrade human beings to the role of machines or of cogs within a machine, to think of them not as ends but as means; and that the community tends to act as a heard and to ostracize new or unpopular opinions. Consequently, individuals in all their variety always need safeguarding against these tendencies of organised power: and one of the safeguards so far devised is the enunciation of Human Rights. Further, the oppressive tendencies or power have so far been so dangerous that it is better to go too far in our assertions of Human Rights rather than not far enough (Huxley, 1951, p.14).

For Huxley therefore, the role of human rights was to safeguard individuals from the undesirable tendencies of increasing government intervention and its corrupting effects.

²³ Sir Julian Huxley (1887-1975) came from the distinguished Huxley family. His brother was the writer Aldous Huxley, his half brother was the biologist and Nobel laureate Andrew Huxley, his father was the writer Leonard Huxley, his grandfather was the academic Tom Arnold, his great uncle the poet Matthew Arnold and his great grandfather was Thomas Arnold of Rugby School.

Critically, Huxley (1951) then goes on to pose the following question concerning the inevitable consequences from increasing government intervention in education:

Once the state has taken over any large responsibilities, of finance or of policy, for education, and *a fortiori* when it has taken over all responsibility, what becomes of the right in Article 26 of the Universal Declaration, namely that ‘parents have a prior right to choose the kind of education that shall be given to their children. It is like the right of the people to choose their representatives by means of free elections, in countries with the one party system, and where therefore no choice exists (Huxley, 1951, p.14).

As Huxley rightly suggests, parental choice in education cannot be guaranteed when parents only have state schools to choose from as this would be similar to being given the right to vote in a one party system. It could also be compared to having a free press with only government owned and controlled newspapers to choose from. Therefore this clearly implies that if parents are to have the freedom to choose in education, then there has to be a variety of educational providers to choose from.

This has further important implications. First, it implies that a government (or private) monopoly in the delivery of education is incompatible with parental choice and therefore the right to education. Second, it also implies that the right to choose and the private sector in education are simply two sides of the same coin, in that you can’t have one without the other. Third, if it is true that a government monopoly in education is no longer compatible with the right to education, then this also implies that the private sector must now hold the key to guaranteeing universal access to education and the right to education as a whole.

Another important contribution to this 1951 publication was written by Jean Piaget, the Director of the International Bureau of Education from 1929-1968. In stark contrast to Huxley’s concern with the threat of increasing government intervention, Piaget focuses on the exact opposite by highlighting the benefits of increasing government intervention in education and some of the problems which arise when dealing with parents. Whilst

acknowledging that the educational guidance of children is subject to parental consent, Piaget goes on to claim that ‘the whole history of human society has been marked by a progressive diminution of the rights of the family and a corresponding increase in the powers of the state’, and that in education the power of parents has been increasingly limited by educational rules. This has been a development ‘which incidentally, has not generally been to the disadvantage of the child’ (Piaget, 1951, p.87). Piaget continues:

First of all, parents are only human. Some of them are excellent, but others are less so, and it is often necessary to protect the children against their desires. There are intelligent and instructed parents, and there are others who are unintelligent and backward. It is no use talking to such people of psychological methods or new educational techniques, and the difficulty is to know just how to deal with them. They are often good people who want the best for their children, but their ignorance and conservatism makes them oppose things which would really be of benefit to their children. Most educational innovators have suffered the same experience. They have found that parents are often the chief obstacle to the introduction of more advanced methods of education (Piaget, 1951, p.87).

Piaget’s frustration with unintelligent and backward parents highlights an important and perhaps an inevitable conflict between the opinions of education experts and those of parents. For example, if a government expert using the latest psychological methods concludes that Child A should attend School B, but the parents of Child A disagree, and want to send their child to School C, with reference to the right to education, whose decision should prevail? Who should have the last say? In short, who has the right to choose – the government expert or the parent? According to Article 26, there is no doubt that it is parents who must ultimately have the right to choose and while government experts are free to give parents advice, they have no power or authority to force parents to accept their own particular point of view²⁴.

²⁴ It would have been interesting to see how Piaget would have reacted if he had been told by a government expert that his children must now enrol at School B, which use the traditional methods of teaching, methods which Piaget believed to be fundamentally flawed. Would Piaget have described this as an example of excessive government intervention?

While Huxley would only be Director General of UNESCO for two years²⁵, Piaget would remain in his position of influence for thirty nine years, which perhaps reflects the popularity of his general approach within UNESCO and the wider international community. Another important aspect of this debate concerns the important role which history plays in both arguments. For example, according to Huxley, the brute fact of history has shown that power corrupts and that those in authority tend to arrogate more authority to themselves and oppress those who are submitted to it, which perhaps helps to explain why he was so concerned with increasing government control over education. Again, in stark contrast, Piaget provides a very different interpretation of history and makes the bold claim that the whole history of human society has been marked by a ‘progressive diminution of the rights of the family and a corresponding increase in the powers of the state’. As Piaget believes that this has previously had a positive impact on children’s education, this helps to explain his desire for further government intervention, reducing the role of parents even further.

However, this interpretation of history lies in stark contrast to the one provided by F.A. Hayek in *The Road to Serfdom* (1944). According to Hayek (1944), throughout the modern period of human history

‘the general direction of social development was one of freeing the individual from the ties which had bound him to the customary or prescribed ways in the pursuit of his ordinary activities’ (Hayek, 1944, p. 15).

It was this unchaining of individual energies which had led to the Renaissance and subsequent rapid growth of science and it was only the more recent growth and interference of government which had restricted growth in some countries. These two different interpretations of the past reinforce the continuing importance of historical events and how they continue to influence current day thinking. The importance of

²⁵ Ironically, it is suggested that Huxley’s six year term was reduced to two years at the bequest of the US delegation, because of his left wing tendencies.

history has previously been highlighted by Hayek (1963), who suggests that the interpretation of historical events is often influenced by political beliefs and that historical myths have played nearly as greater role in shaping opinion as historical fact.

As Hayek (1963) suggests:

Few men will deny that our views about the goodness and badness of different institutions are largely determined by what we believe to have been their effects in the past. Yet we can hardly hope to profit from past experience unless the facts from which we draw our conclusions are correct (Hayek, 1963, p. 4).

This statement has particular relevance for the subject of this thesis as different interpretations exist concerning the growth of education in developed countries prior to state intervention. As international agencies and developing countries often look to emulate the previous experience of today's developed countries, then these different interpretations of the past are of considerable importance.

5.8 The World Declaration on Education for All (1990)

In 1990, four decades after the signing of the Universal Declaration of Human Rights, there was an estimated 100 million children still without access to education. As a result 155 countries met at the World Conference on Education for All in Jomtien, Thailand, and agreed to a new initiative to universalize primary education and significantly reduce illiteracy before the end of the decade. The opening paragraph of The World Declaration on Education for All (1990), states that '[m]ore than 40 years ago, the nations of the world, speaking through the Universal Declaration of Human Rights, asserted that everyone has a right to education'. However the document then identifies a number of global problems which have led to major setbacks in basic education in many of the least developed countries, including:

‘mounting debt burdens, the threat of economic stagnation and decline, rapid population growth, widening economic disparities among and within nations, war, occupation, civil strife, violent crime, the preventable deaths of millions of children and widespread environmental degradation’ (UNESCO, 1990).

In response, the 1990 Declaration states that:

‘We, the participants in the World Conference on Education for All, reaffirm the right of all people to education. This is the foundation of our determination, singly and together, to ensure education for all. We commit ourselves to act cooperatively through our own spheres of responsibility, taking all necessary steps to achieve the goals of education for all. Together we call on governments, concerned organizations and individuals to join in this urgent undertaking. The basic learning needs of all can and must be met’ (UNESCO, 1990).

The accompanying Framework for Action recognised the difficulties of national governments meeting all existing and future basic learning needs and therefore recommended the active involvement of families, teachers, communities and private companies. Education is therefore referred to as the ‘responsibility of the entire society’, implying the active involvement of a number of different partners.

At the Mid-Decade Meeting of the International Consultative Forum on Education for All (Amman, Jordan, June 1996), delegates were informed that primary school enrolments had increased and that there was now an estimated fifty million more children in school than in 1990. The number of out-of-school children had also started to decline with 20 million less than in 1990. However despite these gains, concerns were again raised about the quality of education:

‘Without educational content relevant to current needs, without preparation in the learning skills and new knowledge required for the future, and without efforts to improve learning achievement, access may

neither serve the purposes intended nor provide the benefits expected’
(The Amman Declaration, 1996).

An EFA assessment in 2000 revealed that none of the EFA targets had been met, including the goal of achieving universal access to and completion of basic education by 2000 and that while progress had been made in terms of access, low student achievement and high drop out rates was now a major concern.

5.9 The Dakar Framework for Action (2000)

The next UN initiative was launched in April 2000 when more than 1,100 participants from 164 countries met in Dakar, Senegal, to sign up for the Dakar Framework for Action (EFA – Meeting our Collective Commitments). The following five goals were identified:

1. expanding and improving comprehensive early childhood education;
2. ensuring that all children have access to and complete free and compulsory primary education of good quality by 2015;
3. guaranteeing equitable access to appropriate learning and life-skills programmes;
4. achieving a 50 per cent improvement in levels of adult literacy by 2015 and finally improving all aspects of the quality of education and
5. ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all (Dakar Framework for Action, 2000).

The importance of recognising education as a fundamental human right is again reinforced and education is identified as being key to sustainable development and peace and stability within and among countries. While this document aims to guarantee universal access to free and compulsory primary education of good quality by 2015, there is again no mention of the need to guarantee the right of parents to choose.

In Dakar, 300 non-government organisations (NGO’s) also met to discuss why the Jomtien objectives had not been achieved and calculated the price for realising

Education for All to be an additional \$8 billion a year. In the *NGO Declaration on Education for All*, national governments and international agencies were asked to renew their commitment to education as a human right as expressed in Article 26 of the 1948 declaration. The declaration also states that there must be a commitment to providing ‘free quality basic education for all children, youth and adults. Equity in quality must be ensured at all levels. All direct costs of basic education have to be removed’. Finally ‘[t]here must be a clear statement that education is a core responsibility of the state’.

While this statement reinforces the continuing relevance of Article 26, the demand that there must be a clear statement that education is a core responsibility of the state, comes into direct conflict with Article 26 and the original definition of the right to education, which identified parents and not governments as being primary responsible for their children’s education. While the NGO’s focus their attention on demanding equity in quality and the removal of all costs in education, the need to protect the right of parents to choose in education does not feature on their agenda. Finally, the fact that there are no NGO’s involved in the EFA initiative which champion the right of parents to choose in education, either highlights a flaw in the whole EFA initiative or simply reflects how marginalised and unimportant parental rights are now viewed within the international community.

5.10 The Millennium Development Goals (2000)

In September 2000, the United Nations Millennium Summit met in New York and the Millennium Declaration was subsequently adopted by 189 nations. The Declaration outlined the need to make globalization fully inclusive and equitable and it also identified eight Millennium Development Goals (MDGs), with goal number two concerning education:

Goal 2

Achieve universal primary education. To ensure that, by the year 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education

While there will have been a limit to the number of words that can be used in Goal 2, it is significant that no mention is made of education being either free or compulsory. The lack of any reference to the rights of parents also suggests that a) these rights are no longer recognised or b) these rights are now secondary to the need to achieve universal access to education. Goal 2 is therefore focused entirely on guaranteeing universal access to education by any means possible. However, in October 2001, UNESCO's High-Level Group on Education for All confirmed that no country which was seriously committed to education for all will be restricted due to a lack of resources. The groups Communiqué highlighted an urgent need to define educational quality, its content and outcomes and concludes that '[w]e underline the core responsibility of governments for education, and especially to provide free and compulsory quality basic education for all' (para 5).

CHAPTER SIX: CASE STUDY - MISSIONARY AND COLONIAL INTERVENTION IN EDUCATION IN KENYA

6.1 Introduction

The following three chapters will report and explore the findings of the single country case study that has been undertaken in order to help shed further light on the primary research question:

- Does the recent growth of private schools serving low income families in developing countries, correspond or come into conflict with the United Nations concept of the right to education?

The case study will draw on a variety of historical, qualitative and quantitative data which have been collected from both primary and secondary sources in Kenya and the UK. This chapter will look to answer the following supplementary research question:

- How and why did the colonial authorities intervene in education in Kenya? What role did the private sector play in these developments? And what were the hidden costs and unintended consequences associated with these interventions?

Particular attention will focus on the role played by private (non-state) schools during this period and how missionary and colonial interventions influenced their growth and development. This chapter hopes to shed new light on both the missionary societies and the colonial authorities record on education in Kenya and how this record corresponds or comes into conflict with the concept of the right to education that would subsequently be defined in Article 26 of the Universal Declaration of Human Rights (1948).

The first section of this chapter will briefly set the scene of Kenya and its importance at the start of the nineteenth century. The second section provides a brief insight into the nature and form of indigenous education which existed prior to Western intervention

and how this, if at all, relates to the modern concept of the right to education. The third section examines the pioneering role of the Christian missionary societies and the initial interventions of the government.

6.2 Setting the Scene

Located on the east coast of Africa, Kenya is bordered by Somalia, Ethiopia and the Sudan to the north, Uganda to the West and Tanzania to the South. Together with forty six other countries located south of the Sahara desert, Kenya forms part of Sub-Sahara Africa, a region which is widely recognised by the international community as being the poorest in the world and one which attracts a lot of attention and international aid. However, at the turn of the twentieth century, this region remained largely untouched by Western civilisation except for a small number of European explorers who had dared to venture into the interior of what was then referred to as the ‘dark continent’.²⁶

The most famous British explorer of Africa during the second half of the nineteenth century was David Livingston, a Scottish missionary, whose explorations helped to open up the interior of Central and East Africa to the rest of the world. Rapid industrial growth, the need for raw materials and new markets and the combined work of Livingston and other European explorers helped to encourage further European interest in developing their overseas territories, resulting in what would subsequently become known as the European ‘scramble for Africa’. To help organise the political partitioning of Africa, Otto von Bismarck, the imperial chancellor of Germany, organised a conference in Berlin of 14 states in November 1884.²⁷ The Berlin Act of 1885 outlined the ground rules for further European intervention in Africa which included a paragraph on education which stated that:

²⁶ The Portuguese first visited the Kenya coast in the late 15th century and by the end of the 16th century they controlled Mombasa and the surrounding region. However, in 1729, the Portuguese were expelled from Mombasa and were replaced by two Arab dynasties: the Busaidi dynasty the Mazrui dynasty. From the early 19th century there was long-distance caravan trading between Mombasa and Lake Victoria.

²⁷ This included the United Kingdom, France, Germany, Austria, Belgium, Denmark, Spain, the United States of America, Italy, the Netherlands, Portugal, Russia, Sweden, Norway, and Turkey (Ottoman Empire).

‘all the powers exercising sovereign rights or influence in the aforesaid territories . . . shall . . . protect and favour all religious, scientific, or charitable institutions . . . which aim at instructing the natives and bringing home to them the blessings of civilisation’ (The Berlin Conference: The General Act, Feb. 26, 1885).

This is perhaps the first statement concerning the development of education in Africa, which was to appear in an international agreement and it reflects the growing interest in education in Africa which was then emerging across Europe and in the USA. However, while the above statement appears to provide a positive message of support, it still raises a number of important questions. For example, which religious, scientific, or charitable institutions, should the colonial authorities look to support? Should they all be treated equally and who would ultimately decide? The above statement also suggests that colonial governments should support institutions which aim at instructing the natives and ‘bringing home to them the blessings of civilisation’. However, assuming that this is a reference to Western civilisation, what if the local populations wanted and demanded to learn about their own local traditions and cultures? Should they now be forced to learn what each colonial authority dictates? Would this be consistent with the modern concept of the right to education? It is only by asking such questions, can we begin to comprehend some of the hidden costs and long term consequences of Western intervention in the education of people across Africa during this period.

The East Africa Protectorate was established by the British government in 1895, and white settlers from South Africa, the UK, Canada, New Zealand and Australia began to arrive from 1904 onwards. In 1920 the Protectorate became the colony of Kenya, named after the 5,200 meter peak in the central highlands called *kere nyaga*, the "mountain of whiteness." From the beginning of the twentieth century onwards, the role and involvement of the British government in the development of Kenya and its other East African colonies, has attracted widespread attention and curiosity. For example, after visiting the region in 1907, Winston Churchill suggested that the problems of East Africa were now the problems of the world:

‘We see the social, racial and economic stresses which rack modern society already at work here, but in miniature . . . The British Government has in its hands to shape the development and destiny of these new countries and their varied peoples with an authority and from an elevation far superior to that with which Cabinets can cope with the giant tangles at home. And the fact stirs the mind’ (Churchill, 1907, p. 64-65).

Two decades later, R.C Buell (1928) would also suggest the world would judge British colonial policy not in West Africa where it was strongest, but in East Africa, where it was weakest and so ‘the future of Kenya may control that of the entire continent (Buell, 1928, p.398). Finally, Julian Huxley (UNESCO’s first director-general, 1946–48) travelled to Kenya in 1930 and later recalled that it was not just the variety of wildlife and scenery which caught his imagination, but he also found that the people were as varied as the country, with the Africans showing ‘more variety of physical type and way of life than is to be found in all Europe’ (Huxley, 1931, p.5). For Huxley, these findings posed some challenging questions concerning future western intervention:

‘On top of all this variety of nature and man there impinge Western civilisation and Western industrialism. Will their impact level down the variety, insisting on large scale production to suit the needs of Europe and Big Business, reducing the proud diversity of native tribes and races to a muddy mixture, their various cultures to a single inferior copy of our own? Or shall we be able to preserve the saviour of difference, to fuse our culture and theirs into an autochthonous civilisation, to use local difference as the basis for a natural diversity of development?’ (Huxley, 1931, p.6)

Prior to gaining independence in 1963, the European missionaries, the white settlers, the colonial authorities, the British government and the people of Kenya, would all play an important role in what Anderson (1970) has previously described as Kenya’s ‘struggle for the school’, which can also be described as the people of Kenya’s struggle for the right to education.

6.3 Indigenous education in Kenya

A common misconception about the development of education in Kenya is that before the arrival of the European missionaries, organised education did not exist. However, research published by Kenyatta (1938), Kovar (1970), Fadipe (1970), Fafunwa (1982) and Bogonko (1992), clearly suggest that this was not the case. Instead, numerous forms of indigenous education had been developing over hundreds of years, prior to Western intervention. Therefore, before examining the development of education under colonial rule, it will be important to briefly examine the indigenous form of education which existed in Kenya prior to Western intervention. Would this form of education correspond or come into conflict with the modern concept of the right to education?

According to Fafunwa (1982), the guiding principle of education in indigenous African societies, was to help with the immediate induction into the community and preparation for adulthood. Kovar (1970) also suggests that in the traditional society the role of education was seen as preparing youth for adult life (see Kovar, 1970, Chapter III). In particular, African education emphasized ‘social responsibility, job orientation, political participation and spiritual and moral values’ (Fafunwa, 1982, p.10). Children learnt by doing and engaged in participatory education through ceremonies, rituals, imitation, recitation and demonstration. As an integrated experience, education combined ‘physical training with character building, and manual activity with intellectual training’ (Fafunwa, 1982, p.10). Fafunwa also identifies what he refers to as the seven cardinal goals of traditional African education which include: the development of the child’s physical and intellectual skills, the development of character and respect for elders and those in positions of authority, to acquire specific vocational training, to develop a sense of belonging, to encourage active participation in family and community affairs, and finally to understand, appreciate and promote the cultural heritage of the community at large. The importance of respect is also highlighted by Raju (1973) who suggests that traditional African education aimed at fitting children into their local community and ‘had taught them a love of, and respect for, their families, clans, tribes, religions and traditions’ (Raju, 1973, p.1).

In *Facing Mount Kenya* (1938), Kenyatta also helps to shed some light onto the traditional Kikuyu system of education, where parents were responsible for educating

their children in the family and clan tradition.²⁸ While the father would provide his son with agricultural and other vocational training during the day, mothers would educate their children in the evening on the ‘laws and customs, especially those governing the moral code and general rules of etiquette in the community’ (Kenyatta, 1938, p.103). An important feature of education in Kikuyu communities was that it remained the sole responsibility of parents, and according to Kenyatta the study of indigenous education is important because it ‘should reveal to European educationalists how the character of individuals is formed within the family circle and then within the local group’ (Kenyatta, 1938, p.98). Some formal education also took place within Kenya’s different indigenous communities and according to McGlashan (1964), before boys and girls were fully initiated into the group, they would form separate and closed ‘lodges’ for a period of months for a course of formal instruction and continuous assessment:

‘Certain prohibitions were taught – theft, murder, covetousness and lust among them. The customs of hospitality and its special greetings too were formally learnt. In his religious instruction, the boy would learn a vast and comprehensive list of the taboos which caused ritual uncleanness. He would also need to know the remedy for each and its correct and customary cost. . . .The lodge also prepared boys for war and their status as a warrior. Physical fitness was obtained by constant dance practice’ (McGlashan, 1964, p.55).

According to McGlashan (1964), the Kikuyu’s system of education differed from European practice in that no subject was taught until it was needed and was relevant to the pupil’s daily experience and the objectives were intensely conservative, aimed at maintaining the status quo. While school buildings may not have existed, the process of learning was still viewed as critical for the future development of both the family and the wider community. As Othieno (1963) suggests ‘[e]ducation was life. It was completely harmonised with both individual and tribal life. There were no separate institutions corresponding to present schools. Teaching was not a distinct profession, curriculum was lived daily’ (Othieno, 1963, p.28).

²⁸ The Kikuyu are said to have located in the fertile foothills of Mount Kenya in the 16th century and so they would have had at least 500 years of family and clan tradition.

With the benefit of hindsight, it is difficult to see how the modern concept of the right to education (as defined in Article 26 of the 1948 Declaration) would have been relevant to the development of education within Kenya's indigenous communities. For example, as education was viewed as being essential for the future survival of the family and the wider group and as it was integrated into many areas of everyday life, it will have been difficult if not impossible for children to avoid education altogether. In a way, education within these communities could therefore be described as being both compulsory and universal, without being formally recognised as such. As there were no official schools and therefore no school fees to pay, then the suggestion that education should be 'free', would have made little or no sense within these communities. However, there would still have been significant costs involved in educating children as parents and other family members would have to invest their time and energy in passing on their knowledge and skills. However, for parents, this may well have been recognised as an essential investment of their time and energy and therefore not necessarily a cost.

Concerning the content of education, this would be decided by the parents and others within the wider family and local group and would have been guided by local customs and traditions and what was necessary to survive and prosper within that community and. Therefore the content of education may have varied dramatically, depending on the history and local circumstances of each different tribe. However, the idea of someone from outside the family or local community deciding what and how their children should be educated would have been an alien concept within Kenya's indigenous communities and probably one which would have been viewed as unacceptable. On a practical level, it is clear that somebody or some organisation which lived or existed outside of the local group, would not have access to the detailed and very specific knowledge concerning how these communities lived and what their needs and demands were. Without having continuous access to this 'on the spot' knowledge, it is easy to see how a mismatch could soon occur between the nature and form of education being designed and delivered by an external agency and the changing needs and demands of parents and the local community. It is also fair to assume that some parents may have viewed any external interference in their children's education as being a direct challenge

to their role as a parent, suggesting that they were not capable of carrying out one of their primary responsibilities. The fact that these indigenous communities were relatively small and close knit also suggests that the shame associated with parents failing to educate their children may have been an important reason why a child's education was rarely neglected. Also if the survival of parents in old age depended on the skills and knowledge of their children then this could also have provided another incentive for parents not to neglect their education.

Therefore, perhaps the one component of the right to education (as defined in Article 26) which would have had some relevance in Kenya's indigenous communities, was paragraph three, outlining the right of parents to choose the nature, form and content of education which their children received. As recorded during the process of writing Article 26, the right of parents to choose was important because it was parents who were identified as being ultimately responsible for their children's education and they would be unable to carry out this key responsibility if they were not free to choose the kind of education which their children received. Parental choice and parental responsibility can therefore be described as two sides of the same coin, in that you can't have one without the other. Finally, the fact that parental responsibility was identified as a key factor in children's education in Kenya's indigenous communities suggests that it was not included in Article 26 in 1948 because it was a new or recent development. Instead parental responsibility for education is perhaps best described as the 'natural state of affairs' which has always existed and will continue to do so until a third party decides to intervene.

6.4 The pioneering role of the Christian missionary societies

In Kenya, as in many other African countries, Christian missionary societies from across Europe and the United States played an important role in the early development of formal schooling.²⁹ However, before examining these developments in Kenya, it will be important to briefly explain why and how these Christian missionary societies initially got involved in the education of children in foreign countries and what role the British

²⁹ For a detailed account of the missionary societies involvement in the initial development of schooling in Kenya see Chapter 2 of Anderson's *The Struggle for the School* (1970).

government would play in these initial developments, as this will go some way to help explain the developments which would subsequently take place in Kenya.

6.4.1 Initial developments in the Caribbean

From the early eighteenth century onwards, those religious organisations which campaigned for the end of slavery soon turned their attention towards the spiritual welfare of freed slaves and their native populations. As a result agents of the church were sent to establish missions across the colonial empire, a process which began in the West Indies in the 1730s and was subsequently extended across the Atlantic to Africa.³⁰ The early development of education in the West Indies was financed and supported by churches based in the UK and despite resistance from the local colonial authorities and plantation owners by 1830 an estimated 11,000 children and adults across the West Indies were reported to be attending schools of the Wesleyan Society (Wesley, 1932, p.361). The demand for education in the West Indies was soon to change however following the introduction of the Act of Emancipation in 1833 and the subsequent release of 770,000 slaves (the majority in the West Indies). In response, the House of Commons passed Resolution 5 of the Act of Emancipation which placed new responsibilities on the British government to provide the local legislature in its colonial territories with financial aid to assist ‘in proceeding upon liberal and comprehensive principles for the religious and moral education of the Negro population to be emancipated’ (Parliamentary Debates, 14th May 1833).

In July 1835, Lord Grey set out the government’s position, stating that the education of freed slaves could best be secured by supporting those religious bodies already engaged in education and that the setting up of new institutions would only interfere with those already established.³¹ The principle to be adopted for the distribution of educational funds would therefore be the same as the one already used for the erection of schools in England. Later that year the government introduced its Negro Education Grant of

³⁰ For a detailed account of Missionary and the British government attempts see Wesley, Charles H The Rise of Negro Education in the British Empire, The Journal of Negro Education, Vol. 1, No.3/4 (Oct 1932).

³¹ On April 7th 1835, a plan was also submitted by William E. Gladstone who was quick to recognise the variety of schools already in existence. According to Gladstone (1835), it would be ‘far easier to extend existing organisations than to create new ones and to extend moderately several existing organisations than to give suddenly a very much greater extension to one alone’ (Gladstone, 1835, quoted in Wesley, 1932, p.364).

£25,000 per annum to help fund elementary education for freed slaves and their descendants living in the UK's colonial territories. Those religious organisations which received government funds had to agree to certain conditions including a system of government inspection 'intended to guarantee sites, labour and subscriptions, for the first five year period' (Rooke, 1981, p.431), and a promise to provide one third of the initial outlay with the government subsidising the remaining two thirds.

However, it is important to recognise that the introduction of the Negro Education Grant and the conditions attached were not universally welcomed. For example, Walter Ellis of the London Missionary Society (LMS), expressed grave reservations about the introduction of school districts which would be based on the denominational preference of the plantation owners, as this would only open areas to 'local particularities and prejudices of a few leading persons' (quoted in Rooke, 1981, p.431). This would tend to favour the dominant Anglican interest groups, and it also raised questions concerning what would happen to the existing facilities if another denomination was chosen and if 'minority wishes and parental rights be factors in choosing the education for their children?' (quoted in Rooke, 1981, p.432). This is the first reference to the rights of parents to be found in the literature which was reviewed, which suggests that as early as the 1830's, the rights of parents in education were already recognised, at least by the London Missionary Society. This again suggests that parents rights and responsibilities concerning their children's education is not a new or recent development.

The concerns highlighted above also help to shed light on how the introduction of government subsidies can unintentionally begin to restrict the rights and responsibilities of parents. While the introduction of school districts was introduced to help organise and administer the subsidies being provided, the impact on the rights and responsibilities of parents was clearly not taken into account. It is also important to note that it was not the introduction of subsidies *per se* that was the problem, but the way in which the subsidies were used and the conditions which were attached. For example, if the colonial authorities had decided to direct its subsidies to those parents who were most in need, then these parents would still have been free to choose which school their children should attend. As a result this government intervention would not have interfered to the same extent with the natural growth and development of non-state education which was

already taking place. Instead, those parents in receipt of the subsidies would now be in a better position to send their children to their preferred school.

A number of missionary societies also rejected government aid on principle as they were reluctant to give the government any opportunity to dictate the content of education being delivered in their schools. For example, Charles Rattray of the London Missionary Society (LMS) described government inspectors as little better than “inquisitors” and protested that he would not be willing to serve two masters. He was also concerned that government aid would transform missionary schools into *bona fide* government schools. Other missionaries were also concerned with the arbitrary nature of the conditions of inspection, which could easily change if and when a change of government occurred back in the UK (see Rooke, 1981). This helps to show how well intended government interventions to help support education can very easily begin to undermine the freedom of different providers to deliver their own preferred curriculum or the one which is preferred by parents. Again, many of these issues and concerns relate to the nature of government intervention and the fact that the government was intent on directing subsidies to schools instead of parents, a practice which was already in use in the UK.³²

Rooke (1981) also refers to the historical records of the Christian Missionary Society from 1838, which show that in a frantic attempt to increase enrolments in their schools and chapels, the CMS claimed that they should not charge fees for their schooling. According to Rooke (1981), this desperate search for a solution was all the more poignant when it is realised that ‘the Baptists did not give their education gratis; they were committed to the idea that people placed a higher value on something they paid for’ (Rooke, 1981, p.439). Rooke (1981) concludes that whether such a simplistic economic adage was true or not ‘it seems that a small weekly payment to attend Baptist schools, both government aided and non-aided did not deter the apprentices’ (Rooke, 1981, p.439).

³² While it is not entirely clear why this method of subsidising education was introduced, it would obviously be much easier to administer the distribution of funds to a small number of schools instead of to thousands of individual parents.

It is interesting to note how one missionary society used the introduction of “free” schooling as a tactic to attract new enrolments and not necessarily to assist parents and pupils who had previously been unable to afford school fees. It is perhaps even more interesting to note the Baptists opposition to providing free education, as they believed that people placed a higher value on something they paid for. This raises some important questions. For example do parents place less value on education when they receive it for free? And also could this removal of school fees begin to undermine parental responsibility for education? As private schools require the payment of school fees, this will be an issue which will be revisited in subsequent chapters.

The initial intervention by the British government in the education of its colonial subjects in the West Indies therefore occurred in 1835 and took the form of a small government grant which was distributed to those religious organisations already engaged in the education of freed slaves and their descendants.³³ These developments occurred only two years after the initial government intervention in education in England and Wales, which started in 1833 and also involved the distribution of small grants to existing religious organisations already engaged in education. While historians have tended to view these initial interventions as being a positive (and much delayed) development, the initial introduction of government grants in the West Indies highlights that there were also some important hidden costs and unintended consequences which have largely gone unnoticed.

First, as formal schooling already existed in the West Indies, it is important to consider what impact the introduction of these subsidies had on the existing institutions. For example, as soon as the government began to distribute subsidies, then the government was now in a unique position to begin to dictate the nature, form and content of education being provided. For example, if the government had simply demanded that the religious institutions introduce the government curriculum, without the offer of

³³ While £25,000 may have been a significant sum of money in 1835, it was still small when compared to the £20 million pounds which the plantation owners in the West Indies received from the British government in compensation following the abolition of slavery.

government aid, it would probably have been viewed as unjustified government interference in the operation of a private institution. However, as soon as a financial incentive is introduced, then for the education provider this unjustified interference begins to look much more appealing. It is also important to note that while some schools may have been tempted to initially refuse government subsidies, this position would have been more difficult to maintain in the long run as subsidies continued to increase and become more widespread, enabling competing schools to offer better facilities and charge lower fees.

Second, there were also concerns about the long term consequences of introducing school districts as these would begin to restrict and limit the ability of parents to choose a school outside of their local area. This seems obvious despite the fact that school districts have now become a common feature of education sectors around the world. Consider, for example, what the reaction would be if a government attempted to introduce 'food districts', which restricted people's freedom to buy food outside of their local area. While not all people would be immediately affected, complications would soon begin to emerge if different districts started to provide a better or lower quality and variety of food or when people from each district wanted to buy food from the town centre. The impact on the supply of food would also be dramatic, as there would no longer be as much demand for food shops in the town centre or at out of town shopping centres. In short, this reform would clearly restrict the freedom of people to buy food at a time and place of their choosing and it would also restrict the freedom of organisations to sell food as and when required.

Finally, while the existing subsidies and the accompanying government regulations may not have posed a serious threat to many of the existing missionary schools, their introduction still opened the door to further government inspection and interference, depending on the type of government elected in London in the future. It is therefore important to consider not only the threat from interventions being introduced by the present government but also the potential interventions of any future government.

6.4.2 Early developments in Kenya

In Africa, the missionary societies initially focused their attention on South Africa³⁴ and the West Coast, with the founding of freed slave settlements such as Freetown in 1792. The Christian Missionary Society (CMS) was the first to arrive on the East Coast in 1846, when Johan Kraft and Johan Redman established the first mission station at Rabai Mpia near Mombassa. The potential for spreading Christianity using the Western model of schooling was quickly realised and in 1851 Kraft and Redman were instructed by Henry Venn (the CMS Secretary), not to follow the ordinary method of conducting a mission, by settling down in one place, but to “branch out far and wide witnessing the truth to successive tribes and countries” (quoted in Anderson, 1970, p.11). However, there would be no considerable increase in CMS activity in East Africa until the 1870s following the death of David Livingstone in 1873 (which resulted in renewed public support) and the signing of the Treaty of Abolition between the British government and the Sultan of Zanzibar, making the traffic of slaves illegal.

To cater for the increasing number of freed slaves arriving on the East Coast, in 1875 the CMS established Freretown (named after Sir Bartle Frere who signed the treaty on behalf of the British government), a settlement for freed slaves located near to Mombassa, which was based upon the model of Freetown in Sierra Leone. By 1890 it had 450 residents and according to Strayer (1973) it was a well planned settlement, which covered a thousand acres complete with church, schools, cricket field, prison, cemetery, farm plots and gardens for married couples. The intension was for Freretown to become a training ground for African missionaries who would then be tasked with spreading Christianity into the interior.³⁵ As religious instruction dominated the school curriculum, literacy in both Swahili and English was deemed essential (See Strayer, 1973, p.20).

³⁴ According to Wesley ‘As early as 1817 the beginning of a school can be noted in South Africa’. *The Rise of Negro Education in the British Empire II*, p.79

³⁵ Missionary attempts to educate liberated slaves at Freretown was not universally welcomed as it succeeded in alienating the local Arab, Swahili and Giriama populations by their practice of harbouring their freeing slaves. In the 1880s the Society of Freed Slaves were forced to erect a bell in Freretown which was used to warn the local people of an impending attack by Arab slavers. This helped to bring about a general disillusionment with the missionaries and to create a suitable climate for the establishment of independent schools.

For the Christian missionary societies the content of education was obviously critical as they were primarily concerned with the ‘personal conversion of the heathen and saw the school as a means to that end’ (Sifuna, 1980, p.1). Africans were therefore to be ‘enlightened so that they could read the Bible and assist in the spreading of Christianity and Western civilisation to fellow Africans’ (Eshiwani, 1993, p.15). As Berman (1974) suggests, the missionary societies were not necessarily interested in disseminating education either for its own sake or to enable Africans to challenge colonial rule. Instead, as agents of European churches, missionaries constructed schools because education was deemed ‘indispensable to the main purpose of the Christian denominations – the spread of the gospel of Jesus Christ’ (Berman, 1974, p.527).

While the primary aim of the CMS was evangelism, the increasing number of freed slaves arriving on the East coast resulted in schooling being used for the more immediate need of rehabilitation and in the training of basic agricultural and technical skills. The notion of simple evangelistic preaching was also questioned by missionaries who increasingly began to adopt David Livingstone’s view that evangelisation by itself was not enough and that Christianity, civilisation and commerce must be developed together (see Livingstone, 1857). As a result, within fifteen years the educational emphasis had changed from stressing a religious education largely in English to one which focused more on technical and vocational training with Swahili as the dominant language. According to the Secretary of CMS, industrial education would enable Africans to trade and compete with European traders, in the hope that they may develop into an ‘intelligent and influential class of society and become the founders of a kingdom which shall render incalculable benefits to Africa and hold a position among the states of Europe’ (Venn quoted in Sifuna, 1980, p.3). All schools would now be urged to emphasise the dignity of work and to provide training ‘in the habits of industry, self-reliance, punctuality and general helpfulness so that they grow to look on idleness and helplessness as a disgrace’ (Venn quoted in Sifuna, 1980, p.5).

Apart from the few mission schools opened along the coast, few were built further inland until the turn of the century and the opening of the Uganda railway in 1902. The building of the railway initiated a scramble for the interior of Kenya by white settlers

who rushed to acquire fertile farmland³⁶, and by the numerous missionary societies from across Europe and the United States. The subsequent transfer of the colonial headquarters from Mombasa to Nairobi in 1905 also provided the missions with an inland base and during the next two decades as many as fifteen missionary societies, competed to divide and occupy the East African Protectorate for their respective churches. According to Strayer (1973), the competition between the various missions helped to increase the rate of expansion, as did the activities of certain missionaries who viewed empire building as a means of social promotion. The missionary societies were also initially encouraged by the British East Africa Company and the colonial authorities who viewed their expansion into the interior as an essential part of the process of 'opening up' Africa to the outside world. While the initial African reaction towards the arrival of mission stations ranged from positive encouragement to outright hostility, by 1917 there were 16 missionary societies operating a total of 82 mission stations and 410 village (bush) schools throughout the East African Protectorate, enrolling 11,563 and 118,587 pupils respectively (Bogonko, 1994, p.22).

The initial change in policy signalled the start of an on-going debate (which continues today), concerning the nature and the content of the education in Kenya and the preferred language of instruction. However, for the purpose of this research, the significant factor in this debate was not whether the decision was to deliver academic or vocational education or whether it should be delivered in Swahili or English, but who was involved in making this decision. While it may be tempting to conclude that this change in policy represented a good example of how the missionary societies were prepared to change and respond to the changing needs and demands of the local population, in none of the secondary sources reviewed is any indication given as to the preferences of the adults and the parents of the children concerned.

It is also clear that some missionaries believed that some African adults were far too ingrained in their traditional habits and customs and were therefore incapable of intellectual effort. They were, according to Le Roy of the Holy Ghost Mission 'inferior

³⁶ According to Sifuna (1980) the first white settlers arrived in 1904 from South Africa, Britain, Australia, New Zealand and Canada and were inspired by the dream of another British settlement in Kenya comparable to that of Australia, New Zealand and Canada (Sifuna, 1980, p.11)

in intelligence, credulous, shallow and retarded' (quoted in Sifuna, 1980, p.6). While missionary societies are often credited with the introduction of formal schooling across Africa, less attention has perhaps been given to their use of schools as a tool to spread the Gospel of Jesus and to convert Africans into Christians. Therefore, despite their good intentions, the content of education being delivered to African children was decided and controlled by each missionary society, with parents being completely excluded from the decision making process. The right of parents to choose in education was therefore being neglected.

6.5 Initial government intervention

Following the arrival of white settlers from the turn of the century onwards, pressure continued to increase on the colonial government to assist in the development of education. The racial composition of Kenya's rapidly expanding population also increased the complexity of the educational challenge facing the British government and by 1908 four distinct communities were recognised, African, European, Asian and Arab. The British government's first official intervention in education in Kenya occurred in 1908 when Professor J. Nelson Fraser from the University of Bombay was invited to examine the state of education in the East Africa Protectorate and to recommend proposals for its future development. Fraser's terms of reference help to provide an early indication of the government's attitude towards the development of education in Kenya as he was specifically asked 'not to put forward plans for the literacy education of negroes, but to consider the possibilities of developing industries among them' (quoted in Sifuna, 1980, p.13).

The Fraser Report (1909) recommended that a department of education should be established and that the government should assist mission schools through the payment of grants-in-aid. Sifuna (1980) also suggests that it was agreed 'that education in order to be appreciated should not be free of charge to parents or children' (Sifuna, 1980, p.27). This comment again raises the question of whether education will be less appreciated or valued by parents and children if it is provided free of charge.

In 1909 the government also distributed its first grant to a number of mission schools providing technical education. Together with distributing grants to mission schools, the government also opened separate schools for European, Asian and Arabic children. Furthermore, to ensure that resources were not duplicated the government agreed not to open schools where mission schools already existed. Perhaps the most controversial recommendations were those concerning the content of education. According to Sifuna (1980) both Fraser and the missions viewed the problem of African education in terms of reducing the rate at which Western influences were corroding the traditional fabric of African communities. The solution therefore was to combine Christian teaching with practical education of a technical nature. The Fraser Report therefore recommended that while academic education should be given to European and Asian children, African children were to receive industrial and agricultural training. Despite Fraser's belief that education should be managed by the missions, he did not rule out the possibility of government controlled schools as this might help to show the friendly attitude of the government (see Sifunu, 1980, p.29).

Concerning the distribution of government grants, Fraser was also aware of the difficulties associated with determining which missionary societies should be included. He concluded that while the government should not interfere with the principle of freedom of religious expression, the government was still entitled to insist that its funds should be spent according to a definite plan. The Fraser Report also concluded that the government should be prepared only to give one grant in each district.

An Education Department was subsequently established in March 1911 with Mr J.R Orr appointed as the first Director of Education. Tignor (1970) provides an important insight into the role and influence of Orr, who was to become the driving force behind government entry into African education during the 1920s (see Tignor, 1970, p.203-212). By 1913, Orr had already outlined proposals to establish African primary schools, which would focus on providing technical and agricultural instruction and which would be financed from local taxation. In Orr's recommendations education was seen as a solution to many of the economic and political problems facing the colony. The introduction of government schools would therefore help to make Africans more useful citizens, elevate their standard of living and inculcate habits of industry. As Tignor

(1970) suggests 'education was rarely justified for its own sake, but rather as an instrument for effecting conversions, facilitating economic development, and producing loyal citizens' (Tignor, 1970, p. 204). Tignor also helps to shed light on Orr's philosophy of education which was based on 'stereotyped, racialist and educational ideas current at that time' (Tignor, 1970, p.204). Orr believed that Africans were primitive, child-like and undeveloped and suggested that, like the mind of a child, they must be stimulated into more disciplined and energetic activity by means of handicrafts and manual training.

Orr also believed that schools would help to install a respect for the traditional life and encourage school leavers to modernise and help develop their own rural communities. He was therefore critical of the white settlers' views on African education which he believed was too focused on technical education and the preparation of a cheap labour force. He also became increasingly critical of the education in mission schools which he believed was too focused on literacy which was inappropriate for Africans in their current stage of mental development. The conversion of Africans to Christianity was also a concern if this involved a complete break with the traditional way of life and its habits and customs. Based upon these concerns, Orr recommended that the government should begin to open its own African schools, an ambition which was finally realised in 1915 with the opening of the Ukamba Native School at Machakos. However, while the teaching in this school originally reflected Orr's philosophy of education, he would later criticise the school for being one of those whose primary purpose was to satisfy the economic interests of the white settlers.

While Orr's criticism of missionary education may have been shared by an increasing number of colonial officials, it was not accepted by J. Ainsworth, the new Chief Native Commissioner in 1919. Instead, Ainsworth re-enforced the importance of religious education by suggesting that it was 'common sense that natives who are being raised from paganism and savagedom to a higher form of life must of necessity be bought under the influence of Christian morals; otherwise we shall have an educated pagan still under the influence of his former savage customs and beliefs' (Ainsworth, 1919, quoted in Kovar, 1970, p.207). For Ainsworth, therefore, Christian teaching was perhaps the only antidote.

In the first few decades of the twentieth century the question of how to educate African children was not only being discussed by the colonial authorities and the missionary societies in both Kenya and London, but also in the United States. Research by King (1969) has helped to shed light on how a model of education used in the US to teach African-Americans in the southern states, would subsequently be used to assist in the development of education in Kenya. The industrial model of education introduced by General Samuel Chapman Armstrong at the Hampton Institute in Virginia in the 1860s, rejected the conventional form of Western education and instead was designed to combine strong academic class work, manual labour and vocational training, with an additional emphasis on service, selflessness and Christianity. One of Hampton's earliest students was Booker T. Washington, who opened a new school in Tuskegee, Alabama in 1881. Embracing much of Armstrong's industrial model of education, Washington built Tuskegee into a substantial school which would subsequently become recognized as an example of best practice both in US and further afield.

International recognition of the Hampton-Tuskegee model of education increased in 1910 when the World Missionary Conference met in Edinburgh to discuss the form of education which would best accompany 'the evangelisation of the world in this generation'. Evidence from missionaries working in Africa highlighted a growing disenchantment with the traditional literacy education of the West, and so the conference was happy to claim that 'the value of industrial and agricultural training for the negro race is abundantly proved by the experience . . . at Hampton, Virginia, and . . . at Tuskegee, Alabama' (King, 1969, p.661). Two years later an international conference was held at Tuskegee to help inform the leading missionary and colonial authorities from around the world about Tuskegee's industrial model of education and to see if it could be applied to the problems concerning people in Africa. The delegates attending the conference were from 18 foreign countries and 12 religious denominations, highlighting the large number of people who now considered the Tuskegee system relevant to the development of education in Africa.

For its supporters, the industrial model of education represented a noble monument to black enterprise, a symbol of black pride representing what the African can do for

himself and a remedy for the increasing westernisation of African societies. Following the death of Booker T Washington in 1915, his mantle was passed onto Dr Thomas Jesse Jones, Director of Education of the Phelps Stokes Fund, who was already America's leading authority on African American education and in particular the Hampton-Tuskegee model. In 1919 Jones chaired the first Phelps Stokes Education Commission which travelled to West and Southern Africa to survey the existing state of education.

The pressure on the British government to assist in the development of education in Kenya increased further following the founding of the League of Nations in 1919. In the following year the *Covenant of the League of Nations* was signed which included the following article concerning education:

‘To those countries which are inhabited by peoples not yet able to stand up for themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation . . . The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it’ (League of Nations, *Covenant of the League of Nations*, 28 April 1919).

In 1919 an Education Commission was set up to investigate and make specific recommendations on how to expand educational facilities for the European, Indian, Arab and African communities. The Commission's final report (*Report of the Education Commission of the East Africa Protectorate*, 1919), recommended the government should increase its support to those mission schools providing both literacy and technical education. Technical education would be the principal goal of African schools and the government would pay two thirds of qualified teachers' salaries and contribute to the building, equipment and boarding expenses. The report concluded that while the native required something more than an abstract moral code in place of his primitive moral law, a definite religious belief was necessary if he was to become an honest and respectable member of society. The report therefore recommended that in all

government schools established among ‘pagan tribes’, a definite moral instruction based on religion should be given to replace ‘the restraints of the so-called superstition and tribal control.’ The report continues:

‘It is obvious that a native who has had some education and had his intellect developed on proper lines must be a better labourer than a total uneducated labourer. He is more able to understand his instructions and see them properly carried out. For the education to have effect it is implied that education given must be the right sort. For natives education should be on technical lines’ (Report of the Education Commission of the East Africa Protectorate, 1919, p.183).

The report did however dismiss the fear that if African children received literacy education they ‘will be ruined and will look forward to clerkships and similar occupations rather than entry in the labour field’ (Report of the Education Commission of the East Africa Protectorate, 1919, p.260). This was because technical education was said to be impossible without at least some literacy education. The Commission therefore recommended that children up to the age of 11 should receive literacy education including some technical training. While the Commission concluded that the best method of furthering education among the Native population was to assist the existing missionary societies, it also stated that if education was to be left to the various religious bodies it was obvious the government ‘must assist in providing the necessary funds and having done that it must take steps by inspection and advise to see that money is properly applied or rather that it is getting good value for it and more important still that the education is sound and on the right lines’ (Report of the Education Commission of the East Africa Protectorate, 1919, p.265). Again, it is important to recognise this familiar chain of events as it suggests that when a government begins to distribute subsidies to schools then it is likely that demands to increase control over the nature, form and content of education will soon follow. Once received, subsidies are also very difficult to give up and as more schools begin to receive a subsidy then the more the government begins to control the supply of schooling across the country.

In 1920 Kenya became a Crown colony creating a separate British territory with its own Legislative Council, located in Nairobi. The debates on education in the Legislative

Council continued to reflect the conflict of interests between the settlers, the missions and the government. In October 1923 Lord Delamere (representing settler interests) criticised the quality of artisans being trained by the mission schools, suggesting that government grants to these schools were therefore being wasted. Chief Native Commissioner Maxwell (representing government interests) responded to the criticism by identifying a clear distinction between the technical education demanded by settlers and industrial education which would enable Africans to work for the good of their own people. From the missionary perspective however there were also serious concerns with the settlers emphasis on technical education. For example Arthur was concerned with settler policy on education which ‘touches a few for the benefit of the country while leaving untouched the great masses of the native people’ (Arthur, December 3rd 1923, quoted in Kovar p.11). Arthur was also critical of the increasing focus on technical education in mission schools which was proving expensive and diverting resource away from their religious duties.

In 1924 the Department of Education established the Advisory Committee on Native Education, which was tasked with giving direction and advice on all educational matters concerning the African population. The first meeting took place on May 31st 1924 and present were the Colonial Secretary, the Director of Education, the Commissioner for Native Affairs, the Bishop of Mombasa, representatives of the Scottish Mission, the Roman Catholic Mission, the Africa Inland Mission and the Friends’ African Mission, as well as representative citizens. According to Anson Phelps Stokes, President of the Phelps-Stokes Fund, this meant that ‘practically all interests are represented and that the fullest degree of cooperation is assured in planning a wise system of Native education for the Colony’ (Anson Phelps Stokes, p.xxviii). In the same year Kenya’s Legislative Council passed its first Education Ordinance, which reinforced the principle of co-operation between missionaries, government, and settlers. It also introduced legislation extending the role of the state into areas including the issue of certificates to teachers; the proclamation of school areas; the registration and inspection of schools; control over the opening and closure of schools and prescription of conditions for the payments of grants-in-aid. According to Orr these new laws endowed the Department of Education with the powers required to control education and maintain high standards.

Finally, 1924 was also the year in which the second Phelps Stokes Commission³⁷ visited Kenya, with the objective to examine and document the current state of education, investigate the educational needs of the people, ascertain to what extent these needs were being met and finally to assist in the formulations of plans designed to meet the educational needs of the Native races (Phelps Stokes Report, 1924, p.xiii). However, as described above, the Commission and in particular the Chairman Jones, were already strongly committed to promoting a particular kind of education and the following passage from the Commission's final report, suggests that the educational needs of Kenya's native population had already been decided before the Commission arrived in Kenya:

‘In general, the members of the Commission are convinced that all education must be of a character to draw out the powers of the Native African and fit him to meet the specific needs of his individual and community life. In this connection, they have been profoundly impressed by the ideals of education developed by General Armstrong at the Hampton Institute Virginia, immediately after the civil war. He saw that book learning of the old type was entirely inadequate: that the plough, the anvil, the hammer, the broom, the frying pan and the needle must all be used to supplement the customary instruction’ (Phelps Stokes Report, 1924, p.xvii).

By the late 1920s it is clear that the number of parties involved in formulating education policy in Kenya had multiplied, resulting in a complex and often chaotic policy making process. Schilling (1970) has examined the dynamics of how education policy was formed in Kenya during this period and provides the following useful insight:

‘Policy proposals were almost invariably initiated by the colonial administration, usually by the Education Department, acting in response to its own perceived priorities or at the behest of other interested parties. Once drafted, a proposal went to the Governor who conferred with his top administrative officers and the colony's executive council prior to sending it and his evaluation on to the Colonial Office (CO) in London.

³⁷ Established by Miss Caroline Phelps Stokes for ‘the education of Negroes both in Africa and the United States’.

There the proposal went to the appropriate geographic section, passing up the hierarchy of permanent officials until it reached the Secretary of State for the Colonies for final disposition. After 1923 when the Colonial Office established the Advisory Committee on Native Education in the Colonies, proposals were also reviewed by this committee. After a decision has been made, the Secretary of State communicated the result to the colony where appropriate action was presumably taken to carry it out' (Schilling, 1970, p.26)

As mentioned above, the Education Department in Kenya acted upon its own perceived priorities or at the behest of other interested parties, including the missionary societies and the white settlers. According to Schilling (1970) each of these interest groups had a stake in the development of an education system for Africans and sought to influence the scope and nature of that system. Outside of the Colonial Office and the colonial authorities in Kenya, the missionary societies remained the most dominant interest group. They continued to provide the majority of the schools, staff and equipment and the vast majority of government aid continued to be channelled to mission schools. As Schilling (1970) suggests 'it was in effect, the cheapest and least burdensome way for the government to 'fulfil' its obligation to provide educational opportunities to Africans' (Schilling, 1970, p.55). The missionary societies also influenced the policy making process from the inside by having its members play an active role on the numerous educational boards, committees and councils. While rivalry for geographical dominance and converts may have prevented missionary action on some important issues, the establishment of organisations such as the Alliance of Missionary Societies in 1918, and the Kenya Missionary Council in 1924, helped the missions to become a much more effective lobbying group. The formulation of education policy in Kenya was further complicated by the presence of what Schilling (1970) describes as 'a vociferous group of white settlers' whose primary interest was in securing a continuous supply of cheap labour. Settlers were well represented on the legislative and Executive Councils they were able to influence the budget for African education and to shape legislation regulating African education. They also mobilised opinion through organisations such as the Convention of Associations, which government officials were often asked to appear before to explain or defend government policy.

By the late 1920s the missionary societies in cooperation with the various government authorities had established what can broadly be described as the start of a national system of education in Kenya. With the Department of Education responsible for general education policy and the distribution of grants, the majority of schools were operated and managed by numerous mission societies. However, despite the initial success of this partnership, conflicts were already beginning to emerge, as the following statement by the Director of Education suggests:

‘There is likely to be a difference of opinion in government and mission circles as to the meaning of the word cooperation; the mission interpretation appears to be that government shall supply the money while the missionaries establish and control the schools. . . . Harm is being done by the apparent effort of your Alliance to obtain complete control of African education’ (Orr quoted in Sifuna, 1980, p.40)

These initial developments in education in Kenya provide a useful insight into some of the key issues which lie at the heart of the concept of the right to education. First, it is interesting to note the similarities between the initial government intervention in education in the UK (in 1833) and the initial government intervention in education in the West Indies in 1835. In both locations the same approach was adopted which was to provide limited funding to the religious or voluntary organisations which were already involved in delivering education. According to Walter Wallbank (1938), this approach was consistent with the ‘traditional English view’, which believed that ‘the retention of private enterprise in education ensures variety, initiative and the play of personality’ (Wallbank, 1938, p.526).

Perhaps the most important issue dominating the debate during this period concerned the content of education. During the first three decades of the twentieth century the question of how to educate ‘the African’ in Kenya not only attracted the attention of the colonial authorities, the white settlers and the numerous missionary societies operating in Kenya, but the debate also extended to the Colonial Office in London, to a number of philanthropic organisations based in the US and finally to the wider religious and academic community on both sides of the Atlantic. Writing in 1931, Julian Huxley

described this debate as ‘a great adventure – *the* great adventure, indeed’ (Huxley, 1931, p.317). However, as Schilling (1970) has previously suggested, while the Colonial Office, the administration in Kenya, the missionaries, and the settlers all had varying degrees of influence in the formulation of African education policy ‘Africans were largely excluded from that process’ (Schilling, 1970 p.25). King (2003) also refers to the following correspondence from 1926 which suggests that even some of those who were involved in this decision making process were concerned about the exclusion of the African population:

‘I think that perhaps the Phelps-Stokes Report takes it rather for granted that the Africans (whether men or women) are going to be willing to accept without demur whatever type of education we choose to adopt for them. Whereas, as Dr Aggrey made clear, the Africans are liable to have definite and strong views on the matter and to regard with suspicion any curriculum which, as viewed by them, might appear to be designed to keep them at a mental and cultural level inferior to that of Europeans. There will be a great work for our psychologists to get them to accept willingly what *we* judge to be the best kind of education for them’ (A.R. Barlow to B.D Gibson, 24 Feb. 1926, quoted in King, 2003, p.67).

These debates concerning the content of education have a direct relevance to the search for the right to education as paragraph two of Article 26 clearly states that:

‘Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace’ (UDHR, 1948, Article 23, para 2).

However, by referring to paragraph two in isolation to the other paragraphs of Article 26, helps to highlight the dangers involved in adopting this method of analysis. For example, the above paragraph, when taken by itself, could have been used by the colonial government in Kenya to help justify total government control over education, in that as long as the education delivered in all government schools was ‘directed to the

full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms', then this would have been sufficient to guarantee the right to education. However, as the above text clearly shows, while there was an extensive academic debate taking place concerning how best to educate African children, these discussions didn't include those who were ultimately responsible for making these decisions – African parents. The problem was not that African parents were not involved in this decision making process, but with the fact that this process existed in the first place, as it suggests that the government had already assumed responsibility for deciding the content of education, a responsibility previously carried out by parents.

While the colonial authorities would increasingly begin to involve representatives from the local communities in this process, this still does not alter the fact that it was now the government and not parents who were now in control. Responsibility and control over the nature, form and content of education was therefore gradually removed from parents and transferred to the colonial authorities. While there was no official document which announced this important transfer of power, these were the inevitable consequences of the nature and form of the initial government intervention. However, as soon as paragraph two is combined with paragraph three, outlining the right of parents to choose, then it soon becomes clear that Article 26 is not simply about guaranteeing that all education conforms to specific guidelines. Instead it is about who decides the content of education, and according to paragraph three it is parents and not politicians who have the prior to choose.

While an increasing number of national governments, missionary societies and philanthropic organisations were all becoming increasingly concerned with the problem of African education, a contrary view did exist. Writing in the April 1934 edition of the *Journal of Royal African Society*, Ben, N. Azikiwe (Lincoln University, USA), presented an alternative perspective. According to Azikiwe (1934), 'the African is human, and is intellectually alert just as the average European, Asiatic, or American' (Azikiwe (1934, p.143). Therefore what the African needed was simply the opportunity to demonstrate their capabilities not

‘The African is a human being, and he could respond to any stimulus in any environment as would any other human being The attempt to transform the education of the African into a “problem” is not only a misdirected effort but an erroneous procedure. It is based on false conceptions of the mentality of the African’ (Azikiwe 1934, p.143)

According to Azikiwe (1934), modern anthropological scholarship had already proved that mental abilities did not differ between races, and that the brain of the average African could function just as well as the brain of other races. He was therefore critical of those who advocated industrial and agricultural education at the expense of academic and literacy training, as this suggested that the African was better suited to working in industry and agriculture. Azikiwe’s solution to this so called “crisis” was that African’s should be treated as human beings and not as museum specimens ready for scientific experimentation. Azikiwe therefore concluded that:

‘The African is not, and never has been, a problem; there is no such thing as an African educational problem; those who believe in such an oddity, are problems in themselves!’ (Azikiwe, 1934, p.144)

6.6 Indirect rule and education

In 1929 Lord Lugard, a former governor of Nigeria³⁸, published *The Dual Mandate in British Tropical Africa* which was to become the unofficial bible of British colonial policy in Africa and which, according to Julian Huxley, was to form ‘the basis of modern principles in our colonial administration’ (Huxley 1931 p.10). in which he developed the concept of indirect rule, a comprehensive theory of colonial policy which the British government would attempt to employ in many of its African colonies. According to Lugard, the British government had a dual mandate to develop Africa's resources to benefit both Africa and the rest of the world. According to the concept of ‘indirect rule’ the colonial administration would exercise control of the population through traditional native institutions, allowing traditional chiefs and rulers to govern with British officials acting as advisors rather than direct governors. For Lugard, it was

³⁸ According to Ferguson, Lugard, who was the son of two missionaries who had joined the Indian Army after failing the Indian Civil Service exam, ‘had gone to Africa after catching his wife in bed with another man, which caused him to lose his faith in God (not to mention his wife)’. Ferguson, p.229 n*.

important to preserve as many local traditions and customs as possible and to ensure that change took place gradually, thereby allowing adaptations to take place while maintaining stability.

In his opening statement, Lugard identifies what he believes to be the object of education in Africa which was to 'fit the ordinary individual to fill a useful part in his environment, with happiness to himself, and to ensure that the exceptional individual shall use his abilities for the advancement of the community and not to its detriment, or to the subversion of constituted authority' (Lugard, 1929, p.425). Lugard also believed that education should be used to train a generation 'able to achieve ideals of its own, without a slavish imitation of Europeans, capable and willing to assume its own definite sphere of public and civic work and to shape its own future (Lugard, 1929, p.425). Education would also help to produce a new generation of native chiefs of 'higher integrity, a truer sense of justice and appreciation of responsibility for the welfare of the community' and for those who wanted to work in government or business, education would train them to be 'efficient, loyal, reliable and contented – a race of self-respecting native gentlemen' (Lugard, 1929, p.425).

The idea of education being used to help African communities to help themselves, reflects the "hands off" approach often associated with certain aspects of British intervention in its African colonies and Lugard's recommendation that the British government should aim to popularise education, extending it 'to the ignorant masses instead of confining it to the few', also appears to correspond with the modern concept of guaranteeing education for all. For Lugard however, extending education to all was important not only to meet the increasing demand for clerical, professional, and industrial skills, but also to avoid the present danger of 'a separated education class . . . in rivalry with the accepted rules of the people' (Lugard, 1929 p.427). According to Lugard these tendencies were already present in the coastal cities of West Africa where pupils leaving school had been criticised as being 'unreliable, lacking in integrity, self-control, and discipline, and with little or no respect for authority' (Lugard, 1929, p.428). There were also reports of school leavers becoming reluctant to work on the land and increasingly being involved in political activities. Education for these men had brought

only ‘discontent, suspicion of others, and bitterness, which masquerades as racial patriotism, and the vindication of rights unjustly withheld’ (Lugard, 1929, p.429).

It is at this point that Lugard refers to Chirol’s account of similar developments occurring in India, which he suggests were now ‘very generally admitted’. Therefore, in the hope of learning the lessons from India, Lugard identified the grant in aid system as a key source of the problem with grants being distributed based purely on an intellectual test. Critically, it was also essential that local governments ‘should exercise some control over all unaided schools’ (Lugard, 1929, p.430). To reinforce his case for more government control, Lugard also refers to comments made by Mr Fisher, the English Minister of Education, who had feared that many private venture schools in England were frauds on the public. The 1918 Education Act would therefore enable the Board of Education to ‘call for particulars as to the quality of education afforded’, and to demand the registration and inspection of all private schools. According to Lugard if such criticism was justified in England, where the force of public opinion is strong and where parents are educated, it should apply with much greater force in Africa.

Referring to recent developments Lugard accuses half educated youths, and others who are quite incompetent to teach, of setting up ‘so-called “schools” for profit’, which are treated with deference by the ignorant parents, who are wholly indifferent to the nature of the teaching given’ (Lugard, 1929, p.438). In a footnote to this statement, Lugard makes the following reference to the introduction in Nigeria of the 1919 Education Ordinance, which empowered the Director of Education to inspect and close any private unaided schools for certain specified offences:

‘The efforts of Government in Nigeria to bring these schools under control were the subject of an outcry by the native press of Lagos and they appealed to the Secretary of State against this form of “moral slavery”!’ (Lugard, 1929, p.439 n1).

Lugard’s use of an exclamation mark suggests that while he may have been convinced that the new legislation was helping to raise standards in education, he completely fails

to acknowledge that what *he* deemed to be high standards may have been completely at odds with the needs and demands of local parents.

In a break with the past Lugard recommended that the British government could no longer rely on the missionary societies to deliver education and recommended that the government should establish an adequate number of primary and secondary schools. For Lugard, the primary object of education in Africa had now shifted towards ‘[t]he formation of character and habits of discipline above the training of the intellect’ and this was to be achieved by introducing the model of the English public school into Africa. Pupils had to be taught under the right influences which could only be achieved in boarding schools where the pupil was removed from the subversive influences of his local environment. Lugard also emphasised the importance of each primary school having a British headmaster, and at least two British teachers per 100 pupils in each secondary school, for it was they ‘who, by the stimulus of living example, will set the standard of the school . . . and introduce the English public school code of honour’ (Lugard, 1929, p.434).

Concerning the issue of school fees, although Lugard believed that the full cost of education could not be met by school fees alone, he believed that it was important that they should be imposed as ‘[t]he African is not singular in regarding as of little value what costs him nothing’ (Lugard, 1929, p.458). And finally, on the issue of compulsory education in Africa, Lugard believed that due to the lack of qualified teachers and the enormous costs involved, its time had not yet come. He did conclude however that ‘when a boy receives his education free at cost, it would seem desirable that he should be compelled to remain and complete the school course’ (Lugard, 1929, p.459).

6.7 The British versus the French approach

Before leaving this period of colonial history, it will be useful to briefly examine the different approaches adopted by British and French governments to the education of their colonial subjects. The most prominent European players in the scramble for Africa were France, Portugal and Great Britain, and despite the different motivating factors behind their expansion into Africa, they would all eventually have to address the

question of what to do with education in their colonial territories. By the end of the nineteenth century however the French government had already developed a reputation for placing a greater emphasis on education when compared with her European counterparts, a point which is reinforced by Mumford (1936) who suggests that '[w]hen the Portuguese colonised, they built churches; when the British colonised they built trading systems; when the French colonise, they build schools' (Mumford 1936, p.50). The question therefore remains – did this greater emphasis on education correspond or come into conflict with guaranteeing the right to education? While it may be tempting to automatically associate increasing government intervention with having a positive impact on guaranteeing the right to education, the example of British intervention in education in Kenya clearly suggests that this is not necessarily the case.

In 1935, W.B Mumford, Head of the Colonial Department at the Institute of Education in London, toured French West Africa to study their administration and the attitude towards education, and his findings were published a year later in *African Learn to be French (1936)*³⁹. Mumford identified what he believed to be an outstanding difference between the French and British attitudes towards their colonial territories, which had an important influence on how they each addressed the issue of education. The British attitude was best expressed in its policy of indirect rule, which encouraged a 'hands off' approach and the gradual development of a degree of democratic self-government combined with the promotion and protection of local cultures and institutions. As British interests in Africa were initially focused on issues relating to trade, matters concerning religion and education were viewed as a private concern and so the colonial authorities initially displayed an attitude of 'minding one's own business'. As a result, the European and American missionary societies took the lead in the development of education, which were encouraged and supported by the colonial authorities through the distribution of grants. However, according to Mumford, the French policy developed along different lines and an attempt was made following the French Revolution to develop colonial policies based upon their new concept of 'Liberty, Equality and Fraternity'. While this new approach placed education centre stage, Mumford suggests

³⁹ According to Mumford the problem with the native masses was that they were 'often so undeveloped that they cannot express themselves or formulate judgements on matters of public policy' (Mumford, 1936, p.3). His study would therefore help to compensate for this deficit by providing an outside standard against which the British governments' own performance in education could be measured.

that a tradition also developed which viewed the church as ‘the enemy of reason, the stronghold of conservatism and an obstacle to development and progress’ (Mumford, 1936, p.52). It was therefore the job of the government to champion humanitarian principles and equal opportunities for all. Critically, according to Mumford (1936), guaranteeing education for all came to be regarded as a moral responsibility of the government which could not be delegated to private organisations. Mumford (1936) therefore suggests that it is possible to make a clear distinction between the English emphasis on liberty compared with the French emphasis on equality. While the English were happy for a variety of different institutions to deliver education, the French insistence on equality required that all should have equal educational opportunities and that access to higher education should not depend on the economic status of the student but on ability. However, as Mumford suggests, because the government in French colonies took on the whole duty of funding and providing these educational opportunities, ‘we find rigid control of numbers in all higher schools according to the State plan for the economic development of the country as a whole (Mumford, 1936, p.53). For example, legislation introduced in France between 1903 and 1924 gave complete control over colonial education to the French government. As a result, all new schools now required ‘government permission, government certified teachers, government curriculum, and the exclusive use of French as the language of instruction’ (White, 1996, p.10).

A further insight into the French approach to education is provided by Albert Charton, Inspector General of French West Africa in 1930, who suggested that because Africans were not capable of evolving a fully formed intellectual culture of their own and did not possess the foundations required to build a real education system, the French government had a responsibility to bring Africans into the modern world (Charton, 1930 p.100). According to Charton, European civilisation had come as a tremendous shock to the native intellect, which he describes as ‘simple, requiring outside intervention before its possibilities can be realised’ (Charton, 1930, p.102).

Mumford (1936) also identifies an important difference between the French and the British attitude towards the payment of school fees. As the British believed that education was primarily for the benefit of each pupil and therefore not an essential duty

of the state, parents would be expected to make a contribution via school fees. According to Mumford (1936) this argument received further support ‘from those who contend that one values only that for which one has to pay and in proportion to the sacrifices one has to make to get it’ (Mumford, 1936, p.63). In contrast, the French viewed education as a government responsibility and as economic progress depended on having a well educated population ‘[t]he State does not want the selection to depend upon those who can pay and are willing to pay, but wants to have in its schools the most intelligent of its subjects according to their aptitudes and abilities’ (Mumford, 1936, p.63). School fees might therefore prevent children who were intelligent from attending school, simply because their parents could not afford the fees. Mumford (1936) concludes:

‘Anxious to protect the liberty of the subject, Britain allows as many people as possible to choose (provided they pass the entrance examination and pay the fees) to enter the higher schools. Anxious to defend rights of equality, France cannot agree that the economic status of a family, should determine whether or not the pupil should proceed to the higher school’ (Mumford, 1936, p.64).

It is clear that while the French government placed a greater emphasis on education in its Africa territories, this translated into greater central government control over education. Critically, any problems in education were now defined as planning failures which could only be solved by further increasing government intervention, planning and control, which is reflected in the following comment made by Antonetti (1925):

‘The lack of success [in education] in all probability lies in the fact that efforts have not been coordinated. Schools have been established with no hierarchical relationship. The remedy seems to me to lie in a more rational organisation of our education’ (Antonetti, 1925, p.53, quoted in White, 1996, p.17).

While the previous chapter suggested that manpower planning became popular within the international community from the 1960s onwards, Mumford’s research suggests that the French government adopted this very detailed level of national planning in education

in its African colonies from the start of the century onwards. As a result the French government placed a greater emphasis on quality and not quantity, resulting with the French system being highly selective with a limited the number of enrolments, based on estimates of job availability. Therefore as White suggests, by controlling the supply and demand for education, the French government hoped to prevent the ‘disillusion and disorientation experienced by youths who were educated but unemployed’ (White, 1996, p.12). White also sums up the difference between the two approaches as follows:

‘For the French, access to quality education was too important to be left to the mission schools. Liberty was granted in the British colonies, where anyone who had the means to pay school fees could enjoy an education, but the French wanted qualified students, not just those who were willing or able to pay, so French education was compulsory and free’ (Mumford, 1936, p.63).

White’s comments provide a different interpretation of the role and purpose of free and compulsory education, which today are associated with government attempts to increase school enrolments from low income families, and to help guarantee universal access to education. However, according to White (1996), the French government used free and compulsory education as a tool to help them select which African children attended school and to restrict the expansion of schooling, depending on estimates of job availability. Again, this provides another example of a colonial government intervening in education in an attempt to restrict and prevent its growth.

Therefore while the French may have placed a greater emphasis on education, it transpires that this greater emphasis inevitably resulted in increasing government control, including a government monopoly in the delivery education. This brings the French approach into direct conflict with the concept of the right to education and in particular the right of parents to choose between a variety of competing alternatives. It is also interesting to note that when comparing the rhetoric of ‘Indirect Rule’ with the historical record of government intervention in education in Kenya, it is clear that the initial “hands off” approach was soon followed by the colonial authorities gradually introducing more planning and control. As result the British approach in Kenya would

end up adopting many of the characteristics of the French approach, including central government planning and a government monopoly in the delivery of education.

CHAPTER SEVEN: CASE STUDY - THE RISE AND FALL OF KENYA'S INDEPENDENT SCHOOL MOVEMENT

7.1 Introduction

In the previous section the initial development of formal schooling in Kenya during the first three decades of the twentieth century was examined and its relevance to the right to education discussed. This section will now direct its attention towards an important but largely unexpected finding of this thesis which concerns the following question:

Is there any historical evidence of local populations in Kenya self-organising their own schooling prior to or despite colonial intervention?

While the growth and development of private schools serving low income communities in Kenya from the 1920s until independence in 1964 has already been the subject of two separate PhD thesis, one publication and three academic articles, the relevance and importance of these developments to the concept of the right to education has yet to be explored. This section will therefore combine the findings from existing research with further research carried out by the author in the Kenya National Archives (KNA), located in Nairobi.

7.2 The rise of Kenya's independent school movement

The 1920s proved to be an important decade in the history of education in Kenya and the events which occurred would signal the start of a new phase of Kenya's struggle for the school. While the first phase focused on the increasing European intervention in education, the second phase would witness the increasing influence of the people of Kenya themselves. According to Ranger (1960), the generally accepted view of the African reaction to Western schooling in Central and East Africa, began with 'suspicion and rejection, changed slowly in the 1920s and 1930s to acceptance; and turned finally to eager and clamorous demand beyond the capacity of the mission churches or the colonial government to meet.' (Ranger, 1960, p.58) While accepting this as a general statement, Ranger (1960) also highlights the importance of recognising the significant exceptions to this rule, including examples of where Western education was

enthusiastically welcomed from the start and in some cases where the demand for literacy and technical instruction actually pre-dated European intervention.

According to Ranger the desire for literacy and training in mechanical skills in Buganda long pre-dated the arrival of the Church Missionary Society (C.M.S) in 1877 'as the Swahili traders who preceded whites as modernizers in the area brought with them literacy in Swahili and instruction in crafts' (Ranger, 1960, p.59). In each of the five societies examined by Ranger,⁴⁰ the eagerness for education had two important consequences. First, it resulted in mission schools being enthusiastically welcomed, and second it led to the rapid development of criticism of the type of education which they provided. According to Ranger the growth of criticism followed closely behind the history of educational receptiveness, with criticism coming first in those societies which accepted education with enthusiasm.

In Kenya such developments first occurred amongst the Luo in Nyanza district where an early suspicion of education soon gave way to 'spontaneous educational enthusiasm', which the two central mission schools were unable to satisfy. As a result, from the beginning of the twentieth century 'spontaneous bush schools were springing up in all areas' (Ranger, 1960, p.61). The first official break with the missions occurred in 1910 when John Owalo formed his own Nomiya Luo Mission which built its own churches and primary schools and demanded a secondary school for Nyanza free from missionary control. According to Ogot (1963) this movement represented 'a desire on the part of the African to be left alone, to stand on his own two feet, and have the right to accept or reject the White man's teaching' (Ogot, 1963, p. 22). In this comment Ogot therefore suggests that the provision of schooling by European and American missionaries was not necessarily the key problem. Instead, it was the right and freedom to accept or reject different types of education that these communities valued most and were therefore most concerned with. This is often referred to as freedom of association or simply the

⁴⁰ Ranger also identifies similar occurrences in Buganda, Barotseland and the Lake Tonga of Malawi. According to Ranger, Buganda would eventually become of 'the most important centres of the African independent schools movement'. (Ranger, 1960, p.62)

freedom to choose and is epitomised by the desire to be left alone combined with the desire to stand on your own two feet.

Anderson (1970) also refers to other examples such as the strike at Maseno School in 1908, when pupils demanded more reading and writing and refused to participate in manual labour, highlighting a desire to select their own curriculum; and at Gem Location during the first world war, where the Administrative Chief, inspired by the impact of education in Buganda, encouraged his people to build and manage their own schools, employing teachers on lower wages to help keep school fees to a minimum (Anderson, 1970, p.112). However, the most significant reaction against missionary education occurred amongst the Kikuyu in Central Province and would lead to what Anderson (1970) has previously described as a ‘very notable educational revolution’ (Anderson, 1970, p.113).

The extent of the Kikuyu’s initial hunger for education is reflected in the dramatic increase in pupils which was experienced at the CMS Station at Tumu Tumu⁴¹. While in 1918 it was estimated that there were approximately 418 children at the central mission school, by 1929 an additional 5 intermediate schools and 48 out-schools had been opened, enrolling a total of 4,434 children. The rapid growth of education in the following decade is reflected in Table 2, which shows the extent of missionary education across Kikuyu Province by 1928:

⁴¹ It is also worth noting that as the Kikuyu were mainly located in the fertile central highlands, by the early 1920’s they had already felt the full impact of colonial rule and had, according to Mungeam (1970), already begun to develop a number of deep seated grievances in relation to men lost in battle, the hut tax and the loss of land without adequate compensation. There was a suspicion that the missionaries had much in common with other Europeans, a feeling expressed in the statement ‘Gutiri mubea na muthungu – there is no difference between a missionary and a settler. (p.141) G.H. Mungeam Masai and Kikuyu Responses to the Establishment of British Administration in the East Africa Protectorate *Journal of African History*, XI, I (1970), pp. 127-143.

Table 2 Mission Stations with at least one European Resident, Kikuyu Province, 1928 (p.63)

District	Protestant	Catholic	Out-Schools	Average Enrolment	Kikuyu Population
South Nyeri	3	6	96	3,396	190,268
Ft. Hall/Thika	5	8	81	3,152	150,397
Kiambu	5	4	55	4,011	101,988
North Nyeri	-	1	-	300	1,829
Embu	2	1	40	974	35,425
Meru	1	6	22	1,125	135,396
Total	16	26	294	12,958	615,303

By 1928 therefore, both Protestant and Catholic missions had established stations and schools throughout Kikuyu Province, enrolling a total of 12,958 children (Konogo, p.82).⁴² In the Kikuyu Province Annual Reports from the 1920s, Ranger (1965) has also found numerous comments by colonial officials which again reflect the Kikuyu’s initial enthusiasm for education:

“The whole of the younger generation is desperately anxious for education of some sort”, reported one commissioner in 1921; “The people are crying for schools”, reported another in 1927, describing how he was “begged and begged in vain” to establish more schools and told that “the people are dying of hunger” for learning. . . . “Some of the more educated young men”, reported the District Commissioner, Fort Hall, in 1925, “are asking for secondary schools and even girls’ schools” (quoted in Ranger, 1965, p.66).

Critically, as noted by Ranger (1965) the Kikuyu not only wanted more schools but they also wanted a different type of school, which provided more instruction in English and more advanced facilities. In 1928 the District Commissioner recorded that while the Kikuyu have a kind of regard for mission schools their own concern is ‘that money should be spent on a school which should be entirely independent of missions They want something especially Kikuyu’ (quoted in Ranger, 1965, p.42).

⁴² It is interesting to note that, according to the agricultural census from the same year, the 12,958 children in independent schools was still lower than the estimated 17,300 children working on farms, earning between six and seven shillings per month (Konogo p.82).

Matters finally came to a head in 1929 when three missionary societies decided to introduce a ban on a practice that they described as barbaric - female circumcision. In March 1929, each of the missions operating in Central Province agreed to adopt a resolution which identified female circumcision as an evil practice which should be abandoned and those submitting to it were to be suspended from churches everywhere. Members of each church and local teachers working in mission schools were therefore required to sign a declaration of loyalty, or face exclusion.

The African reaction to this ultimatum took both the missions and the government by surprise, as Kikuyu communities immediately began to boycott mission churches and schools in large numbers. After failing to persuade the colonial authorities to open government schools in areas already served by the missions, Kikuyu communities decided to open their own schools which were free from both missionary and government control. The dilemma facing Kikuyu communities was described in the Native Affairs Report of 1929 as follows:

The mind of the natives is swayed this way and that: he imposes upon himself a local native rate to raise money for education purposes and perhaps offers some of this money to the missions. Some missions on their part suddenly inform him that they will have nothing to do with him unless he adapted his old customs especially in connection with the circumcision of women. The native, therefore, turns to the government for assistance and offers his money for the erection of government schools but is informed that it is not the policy of government to build government schools in areas already served by schools conducted by one of the recognised missions. The position so created is a difficult and delicate one (Native Affairs Report 1929, p.43).

The first recognition by the colonial authorities of the existence of independent schools can be found in the *Native Affairs Department Annual Report* of 1932 which recorded 7 independent schools in Fort Hall, 9 in Kiambu, and 4 in Nyeri with 8 smaller bush schools attached (Tignor, 1975, p.61). Adebola quotes from another official document from 1934 which states that there were 49 independent schools in Central Province

(Adebola, 1998, p.16). According to the *Kenya Colony and Protectorate Education Department Annual Report* of 1936 there was a total of 95,466 children enrolled in non-government schools, with 5,111 children enrolled at independent schools. An additional 4,520 children were enrolled in government schools (Kovar, 1970, p.250). By 1939, ten years after the controversy surrounding female circumcision, the number of Kikuyu independent schools had increased to 63, enrolling 12,964 pupils (Adebola, 1998 p.14) and according to Mwiria (1990), once the independent school movement had established its roots 'schools began to mushroom in Western, Nyanza and Central Kenya' (Mwiria 1990, p.272).

Throughout the 1940's and especially during World War II, the independent school movement continued to gain momentum, while government and mission schools stagnated as their funds were re-directed to assist in the war effort. As Kovar (1970) has previously noted, as the war provided increasing employment opportunities, an increasing number of parents were able to afford school fees and as the existing mission and government schools were at full capacity, all independent schools expanded rapidly (Kovar, 1970, p.253). The increase in enrolments is reflected in the last available figures from 1952, which suggest that there were at least 200 independent schools with an estimated 40,000 pupils (Bogonko, p.53). Mwiria suggests that the number was closer to 400 independent schools catering for 62,000 pupils (Mwiria, p.273). Natsoulas (1988) suggests that by 1952 there could have even been as many as 90,000 children attending independent schools (Natsoulas, 1988, p.229). The most conservative estimate can be found in the government's Coffield Report (1952) which reported a total of 200 independent schools enrolling approximately 21,000 children. Concerning the geographical spread of independent schools, the majority were located amongst the Kikuyu in Central Province (Kikuyuland). However the Kikuyu also established schools in other areas of Kenya, and a number of European farms established farm schools to cater for the increasing demand for education from their employees and children. In fact Konogo (1987) suggests that to ensure that their children went to school, parents would seek employment on farms where the farm owner allowed them to set up schools. Farm owners were also quick to realise that the presence of a school on the farm was in itself an inducement to labourers (see Konogo, 1987, p.82).

Following the events of 1929 and the rapid growth of independent schools, two independent school associations were formed in the early 1930s, the Kikuyu Karing'a Education Association (KKEA), and the Kikuyu Independent School Association (KISA) (see Wilson 2002, p.84-85). Both associations were established to help further and safeguard the interests of its members and they dealt with requests for grants-in-aid, the settling of disputes with the colonial authorities, the development of religious affiliations and the design of a common curriculum. The importance which KISA placed on the teaching of English is reflected in Section three of the KISA Constitution which states that KISA shall draw up its own syllabus and that English shall be the medium of instruction in all standards.

Reflecting the ambitious nature of this movement, representatives from the two associations met in 1938 to discuss the possibility of providing more secondary education and increasing the supply of trained teachers. It was promptly decided that an independent teacher training college would combine the advantage of secondary education and would be located on the site of the first Kikuyu independent school at Githunguri. Following extensive fundraising activities, the African Teachers College, was opened in January 1939. In July 1951 government officials visited Githunguri unannounced to inspect the school and published their findings in a confidential report. The report documented 16 classrooms, a woodwork shop, a spinning and weaving room, a small library, a large boys dining room, four dormitories for boys (32 beds in each), one girls dormitory, a canteen, latrines with 18 cubicles, two teachers houses, and one for the principle and Jomo Kenyatta. Apart from the school buildings the school also included 68 acres used for grazing and cultivation. All pupils at each standard were found to be following an established syllabus, with each teacher from Standards 1 to 5 having a copy of the government syllabus for African Primary Schools and using Standard 6 to Form V from nearby mission high schools were being used. The subjects being taught included agriculture, economics, social anthropology, history, biology, physics, and chemistry. These details about the local school associations, teacher training colleges and the subjects being taught are important because they help to shed light on the nature and extent of the education being provided – at least in the one location referred to. While these communities adopted a Western approach in terms of the structure of the school and the subjects taught, it is clear that they that they were very quickly capable of setting up their own schooling. If we also take into account the

low levels of income within these Kikuyu communities during the period in question then these developments are even more impressive. Furthermore these developments also reflect the enthusiasm of those involved not only to provide schooling but also to continuously try and improve it.

Those who have examined Kenya's independent school movement in detail, all highlight how the controversy surrounding the practice of female circumcision has incorrectly been cited as the sole reason for the rise of independent schools in Kenya. However, it's clear from the findings outlined above that the demand for independent schools pre-dated the controversy surrounding female circumcision. According to Anderson (1970), while the practice of female circumcision was important to the Kikuyu people 'it was the broad issue of the right to make their own decisions about changes in their way of life that they were concerned with' (Anderson, 1970, p.82). Wilson (2001) also suggests that independent schools did not begin as a reactionary response to European demands to end female circumcision, but were a result of an accumulative set of unresolved grievances:

'The Kikuyu's motivating force to break from the missionary-colonial education system came from a communal desire to be liberated. The freedom to think, act and develop African controlled institutions was an aspiration Kikuyu communities shared long before the female circumcision dispute' (Wilson, 2001, p.71).

This suggests that the Kikuyu communities were not simply calling for improvements in the quantity and quality of education, but wanted 'an end to the monopoly on education held by the missions' (Natsoulas, 1998). In short, they wanted to be able to choose and control the quantity and quality of education themselves. They simply wanted to be left alone and have the right to make their own decisions concerning their children's education. These Kikuyu communities were therefore in favour of a classical liberal approach to their education, where the focus was on their rights and responsibilities as parents, which was combined with restrictions on the level of external interference from a third party, in this case the missionary societies.

7.3 Jomo Kenyatta and the fall of independent schools

On December 12th 1963, Jomo Kenyatta became the first democratically elected President of the new Republic of Kenya and would remain in office until his death in 1978. This would secure Kenyatta's (Swahili for the 'Light of Kenya') place in history as the man who led the struggle for independence and who would subsequently become recognised as Kenya's founding father and an inspiration to other Africans who were fighting for independence against colonial rule. Less well documented however has been Kenyatta's involvement in the rise and fall of Kenya's independent school movement and the role which this movement played in the wider struggle for independence. While historians have previously neglected Kenyatta's involvement with independent schools before his arrest and detention in 1952, research carried out by Adebola (1988), Natsoulas (1988) and Wilson (2002) has revealed that his influence was considerable.

Kenyatta initially developed an association with the independent school movement in 1929 when he was sent to London, as Secretary of the Kenya Central Association (KCA), to present a petition outlining Kikuyu grievances to the UK government. As the petition was written several months before the ban on female circumcision was introduced, there was no reference to this dispute or to the Kikuyu's subsequent demand for schools free from mission and government control. However while the petition itself made no reference to the demand for independent schools, by the time Kenyatta had secured an interview with Drummond Shiels, the Under Secretary of State at the Colonial Office, the controversy surrounding the ban on female circumcision was already being discussed in London⁴³. Kenyatta therefore succeeded in presenting his argument and Drummond Shiels 'conveyed his genuine interest in finding solutions to many of the Kikuyu grievances' (Wilson, 2002, p.226). When Kenyatta returned to

⁴³ It has been well documented that while Kenyatta initially failed to meet with high ranking government officials he did develop relationships with various sympathetic parties, including the Communist League Against Imperialism which organised for Kenyatta to travel to Moscow to meet leading communists. It was during Kenyatta's visit to Moscow that the ban on female circumcision was introduced in October 1929, and on his return to London he was surprised to find that it was already 'the talk in advanced circles' and that he was sought after by 'hostesses at tea-time discussions' to give his opinion on the subject (Wilson, 2002 p.225). Government records released in 2002 also show that Kenyatta was kept under surveillance by UK security services during this period because of his suspected links with leading Communists.

Kenya in September 1930, news of his success in London had already spread, strengthening his position as a reliable spokesman for his people and leading advocate of independent schools. However Kenyatta's direct involvement with independent schools was interrupted only nine months later when he returned to London in May 1931 to put forward KCA views before a Parliamentary Commission.

Kenyatta would remain in the UK for the next fifteen years, during which time he would revisit Moscow, meet Mahatma Gandhi, appear in the film *Sanders of the River* and marry Edna Clark, an English school teacher. Kenyatta also studied anthropology at the London School of Economics under Professor Malinowski, and in 1938 he published *Facing Mount Kenya*, his *mognum opus* which described traditional Kikuyu society and criticised some of the disruptive changes brought about by colonialism. Research by Adebola (1988) has also revealed that in 1938 Kenyatta was contacted by the leaders of KKEA who were then in dispute with the colonial government in Kenya over the forced closure of three of their schools. Kenyatta was successful in persuading sympathetic Liberal members of parliament to raise the issue in the House of Commons and the schools were soon allowed to reopen.

However, Kenyatta's most important contribution to the independent school movement began in September 1946, when he returned to Kenya for the second time and was appointed Principal of Githunguri Teachers College, before being elected President of the Kenyan African Union (KAU) in June 1947. Over the next five years Kenyatta would divide his time between these two organisations and Githunguri would become the independent school movements' unofficial headquarters and the KAU would develop into the political party which would eventually lead Kenya to independence. Wilson (2002) has helped to shed light on Kenyatta's activities whilst at Githunguri which included delivering lectures on anthropology, politics and history and helping to arrange scholarships for gifted students to study abroad. One former student, Dr Julius Kiano, recalls that independent schools 'emphasised African success in efforts of self-improvement during a period when Africans were expected to be a dependent people', and that Kenyatta had encouraged him to think only of succeeding. A former student and teacher at Githunguri, also recalls how Kenyatta helped to inspire a new generation of teachers:

Jomo Kenyatta believed that all Africans in Kenya had a responsibility to help change our future, and education he would tell us was a ‘tool we must use to improve our lives.’ Every week Jomo Kenyatta introduced important teachers at Githunguri so we could see that Africans were also successful (Muthaka quoted in Wilson 2002, p.232).

Kenyatta also played a key role in a major fundraising campaign to help complete the building of the college at Githunguri, which involved making personal visits to over 200 independent schools (Wilson 2002, p.219). According to Joseph Kibe, a former pupil at Giachuki Independent School, when Kenyatta returned to Kenya he was viewed as a hero and described how they were taught the history of the independent school movement and about Kenyatta’s contributions to it. The Headmaster would also make pupils memorise and recite a proverb that Kenyatta told students when he visited – ‘*Kuira ti Kurita*’ which means, *To be black is not to be stupid.*’ (Joseph Kibe, quoted in Wilson, 2002, p.217). Kenyatta also attended joint KISA and KKEA sports rallies where he gained a reputation as a charismatic speaker.

According to Wilson (2002) each of the individual stories which he recorded all shared a common theme - they all involved ‘the success of Kikuyu *Indi* students and the self-help spirit of what Kenyatta would later refer to as *Harambee!!*’ (Wilson, 2002 p.239). A passing reference to Harambee has also been made by Natsoulas who claimed that independent schools had succeeded in providing an alternative education for the Kikuyu, which ‘asserted and defended Kikuyu culture, and emphasised the practice of self-help or Harambee (Natsoulas 1988, p.219).

Kenyatta’s involvement with the independent school movement did not occur in complete isolation to other important political developments occurring in Kenya during this period. For example, those Kenyan soldiers who had fought for the British Empire in World War II, returned home in 1945 to find that their army pension and the promise of equal rights were not forthcoming. This proved to be a major catalyst for more direct action against the white settlers and large numbers of former Kikuyu soldiers became increasingly frustrated and impatient with the speed of reform being offered through the

political process. Informal groups formed to rob and loot shops and premises, organise strikes, impose oaths and eventually to execute traitors to their cause. The resulting ad hoc organisation was called the Land Freedom Army (LFA), whose violent resistance to colonial rule was to become better known as the Mau Mau Uprising. The violent reaction against colonial rule continued to develop momentum into the early 1950s until the assassination of a staunch British loyalist, Kikuyu chief Warihiu in October 1952. Two weeks later, in an effort to prevent the violence spiralling out of control, the colonial government introduced a state of emergency, imposing martial law which was to last until 1960. Under 'Operation Jock Scot', Jomo Kenyatta and 182 other African leaders were arrested and charged with being the Mau Mau's unofficial leadership and with incitement to violence and subversion. On April 8th 1953, Kenyatta was sentenced to seven years hard labour and indefinite restriction thereafter and imprisoned at Lokitaung, in the North West of Kenya. While Kenya's trade unions, which were often associated with the nationalist movement in Kenya, were allowed to continue their activities, the Kenya African Union (KAU) was made illegal and the activities of numerous other organisations were severely restricted. Because of Kenyatta's close association with the independent school movement the following government notice was signed by the Director of Education on 11th November 1952 (Figure 2):

Figure 2. Government Notice No. 1200

<i>Government Notice No. 1200</i>	
The Emergency Powers Order in Council, 1939 The Emergency (Amendment Regulations) 1952 Closure of Schools	
Pursuant to regulation 12 A (3) of the Emergency (Amendment) Regulations, notice is hereby given that the Member for Education has made orders directing the following schools to be closed	
School	Management
<i>Meru District</i>	African Independent Pentecostal Schools
Kibirichia	African Independent Pentecostal Schools
Marimba	African Independent Pentecostal Schools
Kaurune	African Independent Pentecostal Schools
Kirigara	South Mwimbi African Community Schools
Tungu	
<i>Embu District</i>	Kikuyu Independent Schools Association
Kihumbu	Kikuyu Independent Schools Association
Giachiira	Kikuyu Independent Schools Association
Mugambaciura	

<i>Nyeri District</i>	Kikuyu Independent Schools Association
Ruruguti	Kikuyu Independent Schools Association
Karindi	Kikuyu Independent Schools Association
Mungaria	Kikuyu Independent Schools Association
Matiraini	Kikuyu Independent Schools Association
Kaharo	African Orthodox Church
Gachika	
<i>Fort Hall District</i>	Kikuyu Independent Schools Association
Kinyoko	Kikuyu Independent Schools Association
Chui	Kikuyu Independent Schools Association
Gathaiti	Kikuyu Independent Schools Association
Ya-Mugwe	Kikuyu Independent Schools Association
Kibutha	Kikuyu Independent Schools Association
Kiangari	Kikuyu Independent Schools Association
Thagari	Kikuyu Independent Schools Association
Kiahiti	
<i>Kiambu District</i>	Kenya Teachers' College
Githunguri	Kikuyu Independent Schools Association
Kiamwangi	Kikuyu Independent Schools Association
Gakoe	Kikuyu Independent Schools Association
Kairi	Kikuyu Independent Schools Association
Gathirione	Kikuyu Independent Schools Association
Gacarage	Kikuyu Independent Schools Association
Rironi	Kikuyu Karing'a Educational Association
Renguti	Kikuyu Karing'a Educational Association
Weithaka	Kikuyu Karing'a Educational Association
<i>Rift Valley Province District</i>	Kikuyu Karing'a Educational Association
Mugumu (Elburgon)	Kikuyu Karing'a Educational Association
Maiguya (Molo)	Kikuyu Independent Schools Association
Munyo (Kinangop)	
Nairobi, 11 th November, 1952	W.J.D Wadley Director of Education

Source: (Kovar, 1970, p.113)

Further government notices were to follow, including Government Notice No.1199, issued on the 12th November 1952, which stated that:

‘In exercise of the powers conferred by section 69 of the Penal Code the Governor in Council hereby declares the society commonly known as the Kikuyu Karing’a Education Association to be a society dangerous to the good government of the Colony’ (Government Notice No.1199).

The impact of these notices was dramatic and by the end of 1952 the independent school associations and the majority of their schools had been forced to close. While some of the more high profile and successful independent schools would subsequently be reopened under government or missionary control, the majority of independent schools were demolished and their records destroyed. The spirit of self-help and independence in education was therefore brought to an abrupt end with the stroke of a pen.

When considering Kenyatta's influence on Kenya's independent school movement it is important to record that not everyone viewed his involvement and influence in a positive light. As discussed earlier, Frank Corfield accused Kenyatta of using the extensive network of independent schools to promote Mau Mau activities, eventually leading to the forced closure of all independent schools in 1952. Kenyatta also attracted criticism from European missionaries such as Father Motter, who accused Kenyatta of using independent schools to promote his own political career, and claimed that 'He was not an educator, and he did not care about education. He only cared about power'. In fact, Father Motter was happy when the government closed the independent schools as 'they were destroying the enrolment in our mission schools, [b]y 1951, we could not compete with KISA schools, they dominated the Nyeri district' (Motter quoted in Wilson p.237). While the above comments help to shed light on the degree of animosity which the missionaries held for Kenyatta and independent schools in general, Wilson also highlights that these criticisms help to reveal another reality - that there existed some very successful independent schools which were competing with many of the existing mission schools. Furthermore, these comments also suggest that opposition to these

This helps to bring into question another important aspect of the right to education, which concerns the concept of quality, which has proved to be been an issue of continuing confusion throughout the second half of the twentieth century.

7.4 The quality of independent schools

In 1952, Frank Corfield was commissioned by the British Government to investigate the historical origins of the *Mau Mau* uprising, including its relationship with Jomo Kenyatta and the independent school movement. In Chapter 7 of the Corfield Report

(1960), independent schools were not only charged with being involved in subversive activities, but they were also criticised for their poor quality:

‘From the purely educational viewpoint, the standard of all independent schools were deplorable for they lacked a source from which to draw a nucleus of trained teachers and were therefore compelled to rely upon rejects from Government or Mission schools and unqualified persons who had no pretensions towards any of the essentials required for inculcating knowledge on subjects which they had not themselves mastered’ (Corfield Report, 1960, quoted in Wilson p.185).

Corfield’s findings helped to reinforce the prevailing attitude within the colonial government which had previously criticised independent schools not only for their failure to employ qualified teachers, but also for their use of what were deemed to be unsuitable school buildings and their failure to follow the government curriculum. When combined, these criticisms could result in severe consequences, including the forced closure of the school and the prosecution of those involved.

The Corfield Report’s findings on education have been challenged by Wilson (2002), who criticises Corfield for depending upon the insights of a selection of white settlers, missionaries and colonial officials, whilst ignoring official government documents and the views and opinions of those directly involved with independent schools. For example, perhaps the most important official government documents were the financial reports from the Department of Education which recorded the allocation of government grants to those schools which met the necessary quality requirements. Wilson (2002) has found that from 1937 onwards a number of independent schools applied and successfully qualified for government grants and by 1951 there were an estimated thirty three KISA and KKEA schools in receipt of such grants (Wilson, 2002, p.84). This evidence clearly contradicts Corfield’s 1952 statement which claimed that all independent schools were of a deplorable standard.

Wilson (2002) also refers to comments made in other official documents such as school inspection reports. For example, following an inspection of an independent school in

1938, the Inspector of Schools in Central Province found that there was ‘an atmosphere of good order and discipline in this Karinga school, and the work is well planned and supervised’ (C.E. Donovan, March 1st 1938 quoted in Wilson, 2002, p.193). Wilson also refers to comments made by the Provincial Commissioner of Central Province in the *Report of Native Affairs (1946-1947)*, where he states that ‘the African-conducted schools as a whole would welcome inspection and assistance by Education Officers and though one may deprecate their continued objection to any Mission influence, it must be agreed that they represent an outstanding example of African self-help’ (quoted in Wilson, 2002, p.186). Similar positive comments about independent schools have also been found by Anderson (1970) who refers to the *Report on Native Affairs (1939-1945)* which applauds independent schools as ‘an example of independent effort . . . deserving of guidance and financial support’ (Anderson, 1970, p.128). Finally, Adebola (1988) also quotes from the *Kiambu District Annual Report (1934)* where the District Commissioner spoke of the enthusiasm of the teachers which he had met and their desire to do their best to improve the education of the children under their charge. The Commissioner also praised the school managers for their earnestness and tenacity, and highlighted that their school buildings were frequently better than those of their old established rivals.

The criticism in the Corfield Report that standards were low in independent schools because they lacked a source from which to draw a nucleus of trained teachers fails to take into account a number of important factors. First, following the rapid and unexpected increase in the demand for independent schools post 1929, it was inevitable that a shortage of teachers would occur not only in independent schools but also in government and mission schools.⁴⁴ Second, the shortage of qualified teachers would have been further exacerbated by both the missionaries and the colonial authorities refusal to help train teachers working in independent schools. As Kanogo suggests ‘[s]ince neither the government nor the missionaries offered squatter teaching personal any supervisory or training facilities, it was ridiculous for the government to insist on teachers attaining a particular standard’ (Kongo, 1987, p.85).

⁴⁴ For example according to Bogonko only 19 teachers were entered for the Primary Teachers Certificate in 1935, with only one teacher passing (see Bogonko 1992, p.32).

Third, the colonial authorities also prevented independent schools from training its own teachers by refusing to allow KISA to open a second teacher training college in 1940. While this has not be noted in previous research, the following extract of a letter found in Kenya's National Archives from the Director of Education to the Hon. Chief Secretary, clearly suggests that this was the case:

The request for new schools requires a Primary School at Mariira which is in the Fort Hall district, a Girl's Boarding School and a Teacher Training School. I am satisfied that the Association is not yet capable of staffing adequately a Primary School or a Girl's Boarding School. It is still more incapable of conducting a Teachers' Training School. The Association is already attempting to conduct a Teacher Training class at Githinguri which is far from efficient and it is highly desirable that they should concentrate their teacher training in one place (KNA, Letter from Director of Education to the Hon. Chief Secretary, 29th March 1940).

Fourth, as independent schools were financially dependent on income generated through school fees and school buildings, which often lacked the basic facilities. However, as Kovar (1970) has previously recorded, the founding of independent schools often followed a common pattern. After the decision had been made to establish a school, a committee was set up to help find a possible site and to oversee the construction programme. Appeals would then be made to the local community to assist by donating land, labour and money. The initial school building and its facilities would therefore have reflected the time, energy and resources available to the local community at that particular time. If a school was successful then it would expand and be improved over time, as and when resources permitted. Recognising how these schools grow and develop, highlights the difficulties which may arise when a government inspector attempts to make a judgment about a particular school, without first taking into account the history of the school and its local environment.

Together with the lack of qualified teachers and the use of unsuitable school buildings, independent schools were finally criticised for their failure to follow the government curriculum. For example, Kovar (1970) refers to a school inspection report for

Kahuguini Independent School from 1933, which recorded 61 pupils in attendance, with 21 girls and 40 boys, aged between 6 and 17 years old. The pupils were asked to pay different fees depending on their standard and if they were taught in English or Swahili, with beginners charged one shilling per month; intermediate, one shilling and 50 cents; and advanced, two shillings if taught in English or one shilling and fifty cents if taught in Kikuyu.

The timetable from 1933 was recorded as follows:

Figure 3 Kahuguini School Timetable

<i>AM</i>	
7.30 – 8.00	Religious knowledge; hymns, catechism
8.00 – 9.00	Drill; physical training, games
9.00 – 9.45	Arithmetic
10.00 - 11.00	Reading
11.00 - 1.00	Break
<i>PM</i>	
1.00 – 1.30	Catechism
1.30 – 2.00	Drill; physical training, games
2.00 – 2.45	Arithmetic
3.00 – 4.00	Reading and/or tropical hygiene

Source: (Kovar 1970 p.227)

However, by 1933 the colonial government had already introduced a specific curriculum for Kenyan pupils which included an element of agricultural and technical training, to be taught in the vernacular, with English being introduced at a later stage. Based upon these criteria the Kahuguini Independent School was criticized in its inspection report for failing to provide sufficient provision for handiwork or agriculture and it was recommended that English should be dropped from the curriculum and that all teaching should take place in the vernacular.

Wilson (2002) has also been able compare and contrast Corfield's findings concerning the quality of independent schools with the personal experiences of former pupils and owners of independent schools. For example, the lack of trained teachers may have been largely irrelevant to those communities which had previously had no schooling whatsoever, a point which is reflected by Isaih Boi during an interview with Wilson in 2000:

‘Why ask if *Indi* schools were good or bad? They were schools for learning. We needed schools here in Bangiri and if we waited for the missionaries or the government to educate our children, we would still have no schools at all. . . . building KISA schools was like planting maize. If we did not build more schools, our children would have nothing to harvest in the future’ (Isaih Boi, quoted in Wilson p.125).

Those who were interviewed emphasised that while standards and resources varied from school to school, educational advancement was taken seriously and their former teachers were committed to providing the very best instruction possible (see Wilson, 2002, p.185). According to a pupil who attended Gitunduti Independent School from 1947 to 1951, the teachers followed the traditional curriculum provided by the government, and the standards were similar to other schools (Isaac Ruben Machira Wilson, p.183). Another pupil who attended Githunguri Teachers College, remembers working long hours to finish her assignments ‘The teachers were serious about our studies, and there was little time to relax’ (Ms Waiyaki⁴⁵, 2000 quoted in Wilson p.184).

From Wilson’s (2002) interviews however there is one quotation in particular which helps to shed light on an important conflict concerning the concept of quality, a conflict which also lies at the heart of the concept of the right to education. According to Munanu Kariyuki ‘Indi schools were better than mission schools I think because the subjects they taught were different, more relevant’ (Munanu Kariyuki, quoted in Wilson p.128). A quality school for Munanu Kariyuki therefore, was not necessarily one with impressive school buildings, which focused on agricultural training, taught by qualified teachers in the vernacular. Instead a quality school was one which satisfied the particular educational needs and demands of both the pupils and parents which it served. And for Kikuyu parents during the 1930’s and 40’s, they had increasingly began to demand that their children become literate and fluent in English. This dispute therefore helps to shed light on two competing interpretations of quality in education, and also how easy it is for one interpretation to become completely divorced from the educational needs and demands of parents. The existence of two definitions of quality also begs the question, which definition is consistent with the right to education as

⁴⁵ After completing her education in the UK, Ms Waiyaki became the first Massai woman to receive a nursing degree.

defined in Article 26 – the one favoured by parents or the one favoured by politicians? The records detailing the debates and discussions involved in drafting Article 26 suggest that the definition favoured by parents was the primary focus, with governments required to respect and protect the ability of parents to make these decisions. It was not the role of government to force parents to accept its own particular model of education.

The research published to date on the rise of independent schools in Kenya has helped to shed new light onto a previously neglected feature of the development of education in Kenya - the desire, determination and the success of local communities to educate themselves without European supervision. While some sympathetic voices within the government believed that African communities would in the future be capable of taking control over their religion and education, in the mid-1930s the dominant belief was that ‘the native is far too backward to be able to carry out such projects without continual outside supervision and assistance’ (quoted in Natsoulas 1998 p.228). However, the rise and fall of the Kikuyu independent school movement suggests that this dominant belief was entirely misplaced.

7.5 The full extent of this ‘notable education revolution’.

Before examining the relevance of the Kikuyu independent school movement to the concept of the right to education, it will first be important to examine the full extent of this ‘notable education revolution’. Therefore, as well as taking into account the total number of recorded independent schools, it will also be important to take into account a number of other factors including the extent of community involvement in the setting up and finance of mission schools and any factors which may have prevented or discouraged independent schools and therefore prevented the movement from achieving its full potential. Finally, it will be important to understand if these developments were unique to Kenya during this particular period of colonial rule, or if these developments form part of a much wider global trend.

While the most visible example of self-help in education can be seen in the building and management of independent schools, it is clear that local communities also played an important role in the building and finance of mission schools. According to Lonsdale

(1964), while European supervision of mission schools was limited largely to the numerous central schools where the mission headquarters were located, '[m]ost of the other schools, including the 'out schools' which formed the bulk of African schools, were founded, staffed, and maintained largely through African initiative' (J.M Lonsdale 1964, p.28). The suggestion that some mission schools were actually founded by local communities is supported by Cole (1970) who found that '[i]n some cases the out schools had already been founded by some enthusiastic individuals' and had already been open for some time before being 'handed over to the missionaries who would secure government approval for the schools' (Cole, 1970, p. 43-51).

The extent of community involvement in the mission schools is further highlighted by the numerous reports of Kikuyu communities during the circumcision controversy attempting to claim control of local mission schools on the grounds of their previous investment in them. According to Ranger (1965) 'attempts were made to revoke land grants to missions; pitched battles were fought in one or two cases for physical control of premises; and it was not until a series of law suits were decided in favour of the missions that the attempt was abandoned' (Ranger, 1965, p.74). Indeed, as Ranger suggests, the resentment between local communities and the missions was increased precisely because of the considerable investment which local communities had already made in the mission schools.

Ranger also refers to a comment made by the District Commissioner for Fort Hall in 1925 who was 'in no doubt that the voluntary subscriptions from the Natives by the various mission stations reveal considerable willingness to pay for the benefit of education' (quoted in Ranger, 1965, p.73). The Commissioner went on to describe a case where contributions to the mission were increasing by more than one third a year.

An important aspect of this debate concerns the reaction of both the missionary societies and the colonial authorities to the growth of independent schools. When considering problems concerning education in Africa it is not unusual to focus on the lack of education and to look for solutions on how best to increase access. Therefore, when local communities voluntarily choose to build, finance and manage schools themselves,

entirely independent of government support, we might expect these efforts to be enthusiastically welcomed and encouraged. Therefore, in the case of Kenya, were independent schools enthusiastically encouraged or suppressed and for what reasons? And to what extent was the independent school movement prevented from achieving its full potential?

7.6 The colonial authorities response

According to Anderson (1970) the Department of Education first took an interest in independent schools in 1925 when a report commissioned to examine village education highlighted the need to track down, supervise and register “outlaw schools”. The description of independent schools as “outlaw schools” suggests that from a very early stage the colonial authorities viewed African initiatives in education with deep suspicion. However, following the missions ban on the practice of female circumcision in 1929 and the rapid growth of independent schools, the government initially remained unconcerned. According to the Provincial Commissioner for Kikuyu Province in 1929, it was ‘indisputable that the Kikuyu people, in their present stage of development, are incapable of organising, financing, and running efficient schools without European supervision’ (KNA: PC/CP4/1/2, Kenya Province Annual Report, 1929 p.379). These sentiments were also shared by leading members of the church who predicted that independent schools would collapse without government financial assistance (see Natsoulas, 1988, p.223).

According to Natsoulas (1998), the colonial government initially discouraged the independent school movement by challenging its right to school and church property, preventing independent schools from gaining access to different sources of income and by not allowing children attending some independent schools to sit for the primary school examination. The government’s strategy towards independent schools emerged during the 1930s and legislation was passed which introduced a number of regulations which Natsoulas (1998) has identified as follows: while independent schools were to be allowed, the provincial Commissioner was to have the authority to close any school that he deemed seditious; official accreditation was contingent upon the quality of the teaching staff and implementation of the government syllabus; no school was to be established in the vicinity of a mission school; no new schools were to be recognised

until previous ones were brought up to government standards; the accredited schools were to be given the benefit of supervision by government itinerant teachers; and finally control was to be exercised over the schools through grants in aid (Natsoulas, 1998). It is interesting to note that the colonial authorities didn't necessarily distribute grants in aid because they wanted to help more Africans become educated. Instead government funding was also used as a tool to help guarantee government control over African education. This government behaviour is certainly not consistent with the right to education which would subsequently be defined in Article 26.

An example of the new legislation was the Education Ordinance of 1931 which further extended the powers of the Education Department, whose function was defined as 'the performance of all work necessary to the control of education by the Governor'. Under Section 34, the Director of Education was granted new powers to close independent schools 'if, in his opinion, it is being conducted in a manner calculated to be detrimental to the physical, mental or moral welfare of the pupils, or he may order the Manager to make such alteration in the conduct of the school or to the school buildings as he may consider'. Independent schools would now be closed if the approved curriculum was not being effectively applied or if the school was not being 'properly conducted'. It also states that no private school will be established without the prior consent of the Director who in his discretion, may refuse any such application.

The regulation which prevented new schools from being opened close to existing mission schools was known as the three mile rule and was originally introduced by the colonial authorities to help prevent the duplication of scarce resources. However, the following statement found in the Embu District Annual Report from 1948, suggests that this rule clearly restricted the growth of new schools:

With the reduction of the distance between one school and any new application, of three miles to two miles, large numbers of new applications for new schools came before the DEB (Embu District Annual Report, 1948 p.8).

Again, any government intervention, such as the three mile rule, which restricted the freedom of people to set up their own schools would certainly not have been consistent with Article 26. Making official accreditation contingent upon the quality of the teaching staff was also effective in restricting the growth of independent schools as it meant that all new teachers had to be officially qualified, which obviously restricted the supply of teachers. The importance of this rule is highlighted in letter from the District Commissioner to the Director of Education concerning an application for a new school at Kahuguini in August 1951:

I certainly should not recommend a school being opened at which anybody but a certified teacher is to teach. I do not think that the matter should be even considered, until you are satisfied on this point. . . . I consider that, if and when the teachers have obtained their certificates to teach, their proper cause is to approach the school area committee through their headman and myself. I think they should be informed that this is the proper way in which to put in their application, and that it will not even be considered unless it is put up in this way (KNA, letter from District Commissioner to Director of Education concerning an Application for a School at Kahuguini, 31st August 1951).

The specific regulation which states that no new schools were to be recognised until all other independent schools were brought up to government standards, was perhaps the most effective method of discouraging and restricting the opening of any new independent schools, as suggested by the following statement:

Applications were received from the Kikuyu Independent Schools Association to open thirty eight new schools in 1938, this despite the fact that there are insufficient teachers for the present schools, and though it is the declared policy of Government not to consider applications for new schools until the existing schools have been made efficient. It is hard to treat these new applications seriously except in the light of a particular move. Nevertheless it is an indication of the strength of the movement (Annual Report, 1937).

Finally, the 1931 Education Ordinance also made it an offence for any person to take part in the management or conduct of any new school which hadn't received official accreditation. Together with the introduction of new legislation and regulations there is also clear evidence that the colonial authorities adopted other less formal methods to discourage the opening of new independent schools. For example, in a letter to the Acting Chief Secretary in June 1947, the Director of Education stated that:

I am however strongly of the opinion that although we cannot avoid approving of private secondary schools, they should be discouraged as far as possible and I suggest that administrative officers should point out to those proposing to establish such schools and the difficulties they will have to meet (KNA – Letter from Director of Education to The Hon'ble the Acting Chief Secretary. 20th June 1947).

For many, the forced closure of independent schools in 1952 has provided a convenient conclusion to the Kikuyu independent school movement. However, it is less well known that the fate of independent schools had already been decided three years earlier following the publication of the Beecher Report in 1949. The Report, written by a Committee chaired by The Venerable Archdeacon L.J. Beecher, recommended that it was now necessary to restore control to an education system which had lost those safeguards essential to the spending of large sums of public money. Without centralised control, operated through a school inspection system, development was largely uncoordinated:

Uncontrolled expansion at a low level, with no regard to the quality of pupils, and the lack of trained teachers, can only result in a violation of the purposes for which education is conducted (Beecher, 1949, p.vii)

The report therefore recommended a detailed plan for all school aged children in a fully aided system, with the provision for 'reasonable expansion'. According to the report:

This will, in effect, aim at embracing nearly all the present schools, including those at present unaided, and it should no longer be necessary for unaided schools to exist outside the plan. The opening or uncontrolled operation of such schools would constitute the single biggest threat to any organized system of education (Beecher Report, 1949, p.viii).

Concerning the future of independent schools the report is clear in stating that ‘the object of the Committee’s proposals is to make it no longer necessary for unaided schools to exist as a feature of planned education’ (Beecher Report, 1949, p. 101). However it is interesting to note that the Beecher Report makes no reference to the suggested association of independent schools with the Mau Mau uprising, which would eventually lead to their closure in 1952. Instead independent schools were considered to be a threat because they would ‘draw away pupils already provided for within the plan, teachers trained to operate the plan, and community support and interest on which the plan depends’ (Beecher Report, 1949, p. 98).

To counteract this threat the report suggests that while it may not be possible to remove the necessity for independent schools ‘with the stroke of a pen’, recommendations were to made for the ‘absorption’ of all existing independent schools by 1956. The report also recommends that certain conditions should be attached to the future receipt of government grants, conditions which are ‘designed actively to discourage an educational agency from embarking on such projects’ (Beecher Report, 1949, p.102). Therefore while the *Draft Rules for the Payment of Subventions and Grants-in-Aid in Respect of African Education*, state that grants in aid will be paid to all ‘non-profit making schools and other institutions nominated by the Director on the sites approved by him’, the report also recommends an extensive list of rules and regulations which all schools receiving grants must now follow. Figure 4 shows those regulations which are included in one of the sections titled ‘General’:

Figure 4 Draft Rules for the Payment of Subventions and Grants-in-Aid in Respect of African Education



I – GRANTS IN AID

(a) General

2. Grants-in-aid will not be paid to schools or other institutions . . . during the period after the due notice laid down in the regulations in which they:

- I. Fail to supply the Director with such accurate information as to their management and conduct as he will, from time to time, require;
- II. Fail to employ staff of such qualifications as the Director will approve, and for such purposes as he will direct;
- III. Pay salaries or provide terms and conditions of services to teachers other than those approved by the Director in the schedules;
- IV. Are not, in the opinion of the Director, adequately supervised;
- V. Are housed in buildings which the Director considers inadequate, particularly in respect of air, light, floor space, sanitary arrangements, and surrounding space.
- VI. Collect money or contributions of any sort in a manner not generally approved
- VII. Retain on the roll pupils who, in the opinion of the Director, are below the age of seven
- VIII. Enrol or re-enrol pupils in any class who, in the opinion of the Director ought not to be enrolled or re-enrolled, or enrol students later than the last day of the first month of the school year without the specific approval of the Director;
- IX. Fail to have available for inspection a timetable of work by each teacher, a copy of the school's annual report, records of schemes of work, an accurate record of enrolment, attendance, fees paid, fees reduced or remitted, and a list of teachers for each class.
- X. Fail, in the opinion of the Director, to give adequate moral guidance and instruction;
- XI. Fail to supply to the officer nominated by the Director class timetables and schemes of work for the ensuing year, showing the work of each class;
- XII. Have, in the opinion of the Director, become redundant;
- XIII. Have not, in the opinion of the Director, sufficient students attending classes;
- XIV. Have, in the opinion of the Director, too large a number attending classes;

The last two highlight how ridiculous these regulations had become, creating enormous deterrents and obstacles for any new independent schools wishing to gain official recognition. The Beecher Report also addresses the issue of school fees and in particular how much each pupil should contribute to the cost of education by way of fees, and what proportion of the cost should be met from public funds. While the Committee did consider requests for school fees to be abolished and for the cost of education to be met entirely from public funds, it concluded that it was inappropriate to consider such a change at this stage. Instead the Committee's aim was 'to secure a just balance between fees and subventions from public funds in such a way that the fee charged is within the capacity of the African pupil to pay' (Beecher Report, 1949, p. 187). The report therefore recommends that primary schools fees should be Sh. 10 per annum to be increased to Sh. 15 from January 1955. While the Committee believed that these recommendations would be within the capacity of the majority of parents to pay, they also recognised that there may well be instances where this was not the case. The Commission therefore recommended that in such circumstances the 'remission or reduction of fees should be made, and we have recommended that the amount of such remission or reduction should not exceed ten per cent of the possible fee revenue' (Beecher Report, 1949, p.111).

The Beecher Report is of particular interest to this thesis because it was published in September 1949 only nine months after the United Nations had agreed and adopted Article 26 of the 1948 UDHR. It is clear that the Committee were fully aware of these new international obligations as a comment on Article 26 is included in Appendix VI of their report. Concerning the use of the term 'free education', the Committee believed its use to be misleading and claimed that '[n]o social service however provided can be free' (Beecher, 1949, p.162). To reinforce their concerns the Committee also claims that many African witnesses had clearly demonstrated to 'an understanding of this fact, and indicated that they realised that increased social services involve sacrifice' (Beecher Report, 1949, p.284).

7.7 The tax burden

While the legislation referred to above shows how the colonial authorities attempted to restrict the growth of independent schools using new education legislation, there is one further area of government intervention, which will also have restricted the growth of the independent sector. In *Education and the State* (1965), E.G. West refers to the common practice of justifying state intervention in education by automatically assuming that the majority of parents in nineteenth century England were too poor to afford education. School fees are therefore identified as a barrier, which prevent the poor from accessing education. However, West also highlights that this assumption failed to take into account *what is not seen*, which is the fact that the high rates of parental poverty at the time were closely associated with the prevailing heavy burden of taxation. The high level of government taxation was therefore helping to restrict the growth of education throughout the nineteenth century.

From this perspective, if high taxation was part of the problem, then it is unlikely that the solution lies in increasing government intervention and further increasing taxation. In Kenya, the high burden of colonial taxation can also be identified as a factor which restricted the growth of independent schools. Together with the confiscation of land, the introduction of the Hut Tax by the colonial authorities caused both hardship and resentment. According to Leys (1931), the annual Hut Tax in 1931 was 12 shillings per hut and a total of £607,000 was collected that year, suggesting that there were more than a million separate taxes being paid by approximately 430,000 able bodied men. After taking into account the fact that many people owned more than one hut, Leys has calculated that the average tax to be 30 shillings and suggests that the poverty of Kenyan Africans, so aggravated by the crushing load of direct taxation, 'produces exactly the same suffering that it does in every race and in every climate' (Leys, 1931, p.33).

According to Wolff (1974), the share of direct taxation contributed by each community in 1926 was as follows: the Europeans contributed £7,500; the Asians £21,000, and finally the Africans contributed £558,044 (Wolff, 1974, p.118). Indirect taxation, such as custom duties were also introduced by the colonial authorities and by 1921 they had increased to 20% on imported goods purchased heavily by Africans. According to the 1927 Labour Commission the income of a typical African family living in a reserve

varied from between 90 to 110 shillings per annum. The average direct tax paid by the head of the family was approximately 28 shillings, direct tax bill in the neighbourhood of 30% of earnings and indirect taxes on imported goods averaging 20%. Wolff therefore concludes that '[i]t is safe to say that African labourers only very rarely had anything left of their earnings after outlays for taxes and minimal living expenses' (Wolff, 1974, p.119). It is therefore clear the colonial tax burden can be identified as another factor which will have restricted the growth of independent schools during this period.

The existence of a high burden of taxation in Kenya during this period also makes the Kikuyu independent school movement an even more remarkable achievement. It also suggests that if the colonial government wanted to promote the growth of education in Kenya, then one policy option not previously considered would have been for the colonial authorities to reduce the tax burden, thereby enabling parents to invest more of their income in education.

While the colonial authority's record on education in Kenya has been criticised for a number of different reasons, their attempts to restrict and undermine the growth of independent schools has received much less attention. One key criticism has been that the while colonial authorities invested heavily in the education of European children, they failed to pay similar attention to the education of African children. In short, the colonial authorities were criticised for not doing enough. However, it should also be noted that to increase investment in African education, the colonial authorities would first have to raise the burden of taxation even further, to help build new government schools which many African parents didn't demand or were not satisfied with in the first place. This suggests that the colonial authorities attempts to prevent the growth of independent schools and therefore restrict African parents from investing in their own children's education, will have done much more damage to the growth of education amongst African communities. By shedding light on the colonial authorities attempts to restrict African education, it also helps to paint a very different picture of the nature, purpose and role of government intervention in education. Instead of the lack of education being blamed on the lack of government intervention, the above findings suggest that the lack of education was in fact a direct result of too much government

intervention. Therefore the less the government restricts and controls education, the more education flourishes.

7.8 The missionary response

While European and American missionary societies have often been credited with the initial introduction and expansion of the Western model of schooling in Kenya, their reaction towards the rise of independent schools during the 1930s and 1940's has received much less attention. However, it is clear that like the colonial authorities, the missionary societies were also hostile to the growth of independent schools and adopted numerous tactics to prevent and disrupt their growth and development. Kovar (1970) has identified four reasons to help account for the missions hostility towards independent schools. First, because some mission schools were already receiving financial grants from the colonial government, there was a reluctance to share the already limited funds. Second, the missions were fearful that the independent school movement would undermine and perhaps break the missionary monopoly in education. Third, there remained a residue of ill-feeling from the female circumcision controversy from 1929, and finally the missions increasingly feared the competition from independent churches associated with the independent schools (Kovar 1970, p.184).

With hindsight, it is clear that the missions had very quickly adopted the position of a monopoly provider and it should therefore employ a number of tactics to help protect their monopoly position and deter all possible competition. For example, Kovar (1970) highlights an example of where the missions put forward a resolution to the African Educational Council which would also have prevented independent schools from opening in areas which were not already served by mission schools. Although the resolution was rejected by the government, for Kovar this demonstrated that some of the missions were so opposed to the independent schools that they would prefer African communities to have no education than one offered by the independent schools (Kovar, 1970, p.187). The missions also criticised the nature and motivation of independent schools. For example, in 1933, C.T. MacNamara, the Catholic Missions representative on the sub-committee for Grants-in-aid, wrote to H.S. Scott, Director of Education, and warned that the independent schools could soon become 'hotbeds of sedation as they

will certainly defeat the object of the Mission-character formation through religion and morality'. MacNamara therefore recommended that:

‘To safeguard the administration of Government and the well-being of the white population of the Colony as well as the best interests of the natives, the independent schools should be restricted not only by the rule of the three mile limit, but also refusing to allow them to be opened or at least by not conceding and recognition of them as part of the “public school” system of the country. The Catholic mission will forbid their subjects to send children to such schools’ (MacNamara 1933, quoted in Kovar, 1970, p.185).

Comments such these also suggest that while the missionary societies are often praised with being the original pioneers schooling in Kenya, this view fails to take into account the fact that the missionary societies also colluded with the colonial authorities and employed numerous tactics to help restrict, prevent, discourage and undermine the natural growth and development of independent schools. After taking into account the hostile environment which these independent schools operated, it is fair to suggest the independent school movement was simply not allowed to achieve its full potential.

7.9 Conclusions

The rise and fall of the Kikuyu independent school movement provides a brief glimpse into the beginnings of ‘notable education revolution’ taking place in Kenya under colonial rule. With reference to Africa, Ranger (1965) has previously recorded the growth of independent schools in a number of locations across East Africa including in Buganda, Barotseland and the Lake Tonga of Malawi, with Buganda eventually becoming ‘the most important centre of the African independent schools movement’ (Ranger, 1965, p.62). Berman (1974) also refers to a number of well documented examples of independent schools emerging in Nigeria and Nyasaland during the same period (see Berman, 1974, p.531). The existence of independent schools in Nigeria was also confirmed by Lord Lugard who accused half educated youths, and others who are quite incompetent to teach, of setting up ‘so-called “schools” for profit’, which are treated with deference by the ignorant parents, who are wholly indifferent to the nature of the teaching given’ (Lugard, 1936, p.439).

While the research undertaken to date on Kenya's independent school movement has focused on the reasons behind its rise and fall, its relevance to the concept of the right to education has yet to be examined. However, it is clear from the above findings that for the Kikuyu communities in Kenya during the 1930s and 1940s, the right to education did not translate into being forced to finance and then send their children to a local government school. In fact it was almost the exact opposite as Kikuyu communities simply demanded that they were not restricted from opening, managing and financing their own schools, which delivered their own curriculum. Therefore for the Kikuyu, the freedom to set up, finance and manage their own schools represented an important aspect of the right to education.

This also suggests that the existence of private schools serving low income families is inextricably linked to the concept of the right to education and that they are essential if the right to education is to be guaranteed. Furthermore, the rise and fall of the Kikuyu independent school movement should help to dispel the myth of the helpless Africans who were not capable of creating their own schools, without external aid and assistance.

Therefore in Kenya, and elsewhere, the growth and development of education has not previously been dependent on government intervention and has more often than not been restricted by government intervention. The research also suggests that private schools for the poor also played a much more important role in the initial growth and development of education in each of the countries highlighted above, a role which has since been neglected. Critically, the research also shows that these private schools for the poor would also have played a much greater role if only they had not been restricted and undermined by national governments. This research therefore provides a very different interpretation of history than the one which now dominates the prevailing consensus within the international community.

Mark Blaug has previously suggested that it would be wise to put on one side the standard histories of nineteenth century education, because these 'seem to have been largely written to prove that education is only adequately provided when the state

accepts its responsibility to furnish compulsory education gratis'. Whilst Blaug was referring to policy making in the UK, it would now appear that these same standard histories of 19th century education are now being used to help support and justify the key education policies in the leading international agencies and NGO's. For example, the 2003 Human Development Report provides a useful introduction into what can loosely be described as the prevailing consensus within the international community concerning the historical development of education in today's developed countries:

'In rich countries private providers dominated health, education and water services in the first half of the 19th century. But these services were limited. In the second half of the century public financing and provision became dominant. Indeed only when governments intervened did these services become universal in Canada, Western Europe and the United States' (HDR, 2003, p.111).

Based upon this interpretation of history, the 2003 Human Development Report continues:

'The experiences of rich countries suggest that the sequence for social services should be comprehensive provision by the state early on, followed by more targeted interventions and then public-private partnerships to serve different markets – depending on the nature of services in different sectors' (HDR, 2003, p.111).

Research by Mehrotra & Delamonica (2005) also helps to reinforce this consensus as they conclude that '[a] multitude of scholars who have examined the rise of schooling in the advanced capitalist countries agree on the predominant role of the state in ensuring universal schooling' (Mehrotra & Delamonica, 2005, p.147). They also refer the work of Lindert (2004) who has previously stated that '[t]he history of mass primary and secondary schooling is dominated by the rise of public, not private supply' (Lindert, 2004, p.88). And according to Mehrotra (2004):

‘The recent thrust in favour of multiple providers in the area of social provisioning (deriving partly from new institutional economics) has tended to ignore the historical experience of industrialized countries in the 19th century, as well as the more recent experience of the high-achievers among developing countries’ (Mehrotra, 2004, p.6).

Finally, the World Bank’s World Development Report of 2004, makes the bold claim that if individuals are left to their own devices, they will not provide levels of education that they collectively want, and concludes by confidently stating:

‘[n]ot only is this true in theory, but in practice no country has achieved significant improvement in child mortality and primary education without government involvement’ (World Bank, 2004, p.11).

The historical evidence from both developed and developing countries suggests that these views are incorrect. With the current emphasis on evidence based policies, it is therefore surprising that these views have not been challenged before. If the concept of the right to education is to be fully understood in the 21st century, it will again be wise to put on one side these standard histories of 19th century education, and instead acknowledge that a) many low income parents in developing countries are capable of educating their children themselves b) national governments and aid agencies have at times intervened in education in a way that has restricted, prevented and undermined the natural growth and development of children’s schooling.

CHAPTER EIGHT: CASE STUDY - THE INTRODUCTION OF FREE PRIMARY EDUCATION (FPE) IN KENYA

8.1 Introduction

In the previous two sections the initial development of formal schooling in Kenya during the first three decades of the twentieth century was examined and its relevance to the right to education discussed. The historical evidence of local populations in Kenya self-organising their own schooling prior to or despite colonial intervention was then examined and discussed. This section will now fast forward half a century to examine the introduction of free primary education in Kenya in 2003, a government intervention which represents the coming together (or clash) of the two key concepts at the heart of this thesis – the right to education and low cost private schools. The question being examined is therefore:

Did the introduction of free primary education in Kenya in 2003 have a negative impact on local private schools and did the crowding out process take place and was it similar to the UK experience previously documented by E.G. West?

It is widely accepted that free public education is required to meet the needs of the poor. In Dakar, 2000, governments and agencies committed themselves to ensuring that by 2015 all children ‘have access to and complete free and compulsory primary education of good quality;’ (World Education Forum, 2000, para. 7). Although the related Millennium Development Goal (MDG) adopted by the United Nations General Assembly does not mention free education (it only commits governments to ensuring that children ‘complete a full course of primary schooling’, United Nations General Assembly, 2001, Goal 2, Target 3), commentary on it suggests that this is now a widely agreed part of its aims. For instance, the UN Millennium Project argues that ‘Eliminating school ... fees’ is the way forward to meet the MDG goals, (United Nations Development Programme, 2005, p. 26). Oxfam International (2005) agrees: ‘The case for abolishing user fees for primary education is largely accepted’ (p. 72).

The experience in several African countries is often used to show the advantage of eliminating primary school fees. In Uganda, for example, primary school enrolment reportedly rose from 3.6 million to 6.9 million between 1996 and 2001, (World Bank 2003, p. 60), after free enrolment was introduced. Similarly, in Tanzania, after free primary education was introduced in 2002, ‘an extra 1.6 million children started attending school’ (Oxfam International, 2005, p. 17). Furthermore, Save the Children UK (2002) suggests that in Malawi, ‘the abolition of [primary school] charges in 1994 saw a 50 per cent rise in primary enrolment almost overnight’ (Save the Children UK (2002 p. 5).

In January 2003, Kenya’s newly elected National Rainbow Coalition (NARC) became the latest African government to introduce Free Primary Education (FPE). Twelve months after the introduction of FPE, it was already being reported that enrolments in government primary schools had increased by 1.3 million and the example of Kenya was already being praised by the UK Secretary of State for International Development, Hilary Benn, as a successful example of how international aid is helping to make poverty history across Africa. Bill Clinton also lent his support to the initiative and told an American television audience that the person he most wanted to meet was President Kibaki of Kenya, “because he has abolished school fees,” which “would affect more lives than any president had done or would ever do....”. Finally, in January 2005, Gordon Brown made a high profile visit to Kenya, and speaking outside Olympic Primary School on the outskirts of Kibera, he said that it was simply not acceptable for the rest of the world to stand by and have hundreds of millions of children not getting the chance at education. According to Gordon Brown, Kenya's free primary education policy represented an African success story of which to be proud.

8.2 Crowding out in education

However, for Frederic Bastiat, it was important to trace the short and long term consequences of particular government interventions and if possible identify any inevitable implications. From his experience in mid-nineteenth century France, he noted that public services can often eliminate private services of the same nature. Bastiat was referring to the concept of ‘crowding out’, which the Economist currently defines as ‘[w]hen the state does something it may discourage, or *crowd out*, private-

sector attempts to do the same thing. . . . Crowding out may also come from state spending on things that might be provided more efficiently by the private sector, such as health care, or even through charity, redistribution' (Economics A-Z website, 2007).

The important role which this process has played in the history of education in the UK has previously been documented by E.G. West who found that government schools had crowded out private schools in England towards the end of the nineteenth century and in particular following the 1891 Education Act which abolished school fees in all government primary schools. West also identified two conditions were necessary for the process of crowding out to take place in education. First, all government subsidies would have to be directed towards helping to finance free government schools. Second, West also highlighted that crowding out could obviously only occur if a large number of private schools already existed. The fact that there needs to be a large number of private schools already existing for the process of crowding out to occur, perhaps helps to explain why this phenomenon has previously been neglected in education, as private schools serving low income communities have either not existed or development experts and international agencies have simply failed to acknowledge them.

It is also clear that despite West's published research from the 1960s and 70s, his findings are still not widely recognised, a point which is reflected in the following statement by Mehrotra & Delamonica (2005) concerning the historical development of education in the UK:

What is also clear is that there was no crowding out effects of the increase in public education spending on private schooling. In other words, the rise of tax-based public schooling did not displace private schooling (Mehrotra & Delamonica, 2005, p.147).

Despite the previous neglect of the crowding out phenomenon, it has recently begun to attract some interest within the international community. For example, Cox & Jimenez (1990) suggest that development experts need to realise 'that many social objectives are already being met through private means without reliance on the public purse' and so

their aid programmes ‘may have less effect than originally intended if they displace private transfers’(Cox & Jimenez, 1990, p.216). How private transfers are affected by aid interventions should therefore be an important element in policy design:

‘The implications for policy are important; when private behaviour adjusts, there may be unforeseen or unintended implications for public transfer programmes with respect to who benefits and by how much’ (Cox & Jimenez, 1990, p.217).

These implications are obviously much more important for developing countries with little economic growth and limited public funds (Cox & Jimenez, 1990, p.217). Lal and Myint (1998) have also previously identified this as a problem and recommend that no legislation should be introduced which would damage any existing private institutions which help to tackle poverty. They also suggest that while there may be a case for public financing of certain services, there certainly isn’t one for public production and so if any public money is going to be given to those most in need, then this should be done through private agencies (Lal and Myint, 1998, p.381). Finally, Albarran and Attanasio (2002) also confirm that an important issue which is often neglected when designing aid programmes is how they interact with existing private arrangements. For example, their research into the PROGRESA programme in Mexico where families receive grants conditional on school attendance, found that private transfers are significantly and negatively affected by the programme with some of their estimates indicating that the crowding out effects can be quite large (Albarran and Attanasio, 2002, p.20). They therefore conclude that

‘[i]t should be clear that when evaluating a public programme, one has to take into account the fact that such programmes do not occur in a vacuum but interact with existing mechanisms within a society (Albarran and Attanasio, 2002, p.20).

This conclusion also links in with UNESCO’s Education for All (EFA) Country Guidelines which clearly states that the goals and strategies for EFA must be built on what already exists (UNESCO, 2000).

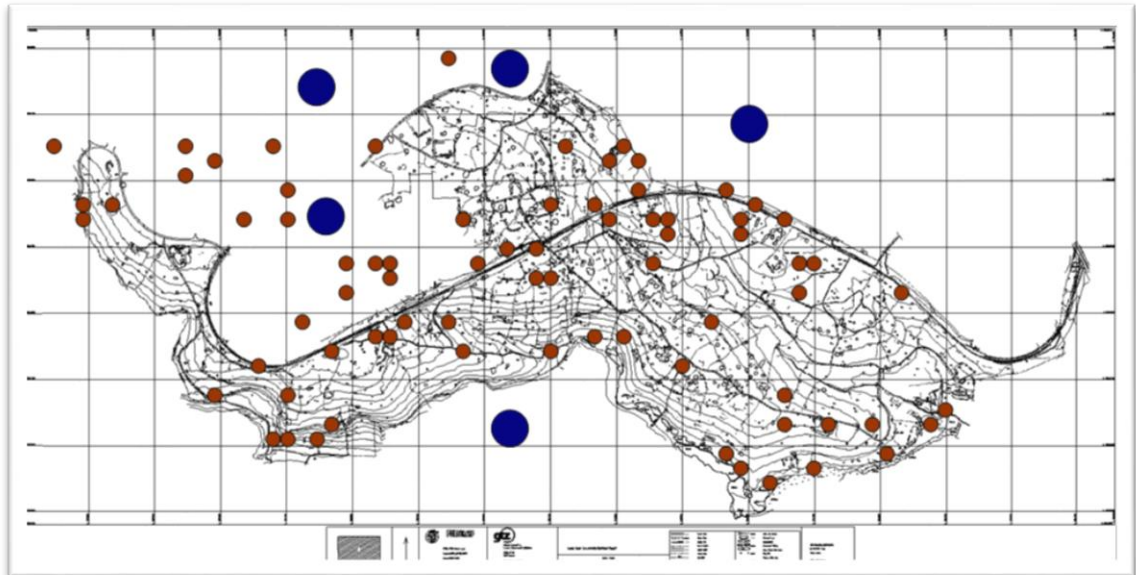
8.2.1 Did private schools exist in the chosen low income area?

The slum of Kibera (estimated population of 600,000 plus), located on the outskirts of Nairobi, was chosen for the research which was conducted between October and November 2003, approximately 10 months after the introduction of FPE. Before the research was carried out the Minister of Education, the Hon Prof. George Saitoti was interviewed and asked about how many private schools he thought existed in the slum areas. The Minister confirmed that there were no up to date surveys which documented the number of schools in Kibera and therefore he was looking forward to reading our findings.

In Kibera, researchers found 76 private primary and secondary schools (see Figure 5) and also obtained relevant data from the five government schools that were reported to be serving Kibera, located on the outskirts of the slum. This is significantly more than the 44 'non-formal schools' identified by Oxfam (Oxfam GB, 2003). These findings do however correspond with research carried out by Onsomu *et al* (2004) which found that private (or community) schools have been 'mushrooming in informal settlements including slum areas in urban centres' (Onsomu *et al*, 2004, p.25). They also correspond with a World Bank survey carried out in 2004, which found that of the 1800 households interviewed in Kibera, 94% were aware of the existence of private schools while only 52% were aware of the existence of public schools.

The number of children reported to attend the 76 private schools at primary or secondary level (i.e., *excluding* nursery school pupils), was 12,132, made up of nearly equal number of boys and girls – 6,212 boys (51%) and 5,920 girls (49%). Out of the 76 private schools, only two reported that they did not charge fees – both run by religious organisations. Several school managers reported that they allowed orphans or children from large families, or with a widowed mother, into their school for free, or for very reduced fees. In other studies in similar environments, Tooley and Dixon have found that free and concessionary places ranging from 5% to 18% of all places in private schools for the poor (Tooley and Dixon, 2005).

Figure 5 Private schools for the poor in Kibera, Nairobi, January 2004.



8.2.2 Were subsidies only directed to government schools?

The government of Kenya did adopt a particular form of intervention which West has previously identified as being closely associated with crowding out, as all new subsidies were directed towards the abolition of school fees at all government primary schools only. As a result, those parents who were previously unable to afford school fees were not given free primary education at a school of their choice, but at a local government school. This is an important point to highlight, especially if there are local private schools which the parents may prefer and which outperform the government schools at a fraction of the cost. It will also be important to highlight that the decisions concerning the implementation of FPE may not have been made by the Minister of Education in Kenya, but will have been influenced by the numerous aid agencies who were helping to fund the project. This is because international aid is now specifically linked to the abolition of all school fees at all government primary schools across Africa, leaving national governments with little or no room for manoeuvre.

8.2.3 Did crowding out occur?

In the five government primary schools that were reported to be serving the Kibera community the school manager was asked how FPE had affected their enrolments, by comparing their enrolment in school year 2002 with their enrolment in 2003 (Table 3). The total enrolment prior to the introduction of FPE (Jan 2003) was 5,830, which increased to 9,126 by November 2003. Therefore, the total increase was 3,296 children, an increase of 57%. It would therefore appear that FPE did dramatically

increase the number of children enrolled in the five government primary schools reportedly serving Kibera.

Table 3 Kibera: Net increase in government school enrolment

Government Primary Schools	Before FPE (school year 2002)	After FPE (enrolment Oct 2003)	Net increase	% increase
A	1300	2039	739	57%
B	1710	2247	537	31%
C	1020	1905	885	87%
D	600	1116	516	86%
E	1200	1819	619	52%
Totals	5830	9126	3296	57%

However, 48 of the 70 private schools serving primary students⁴⁶, reported that FPE led to a net decline in enrolment in schools, while the remaining reported that either the student numbers had stayed roughly the same (14 schools), or that primary school enrolment had increased since the introduction of FPE (8 schools). Interestingly, of the 48 schools reporting a net decline in enrolment, 41 had suffered a straightforward decrease since the introduction of FPE. The total number of children leaving these 41 private schools was reported to be 6,010. The remaining seven schools that had suffered a net enrolment decline reported that, after an initial large decline, their enrolment was now slowly increasing (although it had not reached previous levels) – either because some parents who had moved their children to the government schools were now returning their children to the private school or were moving their children from private schools that had closed. The total net decline in these schools was reported as 939. From these figures, we can compute a net decrease of 6,571 in the number of students reported to be enrolled in the private unregistered schools in Kibera (see Table 4).

⁴⁶ Out of the 76 private schools in Kibera, 69 catered for primary school students. One further school, currently catering for nursery and secondary sections only, previously had a primary section now closed reportedly as a result of FPE. Hence we give figures for the impact on 70 private schools from Kibera.

Table 4 Kibera net increase/decrease in remaining private unregistered school enrolment

Category	Increase/decrease in enrolment
Straight decline in enrolment (41 schools)	-6010
Initial decline then increase (7 schools)	-939
No change in enrolment	0
Private – increase in enrolment (8 schools)	+378
Total increase/decrease	-6571
Average increase/decrease in 70 schools	-94

However, these figures still fail to take into account everything *which is not seen*, because an additional 33 private schools were reported by school managers to have closed since the introduction of FPE. One of the questions asked of private school managers concerned any private schools they thought had closed due to FPE. Having established the name of the school and its owner, researchers attempted to find these, through informal networks. If located, the manager was interviewed to ascertain the reason for closure, the number of pupils that had been enrolled, and where children may have gone once they had left the school. The former managers at 32 of these schools were tracked down and interviewed. Also, in the course of this research, three more private schools were found that had closed since FPE was introduced. Of these 35 private schools, the previous school managers reported that 25 of them had closed specifically because of FPE. Two of the schools had relocated and were still open, six had closed because of demolition work due to the building of a by-pass, and two closed due to mismanagement or lack of funds unconnected with FPE. In total, 4,600 children were reported to have been enrolled in private schools that had closed specifically because of FPE.

Summarising these findings, Table 5 gives an estimate of the net decrease in the number of students enrolled from Kibera as a result of the introduction of FPE. In private unregistered schools as a whole, enrolments declined by 11,171. Set against the increase in government schools of 3,296, this would result in a net *decrease* in primary school enrolments since the introduction of FPE of 7,875. This research therefore suggests that when taking these additional factors into account there may be approximately 8,000 *fewer* children from Kibera enrolled in primary schools than before FPE was introduced.

Table 5 Summary of net increase/decrease in enrolment in Kibera since FPE, 2003

Category	Increase/decrease in enrolment
Subtotal – net increase/decrease in private schools	-11171
Government – increase in enrolment	+3296
Total net increase/decrease in enrolment	-7875

There are however at least three reasons why these figures may be inaccurate, and hence must be treated with some caution. First, it is based on the reported decline in school enrolment by school managers, which relied on memory, and so may be incorrect. Moreover managers may have felt some incentive to exaggerate their decline, because they felt this might lead to financial, or other, assistance. Second, the figure assumes that all children who have left private schools could only have gone to the five government schools bordering Kibera, but instead, they may have enrolled at other government schools. Third, as Lauglo (2004) points out, children may also have moved elsewhere, through natural movement of families in and out of the slum areas – with no way of quantifying this movement.

Whatever this research might uncover, and whatever reasonable objections there are to the figures reported above, they clearly point to the need for a more sober assessment of the net impact of FPE on enrolment. For example, even if the number of children dropping out of private schools has been over-estimated - these estimates would still mean that the net impact of FPE was that the same number of children were enrolled in primary classes as before FPE. The only change is that some children have transferred from private to government schools, leaving the latter overcrowded and the former half empty. Therefore, in addition to the customary exercise of examining only enrolment in government and registered private schools, enrolment in private unregistered schools for the poor also needs to be taken into account. At best, to repeat, it may be that the net impact of FPE was roughly the same number of children enrolled in primary streams – the increase in government enrolment merely reflecting a transfer from private to government schools.

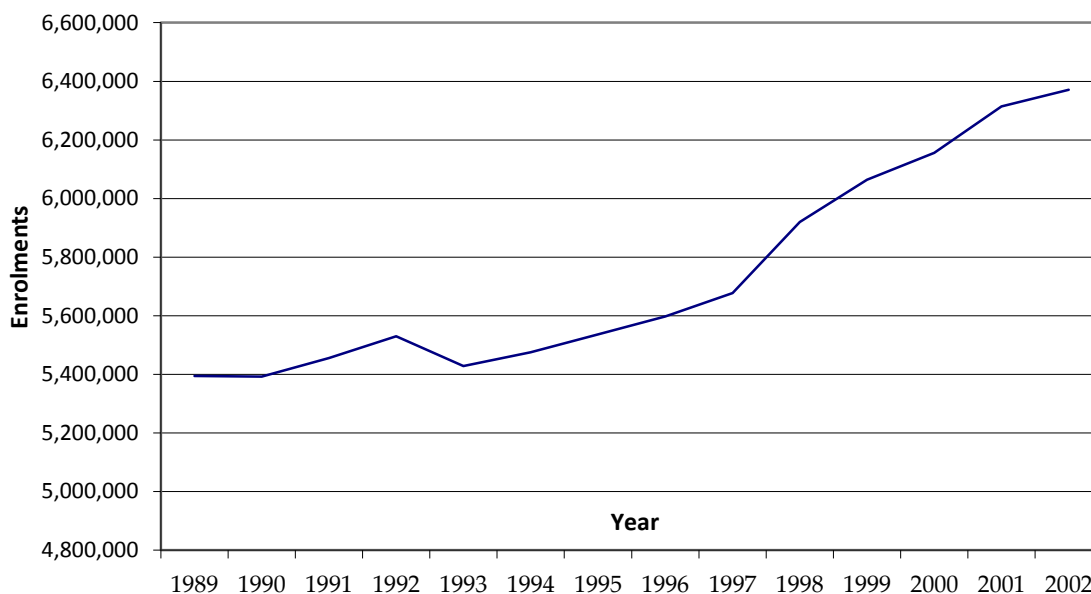
While the transfers referred to above involved children moving from private to government schools, UNESCO also found evidence that there was a transfer of children in the opposite direction following the introduction of FPE in January 2003. Due to the overcrowding experienced in some government schools, teachers reported transfers of pupils from public to private schools in search of a better quality of education. Similar movements were also reported by parents who stated that ‘such transfers were caused by the laxity of teachers in addition to overcrowding of classes in public primary schools (UNESCO, 2005, p.256).

From a human rights perspective, it is clear that the introduction of FPE in Kenya in 2003, failed to take into account the right of parents to choose the nature, form and content of education which their children receive, as outlined in paragraph three of Article 26. For example, if the government wanted to guarantee universal access to education for all children living in Kibera, whilst also respecting the right of their parents to choose, then they could simply direct government subsidies (in the form of school vouchers) to all parents living in Kibera, who would then be free to send their children either to one of the local private schools or one of the 5 government schools located on the outskirts. Therefore as soon as the government schools were at full capacity, parents would have the additional choice of sending their children to a local private school which would now have the opportunity to expand and increase capacity as and when required. The key difference is that government subsidies would go to parents and not to government schools. Parents would therefore remain in control of their children’s education and would not be forced to send their children to an overcrowded government school. The crowding out which has occurred in Kibera and the transfer of pupils from private to public schools is therefore not inevitable. Instead it is a direct result of the *nature* of government intervention which focused on increasing access to education, whilst failing to recognise and respect the right of parents to choose.

This research into the introduction of FPE in Kenya in 2003 raises a number of additional questions (Figure 6). For example, before FPE was introduced in January 2003, an estimated 6 million children were attending government primary schools, with

the vast majority paying school fees. It is also important to note that since school fees were reintroduced in 1989/1990 and despite the economic hardships incurred over the previous two decades, primary school enrolments at the fee paying government primary schools had increased by approximately 1 million children.

Figure 6 Primary school enrolment in Kenya, 1989 to 2002



This suggests that the majority of parents in Kenya prior to the introduction of FPE could afford to pay school fees, which were providing schools with an important source of revenue. The question therefore remains, if FPE was introduced to help guarantee universal access to education by helping those families previously unable to afford school fees, and if new public funds and international aid were required for this particular purpose, then why have the majority of these new funds been used to help subsidise the 6,000,000 children whose parents were already paying school fees? In short, why does education have to be free for all parents, including the majority who could previously afford to pay?

This was a point highlighted by Thami Mseleku, the Director General of South Africa's Department of Education in December 2003, when he challenged a UNICEF report calling for the abolition of all school fees in South Africa:

‘What we should all be talking about is not that we should abolish all school fees; we should be saying that how do we ensure that school fees do not act as a barrier to access to quality education for the poor and the poorest of the poor, because abolishing school fees means subsidising the rich’ (Mseleku, 12/12/03).

Another important question which this research raises is that while attention is focused on how the abolition of all school fees will help to increase access to education there is very little or no discussion on what impact the abolition of all school fees will have on the role and attitude of parents, teachers and the way in which the school itself operates. For example, are there any positive factors related to the payment of school fees that may be lost if they are abolished? Also are there any hidden costs of schools becoming entirely dependent on public funds or is it a win-win situation for all of those involved? One final note on the use of the phrase Free Primary Education (FPE). While the concept of “free education” has been popular since the mid nineteenth century onwards, it is clear that while education may be free at the point of use, it still has to be paid for by someone, as previously noted by Bastiat:

The truth is, the word "gratuitous" as applied to public services contains the grossest, and, I may add, the most childish of fallacies. I marvel at the public's extreme gullibility in being taken in by this word. People ask us, "Are you against *gratuitous* education? *Gratuitous* stud farms?" Quite the contrary! I'm for them and I would also be for gratuitous food and gratuitous housing . . . if these were possible. But the only thing that is really gratuitous is what does not cost anyone anything. Now, public services cost everybody something; the reason they cost the receiver nothing is that everybody has paid for them in advance (Bastiat, 1848, p.179).

The same could also be said about the promise of Free Primary Education, which could also be described as a means of selling tax funded government schooling under false pretences. Tax Funded Government Schooling (TFGS) as opposed to Free Primary Education (FPE), would therefore appear to provide a much more honest and accurate description of what the government of Kenya introduced in 2003 and what the United Nations is now demanding to be introduced across Africa.

Questions also remain about the different reasons why children don't attend school and while it may be convenient to focus attention on school fees and how they restrict access to education, it is clear that other factors are also involved. Table 6 suggests that only one third of out of school children do not attend school because they cannot afford to. This suggests that even if all school fees are abolished, then two thirds of the out of school children would still not attend school. Therefore introducing FPE may not be the solution to guaranteeing Education for All.

Table 6 Reasons why school age children do not go to school in poor households (%)

	Too old	Got Married	Too far	Cannot Afford	Got Employed	Became an Apprentice	Work at Home	School Uninteresting	Cultural Rituals	Illness	Pregnancy	Failed Exams	Other	Not stated
Total Rural	3.1	11.9	0.9	29.5	1.5	1.6	2.9	11.8	0.6	2.8	5.2	10.4	13.2	4.5
Total Urban	7.9	17.3	0.4	34.2	6.3	1.3	0.5	4.1	0.1	0.7	1.9	5	19	1.2

Again, similarities can be made with the education debate in England towards the end of the nineteenth century, as suggested in the following newspaper column from 1874:

The cry of the Birmingham League was for education, "free, compulsory and unsectarian." It is quite certain however, that those who have had most experience in dealing with popular education believe that the abolition of all school fees tomorrow would not remove the main causes of absenteeism. It is not the fee that determines so many parents from sending their children to school. It is the attraction of wages. As soon as a boy or girl can earn a shilling or two a week, the parents are anxious that it should do so, and in some families this mite added to the family income is of essential importance. . . . Nowhere in this world is there more absenteeism from school than in the city of New York; and there the schools are free (John Bull, London, England, Saturday, December 12, 1874).

While child labour is often viewed as a moral outrage by Western development experts, the use of child labour was widespread throughout the UK during the industrial revolution. It is also important to recognise that while external observers may take a negative view of parents who decide to send their children out to work, such decisions may be heavily influenced by the fact that the alternative, sending their children to a local government school, may be widely recognised as being a complete waste of time. Taking such factors into account, parents may therefore be making an informed decision on what they believe to be the best interests of the child.

Finally, with an increasing emphasis being placed on the rights of the child, what happens when children begin to decide for themselves that they are wasting their time in school and that they would instead experience a much better educational experience by finding paid employment? In circumstances such as these, are governments now justified in forcing these children to attend a local government school, even if it clear that this is against the wishes of both the parents and the child and is likely to do more harm than good? Doesn't this also suggest that the existing interpretation of the right to education is based upon a false assumption which is common in the West - that a school provides the best learning environment for all children and as all children are very similar they should all be forced to attend school up to the age of 16?

8.3 Institutional analysis and the introduction of FPE in Kibera

Ostrom's use of institutional analysis and its focus on the role of institutions and incentives also helps to shed new light on the hidden costs and unintended consequences associated with recent attempts by international donors to increase access to education in Kenya. As previously noted by Ostrom, when an external intervention creates the opposite result of its original intention then something is definitely wrong. Furthermore, not only had the total number of enrolments decreased but the quality of education in the now overcrowded government schools had also declined and a number of local private schools had been forced to close. What was being reported by international donors was therefore completely at odds with the reality on the ground.

The international donors and the beneficiaries on the ground appeared to be living in two separate worlds.

This intervention also highlights another problem with the current monocentric approach which tends to ignore any educational activities which are not officially recognised and funded by the government. Therefore, by focusing their resources on increasing access to government schools, international donors also end up undermining the ability of private schools to remain sustainable in the long run.

The above findings also appear to confirm the crowding out hypothesis, which suggests that certain types of government intervention in education will not increase the total number of enrolments but will simply result in a transfer of enrolments from private to government schools. If the government schools are then found to be less effective than the private schools then those children who have made the transfer will now be worse off. In Kibera however, the crowding out process was found to be more fluid than originally expected with many parents returning their children to private school after it became clear that the quality of teaching in the government school was unacceptable. For these parents, government schooling was certainly not free as there were large costs involved in their children not learning.

Discussions with these parents which had switched their children between private and government schools therefore helped to shed new light on some important differences between the two. For example it was found that when parents paid fees then they found that teachers would pay more attention to their children and make more of an effort. Also when parents did not pay any school fees then they felt that they were now less able to complain and when they did the teachers were more likely to ignore them. The following statement is a typical comment from a parent who had experienced both types of schooling:

Before the free education programme was introduced, the teachers were busy with the pupils; now, they know there is no money coming in, so they are not really concerned. Here, the teacher is busy with the children

from morning to evening and there, you find that the teachers do not teach the way they used to (Tooley et al 2006, p.462).

One parent also summarised what he perceived had happened when free education was introduced by way of analogy:

If you go to a market and are offered free fruit and vegetables, they will be rotten. If you want fresh fruit and vegetables, you have to pay for them (Tooley et al 2006, p.462).

Such comments help to reinforce Ostrom's earlier findings concerning the perverse impact of external aid on the incentives of those working in the institutions being supported. For example, when parents pay teachers to teach their children then the incentives faced by the teachers are closely aligned with the incentives of the parents. However, in the free government school, no such linkage exists and the bargaining power of parents is dramatically reduced.

Paying school fees therefore provides a mechanism through which parents can assert and defend their rights to the benefits that education brings. The payment of school fees is therefore an important safeguard which guarantees a particular quality of service. When parents are denied the opportunity to invest in their children's education, then this denies parents their ability to assert and defend their right to education.

Unfortunately, the way in which international aid affects the incentives of both teachers and parents has not been taken into account and instead project evaluations have considered the abolition of schools fees as a project benefit even if parents were previously willing to pay. The possibility that reducing the need to pay for education will substantially reduce the bargaining power of parents and the accountability of teachers has simply been ignored.

Also, there has been no serious analysis of the hidden costs of abolishing school fees for those parents who were previously capable of paying, and willing to, pay. The assumption is that because these parents no longer have to pay school fees then they will now be better off. The abolition of school fees is not expected to alter the relationship between the parent and the teacher and the fact that teachers and schools now get all of their funding from central government is not expected to have any impact on the way teachers perform. All of these reforms therefore appear to be based upon the assumption that the way in which teachers are funded will have no significant impact on the incentives they face and how they perform.

However, the lack of teacher motivation and attendance, the high dropout rates and the extraordinary levels of corruption throughout the government system are not normal developments which would be expected to occur in organisations which provide such an important service which people value so highly. For example, in the private sector these developments are simply not allowed to develop and take hold. If teachers lack motivation and fail to turn up at a private school, then they will be sacked. If a private school begins to experience high and increasing dropout rates then it must either transform the service which it provides or the school will be forced to close. And as the majority of the revenue which private schools receive is simply transferred from parents to the school, then the opportunity for corruption is dramatically reduced. Of course some problems will still persist in the private sector but these will be due to local circumstances and the failure to manage people and resources effectively. They will not be the result of incentive problems which are inbuilt into the institutional framework which affect the sector as a whole.

Many of the problems which currently plague government schools in developing countries are therefore a direct result of the way in which national governments and international donors have previously intervened in education and how these interventions have significantly changed the incentives of all those who work in the sector. These interventions have also significantly reduced the ability of parents to hold teachers and schools to account.

These findings therefore help to reinforce Ostrom's previous finding that in countries where the institutional environment is less able to overcome incentive problems then there is a much greater need for institutions which match contributions with rewards. This applies in particular to schooling where the payment of school fees is perhaps the best way to match teachers contributions with their rewards and to ensure that parents get value for money receive a quality service.

8.4 School fees – a financial obstacle or the missing link?

As noted above, the first hidden cost or unintended consequence of abolishing school fees at the five government primary schools serving Kibera was that it had a negative impact on many of the private schools located inside Kibera. As pupils began to transfer from the fee paying private schools to the free government schools, the government schools quickly become overcrowded and many private schools were forced to close whilst others incurred financial hardships as a result of operating at less than full capacity. The closure of some private schools suggests that this particular government intervention will have resulted in a decrease in the total number of school places (public and private) available to children living in Kibera. Also as previously noted, these hidden costs and unintended consequences were not an inevitable result of government intervention in education *per se*, but were directly related to the *nature* of government intervention and the way in which government subsidies were directed towards government schools only. If the right of parents to choose in education had previously been taken into account, then any government subsidies could have been directed towards parents and not schools, leaving parents to choose the nature, form and content of the education which their children receive.

However, another important, whilst unexpected finding from this research was that a number of parents who had initially moved their children to a free government school (following the introduction of FPE), had subsequently returned their children to a private school. Therefore, a number of parents living within the slum of Kibera were choosing to pay school fees at a local private school instead of accepting free education at a government school. This therefore helps to shed light on a unique set of circumstances, where low income parents were provided with the opportunity to choose between a free government school or a fee paying private school in their local area.

Common sense would perhaps suggest that parents living in one of the largest slum areas in Sub-Saharan Africa would choose to send their children to the free government school, simply because they cannot afford the school fees at the private school. After all, free primary education is being introduced across Africa specifically to assist those parents living in slum areas and who, it is assumed, cannot afford to pay school fees. However, this conclusion fails to take into account the hidden costs and unintended consequences which this chapter will hopefully help to uncover.

In order to explore reasons why parents enrolled their children in private schools and the impact of FPE, in April 2004, four of the school managers in Kibera who reported an initial decline in enrolment after the introduction of FPE, followed by an increase, were asked to invite a small group of parents to discuss relevant issues, without teachers being present. All but one of the discussions was video-taped in full, and these videos were then independently translated by professionals on return to England. Altogether, 43 parents took part – in groups of 7, 8, 12 and 16. Questions were asked about the reasons why parents might send their children to private schools, why they might have transferred from private to government schools and back again, probing answers to explore reasons in more depth⁴⁷. An important issue raised by many parents was the perceived lack of commitment of teachers in the government schools, and the associated issue of the accountability of teachers in private schools. A typical observation was made by the following parent:

‘While most of the teachers in government school are just resting and doing their own things, in private school our teachers are very much busy doing their best, because they know we pay them by ourselves. If they don’t do well they can get the message from the headmistress, of which we cannot allow because we produce ourselves the money, we get it through our own sweat, we cannot allow to throw it away, because you can’t even take the money from the trees, you have to work harder to find

⁴⁷ Some limitations of the research are apparent as only parents using private schools were interviewed, so this may have skewed the type of answers received. Parents were also initially selected by the school owner (although others also came along when they heard there was a discussion taking place), and then self-selected with regard to those who were willing to make themselves available at the time, and this may have skewed the responses in favour of private education.

it so the teacher must also work harder on our children so that he earns his own living' (Parent 1, Focus Group 3, Appendix 1)).

Other parents commented on what they perceived as the impact of free education on the motivation and accountability of government school teachers. One parent stated:

'My friend is teaching in Government school. She always tell me that when they used to be given some money they were concentrating in teaching, but nowadays they are not given money and they don't worry on taking care in teaching. They just give children homework and they don't make any follow up on whether a child has done or not' (Parent 4, Focus Group 2, Appendix 1).

Similar comments were also made by the following parent:

'You know before the free education program was introduced, the pupils were paying tuition and so the teachers were concentrating well on the pupils. Now because there are many pupils, they select the pupils they can teach well. As a parent you cannot complain. Also parents do not follow up the progress of their children because they know that the school is free' (Parent 4, Focus Group 1, Appendix 1).

These findings are not unique as similar developments have also been documented by Oxfam following the introduction of FPE in January 2003:

'I joined a private school in Kibera, and then moved to Old Kibera in standard 7 in 2003. I stayed in that school for half a month. I realised that there were many pupils in the class. The teachers were not checking our work. Though the teachers were always present, only one used to come to class. We used to mark our own books (with instructions from the teacher). I didn't like anything in the school. I requested my mother to take me back to St Augustus. I gave my uniform to a friend and joined St. Augustus in February 2003. I like St. Augustus because education is good; teachers teach well, I usually ask the teacher to explain further what I do not understand' (Oxfam, 2003).

Epari *et al* (2008) have also recorded the following statement made by a teacher from an informal school:

They [parents] bring them [children] back [to informal schools] because now the parent comes complaining that “When my kid was here [in an informal school], he was the number 2 student [in terms of academic achievement]. When he went to the government school, he was between the 50th to 80th class position. [...] [Students] moved [to formal schools], then they came back here by themselves. [...] They are the ones who started saying, “Teacher, we can’t go there [to formal schools]. You are told to open your books, do the exercise, with no explanation (Teacher, Epari *et al*, 2008).

Epari *et al* (2008) conclude that ‘a growing number of families in informal settlements cross back and forth over the border between formal and informal schools in pursuit of a balance between availability, affordability, and their perceptions of a quality education’ (Epari *et al*, 2008 p.20). These unexpected findings from the research therefore help to shed light on the second hidden cost or unintended consequence of abolishing all school fees at government schools, which concerns the impact that this will have on how teachers perform and the relationship which exists between the parents and the school itself.

During the focus groups it was clear that some parents had become frustrated when they transferred their children from the fee paying private to the free government schools. First, there was the issue of overcrowding which resulted in much larger class sizes and therefore less teacher interaction with individual pupils. Second, there was also a sense of a loss of control over their children’s education. Without having the threat of withdrawing their children and the school fees which they pay, parents now had less power to hold teachers to account. Also as school fees would no longer be used to help pay teachers’ salaries, the incentive for teachers to continuously attempt to satisfy parents changing needs and demands was now diminished. In the free government schools the balance of power had therefore clearly shifted from the parents to the teachers. For these parents therefore, school fees were not necessarily seen as a

financial barrier to education, but were instead seen as providing a critical link between themselves and the school and its teachers. The payment of school fees had helped to establish a formal relationship between the two parties, placing an obligation on the teachers to provide a particular service and value for money. The fact that parents were now paying meant that they could now hold teachers to account if they were failing to deliver what had been promised. Therefore it was parents and not teachers who were in control.

While these issues have not been considered by today's advocates of FPE within the international community, they did not escape the attention of the leading classical economists including Adam Smith (1723-1790). As E.G. West (1964) has previously shown, while many of the classical economists argued for some state intervention in education, they all insisted that fees should *not* be abolished and should always cover a substantial part of the costs involved. According to Smith it was the endowment of schools and colleges in England and Wales which had 'diminished more less the necessity of application in the teachers. Their subsistence, so far as arises from their salaries, is evidently derived from a fund altogether independent of their success and reputation in their particular professions' (Smith, 1776 p.250). Heavily endowed institutions were therefore usually arranged not in the interest of the students but for the ease of the masters and the more schools and colleges were subsidised, the more they tended to become divorced from the wishes of the students and the outside world. In contrast, those schools which depended on school fees meant that the teachers' efforts respected more closely the wishes of the pupils and their parents, since teaching incomes fluctuated with the numbers on the school register (E.G. West, 1964, p.4). School fees therefore ensured that a teacher's pay was sensitive to the quality of education being delivered and the higher the proportion of the total revenue made up in school fees, the more the security against pedagogic inertia.

Critically, West identified fee paying, as the one instrument with which parents could keep alive desirable competition between teachers and schools. When school fees were removed, it created an environment in which the process of competition could not function. West suggests that Smith's reasoning can best be understood by considering the consequences of introducing a policy of supplying groceries free of charge to

customers while the grocers receive payment from customers as taxpayers via government. According to West 'families in such circumstances are not likely to receive their accustomed quality of service from their grocer/suppliers since the latter's incomes are now derived independently of their efforts' (West, 1995, p.5).

Based upon these insights, West outlines the following testable hypothesis, '[t]he greater the share of the student/customers' tuition fees in the total revenues of a university, the greater its efficiency' (West, 1995, p.5), which he then translates into the following Adam Smith Test:

'the threshold of tolerable efficiency is reached when the share of student fees in the total operating costs of universities rises to at least 50 percent' (West, 1995, p.5).

This test helps to shed light on an important contradiction which lies at the heart of the prevailing consensus on tax funded government institutions, as it suggests that the more public subsidies an institution receives, (or the more 'public' an institution becomes), the less responsive it becomes to the changing needs and demands of the public. The Adam Smith Test therefore helps to confirm that while attention has focused on the positive benefits of removing all financial barriers, less attention has been directed towards the negative impact that this has on those institutions which are now expected to receive 0% of their income from student fees.

E.G West (1964) also refers to Thomas Malthus (1766-1834), who argued that if each child had to pay a fixed sum, the school master would then have a stronger interest to increase the number of his pupils (Malthus, 1807, quoted in West, 1964, p.4) and John Ramsey McCulloch (1789-1864) who thought that the maintenance of the fee system would secure 'the constant attendance of a person who shall be able to instruct the young, and who shall have the strongest interest to perfect himself in his business, and to attract the greatest number of scholars to his school'. McCulloch (1828) continues:

Otherwise if the schoolmaster derived much of his income from his fixed salary he would not have the same interest to exert himself, and like all other functionaries, placed in similar situations, he would learn to neglect his business, and to consider it as a drudgery, only to be avoided (McCulloch, 1828).

Malthus (1807) and McCulloch (1828) therefore help to shed light on another important function of school fees, which is that they provide an incentive for school owners/managers and teachers to go out into the community and attempt to attract new enrolments. Under these circumstances, good schools which satisfy parent's demands will expand and prosper, while those which fail to change and adapt will soon be forced to close down. Martin West (2001) has also found that private schools in Victorian Britain were responsive to parental preferences because of their dependence on student fees as their sole source of income and refers to the economist Nassau Senior (1790-1864) who observed that:

[T]he teachers [in private schools] have no authority to consult, they have no one else to please ... their faults and merits alike arise from a desire to meet the exact demands which the parents make... Accordingly, they find out what parents like and how to best fill the school (Senior 1861, quoted in M. West, 2001, p.19).

Finally, Kealey (1991) has also found that the legislators of the 1891 Education Act were warned that the abolition of school fees would harm school attendance. The National Society therefore introduced school fees in 1828 when it was found to improve attendance:

The clerical superintendent of the Society told the 1834 Parliamentary Committee that parents, when they paid for education, valued it more. This increased valuation was transmitted to the children, who worked harder and longer. For the same reasons, the British and Foreign Society had imposed fees in 1816, the congregational school did so in 1848, and the Wesleyans followed in 1854' (Kealey, 1996, p.350).

It is clear therefore that these economists believed that the payment of school fees played an essential role and were directly linked to issues relating to the quality and relevance of the education being provided. This critical link between the use of school fees and the quality of education has previously been identified by Hillman and Jenkner (2002) who found that '[e]vidence from low-income countries supports the link between user payments and the enhanced quality and cost-effectiveness of education' (Hillman and Jenkner, 2002, p.10). Research published by Jimenez and Paqueo (1996) and Jimenez and Sawada (1999) help to reinforce these findings and Gershberg (1999) also concluded that increased accountability by teachers and administrators to parents, with associated financial incentives was instrumental in the implementation of Nicaragua's Autonomous School Program (ASP).

Hillman and Jenkner (2002) also refer to research carried out by Migat and Tan (1986) in Malawi and Birdsall and Orivel (1996) in Mali, which found that parents had shown a willingness to pay for improved education and while school fees may have reduced demand, the improvements in quality had offset the negative effects on school enrolment:

'User payments can, however, provide resources to increase the quality of education. In that case, the increased quality can increase the demand for schooling by over-coming opportunity-cost impediments that are present when the quality of education is low. The relation between user payments and demand can therefore be positive, because of the intervening effect through quality improvement' (Hillman and Jenkner, 2002, p.10).

Hillman and Jenkner (2002) also suggest that the direct involvement of parents which often accompanies user payments can also result in quality improvements which then help to attract new enrolments. From this perspective, school fees are no longer viewed as a financial barrier to education, but instead they provide a critically important link between the parents and the school and its teachers.

Compare this however with the prevailing consensus within the international community, which believes that abolishing all schools fees in government schools is essential to achieve education for all. After schools fees have been abolished, development experts then attempt to address questions relating to the quality of education, the performance of teachers and the relevance of the education being provided. However, is it possible that this approach is based entirely upon recognising, the immediate increase in enrolments which occurs after school fees have been abolished? Is it also possible that school fees now hold the key to expanding access to education and to continuously improving the quality of education? Out of all the interviews and focus groups which took place with parents in Kibera, the following statement was perhaps the most memorable:

‘If you go to the market and are offered free fruit and vegetables, then they are nearly always rotten. If you want quality food then you have to pay for it’ (Parent A).

The parent in question was one of those who had recently returned their child to a private school after experimenting with a free government school and her comments help to shed light on some of the important differences which exist (from the parents point of view), between public services which are provided free of charge and private services which require the payment of a fee. This comment is all the more interesting because it is similar to a number of statements which have been referred to throughout this thesis. For example, the Baptists in the West Indies in the mid nineteenth century were opposed to providing education free of charge, as they believed that people placed a higher value on something they paid for. Mumford (1936) also refers to the introduction of school fees which received support ‘from those who contend that one values only that for which one has to pay and in proportion to the sacrifices one has to make to get it’ (Mumford, 1936, p.63) and while Lord Lugard believed that the full cost of education could not be met by school fees alone, he still suggested that it was important that they should be imposed as ‘[t]he African is not singular in regarding as of little value what costs him nothing’ (Lugard p.458). Similar concerns about ‘free education’ were made by Chirol (1920) who refers to a debate in the Indian Parliament in which a Hindu representative argued that ‘it would be contrary to all Hindu traditions

for parents to avail themselves of free education if they could afford to pay a reasonable sum for it' (Chisolm, 1920, p.84).

Not only have these concerns been neglected in the current debate, but they were also ignored in the education debate which took place in the UK towards the end of the nineteenth century. For example, based upon his experience of education in France, Matthew Arnold (school inspector for the Metropolitan District of Westminster) suggested that 'the majority of reports show that, while free schools are generally filled and even over filled and often at the expense of paying schools, the poor are careless about their children's attendance and progress in them and "value little what they pay nothing for (Popular Education, 1861, p.130 n.). Two decades later, Arnold recorded what Connell (1950) believes to be his final and considered opinion on the matter:

It has so often been said that people value more highly, and use more respectfully, what they pay a price for, that one is almost ashamed to repeat it. But the advocates of free education seem never to have heard or at least considered it. (Marvin, ed., General Report, 1882, p.22, quoted in Connell, 1950, p.129)

Over one hundred years later and today's advocates of Free Primary Education (FPE), now appear to be repeating the same mistakes. If it is true that people value more highly and use more respectfully, what they pay a price for, then it would appear that these factors have not taken into account.

The third hidden cost or unintended consequence of introducing Free Primary Education (FPE), concerns the long term impact that the removal of school fees will have on the total level of investment in education, a subject which is obviously important in developing countries. In E.G. West's second publication *Education and the Industrial Revolution (1975)* he published his findings relating to the impact of government intervention on the total level of investment in education. Common sense would appear to suggest that increasing government spending on education will translate into an increase in total (public and private) investment in education. However, West helps to

shed further light onto *what is not seen* in this debate by building on the work of Professor Sam Peltzman from the early 1970s, who demonstrated that it was possible for government intervention in higher education to lead to *lower* total levels of expenditure (see Peltzman, 1973).

By examining the changing levels of investment in education from 1833 onwards, West he found that while the percentage of net national income spent on day schooling on children of all ages in England was approximately 1 percent in 1833, by 1920 the proportion had fallen to 0.7 percent, and this was after education had become free and compulsory (West, 1975, p.89). In short, because education was now being paid for indirectly through taxation, parents were being prevented from increasing investment in their children's education as their incomes continued to increase. According to West, due to the nature of the government intervention in 1870, these developments were now inevitable. For example, those parents who wanted to take advantage of government aid had to accept a fairly homogenous quantity of education at a local government school (costing for example £5,500 per annum). However, as incomes increase, those parents who wanted to invest more in their children's education by choosing a private school costing an additional £500 (£6,000), must now forfeit the government aid altogether. As West suggests, this is the key to the paradox, as some parents may now accept the "free" £5,500 worth of state education even though they would purchase £6,000 if public funds could be transferred to the parent's school of choice. The end result is that those parents who cannot afford to pay £6,000 for an extra £500 worth of education are restricted from choosing an education costing more than £5,500. Therefore, according to West, the evidence from 19th century England and Wales shows that the crowding out of private education led to a decrease in the total national expenditure on education, compared to what might have been the case had the private schools not been forced out of business.

The problem is further compounded when we take into account the proposition that while parents may be prepared to invest more in education through the payment of additional school fees, they may be reluctant to contribute more in general taxation. According to Seldon (1970) this is because there is a 'clear, rational and predictable distinction between the attitudes of paying taxes and to paying prices' (Seldon, 1970

p.66). While the payment of taxes is viewed as a forced extraction of resources, conveying a sense of loss, paying via prices is seen as a voluntary act of using personal resources, which conveys a sense of gain. The important difference is that ‘in a free exchange *both* sides are willing; in tax-payments normal tax payers are unwilling because they see nothing in return’ (Seldon, 1970 p.66). Therefore by transferring decisions from the parent to politicians ‘it reduces the total amount of resources channelled to these services’ (Seldon, 1970 p.78). This suggests that the amount that parents would be prepared to pay in school fees would probably be larger than the amount they currently pay for education through taxation. As Seldon suggests ‘if we are forced to pay by taxes instead of by prices we shall have less – of education, or anything else – than we should like to have and are able and willing to pay for’ (Seldon, 1970 p.78).

It is also important to take into account the fact that as soon as increasing taxation becomes unpopular with the general public, then politicians and governments will become increasingly reluctant to increase taxation to help fund improvements in education especially in periods leading up to an election. Therefore, a situation might arise when both the government and parents would like to spend more on education, but access to the funds is restricted as parents are not allowed to contribute directly and because the government is unable to raise taxation for fear of becoming unpopular with the general public. According to Seldon the claim that developments in education have failed to take place because of a lack of resources is characteristic of the confused thinking surrounding this subject. Instead, the reality is that ‘[o]f course there have been more resources available for education but the tragedy has been that the state has been unable to access them through taxation’ (Seldon, 1999, p.99).

Seldon (2005) also refers to a great debate which he suggests has torn the British in two for a century and which is based on a simple error of reasoning. According to Seldon the error lies deep in British social history and political thinking and is buried in the following familiar argument:

- a) All people should have the minimum essentials for civilized living;
- b) Their incomes are sometimes too low to pay for them;

- c) Therefore they should be provided free (or heavily subsidized) by the state, and not only to people with low incomes but to everyone.

Whilst accepting stages one and two, Seldon suggests that the fatal flaw lies in stage three, which he claims simply doesn't follow on from the first two. Therefore, according to Seldon, the right solution will not be adopted until people recognize that there is a fundamental flaw in the way they think about social policy.

According to Seldon this is the end result of the view that education should be equally available to all, the consequences, which have rarely been discussed in the UK. However, it would also appear that these consequences have also been neglected or ignored within the United Nations and its associated agencies, which is reflected in the following statement made by the World Bank:

If individuals are left to their own devices, they will not provide levels of education and health that they collectively want. Not only is this true in theory, but in practice no country has achieved significant improvement in child mortality and primary education without government involvement. (World Bank Press Release, Sept 21st 2003).

However, if the above analysis of West and Seldon is correct and the transfer of the finance of education from school fees to taxation results in less being spent on education than if individuals were left to their own devices, then the above statement is incorrect and therefore highly misleading. These findings also challenge the suggestion that education is what economists describe as a merit good – a product or service with external benefits which would be underprovided if left to individuals and the market. Government intervention is therefore required to ensure that its positive externalities are also taken into account. However, if the introduction of tax funded government schooling results in less investment in education than before and not more, then it is clearly not the right solution. The following definition of a merit good provided by Seldon (2005) shows how identifying education as a merit good comes into direct conflict with the concept of the right to education and in particular the right of parents to choose:

‘A somewhat pompous name for goods or services in which government believes individuals should not be allowed free choice because of a lack of information about their effects – good or bad’ (Seldon, 2005, p.438).

If it is true that parents would now be spending more on education in fees than they are paying in taxes, what is stopping them? The answer of course is the taxes they already pay to enable the state to provide education for free. Although many may prefer to pay prices instead of taxes they are reluctant to pay double and so total spending on education is inevitably restricted. As Seldon suggests, it is a misunderstanding of the function of price to think of it as a barrier between buyer and seller. Instead a price is better thought of not as a barrier but as its opposite – a link between buyer and seller (Seldon, 1977, p.120).

When taking these factors into account it is clear that the abolition of all school fees at government schools is not necessarily required to guarantee education for all and that there are also a number of hidden costs and unintended consequences of abolishing all school fees, which the international community have to date failed to take into account.

From a human rights perspective, recognising school fees as a critical link instead of a financial barrier, presents yet another dilemma, as paragraph one of Article 26 clearly states that ‘education shall be free, at least in the elementary and fundamental stages’. It would therefore appear that the use of school fees in education comes into direct conflict with the idea of education being free. However, this assumption fails to take into account the numerous hidden costs and unintended consequences.

The last time the use of school fees in secondary education was discussed in the House of Commons was in 1942, when R. A Butler, President of the Board of Education, asked the Committee on Public Education to investigate the question of abolishing

school fees in Grant-Aided secondary schools⁴⁸. The 17 members of the committee failed to agree and so both a Majority and a Minority Report were published. The Majority Report (signed by 10 members of the committee), highlighted the importance of recognising that secondary education was now becoming a right which all children must enjoy and as that school fees should be abolished in elementary education, ‘on the grounds that it was obligatory for all children,’ it was felt that these arguments should now apply with equal force to secondary education (para 41). The report therefore concluded that ‘the retention of fees would be a serious obstacle to securing education as a right to every child; they should be abolished as a whole and the loss of income made up by liberal grants to ensure that standards are maintained’.

However this fails to take into account the fact that Chairman of the Committee, Lord Fleming and the other six signatories of the Minority Report, disagreed with the proposal to abolish school fees, even though they did agree on the principle – that no child should be denied an education because of their parent’s inability to pay. The disagreement therefore concerned how this principle could be put into practice. The signatories of the Minority Report were not convinced of the need to abolish all school fees simply because a minority of parents were unable to afford them and they feared that if schools were deprived of the right to charge school fees, their independence would eventually disappear as ‘the receipt of a large proportion of their income from public funds would be regarded as a sufficient reason for an increased measure of public control’ (Minority Report p.24). Instead the signatories of the Minority Report felt strongly that parents should be free to choose (if they are prepared to pay towards it), ‘an education for their children which they may feel to be in some respects more suitable to them, than that which is provided by the Local Authority of their own area’ (Minority Report p.24). However they also believed that this choice should be available to all parents in a similar position. The business and duty of the local authority therefore was to ‘ensure such a provision of free secondary education as will make it possible for every child in its area to receive the education best suited to it’ (Minority Report p.24). In 1942 local authorities were already providing free education through the opening of new “free” local authority schools, the expansion of existing local

⁴⁸ In 1943, Grant Aided secondary schools were those which received grants direct from the Board of Education and numbered approximately 232, approximately one sixth of the total number. A condition of the grant was that they offered at least 25% of admissions as free places.

authority schools and also through the payment of school fees at Direct Grant and other fee paying secondary schools. According to the Minority Report, local authorities often found this last option the most convenient and would arrange with the school in question to ‘set aside a definite number of places, and will pay for these places at an agreed rate’ (Minority Report p.23). Therefore if some children were still being denied an education because of their parent’s inability to pay school fees, then the problem was not necessarily with the school fees themselves but with the local authority and their failure to provide sufficient free school places. As the Minority Report suggests ‘[i]f there is a shortage the remedy is to provide more’ (Minority Report p.24). The Minority Report concludes by suggesting that if there are sufficient free places to satisfy the requirements of the local authorities, then fees which are graduated to the financial circumstances of the parent could be charged for the other places’. Critically, they also suggest that ‘to allow parents to pay towards these things is in no way inconsistent with the principle that the Local Authority should provide free education for all those who need and desire it’ (Minority Report p.23).

The Minority Report’s alternative solution therefore suggests that the concept of “free” education can co-exist with the payment of schools fees. While the seventeen members of the committee failed to agree on the proposal to abolish school fees (introduce “free” education), they did agree on the principle which the proposal was based upon – that no child should be denied an education because of their parents inability to pay. Furthermore while the Majority Report claimed that school fees would be a ‘serious obstacle to securing education as a right to every child’, this was not necessarily the case for those parents already paying school fees. Instead of being viewed as an obstacle, the payment of schools fees enabled these parents to invest in their children’s education. The abolition of all schools fees was therefore not necessarily required to guarantee universal access to education. The alternative solution which the Minority Report refers to suggests that it is possible for schools fees and “free” education to co-exist, if “free” education is based upon the principle that no child should be denied an education because of their parents inability to pay.

The findings of the 1943 Committee on Public Education, therefore suggest that there are two possible methods of financing “free” education. In the first solution, the

government increases taxation and pays for all school fees using public funds. The children of parents who could not previously afford to pay school fees are therefore guaranteed an education because it is now free at the point of use. The remaining parents who were previously paying school fees now pay for education through taxation and receive it free at the point of use. Therefore, for the vast majority of parents, education is not “free”, it is only the method of payment which has changed. In the second solution, the government does not abolish all school fees and instead directly subsidises those parents unable afford to pay school fees. The children of parents who cannot afford to pay school fees are therefore guaranteed an education, which is subsidised by the taxpayer. As in the first solution, for the vast majority of parents education is not “free”. In both solutions the children of parents who cannot afford to pay are guaranteed an education. The principle of “free” education is therefore upheld in each case. The difference between the two solutions therefore lies in the different way in which the “free” school places are funded, which in turn is influenced by the different emphasis which is placed on the rights and responsibilities of parents. If the rights and responsibilities of parents in education are respected then government subsidies must go direct to parents, who will then remain free to choose between a variety of competing alternatives. However, if the rights and responsibilities of parents are overlooked or simply rejected, then government subsidies will be directed to government schools only, thereby denying parents the ability to choose between a variety of competing alternatives.

However persuasive some of the above arguments may or may not be, it is important to recognise that they still represent a minority opinion within the international community. For example, according to Papa Owusu Ankomah (Ghana's Minister of Education, Science and Sports), the abolition of school fees now represents ‘one of the most promising efforts the continent can undertake to change the typical tale of destitution and despair’ (Ankomah, 2006). The Minister therefore concludes:

To deny children a place in school because their family is unable to pay school fees is unjust. There are simply no more excuses. All school fees, everywhere, must be abolished (Ankomah, 2006).

The suggestion that school fees should not be viewed as a financial obstacle but as the missing link in education, also comes into direct conflict with the World Bank's current policy on education, which states that '[t]he Bank has made abundantly clear in its policy statements that it does not support user fees for tuition in primary education and has in recent years actively supported fee abolition in countries, mainly in Africa, in which fees appear to represent an obstacle to enrolment' (World Bank 1999). Even Hillman and Jenkner (2002) in their IMF Working Paper, conclude that user fees are at best a temporary solution and come second best when compared with free access to publicly financed quality education (Hillman and Jenkner, 2002, p.20).

8.5 Conclusions

The above discussion therefore helps to confirm that this is not a debate about the pros and cons of free education *per se*, as it is clear that in all communities there will always be some parents who, for whatever reason, are unable to afford to pay school fees. This was certainly the case in Kibera and as a result the majority of the existing private schools all provided free school places to a number of local children. Those paying schools fees would therefore subsidise those who were unable to pay. For example, The Huruma Kibera School, a private school located in Kibera, offers 'Free education for aids orphans, poor families and refugees'. Instead it is the nature of intervention which is critical in this debate and this will depend on whether governments focus on protecting the rights and responsibilities of parents or whether they introduce policies which will inevitably undermine them.

CHAPTER NINE: CONCLUSIONS

9.1 Introduction

An important difference between national and international debates on education is that in the international arena the term ‘the right to education’ is often used to help justify increasing government intervention across the sector. For many the concept of the right to education has therefore become synonymous with a government monopoly in the design and delivery of all children’s schooling up to the age of sixteen. Under this interpretation of the right to education, then the growth of any kind of private schooling outside of government control, is going to be seen as disruptive, or at least a major inconvenience which has the potential to undermine the government’s national plan.

However, it is important to note that a government monopoly in education was certainly not consistent with Article 26 of the 1948 Universal Declaration of Human Rights and the original definition of the right to education, hence the inclusion of paragraph three referring to the right of parents to choose (see Chapter 5). In 1948, in the post war period a government monopoly in education was deemed to be undesirable because it would mean that politicians would have complete and they could now use education to serve their own purposes. At the same time this would also undermine the fundamental role of parents. Over half a century later and we can now add another danger or hidden cost of government monopoly – the stagnation or in some cases decline in the quality of services being provided.

While debates continue to focus on what governments need to ‘do’ in education there is much less discussion about the nature of these interventions and the hidden costs and unintended consequences – especially on educational freedoms. Indeed the concept of educational freedom or freedom in education simply do not feature in these discussions, which is reflected in the fact that there is very little if any discussion about the limits of government intervention in education. One therefore has to conclude that there continues to exist a very naïve and often romantic view of government intervention in education, which is combined with a distinct lack of critical analysis.

This thesis was originally concerned with the question of whether the recent growth of private schools serving low income families in developing countries, corresponds or comes into conflict with the United Nations concept of the right to education. However, with the benefit of hindsight, the fact that this question is being asked shows how confused this debate has now become. For what could possibly be wrong with people in a local community setting up a school to help educate and develop their children? Was it wrong that the Kikuyu communities in Kenya living under colonial rule wanted to set up their own schools? The same question could also apply to families currently living in the slums of Kibera, Nairobi. It is difficult to believe how these local examples of self-help could come into conflict with any kind of definition of freedom or a right to education. Instead the recent growth of private schools for the poor across the developing world may now provide a much needed reality check to the international community and help to put the issues of parental choice and educational freedoms back on the agenda. It would appear that the theoretical concept needs to quickly catch up with the reality on the ground.

9.2 A polycentric approach

If the international community is to reverse this on-going neglect of the rights and responsibilities of parents, and if it is to embrace the growth of private schools for the poor, then a polycentric approach is now required. The current approach to EFA can best be described as monocentric and one that favours a “one size fits all” optimal solution. This involves expanding the state controlled and bureaucratic model of education to ensure that all children have access to a free government school. This represents a typical top down approach promoting one form of institutional design where the key decisions are made by those at the top in central government with people and local communities at the bottom playing very little if any role in the decision making process. The EFA project also adds another level of decision making above national governments as many of the key decisions have been made by a select group of development experts working for a number of international agencies.

A polycentric approach to education for all challenges this existing consensus which assumes that free government schooling is the optimal solution to deliver the best educational opportunities to all poor and low income families living across the

developing world. The growth of fee paying private schools serving such families contradicts many development theories which predict that low income communities are not capable of organising their own education and will therefore always be dependent on state and international aid. Instead research has now shown that when given the autonomy and an enabling environment, low income communities are capable of financing and delivering their own educational opportunities and these opportunities do and will emerge even in the least favourable circumstances. This suggests that there is now a significant gap between existing development theories and the practice on the ground.

Due to the highly complex nature of educating an individual child and the numerous different people and factors which will influence this process, simple formulas or panaceas to guaranteeing education for all children across the developing world quickly become redundant. Therefore a polycentric approach does not recommend any particular institutional regime as a panacea for solving all education problems. This is because while one institution might reduce the costs involved in coping with one problem (such as access), it may also create incentives that increase other types of problems (concerning quality). As previously noted by Davis and Ostrom (1991):

‘As different institutional arrangements cope more effectively with some problems and less effectively with others, policies relying exclusively on any particular institutional panacea will fail in some ways that citizens and officials feel are important’ (Davis and Ostrom, 1991, p.317).

Instead a polycentric approach will promote a variety of different institutional regimes which will encourage a continuous process of experimentation and learning. This approach will therefore promote a level playing field and an enabling regulatory environment which encourages a variety of different schools to grow and flourish. A polycentric approach also places much more trust in the parents themselves to solve their own problems by using their local knowledge and experience instead of depending on development experts who are often completely removed from their daily lives.

A polycentric approach to education for all also recognises that governance in education does not necessarily need to be provided by a central government. Instead grassroots organisations such as private school associations will be much better placed to help maintain an attractive regulatory environment. Finally, a polycentric approach to education for all is likely to be messy. Due to the complex nature of education itself this cannot be avoided.

In the polycentric approach, the public versus private debate becomes irrelevant as neither national governments nor international agencies are qualified to decide what is best for each individual child living in a multitude of different circumstances across the developing world. Instead there is a clear recognition that only parents have access to this very detailed personal and local knowledge which is required to make an informed decision concerning which school their children should attend. The role of government and international donors will be to guarantee that parents have at their disposal the greatest possible number of educational opportunities of all descriptions and so establishing a regulatory framework that will encourage a variety of different schools to grow and flourish will be of paramount importance. Any external donor interventions must also focus on the needs and preferences of the beneficiaries themselves and how any intervention is going to affect the incentives facing people on the ground.

A useful insight into what the polycentric approach to education for all will look like is provided by the way the United Nations approaches the task of guaranteeing the right to food, and food for all. While there are obvious differences between food and education, both can be defined as basic human needs, with food ranking as the most essential.

The UN's Food and Agricultural Organization (FAO) was established in 1945 with a mandate to raise levels of nutrition and to improve agricultural productivity. Food was recognized as a basic human right in Article 25 of the 1948 Universal Declaration of Human Rights, and at the World Food Summit in 1996 the UN reaffirmed the fundamental right of everyone to be free from hunger and the right of everyone to have access to safe and nutritious food. Member states therefore pledged themselves to achieve Food for All, with an immediate objective of halving the number of

undernourished people by 2015. While the FAO states that the primary responsibility for ensuring the right to adequate food and the fundamental right to the freedom from hunger rests with national governments, this does not mean that governments have a duty to distribute food to all their citizens. Instead, they have an obligation to respect the right to food by not interfering with individuals' efforts to provide for themselves, and should help those who do not already enjoy the right to food by creating opportunities for them to provide for themselves. It is only after these safeguards fail to secure food for all that a government has a responsibility to provide food, especially to those unable to help themselves. However, while the FAO refers to a government's obligation to provide for the vulnerable by the direct distribution of food, an alternative is also recommended; governments may also issue food vouchers, which may be much more cost-effective.

The government's obligation to fulfil the right to food comprises an obligation to facilitate, which means that it should create and maintain an 'enabling environment' within which people are able to meet their food needs. Therefore, facilitating the enjoyment of the right to food does not necessarily mean direct government intervention, but that government can take steps to ensure private markets are allowed to perform well. National governments can therefore take a number of measures to promote private food markets without resorting to direct food assistance, including reducing barriers to obtaining trade licences, making it easier for companies to enter the market, reducing value-added taxes to keep food prices affordable and by introducing legislation to prohibit monopolies.

The question of how a polycentric approach will operate within the existing human rights framework has also previously been outlined by the Special Rapporteur on the Realization of Economic, Social and Cultural Rights, Danilo Türk. In a 1992 report, Türk reflects on the need for new approaches in implementing social and economic rights and, under the sub-heading 'Creating standards or creating space?' he raised the question of whether the United Nations should now focus more on the creation of space than on creating standards:

Creating political, legal, social and economic space, implying the expansion of access to space, to decision-making, to individual, family and community choices and to de facto opportunity to assert, demand and claim economic, social and cultural rights are processes at least as critical to the attainment of these rights as is the creation of new legal or quasi-legal standards. (Türk, 1992, para. 188)

As Türk suggests, creating space recognizes the fact that a significant proportion of the obligations associated with economic, social and cultural rights are negative in nature, implying that government has a duty not to intervene in certain areas of people's lives. The creation of space therefore does not require substantial government expenditure, but instead requires a government to create the conditions necessary for the eventual fulfilment of these rights, and so '[t]he creation of space by Governments can, in fact, lead to improvements in the livelihood of citizens by simply allowing people to create their own solutions to their own problems' (Türk, 1992, para. 192). According to Türk, this approach also recognizes the frequent inability of governments to intervene sufficiently or provide the necessary resources for these rights to be widely enjoyed. The government should therefore allow these processes to flourish, while simultaneously acting in full accordance with any international obligations concerning these rights. He concludes that '[i]t is in these areas that the relevance of "freedom" enters the domain of economic, social and cultural rights' (Türk, 1992, para. 193).

Therefore, when the polycentric approach is applied to education, governments will have an obligation to create and maintain an 'enabling environment' within which parents are free to exercise their right to choose how their children should be educated. This places a further obligation on governments to respect the rights and responsibilities of parents by not interfering with their efforts to help themselves. Creating space for education to develop will therefore allow parents to create their own solutions to their own problems. A critical role of government in the polycentric approach to education will be to ensure that private education markets are allowed to perform well by: establishing and maintaining a fair and level playing field; promoting competition; reducing barriers to entry and making it easier for new schools to enter the market; restricting monopolies; reducing all forms of taxation on schools; and removing all

unnecessary and bureaucratic regulations. The role of government will be to positively encourage choice, competition and entrepreneurship in education.

Finally, the polycentric approach in education is also based on the clear recognition that national governments do not have access to the knowledge or resources that would enable them to guarantee education for all, while also respecting the rights and responsibilities of parents. In circumstances where parents are unable to help themselves, governments can address this problem through the issue of school vouchers, which parents are free to use at the school of their choice. This is the only way of guaranteeing universal access to education without undermining the right of parents to choose.

In his 2008 publication *The Power of Freedom – Uniting Development and Human Rights*, Jean-Pierre Chauffour is heavily critical of development experts who often promote top-down poverty-reduction and growth strategies, supported by international aid and aid agencies, while completely neglecting the fundamental role of freedom in development. Chauffour concludes that ‘the debilitating outcomes of traditional development policies in many low-income countries are often the direct, albeit unintended, result of a disregard for freedom in development’ (Chauffour, 2008, p. 131). These same arguments can equally be applied to the international community’s efforts to assist in the growth and development of education in developing countries over the previous half-century. While the focus of attention has been on state intervention and control, top-down central planning and international aid, there has been less attention paid to respecting the rights and responsibilities of parents and restricting government intervention in order to allow the natural growth of education to flourish.

A government monopoly of free and compulsory state schools and a rights-based approach to education for all is not the only approach which national governments across the developing world can choose to embrace. For those governments prepared to reject the prevailing consensus and blaze new trails, the polycentric approach to education for all may soon become an increasingly attractive alternative.

9.3 A vision of the liberal ideal in education

To date, many of the arguments for increasing parental choice in education and allowing a diversity of provision have focused on a number of practical arguments such as the need to improve the performance of failing government schools, the need for additional school places and the general desire to ensure that all children can benefit from the best schools available, irrespective of income or location. These arguments originate from the “what matters, is what works” school of politics where ideological principles are no longer relevant.

However, while this evidence, results or outcomes-based approach can be very persuasive, it may not be sufficient if the proposed reforms are to win widespread support amongst both politicians and the general public. According to Nobel Laureate James Buchanan, evidence of “what works” must be supplemented with a vision of the liberal ideal that attempts to capture the minds of people.

Consider, for example, the suffragettes who were campaigning for the right to vote at the start of the twentieth century. Their case for reform was not based on any evidence which showed that extending the right to vote to women would guarantee a better election result than the existing voting system. In fact, many opponents of the reforms (mostly men, but not exclusively) warned of the perverse consequences and the chaos that would follow if women were allowed to vote on the important and complicated matters of national government. Instead the suffragette movement were campaigning for a fundamental freedom and a basic human right – the freedom and right of women to vote. A voting system based upon universal franchise was therefore deemed to be superior to one which was based upon a restricted franchise, irrespective of the results or outcomes of subsequent elections. In this example the evidence-based approach was clearly of limited use and, in fact, it could be argued that those who attempted to appeal to evidence had completely misunderstood the nature of the problem and the key issues at stake.

This same line of reasoning could also be applied to the current debate in education. An education system in which all parents have the freedom to choose would be deemed to be superior to the current system which continues to restrict these freedoms. Any appeal to evidence or what works would therefore be dismissed as irrelevant. Buchanan refers to the repeal of the Corn Laws in the 19th century as a successful example of when evidence was supplemented with a vision of the liberal ideal to help gain support for

proposed reforms. If we were to heed his advice then a national campaign for the repeal of the school laws, which restrict freedom in education is now required.

A campaign for freedom in education would be based on the principle that it is parents and not politicians who are ultimately responsible for their children's education - a responsibility which can only be carried out if parents are free to choose the nature, form and content of education which their children receive. Parental choice or freedom in education therefore is not desirable simply because it may help to improve the efficiency of failing government schools. Nor is parental choice in education simply the latest policy reform that will go out of fashion in a few years' time. Instead, it is important for the same reasons that religious freedom or freedom of the press are important - because they are both recognised as basic human rights or fundamental freedoms, which deserve to be respected and protected at all costs.

A vision of the liberal ideal in education would therefore recognise that the responsibility for educating children cannot be transferred to others; nor can it be sidelined or placed behind other considerations. Instead, it is the key principle upon which the whole education system is based. This means that governments must not in any way restrict, undermine or distort this important relationship between parent and child and the natural growth and development of education. As a result, it will not be the role of politicians to dictate which schools children should or should not attend or how much parents should invest in their children's education. This will, once again, be the responsibility of parents. Nor will it be the role of politicians to dictate who can and cannot set up and manage a school. The liberty to teach and the freedom to educate must be respected and it will ultimately be parents who decide if a new school will flourish or not.

While politicians have previously argued that education was far too important to be left to ignorant parents and the chaos of the market, they must now be prepared to admit that education is far too important to be left to politicians. Politicians must have the humility to recognise that their own personal views on what works on education are completely irrelevant. After all, what does any politician know about the detailed and very specific circumstances of each and every pupil and parent which they claim to represent?

Therefore, a future education sector where the rights and responsibilities of parents are both respected and protected will not be planned or directed by central government, nor will it be used to achieve any "national" objectives. Instead, it will consist of a variety

of different national and international private, independent, autonomous, for-profit and not for-profit institutions, each with their own specific missions. The needs and desires of parents (and not politicians or governments) will be supreme and the government will be restricted to establishing a regulatory framework that will encourage a variety of different institutions to compete and flourish on a level playing field.

According to Buchanan a vision of the liberal ideal would also be based upon our desire to be free from the coercive power of others, combined with the absence of a desire to exert power over others. Another Nobel Laureate, Milton Friedman, helps to explain:

Willingness to permit free speech to people with whom one agrees is hardly evidence of devotion to the principle of free speech; the relevant test is willingness to permit free speech to people with whom one thoroughly disagrees. Similarly, the relevant test of the belief in individual freedom is the willingness to oppose state intervention even when it is designed to prevent individual activity of a kind one thoroughly dislikes (Friedman, 1955).

Therefore, this provides a useful test to all those who continue to view parental choice or increasing diversity in the provision of education as an unnecessary evil. Do they have the discipline to place their personal views to one side and recognise that the rights and responsibilities of individual parents must always come first? If they do, then they should be willing to oppose the existing government restrictions which prevent profit-making companies from managing state-funded schools, despite the fact that they may not want their children to attend such a school. From this perspective, a vision of the liberal ideal should be seen as much less self-obsessed and instead much more compassionate towards the private beliefs and the opinions of those who are directly responsible for children's education – their parents.

For those politicians concerned with the “vote motive”, the fact that most parents are also voters might imply that reforms that increase parents' freedom to choose in education have a good chance of gaining electoral support if the case for reform is communicated and presented in the correct way. There can be nothing more liberal and democratic than extending the right to choose to all parents, irrespective of their income or location. The following advice from Bastiat should therefore appeal to all interested parties:

Away, then, with quacks and organizers! Away with their rings, chains, hooks, and pincers! Away with their artificial systems! Away with the

whims of governmental administrators, their socialized projects, their centralization, their tariffs, their government schools, their state religions, their free credit, their bank monopolies, their regulations, their restrictions, their equalization by taxation, and their pious moralizations!

And now that the legislators and do-gooders have so futilely inflicted so many systems upon society, may they finally end where they should have begun: May they reject all systems, and try liberty (Bastiat, 1848).

BIBLIOGRAPHY

Action Aid (2003) Response to World Development Report 2004, Submission to the World Development Report 2004 Making Services Work for Poor People, World Bank, Washington.

Adebola A.S (1998) The London Connections: A Factor in the Survival of the Kikuyu Independent Schools' Movement, 1929-1939, Journal of African Studies.

Adelabu, M and Rose, P (2004) Non-State Provision of Basic Education in Nigeria, in Larbi, G., Adelabu, M., Rose, P., Jawara, D., Nwaorgu, O., and Vyas, S.

Aga Khan Foundation (2007) Non-State Providers and Public-Private-Community Partnerships in Education – Contributions towards Achieving EFA: A Critical Review of Challenges, Opportunities and Issues, Aga Khan Foundation, New York.

Aggarwal, A.K (2000) Web-Based Learning & Teaching Technologies: Opportunities and Challenges, Idea Group Pub.

Albarran, Pedro and Attanasio, Orazio P. (2002) Do Public Transfers Crowd Out Private Transfers? Evidence from a Randomized Experiment in Mexico, Discussion Paper No. 2002/6, United Nations University.

Amutabi, M.N. (2003) Political interference in the running of education in post-independence Kenya: A critical retrospection, International Journal of Educational Development 23 pp. 127-144.

Anderson, J. E. (1969) The Harambee Schools: the impacts of Self-Help. In. R. Jolly (ed.): Education in Africa. Research and Action. Nairobi, EAPH, pp. 103 - 134.

Anderson J.E. (1970) The Struggle for the School: The interaction of missionary, colonial government and nationalist enterprise in the development of formal education in Kenya Longman, London.

Ary, Jacobs, Razavieh, and Sorensen (2010) Introduction to Research in Education, Cengage Learning, USA.

Ball, S.J (1983) Imperialism, Social Control and the Colonial Curriculum in, Africa; Journal of Curriculum Studies 15.

Barbara, T. (1980) Rural Development Through Local Initiatives: Observations on Kenya's Experience with Harambee Projects in Selected Rural Communities. Discussion Paper No. 270, Institute for Development Studies, University of Nairobi, Kenya.

Barber, M (2010) Reform In Pakistan: This Time It's Going To Be Different, Pakistan Education Task Force, Brookings Institute, Washington D.C USA.

Barbour R.and Kitzinger J (1998) Developing Focus Group Research: Politics, Theory and Practice, Sage Publications UK.

Bastiat, F (1850) The Law, reprinted Ludwig von Mises Institute, 2007.

- Baurer, A., Brust, F., and Hybbert, J. (2002) *Entrepreneurship: A case study in African Enterprise Growth, Expanding Private Education in Kenya: Mary Okelo and Makini Schools*.
- Barry N (1999) *The Tradition of Spontaneous Order, Literature of Liberty*. Vol. v, no. 2, pp. 7-58. Arlington, VA: Institute for Humane Studies.
- Berlin, I. (1958) *Two Concepts of Liberty*. In Isaiah Berlin (1969) *Four Essays on Liberty*. Oxford: Oxford University Press.
- Bradshaw, Y.W. (1993) *State Limitations, and Self Help Secondary Schooling, and Development in Kenya*, *Social Forces*, Vol 72, No.2 Dec., 1993, pp. 347-378.
- Boettke, P (2005) *On reading Hayek: Choice, consequences and The Road to Serfdom*, *European Journal of Political Economy*, Volume 21, Issue 4, December 2005, pp. 1042–1053.
- Bogonko, S. N. (1992) *A History of Modern Education in Kenya (1895-1991)*, Evan Brothers Ltd, London.
- Brown, Gordon (2006) *Our final goal must be to offer a global new deal*, *The Guardian*, 11th January.
- Buell, R. L. (1928) *The Native Problem in Africa*. Volumes I and II. New York: The MacMillan Company.

Caldwell, B. (2004) *Hayek's Challenge: An Intellectual Biography of F.A. Hayek*, University of Chicago Press.

Centre for International Private Enterprise (2007) *See How to Advocate Effectively: A Guidebook for Business Associations*, Washington, USA.

Chirol, V. (1910) *Indian Unrest*, Macmillan and Co Ltd, London.

Chandani, T., Balan, J., Smith, M., Donahue, D., (2007) *Strengthening the Private Education Sector – A case for USAID support and financing through the Development Credit Authority*, Washington DC.: USAID.

Chauffour, Jean-Pierre (2008) *The Power of Freedom – Uniting Development and Human Rights*. Washington DC: Cato Institute.

Churchill W.S., (1908) *My African Journey*, Norton, London.

Coates, D. (1996) A Diagrammatic Demonstration of Public Crowding-Out of Private Contributions to Public Goods, *Journal of Economic Education*, Volume 27, No. 1, Winter.

Cole, K (1970) *The Cross over Mount Kenya: A Short History of the Anglican Church in the Diocese of Mount Kenya, 1900-1970* (Nairobi).

Coombs, P. H. (1968) *The world educational crisis: a systems analysis*, New York, London, Toronto: Oxford University Press.

- Coomans, F (1995) Clarifying the core elements of the right to education', in: Fons Coomans and Fried van Hoof (eds), *The Right to Complain about Economic, Social and Cultural Rights*, SIM Special No. 18, SIM, Utrecht, 1995, pp. 9-26.
- Coomans, F (1999) The right to education as a human right: an analysis of key aspects: Background paper submitted by, Centre for Human Rights, Faculty of Law Maastricht University, The Netherlands.
- Coomans, F (2000) Identifying Violations of the Right to Education, SIM Special 20, Centre for Human Rights, Maastricht University,
- Connell, W.F (1950) *The Educational Thought and Influence of Matthew Arnold*, Routledge.
- Cox, Donald & Jimenez, E (1990) *Achieving Social Objectives through Private Transfers: A Review*, World Bank Research Observer, Oxford University Press, vol. 5(2), pp 205-18, July.
- Daniels, J (2004) Education Today, June-Sept UNESCO Newsletter.
- Daudet, Yves, Singh, Kishore (2001) *The right to education: An Analysis of UNESCO's Standard-setting Instruments*, UNESCO.
- Dharampal, W (1975) *The Beautiful Tree: Indigenous Indian Education in the Eighteenth Century*, Other India Press Mapusa 403 507, Goa, India.

Dorn, C (2006) *The World's Schoolmaster: Educational Reconstruction*, Grayson Kefauvere and the Founding of UNESCO, 1942-46, *History of Education*, Vol. 35, No.3, May, pp. 297-320.

Dukkipati, U (2010) *Higher Education in India: Sustaining Long-Term Growth?* South Asia Monitor No. 141, Centre for Strategic and International Studies, Washington D.C USA.

Draxler, A (2008) *New Partnerships for Expanding EFA: Building on Experience*, UNESCO, IIEP, Paris, France.

East African Standard, (2003) *Free Education Forgets Community Schools*, East African Standard, Saturday 9th August.

Easterly, W (2006) *Planners versus Searchers in Foreign Aid*, *Asian Development Review* Vol 23. No. 2.

Easterly, W. (2006) *Freedom Versus Collectivism in Foreign Aid*, *Economic Freedom of the World: Annual Report*, The Fraser Institute, Canada.

Eide and Alfredsson (1999) *The Universal Declaration of Human Rights: A Common Standard of Achievement*, Martinus Nijhoff Publishers.

Elimu Yetu Coalition, (2003) *Reform Agenda for Education Sector in Kenya: Setting Beacons for Policy and Legislative Framework*, Commonwealth Education Fund, Nairobi, Kenya.

Elimu Kwa Wanavijiji (2004) Rapid Assessment of Non-Formal Basic Education in Informal Settlements in Nairobi, Nairobi, Kenya.

Epari, Ezeh, Mugisha and Ogollah, (2008) Oh! So 'we' have been Under-reporting Nairobi's Primary School Enrolment Rates? African Population and Health Research Centre, APHRC Working Paper No.35.

Holmquist, F (1984) Self-help: the state and peasant leverage in Kenya, Africa, 54/3, pp.72-91.

Fadipe N.A (1970) The sociology of the Yoruba, Ibadan University Press.

Fafunwa and Aisiku (1982) Education in Africa: A Comparative Survey, Winchester, Mass.: Allen & Unwin, Inc.

Fettermann, D,M (1998) Ethnography: Step by Step, SAGE Publications.

Flew, A.G (1991) Darwinian Evolution, Grafton Books.

Flew, A.G (1999) A Dictionary of Philosophy, Random House Value Publishing.

Fielden, J and LaRocque, N (2008) The Evolving Regulatory Context for Private education in Emerging Economies, Education Working paper Series No.14, World Bank, Washington D.C. USA.

- Friedman, M (1955) *The Role of Government in Education*, in *Economics and the Public Interest*, ed. Robert A. Solo, Rutgers University Press.
- Friedman, M. R (1990) *Free to Choose*, Pan Books, London.
- Fruchterman, J., (2011), *For Love or Lucre*, *Stanford Social Innovation Review*, Spring.
- Gachuki, D (1982) *Harambee in Kenya: A Case for its Regulation*, University of Nairobi, Occasional Paper No.19.
- Gates, Bill (2008) *A New Approach to Capitalism in the 21st Century*, *World Economic Forum*, Davos, Switzerland, Jan. 24.
- Glendon (2001) *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, Random House Trade Paperbacks;
- Gwartney, Stroup & Lee (2005) *Common Sense Economics: What Everyone Should Know About Wealth and Prosperity*, St. Martin's Press.
- Hammersley M. (1992) *What's wrong with ethnography? Methodological explorations*. London: Routledge.
- Hayek (1944) *The Road to Serfdom*, London, Routledge.
- Hayek (1948) *Individualism and Economic Order*, University of Chicago Press, 1948.

Hayek (1989) *The Fatal Conceit – The Errors of Socialism*, University of Chicago Press;

Hazlitt, H (1949), *Economics in One Lesson*, New York, Harper Brothers.

Hobley, C.W and Witherby, H.F (1929) *Kenya - From Chartered Company To Crown Colony: Thirty Years of Exploration and Administration in British East Africa*, London.

Hodgson D (1996) The international human right to education and education concerning human rights, *The International Journal of Children's Rights* 4: pp. 237-262.

Horwitz (2001) From Smith to Menger to Hayek: Liberalism in the Spontaneous Order Tradition, *The Independent Review*, 6 (1), Summer 2001, pp 81–97.

Hunter, G & Stewart F. (1973) Strategy for Self Help in Africa, *African Affairs*, Vol. 72, No.289 (Oct), 483-443.

Huxley, J (1951) *Introduction in Education and Freedom*, UNESCO, Columbia University Press, New York, London.

International Finance Corporation (1997) *The Business of Education: Private Education in Kenya*, World Bank, Washington D.C USA.

Jones, T.J (1925) *Education in East Africa: A Study of East, Central, and South Africa by the Second African Education Commission Under the Auspices of the Phelps-Stokes Fund in Cooperation with the International Education Board*, London.

Kealey, T. (1991) School History – The Role of the State in Education, Policy Study No. 120, Centre for Policy Studies.

Kenya National Archives (KNA): PC/CP4/1/2, Kenya Province Annual Report, 1929, p.379.

Kenya Institute of Education (KIE), (2003), Non-formal Education in Kenya: Policy recommendations arising from NFE stakeholders meeting on 19th November.

Kenyatta (1938) Facing Mount Kenya, Secker and Warburg, London, UK.

Keller, E. J. (1975) The Role of Self Help School in Education for Development: The Harambee Movement in Kenya, in What Government Does Ed. Holden & Dresang, Sage, London.

Kimmel (1988) Ethics and Values in Applied Social Research, SAGE Publications.

King K. J. (1969) Africa and the Southern States of the USA: Notes on J.H. Oldham and American Negro Education for Africans, Journal of African History, X, 4, pp. 659-677

Kingsley C (1880-1885) The Works of Charles Kingsley, 28 vols London and New York Macmillan

Kirzner, I.M (1982) Competition, Regulation, and the Market Process: An “Austrian” Perspective,

Kirzner, I.M (1987) Austrian School of Economics, The New Palgrave Dictionary of Economics, New York: Macmillan.

Kovar, M.H (1970) The Kikuyu Independent School Movement: Interaction of Politics and Education in Kenya (1923-1953), University of California, Los Angeles.

Landman T (2008) Issues and Methods in Comparative Politics: An Introduction, 3rd Edition, Routledge, London.

Landman T (2000) Issues and Methods in Comparative Politics: An Introduction, 1st Edition, Routledge, London.

Lal, D. (1992) The Relevance of Classical Political Economy for Development Policy and Research, UCLA Working Paper No. 679, October.

Lauglo, J. (2004) Basic Education in Areas Targeted for EFA: ASAL Districts and Urban Informal Settlements in Kenya”, AFTH1, World Bank, Washington DC.

Leedy (2001) Practical Research: Planning and Design, Merrill Prentice Hall.

Lester Smith (1970) Compulsory Education in England, UNESCO, Paris..

Leys, N. (1931) A Last Chance in Kenya, Hogarth Press, London.

Lonsdale, J.M (1964) A Political History of Nyanza, 1883-1945, Cambridge University, PhD Thesis.

Lugard, F.D. (1929) The Dual Mandate in British Tropical Africa, William Blackwood and Sons Ltd, London.

Mackenzie E. (1827) A Descriptive and Historical Account of Newcastle including Gateshead, Master's thesis, Newcastle University, Newcastle.

Majumdar, De, A, Samson M.and Noronha, C. (2002), 'Private schools and universal elementary education', in R. Govinda (ed.), India Education Report. A Profile of Basic Education. New Delhi: Oxford University Press, pp. 131–50.

Malik, C. (1948a), International Bill of Human Rights, UN Bulletin, July 1948

Malik, C (1948b) What Are Human Rights? The Rotarian.

Malik, C (1949) Talk on Human Rights, U.S Chamber of Commerce.

Malik, C (2000) The challenge of human rights: Charles Malik and the Universal Declaration, Charles Malik Foundation, Beirut.

Mbithi, P. M., Rasmusson, R (1977) Self Reliance in Kenya: The Case of Harambee, The Scandinavian Institute of African Studies.

- McGlashan, N. (1964) Indigenous Kikuyu Education, African Affairs, Vol.63, No. 250 (Jan), pp. 47-57.
- McInnes, N. (1998) The road not taken: Hayek's slippery slope to serfdom. The National Interest, 3/22.
- Melton, J.V.H (1988) Absolutism and the eighteenth century origins of compulsory schooling in Prussia and Austria, Cambridge University Press.
- Mises, Ludwig von (1949) Human Action - A Treatise on Economics, Liberty Fund
- Mises, Ludwig von (1962) The Ultimate Foundation of Economic Science, Ludwig von Mises Institute.
- Mises, Ludwig von (2011) Omnipotent Government: The Rise of the Total State and Total War, edited with a Foreword by Bettina Bien Greaves, Indianapolis.
- MOEST, (2003) Free Primary Education: EVERY Child in School, Nairobi, Kenya.
- MOEST (2003) National Action Plan for Education for All, Ministry of Education, Science and Technology, Nairobi.
- Morsink, J. (1999) The Universal Declaration of Human Rights: Origins, Drafting, and Intent, University of Pennsylvania Press.

Mumford W.B (1935) Africans Learn to be French, A Review of Educational Activities in the Seven Federated Colonies of French West Africa, London, Evans Brothers Limited.

Nambissan, G. B. (2003) Educational Deprivation and Primary School Provision. IDS Working Paper 187, Institute of Development Studies, Sussex.

Natsoulas, T. (1988) The Rise and Fall of the Kikuyu Karing'a Education Association, 1929-1952: *Journal of Asian and African Studies* 23: 226-27.

Natsoulas, T (1998) The Kenyan government and the Kikuyu independent schools: from attempted control to suppression, 1929-1952. *Historian* 10/2007; 60(2):289-306.

Negi, S (2002) Education – A Beautiful Tree, ILP Partners Conference, July 2001.

Nowak, M (1995) The Right to Education, in, *Economic, Social and Cultural Rights: A Textbook*, ed. by Eide A, Krause C, and Rosas A. Dordrecht: Martinus Nijhoff Publishers.

Nowak, M. (1991) The Right to Education, Its Meanings, Significance and Limitations. *Netherlands Quarterly Human Rights* (4).

OECD (1980) *Educational Planning, An Historical Overview of OECD Work*, Paris.

Oldham (1918) Christian missions and the education of the Negro, *I.R.M.*, VII p.245.

Ormsby-Gore, W. (1937) Education Problems of the Colonial Empire, *Journal of the Royal African Society*, Vol. 36, No.143 (April), pp.162-169.

Ostrom, E. (1999) Social capital – a fad or a fundamental concept?, in Dasgupta P, Seraeldin I, editors. *Social Capital: A Multifaceted Perspective*. Washington D.C: The World Bank.

Ostrom, E., Gibson, C., Shivakumar, S. & Andersson, K., Sida, (2002) *Aid, Incentives, and Sustainability: An Institutional Analysis of Development Cooperation*, Studies in Evaluation. Workshop in Political Theory and Policy Analysis.

Oxfam, (2003) *Assessment of the Education Status in Kibera in the Light of Free Primary Education (EFA) Policy*, Oxfam, Nairobi.

Oxfam (GB), (2003) *Assessment of the Education Status in Kibera in the Light of Free Primary Education (FPE) Policy in October 2003*, mimeo, Nairobi, Oxfam (GB).

Oxfam International (2005) *Paying the Price: Why rich countries must invest now in a war on poverty*, Oxfam International, Oxford.

Pershkin A, (1965) Educational Reform in Colonial and Independent Africa, *African Affairs*, Vol. 64, No. 256 (Jul), pp.210-216.

Piaget, J (1951) *The Psychology of Intelligence*, London: Routledge and Kegan Paul.

Postiglione, G.A (1982) The Opponents of Public Education: New York State, 1870-1880, *Journal of Libertarian Studies*, Vol. 6, Nos 3-4.

Pugsley, L. (1996). Focus groups, young people and sex education. In J. Pilcher & A. Coffey (Eds.), *Gender and qualitative research* (pp. 114-130). Aldershot: Averbury Press.

Raico R (2010) *Classical Liberalism and the Austrian School*, Ludwig von Mises Institute

Ranger T, (1965) African Attempts to Control Education in East and Central Africa 1900-1939, *Past and Present*, No.32.

Rapple, B. A. (1997) The Educational Thought of Charles Kingsley (1819-75),” *Historical Studies in Education* Vol. 9, No. 1 (Spring): 46-64.

Resnik, J. (2006) International Organizations, the “Education-Economic Growth” Black Box and the Development of World Education Culture. *Comparative Education Review*, Vol: 50, No.2.

Rooke P. T.(1981) A Scramble for Souls: The Impact of the Negro Education Grant on Evangelical Missionaries in the British West Indies, *History of Education Quarterly*, Vol. 21, No. 4 (Winter, 1981), pp. 429-447.

Rose, P. (2002) Is the Non-State Education Sector Serving the needs of the Poor?: Evidence from east and Southern Africa, Paper prepared for DfID Seminar in preparation for 2004 World Development Report.

Rossello, P (1979) Historical note, in *International Conference on Education 1934-1977*, UNESCO, Paris, France.

Schilling, D. (1980) The Dynamics of Educational Policy Formation: Kenya 1928-1934, *History of Education Quarterly*, Vol. 20, No.1. (Spring), pp. 51-76.

Schmidtz D and Brennan J (2010) *A Brief History of Liberty*, Wiley-Blackwell

Sifuna (2004) The Illusion of Universal Free Primary Education in Kenya, *Wajibu*, A *Journal of Social and Religious Concern*, Volume 19, Issue 2.

Skidelsky, R (1995) *The World After Communism: A Polemic for our Times*, Papermac.

Srivastava P and Walford. G (Eds) (2007) *Private Schooling in Less Economically Developed Countries – Asian and Africa Perspectives*, Oxford Studies in Comparative Education, Symposium Books, Oxford.

Stanfield J (2010) Education for all: a freedom-based approach, in *Education and Social Change: Connecting Local and Global Perspectives*, edited by Geoffrey Elliott, Chahid Fourali, Sally Issler, Continuum International Publishing Group, London and New York.

Stanfield J (2013) The Fortune at the Bottom of the Education Pyramid, in *The Profit Motive – The Revolution Continues*, edited by Stanfield J, Institute of Economic Affairs, London.

Strayer R. W. (1973) The Dynamics of Mission Expansion: A Case Study from Kenya, 1875-1914, *International Journal of African Historical Studies*, Vol.6, No.2 (1973) pp.229-248.

Theodore, N (1988) The Rise and Fall of the Kikuyu Karing'a Education Association, 1929-1952: *Journal of Asian and African Studies* 23 (1988): pp. 226-27.

Thompson, E. J.D, (2003) Non-Formal Education in Urban Kenya: Findings of a Study in Kisumu, Mombasa and Nairobi. The Commonwealth Secretariat.

Tomaševski, K. (1999) Report submitted by the Special Rapporteur on the right to education Addendum Mission to the United Kingdom of Great Britain and Northern Ireland (England) 18-22th October.

Tomasevski, K. (2005) Has the Right to Education a Future Within the United Nations? A Behind the Scenes Account by the Special Rapporteur on the Right to Education 1998-2004, *Human Rights Law Review* 5:2, pp 205-237.

Tight, M. (1996), *Key Concepts in Adult Education and Training*, London: Routledge.

Tooley, J. (1999), *The Global Education Industry*, Institute of Economic Affairs, London.

Tooley, J (2004), Private education and “education for all”, *Economic Affairs*, 24.4. pp.4-7.

Tooley, J (2005), Private schools for the poor, *Education Next: A journal of opinion and research*, 5.4, 22-33.

Tooley, J and Dixon, P (2005) Private Education is Good for the Poor: A study of private schools serving the poor in low-income countries, Cato Institute, Washington DC.

Tooley, J. (2006) Educating Amarech: Private Schools for the Poor and the New Frontier for Investors, Financial Times & International Finance Corporation.

Tooley, J. (2009) The Beautiful Tree, Cato Institute, US.

Türk, D. (1992) The Realisation of Economic, Social and Cultural Rights. United Nations, Economic and Social Research Council. E/CN.4/Sub.2/1992/16.

UNESCO, (1948) Human Rights - Comments and Interpretations, Allan Wingate Publishers.

UNESCO, (2000) Preparation of National Plans of Action, Education for All, Country Guidelines.

UNESCO, (2000) The Right to Education – Towards Education for All Throughout Life’, UNESCO Publishing.

UNESCO (April 2004) International Meeting of Experts Educational Policy and Educational Evaluation. Educational Policy, Free and Compulsory Education in the Context of Globalisation, Workshop 1, Paris. 19-23 April.

United Nations General Assembly (2001) Resolution A/56/326, 6 September.

United Nations Development Programme (2003) Human Development Report 2003: Millennium Development Goals – A Compact Among Nations to End Human Poverty, New York: United Nations.

United Nations Development Programme (2005) Investing in Development: A Practical Plan to Achieve the Millennium Development Goals. Overview, Communications Development Inc., Washington DC and Grundy & Northedge, London.

Verma & Mallick (1999) Researching Education: Perspectives and Techniques, Falmer Press.

Watkins, K. (2000), The Oxfam Education Report. Oxford: Oxfam in Great Britain.

Watkins, K. (2004) Private education and “education for all” – or how not to construct an evidence-based argument, *Economic Affairs*, 24.4. pp. 8-11.

Watts M, Ebbutt D. (1987) More than the sum of the parts: research methods in group interviewing. *British Educational Research Journal*; 13: pp. 25-34.

West, E.G. (1975) Educational slowdown and public intervention in 19th century England: A study in the economics of bureaucracy, *Explorations in Economic History*, 12.

West, E.G (1990) Education and Freedom, paper presented at the Mont Pelerin Society on January 15th, E.G. West Archives, Newcastle.

- West, M (2001) *State Intervention in English Education, 1833-1891: A Public Goods and Agency Approach*, University of Oxford, Discussion Papers in Economic and Social History Number 37, October.
- White, B.W (1996) *Talk about School: education and the colonial project in French and British Africa (1860-1960)*, *Comparative Education* Vol. 32 No.1 pp. 9-25.
- Whitehead, C. (2005) *The historiography of British Imperial education policy, Part 1: India*, University of Western Australia, *History of Education*, May, Vol 34, No.3, pp. 315-329.
- Williams K, (1990) *In Defence of Compulsory Education*, *Journal of Philosophy of Education*, Vol. 24, No.2.
- Wilson, J.A (2002) *The Untold Story: Kikuyu Christians, Memories, and the Kikuyu Independent School Movement 1922-1962*, PhD thesis. University of Texas at Austin, US.
- Wolff, R.D. (1974) *The Economics of Colonialism, Britain and Kenya 1870-1930*, New Haven and London: Yale University Press.
- World Bank (2003) *Making Services Work for Poor People: World Development Report 2004*, World Bank/Oxford University Press.
- World Education Forum (2000) *The Dakar Framework for Action, Education for All: Meeting our Collective Commitments*, Paris, UNESCO.

World Bank (2004c) Upgrading of Low-Income Settlements in Sub-Saharan Africa: Assessing the Impacts of Formal and Informal Interventions. DRAFT for restricted circulation.

World Bank (2003), Project Appraisal Document on a Proposed Grant in the Amount of SDR 36.7 million to the Republic of Kenya for the Free Primary Education Support Project.

World Bank (2004b) African Development Indicators, World Bank, Washington D.C USA.

World Bank (2004a) Strengthening the Foundation of Education and Training in Kenya. Opportunities and Challenges in Primary and General Secondary Education. World Bank, Washington D.C USA.

Yin, R.K (1994) Case Study Research: Design and Methods (Applied Social Research Methods) SAGE Publications.

Appendix 1 – Focus group transcripts

Focus Group 1: Kibera, Nairobi, Kenya (November/December 2003)

Question: *Government Schools give free education for example in Olympic Primary School. So why did you decide to send your children to this School? Why not take them to Olympic?*

Parent 1: I brought my children here because in the city council Schools, the children are congested and they do not learn well so we preferred to bring them here. The budget for a public school is high while here, with the little money we earn we, we can pay bit by bit. Also in this school, there is a feeding programme for children. So I think it is better if they learn here.

Question: *There is a financial implication; here they pay something while there it is free. In the government schools you pay nothing but here you have to pay something, so why do you prefer to pay something here while it is free there?*

Parent 1: Most of the time when the children are here they are fed but in public schools they do not eat at school. Even if learning there is free, school uniform is expensive and you have to buy full school uniform at once. I prefer to pay fees and buy the school uniform bit by bit. Apart from that, children here are taught well.

Question: *In the beginning when free education was started, you took your children to the government schools, why?*

Parent 1: People thought education is free; it may be free but children do not learn. This makes the quality of education poor and that is why many parents have brought their children back here

Question: *what is the difference between this school and the government school*

Parent 2: On my side, I had a neighbour whose child was learning here and was performing very well. I then decided to bring my child here. At that time my child was back in our rural home; he did not know how to read and write and had no idea about exams. When I brought him here, I saw him progress and now he has improved a lot. On the side of school fees, people got their children out of the private schools to the city council ones because of free education. They thought that was better education for their children. However, the children do not learn; all they do is play. Here we see our children progressing. When we do not have school fees, we can talk to the teacher and

we pay the little money we have as the children continue learning. Also, on the side of food, the children get motivated as they have their meals at school. So we prefer to have them here and we are happy that they are here.

Parent 3: On my side, my children were here. I have four children. When the free programme was introduced, my husband said that I take the eldest child to the public school. I left the one in nursery here to continue. The government school has nursery too but it is expensive and I cannot afford so I decided to leave her to continue learning here.

Teacher: And the ones she has transferred are in upper classes and we teach from Standard 1-5. That's why she decided to take those to the government schools so that they can complete their Standard 8

Parent 3: When the children were here they were progressing well but when we transferred them to the public schools, we realised the kind of learning here and there is different. Here they used to get better positions in class but when they went there they started dropping, getting positions like twenty something. I have not seen any of them become a top ten

Question: *What are the pupils themselves saying?*

Parent 3: They say that they are so many in class and some pupils are taller than others.

Question: *Do they think they will continue learning there?*

Parent 3: The children have to do as the parent says. The parent is the one who decides and on my side, I want them to come here. But I have no option because am a woman as my husband wants the eldest child in the public school.

Question: *Do you feel the government should give assistance to the private schools or should they build more schools to support free education?*

Parent 3: If they can assist the private schools, it will be much better because we are missing some important facilities, we do not have enough classes, we cannot afford to pay the teachers. We wish the government could assist us. Although they talk of free education, the children are not learning as teachers are not concerned with them. Teachers, on the other hand, want parents with children in public schools to pay money for private tuition but we cannot afford because we have many children. The quality of education in public schools is low. Therefore, it will be much better if the government assists us develop the private schools and see how it can help pay the teachers

Parent 4: They should have done this, take all the schools including private, formal and non-formal to be under the government. Then being under the government rule, they would have said no transfer of any pupil to any school so that the government could monitor these schools and even add more teachers. If they find that the school cannot be made any better, then they shift the children to other schools. Those that cannot be developed should be closed. At least that could have contributed to ease the congestion in the government schools.

Parent 1: The government offered free education in public schools. It could also have assisted private schools in a way. The city council schools are so many while the private ones are few so why not assist them too and we would have been very grateful. We would have better classes, and more teachers paid well.

Parent 1: That is why we still insist on private schools

Question: *Now tell me why do you have the opportunity to decide whether to take your child to a public or private school?*

Parent 3: The teacher in this school has been with the children since the children started school, she has persevered with them for quite a long time. The children have now got used to her as she has struggled to teach them.

Parent 2: I support my colleague on what she has said. It is true that the teacher here has struggled to teach our children. I brought my child here this year and she has tried to teach him. I am appealing to other parents that we join hands and build more classes and see how best to pay the teachers. Although we cannot afford it, we do not want to get our children out of here and take them to the city council school
Question: Do you prefer a small school like this one or bigger ones like Olympic?

Parent 4: A school is a school as long as the syllabus is the same. If a school is small and there is good learning taking place there, there is no use taking your child to a bigger one. A small one is better because teachers pay close attention to the pupils and the performance is good

Question: *You can get your child out of this school and take him to Olympic. Why then do you bring the child back and there education is free? Here you pay something.*

Parent 4: You can be told that there is no space, 'try next time'. It is time wasting to keep asking if you can take your child there. It also disrupts the child's learning.

Question: You say that in private schools like this one, the quality of education is good. In what way do you think so?

Parent 4: It is just the syllabus. As long as the child learns according to the syllabus since the exams that they do are the same. Sometimes I find that my child has performed better than one in Olympics Primary

Question: Why is that so?

Parent 4: You know before the free education program was introduced, the pupils were paying tuition and so the teachers were concentrating well on the pupils. Now because there are many pupils, they select the pupils they can teach well. As a parent you cannot complain. Also parents do not follow up the progress of their children because they know that the school is free.

Question: What do you think is the difference in quality between what your children are taught between the public and private schools?

Parent 1: The difference is, here for example, the class times are regular; children learn the whole day while in public schools learning is in shifts and sometimes the teachers are not concerned. Am of the opinion that my child stays here. Here learning is better than in the city council

Question: If the minister comes here now what will be your message to him?

Parent 1: I would tell him to look into our welfare, we the people of Kibera. I mean our children, the teachers and the schools.

Parent 4: We will ask the minister to explore ways of how he can assist improve the buildings in this school and other facilities and provide the children with basic books.

Question: Is it true that because you pay fees your children get good education?

Parent 4: When children used to pay fees, teachers would pay more attention to them. Now because of free education, teachers no longer have a close eye on the pupils. There are some pupils who have private tuition by the same teachers so teachers concentrate more in these pupils. Although we pay some money here, we cannot be bothered to take our children to public schools. They are already familiar with the learning environment here.

Question: You say the quality here is better than in the public schools. Is it because you pay fees here? Does that make the quality better in any way?

Parent 4: It is not because we pay a little amount that's why we like the school. It the way in which the teachers are used to our children and children are used to this school so much that we do not mind that we pay something small. Its just because of the love between the teacher and the child. By the time I brought my children here, Olympic was performing well. If someone looks at this school, he would say that this school is small and not well built. I did not look at that and thought that a school is a school and what is important is the syllabus. Another question is whether my child is catching up with what the teacher is teaching. I brought my children here before the free school education program was introduced. I will not remove them from here. I have three children here and I am planning to bring the fourth one

Question: You are paying fees here while it is free in Olympic; surely you would rather go to the free school than pay here?

Parent 4: It's the same; if you are used to paying something small like that even if your child will pass class 8, you will not feel the burden that your child was in a private school. Now I'll have to pay for secondary school. It will be normal to me. In secondary school, you will have to pay, it will not be free so its better to get used to paying.

Question: You took your child to the public school and returned him here. Did you?

Parent 5: No, my child is here I have not taken him out of here

Question: Why are you not taking him where education is free?

Parent 5: I preferred here because in the public school, the welfare of the children is not taken care of. Before the free education programme was introduced, the teachers were busy with the pupils; now, they know there is no money coming in, so they are not really concerned. Here, the teacher is busy with the children from morning to evening and there, you find that the teachers do not teach the way they used to.

Question: How do you manage to pay the fees in this school?

Parent 5: Here, the little money I get say fifty or hundred shillings goes to the teacher and hence he/she has the incentive to teach the children. The teachers here do not insist on payment.

Question: How do you know that teaching here is better than in Olympic?

Parent 5: I had a sister who was in Olympic. She told me that there is a difference in the teaching. In Olympic, teachers do not concentrate on the pupils and so her performance started going down.

Question: Your sister told you the teaching was not good; what did your sister tell you exactly?

Parent 5: She told me when she was in a private school, the teacher teaches well; lets say it was an English class; the teacher teaches well and spends enough time with the children but when she was in Olympic, the teacher teaches does not spend much time with them; as long as she has seen she has taught something, she walks out of class.

Question: You thought Olympic was the same that's why you preferred to send your child here.

Question: Did you move your child to a public school when the Free Education Programme was introduced; did you transfer them to a public school?

Parent 6: All my children are here. I have not moved them elsewhere

Question: Why did you leave them here?

Parent 5: Teaching here is okay. I look at my child's book and feel that what he learns is the same with a public school

Question: Here you have to pay something, there it is free; why then don't you take your child where there is free education instead of where you have to pay?

Parent 6: Even before school was free, private schools existed. As a parent whose child is in a public school, you have to buy the required shoes, uniform, books etc but we do not have money. Here, they are more flexible and we do things at our pace.

Question: I am looking at two different schools, Olympic and here. In terms of buildings, Olympic is a lot better than here; why not let your child in an environment of good buildings?

Parent 4: Olympic started like this one. Rome was not built in a day. This school will just come up like Olympic if parents can understand.

Question: The question is, if you look at the buildings, why not take your child to a school that has better buildings?

Parent 4: That is why I am saying Rome was not built in a day. Slowly by slowly, this school will be like Olympic.

Question: The class size here is very small; how many children are in this class

Question: Twenty eight. In Olympic there are 115 pupils in a class.

Question: Is that what is important?

Question: It does not matter. In Olympics, if there are say 68 in a class and here 28, and you have a neighbour whose child is in Olympics and compare with your child who is in this school, you find that the one in Olympics cannot get the sums right.

Question: So you have compared your neighbour's children in Olympics and yours here and you have compared their maths books and think your children are better?

Parent 5: Yes; that what I normally do and I find that my child performs better.

Question: So you actually do that □ you compare your child's with your neighbour's; look at their maths and English books?

Parent 5: I normally do that because I want to compare Olympics with this school and I find that my child is doing better than the Olympics one. That's why there is no need to remove my child from this school as the syllabus is one, and my child is doing better; that makes me proud of my child

Question: Do other people do the same; comparing with their neighbours children in Olympics or ask them about the performance of their children i.e. do you discuss your children's performances?

Parent 2: In the place we stay, all the children in private schools perform well. Sometimes we sit and discuss why city council schools are not performing well. We are of the view that private schools are better than public schools

Question: The new government was elected because it promised free education and that was one of the most important things why people voted for the new government. From what we have heard from you, that may not be true. Do you think this government was elected because it promised free education?

Parent 4: It means so to others but not all of us. Education was expensive before and many people could not afford. But still they are paying a small amount, it is not completely free. If for example you want to take your child for an interview, you will be charged something like Ksh 200 or 100. You are also told to take the child the following day in full school uniform. At that time you are not prepared. So you will fail because you cannot do that immediately and you will take your child back to the private school.

Question: How much does the uniform cost?

Parent 4: In Olympics for example, uniform is Ksh 500 excluding shoes, socks.

Question: How much is the fee here?

Parent 4: Its not much; you can pay even Ksh 100 per month

Question: The law says that you must send your children to school at school going age; is that why you send your children to school or you do not know about this law?

Parent 4: I take my child to school for a better future; if he goes to school, he will be enlightened and grow up to be a good, well behaved child. They get a positive character from school

Question: What do you think?

Parent 1: I think it is a child's right; it doesn't matter whether education is free

Question: Why do some parents not take their children to school?

Parent 1: A parent who does not take his children to school deprives the child of that right. Such a parent is not informed. It is important to send your child to school whether he is sent home because of fees.

Question: You sent your child to a public school and then brought him back, why?

Parent 7: Because private schools offer better teaching

Question: Is that the only reason why you returned your child here?

Parent 7: Yes, I think they are taught better here and that is good for the children.

Focus Group 2: Kibera, Nairobi, Kenya (November/December 2003)

Question: *Why do you bring your children to this private school and not send them to the free Government school?*

Parent 1: We have decided to bring our children in this school after realizing that private schools teach better than Government schools. I brought my 2 year old child in this school who did not know how to write at all; even to write number 1 or 0. After one year I found my child is doing better and this time when they go for holiday I found my child has done well in school. (She means her child has performed well in examination he sat before start holiday). I pray for teachers of Bakina Baptist to be blessed by God, and being in strength so that they teach our children well. We will keep on sending our children in this school because they are taught well.

Parent 2: Being a parent, I congratulate this school. I have two children who joined this school since their nursery level and they are still in this school until today. I see them doing good in subjects. Their time and subjects are well planned, they spend time well and are taught all subjects. No subject is missing and I see them always doing fine. For those reasons this private school have impressed me a lot and even when there are free of charge Government school, I have saved money and cut many costs of my maintenance in order to bring children in this private school. Even though people might question why I send children in private school while there are free schools, I am concerned with high quality subject teaching offered in this private school. It is a reason for bringing children in this school. That is all.

Parent 3: I am very happy as I brought my child to start standard one in this school. I am thankful to the head teacher very much for being very considerate to parents. You will never see a child not in school because of delay paying school fees. In those case, the head teacher write to parent to ask him or her to meet with her and she ask for when a parent we pay the fee. A child continue well in school without missing classes but a problem is in most cases parents have many commitments and frequently don't pay fees on time, and as a result the head teacher become in hard time as he cannot pay salaries to teachers. This mostly contributes to school inefficiently. We would like to appeal for any assistance to our school from other side. It is a good school with committed teachers. They offer high quality teaching and they are truly committed to their service.

You will never see a teacher working in something else like sowing sweater while he or she supposed to be in class. The school is doing well because of a good teaching and also good relationship between head teacher and teachers. It needs to be supported. The head teacher should be given money to pay her teachers so that they are encouraged. I am very happy. I was in really financial difficult and I couldn't want to create problems to head teacher and teachers every time but the head teacher reminded me to attend this session and told me we will have opportunity to address our opinions. I am very happy to meet you and we will hear from your side. Help us. Help this school to proceed. We don't want to send our children for school in other area. We need our children to attend school here and our school to perform well.

Parent 5: In my side, I am very happy as I see you have attend this meeting. Problems we have in this school are; first, as you can see the condition of classrooms and second is teachers salaries payments has being with problems. It create a lot of difficulties to head teacher. We ask for assistance from you. Help us. Thanks. God bless you.

Parent 4: In response to the question; we have decide to send our children to private school because private school teach well. They offer good subjects. Tuition free schools have large number of pupils thus one teacher has to deal with many pupils within a time. An example you might find in a class 100 pupils to be attended by one teacher in 35 minutes. In private schools you will find few pupils and teacher will have enough time to attend each thoroughly. You might find a teacher may be assign to teach 20 pupils and he or she will be with enough time to concentrate to each. For this reason when a child is back from school you will find he or she has been well assessed and understood what has been taught. At the same time in our school classes you will find 20 pupils in each as a result it is a burden to head teacher to pay salaries as the amount we pay is little.

Everybody when goes for work, expect to be paid at the end of a month so that can pay for food, accommodation and clothes. It is the same to teachers. If they will be well paid definitely they will offer good teaching service to our children. If a teacher is uncomfortably on incentives then cannot teach well. It is on this item we ask for your assistance for the benefit of our children in this school. Please take care on incentives we need to offer teachers in order to keep them comfortable and perform well in teaching.

Parent 6: Private schools are better because their teachers are committed. When you go to Government schools mostly you will find teachers not after pupils. They leave them

playing and you can not even know if they are in break or it is class time. In private school you will find teachers are busy taking care after children every moment. Also if you make comparison between a child attending private school and one who is in Government school by asking them some questions from their subjects you will find the one in private school is doing very good while the one from Government school is poor. Even when you compare their examinations marks you will be able to see private school pupil is performing well while that from Government is poor.

Parent 2: When talking about private schools including our school, I always congratulate them a lot. For woman who has no husband as I am, this private school take care of me a lot. Because; for example in private school a child is allowed to attend school with only a pair of uniform while in Government school he must have 2 pairs of uniforms and shoes and 2 sweaters for being allowed to attend school. Also you need to drive a car. In the morning you have to send a child to school with a car so that you are appreciated. In Kenya majority are poor who mainly depend in private school. As I can provide just one uniform and my child will be allowed to attend school. But in Government school a child should be smart for being allowed to attend classes which cannot be afforded by most Kenyan's. In this Kenya economy, private school like this has supported me as I cannot afford requirements for Government schools. For those reasons I honour this private school even though it is in poor conditions as you can see there is no toilets and building are poor. I ask you to support our school to progress. We cannot buy uniforms, pay fees and salaries to teachers because of our poor status and poor Kenya economy. We need your assistance. We have problems in Kenya.

Parent 4: I am a parent who like to stay with children. I like to stay with all who attend private schools and those who are in Government schools. I sometimes tell them to write on ground. For example I happened to tell a standard 6 pupil in Government school to write spoon and wrote spnoo while when I told the pre-primary level pupil of our private school to do the same he was able to correctly spell spoon. Honestly speaking in Government school teaching quality is not good. It is just parents who send their children in those schools like to be boasted that they can manage to have their child carry good things like sweets, soda and good foodstuffs with them to school and dress into good uniform. But in private school our children attend school with very poor uniform, sometimes we are even not able to have soap for washing. Our children dress on uniform without being washed for whole week, from Monday to next Monday because sometimes we don't have soaps. Most of the parents who send their children in

Government school is just like my fellow woman said, that is only to show that their children are in those school with those facilities. When sending children to school in morning, they always like to spend time talking with teachers for their children to be known. My friend is teaching in Government school. She always tell me that when they used to be given some money they were concentrating in teaching, but nowadays they are not given money and they don't worry on taking care in teaching. They just give children homework and they don't make any follow up on weather a child has done or not.

Parent 2: I am living neighbour to parents who send their children to Government schools. As a parent, I always compare their children who are sent to Government schools with mine who are attending private school. I always find private schools teach better than Government schools from those comparisons. Government schools children are always smart dressed in good uniforms but when you ask them some school taught subject questions you will realize that they know nothing. Those attending private school are usually not smart dressed, but they are good in school subjects. Being not smart dressed is because of our country (Kenya) economy. It is not that parents are not taking care for them. It is because of not being able to afford to dress them smart due to our poor economy.

I realize a difference between Private and Government School. We are for our School to continue being good. To be provided with good toilet facilities, good classrooms, children to continue being well in their subjects, and for how you can encourage parents by any means. We have work hard a lot and our country economy is poor. Help so that our teacher get salaries. They have a lot of problems. They don't get their salaries on time because it is difficulty to earn money in Kenya. Parents are paying but with a lot of difficulties. Teachers are with us. They never stop children who have not pay their fee from attending school. We are paying with a lot of difficulties. Help us on how teachers will be paid their salaries, how children will have good facilities, how they will be provided with school uniforms, how they will be provided with lunch while in school. Children in Private school have a lot of problems. We don't have money. Sometimes a child goes to school without having breakfast, and not having lunch. Having a very difficulty day in school. Please help our school. We even don't have toilet. You can imagine how our children go for their call of nature. God help them while in this. Toilets, Classrooms, salaries, textbook, exercise books all are our burden. Parents buy textbooks, exercise books, pens and all other needs for their children. It is a problem to

parents. If you will help on these we will get relief. Help our school to be good, to have good buildings, to be developed and be unique. We will be happy.

Parent 2: I am among them. When president Kibaki announce tuition free in Government schools, I sent my child in Government school. Within a month I found it very costly. In this school I give my child 5 shillings (Kenya Currency) which is enough for him to at least buy a bite during lunch. When was in Government school, once he get to school he will not be allowed to get out and for that reason I will have to provide him with soda which cost 50 shillings, a plate of chips another 50 shillings; a total of 100 shillings in a day.

Focus Group 3: Kibera, Nairobi, Kenya (November/December 2003)

Why do you send your children to a private primary school and pay fees, instead of sending them to the government primary school which is free?

Parent 1: I send my children to this private school because I find that the education in private school is better than the education in government school. While most of the teachers in government school are just resting and doing their own things, in private school our teachers are very much busy doing their best, because they know we pay them by ourselves. If they don't do well they can get the message from the headmistress, of which we cannot allow because we produce ourselves the money, we get it through our own sweat, we cannot allow to through it away, because you cant even take the money from the trees, you have to work harder to find it so the teacher must also work harder on our children so that he earns his own living.

In the government school they say it is free education and the teachers find it so easy, because they know there is no one going to check up what they are doing. If you want your child to do well you have got to have your own tuition teacher so that your child performs well.

If you wanted to send your child to the government school how much would it cost?

Parent 1: Before they said it was free education it was 39,000, but now went I went their to see what they do they told me I had to have 11,000 shillings cash in hand.

Which school was that?

Parent 1: St Georges Primary School

What was that for? Why 11,000 shillings?

Parent 1: Because you didn't help them when they were building the school. Besides that you bought a school uniform, you haven't bought the school sweater which costs 600 and you have to make sure you have two sweaters which is 1200. Good leather shoes and socks two pairs. You have to have two of everything.

So the government schools are not free?

Parent 1: I don't think its free. Because I even have another form Milimani Primary, because the education there is too low you just have to bring 400 shillings

So why didn't you send your children to that school?

Parent 1: I didn't because I know the children are not learning. They just continue playing up until lunchtimes. Those that had the morning lesson will go to lunch for good and not come back

Parent 1: When the kid gets to the government school, there are food kiosks that have chips and sodas rice and meat costing sh 50, I could not afford, and if you cannot afford in the school, the kid has to carry lunch container with nice food like the meat and rice. I could not afford. But in the private school could give my child sh5 if I had in the morning to I am a "jua kali"(self employed) parent I have no time at lunch time to cook. At lunch time the child buys a cup of tea and because the child is used to difficult/hard life he eat and goes back to class. These schools don't have education. When the child goes in the morning, He's only taught 2 subjects, next day, he's taught 3 subjects, what is this? I didn't like that. So I returned him to the private school, because in the private school I find it easier. If in the morning I have sh 5, I give the child and he can eat lunch in the kiosk. If I have sh 10, I give him as well to eat there. If I don't have I ask him to come home to eat. So to me private school is better than government school.

What's most important to you?

Parent 2: According to me, first what is very important if we had teachers and they are paid, children will learn well. Secondly, if the teachers are paid well and we had text books and pens, then the school will do well. There is no need for good buildings when we don't have the good quality of education.

Parent 1: Even if you will help us in any way; the most important thing is that teachers should be paid because it is very disheartening for them to teach on empty stomachs and to work without pay. Salary is food and clothing if they have not eaten well then they cannot work well. Our teachers should be paid well and we need help with this as well with text books, exercise books and pens so that our children can have a strong education foundation without problems. Our biggest problem is the text books because they are very expensive .The least they cost is sh 200 or 300/400/500.So we are appealing that you help us with textbooks and teachers salaries so that we can start well. Other things like buildings should come later but our children should get the books and teachers salaries first.

Parent 3: I had taken my child to kimalal but I realized that there was no learning there. When he was in this slum private school he used to take position 1 or 2 or 3 in class but

when he went to the government school he came back with position 28 or 30 in class, so I decided to withdraw him from there and bring him back.

Parent 4: Before I took my child to the government school he was a good child, very disciplined but when he went there, he changed. Even reading became a problem. When he came back home he was not talking to others in a good manner, his performance went down. He took a lower position in class than what he used to get in the private school (1 up to 5). So I saw that his behaviour was not so good. He loved playing more and he forgot about his books. I thought he needed close monitoring by teachers so that he could regain the discipline he originally had. So I decided to bring him back here and I have seen that now it is not so bad. Here teachers care about children. This is what made me to return my child back to this school.

Parent 5: When I took my children to the government school I noticed that their performance was not good. When I asked them they told me that the teachers don't attend school and that they are given work to do but there is no learning they are given. So I decided that there is no need for the child to go on without learning anything. His performance dropped and so I decided that he should come back to the private school so that he can try and pass the class 8 examination (KCPE) from here. I think there is no need for a child to go through school for 8 years without gaining anything because even when he goes to secondary school he will have a big problem. He will just fail the form 4 examination (KCSE) and he cannot proceed onwards. Even if he is given a course to do, because he does not have enough knowledge he will also fail and it will be a big waste of time. It will not pay off.

Parent 6: I like this school because teachers here work very hard to teach the children. They don't look at it as being a private school or any other circumstances, they just teach with commitment and they teach the children very good manners. Because if you take your child to those free government schools, you notice a behaviour change. He can even fail to attend school but if he goes to these private schools here, the teachers monitor his coming in and leaving. So I think these schools here teach the children well both in learning and in behaviour. They learn well.

Parent 7: Teachers here have the commitment to teach well and when my brother is here he performs very well but when he goes to the other schools he does not do as well. So I decided that it is better for him to learn from here because his performance is not so bad.

Parent 8: Even me I thought of taking my children to the city council school. But then I thought that if you compare the marks that the children in city council schools get with the marks of children in private schools, you find that those in private schools are way ahead, which means teachers in city council are not very busy because they know that their salary comes from the government .When I returned them here to the private school, if you compare the marks they were getting there and the marks they are getting now, it is better.

Parent 3: When the government refused free education, you know we pay a lot of money in these private schools. Like me I thought that when my child goes there (to the public school) school fees will reduce but when I took my child there ,when my child was here he was performing well I noticed that teachers there don't teach as much as the teachers in private schools here. So city council schools are not doing anything. Private schools are good.

Parent 9: As for me, I returned my child here because the teachers here are well experienced and learning is good because when he was here he was performing well but when he went there his performance dropped badly but when I returned him here I noticed that he improved up to now he is doing well .Even when he went to the government school his behaviour changed .He became badly behaved, but when he came back to the private school his discipline has improved .So I think that the private school is better than the government school because the teachers in the government school don't work hard to teach children but teachers in private teach very well.

How can you tell that the quality is better in a school?

Parent 7 : It depends on the homework that the teachers give the children to do and how they do depends on how the teachers in that school have taught the children .On my part I like the private school because their learning is normally better(“higher”)that the city council schools.

How do you know?

Parent 9: There is a difference in the performance of private schools and city council schools because when you “compare students from private schools and public schools you see that” the number of students in the public schools is very high but private school have fewer students. So in public schools “it is too difficult for teachers to teach or” to access every individual mistake of each child so that they can correct them, but in

private schools because the numbers are few, “teachers can manage”. Whenever the child has a small problem, “they have that chance to help”.

Parent 4: We also like private schools because the teachers give the children the exams well and if the children fail the teachers go over it again so that the children grasp it and cannot fail again. when they come home if you compare to how they were in the public schools and you look at what they have done in class now, the child can tell the teachers name, he explains what he was taught, you notice that in private schools teachers concentrate on the children more and they teach well things that the child can use in his later adult life and you can be sure he will pass the exams. As a parent you when you are in the house with him, you are also happy with your child.

What difference is there in age among public school students and private school students?

Parent 7: Here we look at the home work and discipline. That the only difference I can see. “I think in government schools we have a specific age to where by a child is supposed to be admitted” but in private schools you can take there even a 2 year old or of any age so that he can gain that experience of learning. In public schools they can only admit the child from a certain age. so if you take like a 2 year old there is no teacher who will teach him because they will complain that the child is disturbing. But in private schools we have the experience of taking care of small children form the age of 2 years onwards.

Why are you paying fees when we have free education?

Parent 4: we first look at the behaviours of the children in the house and the discipline he brings in the house. We would rather pay a lot of money as opposed to the child going there and later coming home and disturbing you in the house.

It is also better to pay more money so that the child can learn by himself what he will use in his later life. These are the reasons for going to a private school. Teachers there teach them well and advice them on how to stay with their parents so that their life later will be easier and they ill not disturb their parents later.

Why do you think the teachers are different?

Parent 3: On my side my 3 children were learning from here. Because the fees were high here I decided to take them to city council when free education was introduced. When he went there I noticed that the performance was not so good, but when they

came back here, they pulled up. So I think that teachers in city council are not very hard working but those in private work hard.

Parent 5: The difference is that those in private schools work with the love of the job and how much they work determines how fast one gets a promotion and a better salary, but those in government schools don't care. If a child asks something he is told that he is causing disturbance because they have many kids to take care of. City council schools have too many children and this makes the teachers become a bit reluctant. On the other hand, in private schools the headmaster goes to what is taught in class to see how the teachers are teaching class and if it is according to the syllabus that is required by education. And this is what has made us return our children to the slum schools.

Parent 6: I think this school is good because I have had my child here until he has done his class 8 exam and he came out with good discipline because the teachers monitor how the child does and teachers in private are very hard working because they are paid according to how hard working you are. The headmaster must check if every teacher has reported to work, and if he is doing his work well, and if he is teaching well because if they are not hard working they will be sacked but in city council .the teachers just sign and that counts for the day. Even if he does not teach that day, they don't bother, the salary will still come. They don't have anybody to monitor them and even if they had he still acts just like them. They are not as hard working as the teachers in private.

Why do you take your child to school?

Parent 9: We take them to school so that they can learn and get enough knowledge so that in later life they will not have a problem because if a child does not go to school it is a big problem. Here there are many children who have not gone to school. Those children who go to school get good jobs. Each of them go on their own and get their daily bread. They are not like those who have not gone to school, who sometimes become thieves or highway robbers in an attempt to get something to eat. But if they go to school they get the experience and later on when they are on their own, they can find something to eat.

Parent 8: We take children to school so that they can get enough knowledge because if you compare a child who is educated and one who has not gone to school there is a very big difference. Those who have gone school you will always find him with his books but those who have not gone to school but those who have not gone to school later on turn out to be thieves or evil doers. Those who have gone to school help themselves in

life later on and will also remember you the way you have struggled to make him get education.

Parent 6: I think it is very important to take a child to school because when he is educated his mind/brains are also developed and because he learns a lot of things that you might not even know as a parent, he will also help himself later a help you as well things that you might not have had if you hadn't taken him to school. So it is very important that a child goes to school.

Parent 4: If a child goes to school he is well behaved in the house and later in life he can be able to take care of himself. If it is a girl and she gets married she gets ease in it unlike coming back to her parent's house to disturb or maybe she cannot get a job because she is uneducated. If she is educated she can also educate her children and will use her education to raise them well and if her children are educated they will help the country. Right now those kids who have not gone to school have become street kids or thieves and they disturb their parents so much that some parents hang themselves to death because of uneducated children who are undisciplined. So it is better to educate a child to avoid all this.

Parent 5: We take our children to school so that after he has done a course, he will have enough knowledge and he can be able to work anywhere all over the world without any problem. So that he will have a better life because those people with little education or no education, there are some places they cannot work in but if he's well educated in his course it can make him work anywhere.

How do you think the government can help private schools like this ones?

Parent 3: On my side I think government cannot help us. Because like here in our school, if the government liked it would have come to take over the school so I would become a public school.

Parent 10: Well I think the government cannot help private schools but this school, if the government could help it would be nice but I think this school is better off because most government schools are full to the brim. Students sit up to outside of the class so it seems a problem to help private schools and we don't want to take our children out of this school.

What do you think can be done to help?

Parent 9: I think if the government helps the school will become a government school, and if this happens; performance which are fighting for will become poor. "So for that

case I think government cannot get so involved and if does, the school becomes a government one, which we don't want because they are not helping us "because there is no experience, so much ignorance of teachers to where that they cannot help anything".

Parent 8: It is very difficult for the government to help a private school like this one because if you compare the marks of this school with the city council ones, it performs very well. So if we can ask for help, may be they can take over the school so that it becomes government then they can help. And it is impossible because if they take over it is just similar to moving the children to any other public school. It is just better we sustain the school by ourselves and we have our own teachers even though we may problems.

Parent 4: I think the government cannot help this school because the government would want to take over everything as their own. Government teachers are not very good and in this school our teachers are very good, they discipline children and respect them. I would like us to get help but the government cannot give us that help since they would take over everything

Parent 10: We could as well just take our children to the public schools but their performance here is so good so if you move the child and yet he started form class one here, you will just be disturbing the child and mixing him up. From here when he goes there, he learns different things that maybe he has already learnt here or the syllabus changes completely.