

## Free Primary Education in Kenya: A Critical Analysis

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**Abstract:** On 6<sup>th</sup> January, 2003 the government of Kenya, in its attempt to boost access and retention in primary education thereby attain Universal Primary Education (UPE) and ultimately Education For All (EFA), rolled out 'Free' Primary Education (FPE) programme in all public primary schools in the country. But twelve years later, during the launch of the EFA Global Monitoring Report 2015 in Nairobi, the Cabinet Secretary for Education admitted that there were over two million children in the country who were not in school. This revelation was a curious one given that the function was organised to mark the 2015 deadline for the attainment of EFA goals. Besides, Kenya's legal framework provides for 'free and compulsory' primary education, better known as 'Free' Primary Education (FPE). Further, there have been concerns about the quality of education offered in public primary schools following the introduction of FPE, which has led to an increase in low-fee private schools. Consequently, this paper subjects the concept 'free education' as used in the context of Free Primary Education in Kenya to a critical analysis with the aim of attaining conceptual clarity thereby dispel parents' and other stakeholders' uncertainty as to whether the government provides free or fee education.

**Keywords:** Education For All, Free Primary Education, Liberating Education, Quality education, Universal Primary Education, Unregulated Education.

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### 1. INTRODUCTION

Since the attainment of political independence in 1963, all the successive governments of Kenya have aspired to provide Universal Primary Education (UPE) and ultimately Education For All (EFA). For example, Sessional Paper Number 10 of 1965 which spelt out the country's economic scheme ostensibly in the context of African Socialism covering the period 1964 – 1970 hailed the then increased enrolment in primary schools as:

... an impressive advance towards the declared Government objective of universal primary education. It is now estimated that approximately 70 per cent of those in the age-group eligible for Standard I are now attending school. It is Government's intention, after studying the Education Commission Report, to adopt a definite schedule and date for achieving universal primary education (Republic of Kenya, 1965: 40).

At this point in time, abolishing school fees was not one of the government's strategies to attain UPE, for its main preoccupation was economic development (education was then considered to be more of an economic than a social service). Consequently, it made it crystal clear 'that all citizens will contribute to the development of education through self-help payment of school fees and taxes, and service as teachers' (Ibid.).

Kenya came close to providing Free Primary Education (FPE) in 1974 when the first president, Jomo Kenyatta (1963 – 1978), launched the first FPE policy in 1974. On December 12, 1973 during the celebration of 'Ten Great Years of Independence,' he issued a decree that the government would inch closer to offering universal primary education. However, the policy covered Grade One to Grade Four, not the entire primary cycle.

The second FPE initiative was launched in 1979 by the second president of the republic, Daniel Toroitich Arap Moi (1978 – 2002). He had assumed the reins of presidency following the death of his predecessor, Jomo Kenyatta, On 22<sup>nd</sup> August, 1978. Unlike the 1974 FPE initiative which applied to the first four classes, the 1978 one was for the entire primary school cycle (7 years) as

recommended by the *Report of the National Committee on Educational Objectives and Policies* of 1976. The implementation of the policy was, however, undermined by the introduction of the policy of cost sharing in education in 1988 as a consequent of the adoption of the structural adjustment programmes in mid 1980s. Cost sharing in education meant that some costs of education would be shouldered by the government, others by parents, guardians and communities. For this reason, parents and guardians continued paying for their children's education.

The third FPE initiative came in 2003. Hitherto, Kenya was under the leadership of one party, Kenya African National Union (KANU). However, this changed in December, 2002 following the landslide victory of the National Rainbow Coalition (NARC) under the stewardship of Emilio Mwai Kibaki (2002 – 2013). During the electioneering campaigns, the coalition had promised to offer 'free' primary education to the Kenyan children. On taking over the mantle of the presidency, Mr. Kibaki lived to his word by making a public announcement that the provision of the FPE in all public primary schools would commence on 6<sup>th</sup> January, 2003. Thus the provision of FPE became a reality, not a mere campaign pledge as had been the case since 1963. The initiative attracted the support of development partners such as the UK's Department for International Development and the World Bank. The FPE policy meant that the government with the assistance of donor agencies would meet the cost of education by shouldering expenses such as teaching and learning resources, activity and remuneration of non-teaching staff. The government started providing capitation grants at the rate of Ksh. 1020 per primary school pupil.

The implementation of the FPE policy was not in any way an accomplishment uniquely associated with the NARC government. FPE is a global trend. Following the adoption and promulgation of Universal Declaration of Human Rights by the General Assembly on 10<sup>th</sup> December, 1948, the United Nations Organisation (UNO) regards education as a basic human right. Article 26 of the declaration provides that 'Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages, elementary education shall be compulsory' (United Nations, 1950).

When the Millennium Development Goals (MDG) and EFA came on board, many countries of the world, including Kenya, ratified them thereby committing themselves to attain their objectives one of which was to ensure that all children under their jurisdiction have access to and complete 'free and compulsory' quality primary education by the year 2015. This meant that all world governments, bar USA and Somalia that are not bound by the UN human right law, are under an obligation to provide 'free and compulsory' education.

Kenya has domesticated the provisions of these international protocols in her own legal documents. For example, *The Constitution of Kenya, 2010* Article 53 Clause 1(b) provides that every child has a right 'to free and compulsory basic education' (Republic of Kenya, 2010: 37). In consonance, *The Basic Education Act, 2013* devotes a whole part (Part IV) to detail what the provision of 'free and compulsory education' entails. Article 29 Subsection 1 states: 'No public school shall charge or cause any parent or, guardian to pay tuition fees for or on behalf of any pupil in the school' (Republic of Kenya, 2013:238). However, this provision finds a limitation in the subsequent Subsection 2 Clauses (a) and (b) which exclude foreigners from the privilege of acquiring 'free' education at a Kenyan public school and grants a leeway for imposition of non-tuition related levies. Clause (b) states:

Other charges may be imposed at a public school with the approval of the Cabinet Secretary in consultation with the county education Board provided that no child shall be refused to attend school because of failure to pay such charges (Ibid.).

Similarly, Article 7 Subsections 1 and 2 of *The Children Act, 2001* (revised edition 2010) provides that:

1. Every child shall be entitled to education the provision of which shall be the responsibility of the Government and the parents.
2. Every child shall be entitled to free basic education which shall be compulsory in accordance with Article 28 of the United Nations Convention on the Rights of the Child (Republic of Kenya, 2001: 13).

In other words, the Kenyan law does not expressly state that it is the sole responsibility of the government to provide 'free' education. Thus parents and guardians have a legal obligation to meet some of the costs of their children's education.

That aside, the introduction of FPE was in concord with the Kenyan law and international protocols which regard basic education as a fundamental human right the provision of which is the responsibility of the state. In implementing the policy, Kenya hoped to kill two birds with a single stone: to attain EFA objectives as well as access, retention, equity, quality and relevance which are hitherto the Ministry of Education's elusive educational ideals.

Indeed the three FPE initiatives led to initial increases in the net public primary school enrolment. In 1974 the total pupil population for classes one to six went up from 1.8 million in 1973 to 2.8 million in January 1974. In 1979, gross enrolment rate increased by more than 60 percent; and in 2003 enrolment increased by about 20% (from 6062763 pupils in 2002 to 7159522 pupils in 2003). This enabled more than one million children mainly from poor households who could not afford school fees and levies to join primary schools (UNESCO, 2004). By 2013, pupil enrolment had reached 10.1 million (Republic of Kenya, 2015c).

No doubt people were enthusiastic about the FPE initiatives. For instance, the Kibaki administration's FPE project attracted not only children but also adults who were well over the conventional primary school-age (6 – 15 years). The widely known such pupil is the late Stephen Kimani Ng'ang'a Maruge (circa 1920 – 14<sup>th</sup> August, 2009) who on 12<sup>th</sup> January, 2004 at the grand age of about 84 years enrolled in Grade One at Kapkenduiwo Primary School in Eldoret, Kenya thus became the world's oldest Grade One pupil. His admission was in spite of the legal documents' consistent reference to the Kenyan 'child' in a public primary school as the bona fide beneficiary of the 'free and compulsory' education. (Of course there are many more pupils in public primary schools across the country who are above 18 years; therefore, they are legally not children). Perhaps authorities at the school were guided by Article 34 Subsection 2 of *The Education Act, 2013* which forbids denying any 'child' who shows up for admission on, among others, ground of age terming such a denial as tantamount to discrimination. It may also have been in the spirit of providing education for all that the age limit was overlooked. So Mr Maruge, apparently oblivious of this legal vagueness in his quest for formal school education, accomplished a feat that earned him a place in the Guinness Book of (World) Records; a lifetime trip to New York, the United States and a chance to address The UN Millennium Development Summit on the importance of FPE. He also became the subject of features and documentaries. For instance, a feature film, *The First-Grader*, released on May 13, 2011 is based on the real life Mr. Maruge. The former Mau Mau combatant was one among many Kenyans who were enthusiastic about the NARC government's FPE policy.

Notwithstanding the government's public pronouncement that it was providing 'free and compulsory' basic primary education, even at its inception when primary schooling was said to have increased significantly, about three million school-age children were out there in the streets, homes and elsewhere, not in school. The government made no effort whatsoever to enforce the observance of Article 30, Subsections 2 and 3 of *The Basic Education Act, 2013* which state that:

- 2) A parent who fails to take his or her child to school as required under sub-section (1) commits an offence.
- 3) A person who contravenes this section shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or both (Republic of Kenya, 2013).

This made nonsense of the government's claim that it had introduced 'free and compulsory' basic education talked of in three of the main legal documents on education: *The Constitution of Kenya, 2010*; *The Basic Education Act, 2013*; and *The Children Act, 2010 edition*.

Besides, the quantitative gains were short-lived. Dropout rates from the three intakes were alarming. Within a span of four years, the 1974 cohort lost 55% members. About one million pupils disappeared from schools reportedly owing to introduction of building and other levies. From the 1979 intake, 45% members were lost. The 2003 initiative has also suffered the same fate. Even Mr. Maruge had to withdraw from school following the post-2007 election violence

which rendered him a refugee in early 2008. In June the same year, he relocated to Nairobi and enrolled at Marura Primary School but his advanced age and ill health militated against his lifelong quest for formal school education. He died of stomach cancer on 14<sup>th</sup> August, 2009 before completing the primary school cycle thereby became another instance of primary school dropout, and a permanent one for that matter. As recently as 28<sup>th</sup> April, 2015, during the launch of the EFA Global Monitoring Report 2015 in Nairobi, the Cabinet Secretary for Education admitted that there were over two million children in the country who were not in school. This revelation was particularly a curious one given that the function was meant to mark the 2015 deadline for the attainment of EFA goals. Evidently, the FPE policy no longer attracts enrolment as was previously thought which has severely undermined the noble goals of access and retention in education.

Aside from this, the initial huge enrolments attributed to FPE are said to have compromised the quality of education offered in public primary schools. Since its inception, numerous studies have been undertaken to establish the impact of FPE policy on the quality of education in the country. For example, Wachira, et al. (2011); and Munyi & Orodho (2014) established that although FPE had increased access to education in the sub-counties they surveyed, the quality of education the schools offered was wanting. A more curious study is that done by Uwezo on literacy and numeracy among primary school pupils in East Africa which established that a significant fraction of pupils complete schooling without mastering basic Grade 2 level skills (Uwezo, 2014). Although this sad situation may not be entirely blamed on the FPE programme, the fact remains that the implementation of the programme has miserably failed to remedy the situation.

These challenges have led to the disillusionment of some stakeholders in the education sector: parents, guardians and scholars doubt whether public primary schools in the country provide free or fee education. Some parents and communities seem to have withdrawn their support in the belief that their children are entitled to 'free' education (Ogola, 2010). As we have noted, three of the key legal documents on education, namely *The Constitution of Kenya, 2010*; *The Children's Act, 2001* (2010 edition); and *The Basic Education Act, 2013* do not expressly state that the provision of basic education is the sole responsibility of the government rather of both the government and parents. Paradoxically, the same documents talk of 'free' education. Perhaps this is a deliberate diction in conformity with the NARC government which when it subsidized primary education with effect from 6<sup>th</sup> January, 2003, the initiative was labelled FPE policy. Moreover, the quality of education offered in many a public primary school is questionable, which seems to modify the meaning of education in the context of FPE. Hence, this paper interrogates the meaning of the phrase 'Free Primary Education' as used in the Kenyan context with a view to attaining conceptual clarity thereby dispel stakeholders' confusion as to whether the government provides free or fee education.

## **2. METHODOLOGICAL ASPECTS OF THE PAPER**

Being philosophical in character, the paper subjects the concept 'free education' to philosophical analysis and criticism.

### **2.1. Conceptual Analysis**

The approach entails the 'analysis of language, concepts, theories, and so on' (Wingo, 1974: 15). The concern of philosophical analysis is clarity of thought and expression so as to avoid misunderstanding of the real issue in hand. In explaining the importance and necessity of analysis in philosophy, J. A. Akinpelu writes:

... philosophy plays mainly the role of a midwife: it helps in bringing ideas to birth in the way that midwives help in delivering babies. This it does by insisting that we formulate our ideas as precisely as possible and express them as clearly as we can, so that our listeners will have no difficulty in grasping the meaning of what we are saying (Akinpelu, 1981: 167).

Philosophical analysis focuses on the use of language and concepts in all forms of discourse including philosophy itself because words and concepts are arbitrary symbols which represent reality. However, there are times when problems arise as a result of use of misleading terms; confusion and misinterpretation of key concepts; or misleading ways in which an issue is presented. It is the task of philosophy to resolve such problems through linguistic analysis.

In employing the analytic method, the paper will focus on conceptual analysis of the key concept *Free Primary Education* as used by the Kibaki and Uhuru administrations. The purpose of utilizing this approach is to disambiguate the phrase FPE with a view to gaining a clear understanding of it. This way we would be able to establish whether both administrations have used the phrase, Free Primary Education, correctly or in a misleading way.

### 2.2. The Critical Method

Philosophical criticism is associated with the German philosopher, Immanuel Kant. It entails subjecting concepts, propositions, and theories to critical inquiry in order to determine their soundness. It seeks to evaluate and judge things in the light of clear and distinct ideas as envisaged by the French philosopher, Rene Descartes.

The critical approach found its way into Philosophy of Education as critical pedagogy. Heyting and others are of the view that the essence of Philosophy of Education is criticism, dearth of which it ceases to have any ontological significance.

If philosophy of education has to exist, it is because it has to perform a critical role vis-a-vis education and vis-a-vis the study of education. Philosophy of education is not there to provide ultimate answers, let alone to lay the foundations for education. It exists to raise questions and institute doubt. Hence, it has to be a critical enterprise (Heyting, Lenzen & White, 2001: 125).

The inquiry utilizes this method principally to establish the veracity of the claim that the Kenyan government provides FPE. In so doing, the precise meaning of FPE arrived at through analysis will be instrumental.

## 3. THE MEANING OF 'TO BE FREE'

The infinitive 'to be free' can be construed in two main senses: to be free to and to be free from. This corresponds to what philosophers call positive and negative freedom respectively.

### 3.1. Positive Freedom

Positive freedom consists in an individual having the ability to self-determine; that is, when one is self-governed, has control over own life (Audi, 1999: 723). Cornel Hamm elucidates:

In the 'positive' concept there is the notion of freedom *to* do things and want things; to have things and be somebody; to develop the capacities for enjoying things and performing at will. Development of positive freedom would be similar to developing those qualities, skills, and capacities characteristic of the educated person and similar to acquiring those benefits and materials characteristic of autonomous adults (Hamm, 1989: 115).

In other words, what controls the individual in question is inherent; it is within the individual. However, an individual who is free in this sense may be hindered from being free from within by their own desires, passions, etc. The ancient Greek philosopher, Plato, following his dualistic conception of human nature considers one to be free in the positive sense when one's rational part of personality prevails over the rest, especially the appetitive elements.

### 3.2. Negative Freedom

Negative freedom, on the other hand, consists in the absence of external restrictions or control. In other words, one is free in this sense when one is not prevented from doing something by another person. It is 'freedom from interference' (Hamm, 1989: 115). In this sense, freedom is akin to what Bentham calls 'negative liberty', the absence of coercion (Audi, 1999: 723). Negative freedom is the recognition of the fact that there exist obstacles and determinants in human life. The attainment of freedom consists in the removal of such obstacles that stand in the way of the otherwise free agent.

## 4. THE CONCEPT *FREE PRIMARY EDUCATION* IN THE KENYAN CONTEXT

In applying the concepts positive and negative freedom to the FPE policy in Kenya, I distinguish between FPE as education that is unregulated, FPE as liberating education, and FPE as education that is provided gratis. We shall refer to the first two as the specific sense and the last as the popular sense of FPE.

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## 4.1. The Specific Sense of FPE: Education that is Unregulated and/or Liberating

### 4.1.1. FPE as Unregulated Education

The normative concept of education presupposes the existence of norms, standards, or ideals. For instance, Richard Stanley Peters gives us three criteria which an activity must satisfy for it to be labelled education. They include the desirability (value), the knowledge and procedural conditions (Peters, 1966). Having undertaken what they consider to be a careful study of Peters' criteria of education, Njoroge and Bennaars (1986) concluded that education is a multidimensional concept; it ought to be offered in the cognitive, normative, creative and dialogical dimensions. Such conceptions of education imply that education cannot and ought not be free in the specific sense of being unregulated. In fact the very meaning of the term education calls for some degree of control as a way of ensuring what is provided in the name of education is indeed education.

Similarly, the aims or purposes of education in a society fall under what Njoroge and Bennaars call the normative dimension of education. For example, our eight national goals of education emanate from the Kenyan society: they are the ideals and aspirations of the Kenyan people which ought to be fostered in the immature Kenyans in and through education. Accordingly, the goals are teleologically set to anchor the theory and practice of education in the country.

The normative conception of education presupposes the existence of a regulator of education: the one whose responsibility is to set norms and ensure that educational theory and practice in the society adheres to the norms. In Kenya, the legal framework provides for governmental control of education as detailed in the sequel.

Since 1963, the government of Kenya has always had a grip on education. One of the first post-political independence policy documents, *Sessional Paper Number 10 of 1965* explicitly called for the:

Control of education (whether general or vocational) and educational institutions (whether community or individually owned) ... in order to ensure uniform standards and to relate educational development to the needs and resources of the country' (Republic of Kenya, 1965:54).

The second 1970 – 74 Development Plan mandated the government to continue exercising direct control over primary education by developing the curriculum, administering the Certificate for Primary Education (CPE) and ensuring quality through inspection.

Currently, the government of Kenya controls education mainly through the Ministry of Education, Science and Technology (MoEST) and its support institutions, such as the National Commission for Science, Technology and Innovation (NACOSTI); Commission for University Education (CUE); Kenya Institute of Curriculum Development (KICD); Kenya Institute of Special Education (KISE); Teachers Service Commission (TSC); and the Kenya National Examinations Council (KNEC). Occasionally, the government sets up commissions, task forces, committees or working parties to look into specific aspects of education. For instance, the KICD (established through the KICD Act, 2013 to replace former Kenya Institute of Education - KIE) has, *inter alia*, the mandate to approve the curricula support materials for all basic institutions of learning; develop, disseminate and transmit programmes and curriculum support materials through mass media, electronic and distance learning; and develop and review curriculum proposals (Republic of Kenya, 2013).

At times the KICD, which employs the services of some educationists, does not always have a free hand in selecting the content of education. The history of the country's education is replete with instances of some stakeholders rising in opposition to an aspect of the prescribed or proposed curriculum. A case in point is the sex education controversy: whether or not formal sex education should be taught in schools as a way of curbing the rise in teen pregnancy and HIV infection. In the ensuing debate in which the discussants were the government, school officials, religious authorities and parents, religious leaders spoke so loudly against sex education that the government had to backtrack on its proposal. The Church also opposed the prescription of Chinua Achebe's novel, *A Man of the People*, as a Form Four literature set book on the ground that it is pornographic. (However, a careful reading of the novel proves otherwise).

Presently, the government through the MoEST seems to be keener than ever before on tightening its grip on education. For example, in April, 2015, the education ministry through Legal Notice No 39 prescribed how primary and secondary schools should utilize the 24 hours of a school day explicitly ruling out, among other practices, dawn classes. In the same month, the MoEST gazetted the *Basic Education Regulations, 2015* proposing to usurp the powers of the Teachers' Service Commission (TSC) of hiring and firing head teachers (Republic of Kenya, 2015b). This has put the ministry at loggerheads with two teachers' unions: the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) as well as the TSC which has a constitutional mandate to appoint head teachers and principals and exercise control over them (Republic of Kenya, 2010 & 2012).

It is, therefore, apparent that neither the teacher nor the learner is absolutely free to choose what is to be taught and learned; how, where and when it is to be taught, learned and evaluated. Their freedom of choice is limited, for it has to be within the confines of what is already packaged by KICD, KNEC and other agencies in form of aims and objectives, content, methodology and evaluation procedures of education. The role of schools is to pass on the content of education as packaged so as not to exasperate the Education Standards and Quality Assurance Council (ESQAC) officers who are mandated to visit primary schools thrice a year and secondary schools once a year to see to it that these institutions comply with the set standards.

Thus, the teachers' exercise of freedom is limited to creative presentation of learning activities and formative evaluation of their learners' progress. Even though, a vast majority of them ritualistically transmit the packaged content of education to their learners. On their part, most learners resort to learning by rote what is transmitted to them so that they can reproduce it in their summative examinations administered by the national examining body, KNEC. Many schools mistake passing national academic examinations (e.g. KCPE and KCSE) for a goal of education. The mistake is a result of the pressure parents, politicians and even some education officials put on schools to 'produce academic results' by which they mean learners obtaining high grades in national examinations. Every year, upon the release of national examination results, incidents of parents and other stakeholders forcibly ejecting and even physically assaulting head teachers perceived to be too incompetent to 'produce good academic results' abound. Little wonder, cheating in national examinations in some of our educational institutions is commonplace.

### 4.1.2 FPE as Liberating Education

Some of these 'high level directives for education,' as Peters call them, and others not discussed herein are in tandem with a sound theory and practice of education. For instance, the ban on corporal punishment, holiday tuition and dawn classes (which hitherto has not been adhered to anyway) seem educationally sound, for such malpractices dehumanise the child. These and other acts of educational malpractices make education in the country analogous to what the Brazilian educationist and philosopher, Paulo Neglus Neves Freire (1921 - 1997), calls banking education and observes that it is an instrument utilised by those who control education (he calls them oppressors) to maintain the status quo.

Education thus becomes an act of depositing, in which the students are the depositories and the teacher is the depositor. Instead of communicating, the teacher issues communiqués and makes deposits which the students patiently receive, memorize, and repeat. This is the "banking" concept of education, in which the scope of action allowed to the students extends only as far as receiving, filing, and storing the deposits (Freire, 1970).

In the place of banking education, Freire proposes a dialogic-problem-posing education model (Critical Progressivism). It is liberating education which, Freire argues, does not consist in transferrals of content rather in acts of cognition. The model demands that the teacher and the learner encounter each other in mutual inquiry as co-learners. The inquiry proceeds dialogically its ultimate goals being the *conscientization* of the participants and transformation of the world. *Conscientization* is a process of liberation. Through it the learners are empowered to make their own decisions, and explore issues and possibilities, and critically consider their existence. Thus for Freire, education is the practice of freedom and liberation a praxis. In Chapter Three of *Pedagogy of the Oppressed*, Freire explains that praxis entails reflection and action both of which aim at the attainment of the learner's autonomy and the betterment of the world.

In his other work, Freire stresses the need for what he calls a ‘universal human ethic’ to inform the pursuit of learner’s autonomy (Freire, 1998). Consequently, he would not approve of radicalization of the youth (which is a form of indoctrination into some ideology), for such an ethic justifies racial, ethnic, xenophobic, or religious profiling which can result in acts of violence and terrorism perpetrated in America, France, South Africa, Tunisia, Kenya and elsewhere in the world. With reference to Kenya, three instances come freshly to the mind: the post 2007 election violence, the September 21, 2013 Westgate Mall and the April 2, 2015 Garissa University College terrorist attacks. The attack on Garissa University claimed the lives of 148 people 142 of them students. Although these attacks were aimed at fighting for certain ‘rights’ (such as democracy or territorial claims), as Freire would have put it, the resultant deaths and suffering of innocent people negate the universal human ethic.

Similarly, it would be a travesty of education to consider Kenyans who indulge in corruption, commit electoral and sexual offences or cheat in examinations as having been liberated in and through education. The corrupt (including the land grabbers) are not free from cupidity. The election malpractitioners are not free from power hunger. The defilers, rapists and bestialists are not free from lust which according to scientists has a different physiological basis from love. The exam cheats are not liberated from dishonesty. Such people are so engrossed in themselves that they hardly transcend their egocentric desires. As Plato would have put it, the appetitive aspect of their personality prevails over the rational one resulting in the vices they indulge in.

Thus, free education in the sense of liberating education that results in an autonomous educated individual entails fostering and learning worthwhile dispositions with the sense of responsibility as a legitimate internal regulator. Since most of the beneficiaries of FPE do not seem to have attained internal autonomy in the manner contemplated herein, it is tempting to conclude that the concept FPE falls short of a sound idea of free education in the sense of liberating education.

#### **4.2. FPE in the Popular Sense: Education that is Provided Gratis**

Before the Jomtien conference in 1990, the concept UPE was construed to mean universal schooling. After the conference, the conception changed to FPE. This was borne out of the realisation that school levies such as tuition fees, examination fees, personal emoluments, textbooks, and learning resources hinder poor households from enrolling their children in school. In 2005, the United Nations Children’s Fund (UNICEF) in conjunction with the World Bank launched the School Fee Abolition Initiative (SFAI). Its main goal is to assist world countries attain UPE through elimination of school fees and/or implementation of exemptions, subsidizations, and incentives to reduce education costs for the poor (2009: XV).

It is in this popular sense that the NARC government used the phrase FPE. Hence, in this popular sense, FPE refers to education that costs nothing on the part of parents and guardians; it is provided gratis by the government. This means that it is the sole responsibility of the national government or its devolved unit (such as a county) to give capitation grants to schools to enable them meet their expenses.

##### *4.2.1. The Cost of FPE: Government Expenditure*

Admittedly, the national government spends a lot of money on education. During the 2014 to 2015 financial year, The National Treasury in its Ksh.1.64 trillion budget allocated the education sector ksh. 294.6 billion (27.3%) out of which 13.5 billion went to FPE; 17.4 billion for Laptop Project to primary schools; digital content development, teachers’ capacity building and computer laboratories; 0.4 billion for school girls’ sanitary towels; and 2.3 billion school feeding programme (Midday meals in schools in Arid and Semi Arid Lands – ASAL and selected schools in Nairobi slums). In the 2015 to 2016 fiscal year, The National Treasury proposed to spend Ksh. 325 billion on education, out of which Ksh.14.1 billion would fund FPE and 17.58 billion to integration of ICT in education in lieu of the mired Laptop Project. With effect from 2015, the government relieved parents the burden of paying examination registration fees for KCPE and KCSE candidates. However, much of the government’s contribution goes to teachers’ salaries. The MoEST estimates the government’s contribution to the cost of primary education to be 80% and that of parents, 20% (MOEST, 2005).



### 4.2.2. *The Cost of FPE: Parents' Expenditure*

In his opinion article, 'How Kenya's education impoverishes families,' published in the *Daily Nation* newspaper of 25<sup>th</sup> March, 2015, Kipkoech Tanui submits that education accounts for much of the poverty Kenyan families wallow in. For instance, parents have to sell their possessions such as 'livestock, firewood, bricks, chickens and do all manner of menial jobs to get their children to school.' Although he was making special reference to secondary education in Kenya, the same observation, to some extent, applies to the cost of primary education in the country. The education ministry's estimation that the government meets 80% and parents 20% of the cost of primary education notwithstanding, in reality expenditure on the parents' part could be much bigger as it will become apparent in the sequel.

Primary schools in the country impose both official and unofficial charges on parents. The charges include, among others:

- 1) Educational Improvement Fund (EIF);
- 2) 'Co-curriculum' Activity Fund (CAF);
- 3) Tests and joint (mock) examinations;
- 4) Building/Development Fund;
- 5) Salaries of BOM/PTA employed teachers;
- 6) Placement interviews (tests);
- 7) Registration, Admission or Enrolment;
- 8) Supplementary teaching (extra-tuition) fees;
- 9) Transport & food during academic and other trips;
- 10) School meals;
- 11) Insurance;
- 12) Purchase & maintenance of school buses;
- 13) Furniture;
- 14) Mandatory school uniforms;
- 15) Stationery (e.g. pens, pencils, crayons, rulers, exercise books);
- 16) Health services;
- 17) Books (mainly reference books e.g. dictionaries, atlases, Bibles & class readers);
- 18) Teachers' 'motivation';
- 19) Harambee (Fundraising) contributions; and
- 20) Funeral contributions.

The government seems reluctant to reign in on head teachers who impose these levies most of which are illicit. [The same can be said about the subsidized secondary education where concerns about inflated and illegal levies compelled the MOEST to gazette new fees guidelines in March, 2015 (Republic of Kenya, 2015a)].

Evidently, there is still both official and unofficial cost sharing policy in public primary education in the country. Even the government itself through the Cabinet Secretary for The National Treasury in his 2015/2016 fiscal year budget statement to the National Assembly on 11<sup>th</sup> June, 2015 seemed to be cognizant of the existence of cost sharing in primary education. He hoped that the increased capitation would 'take us a step closer to making Free Primary and Secondary Education truly free' (The National Treasury, 2015).

Besides, external funding of the programme by governmental and non-governmental donors undermines the notion of the government providing FPE. The donor agencies which have over the years supported the FPE initiative financially (some still support the programme) include among others: The World Bank, the UK's Department for International Development, the Organisation of Petroleum Exporting Countries (OPEC), the Swedish government and UNICEF, and the Canadian International Development Agency (CIDA). Even the school feeding programme implemented in 1980 in schools in Arid and Semi Arid Lands (ASAL) with a view to boosting

enrolment and retention initially relied heavily on funding by World Food Programme (WFP) with the Kenyan government playing a supervisory role. However, in 2009, the government started playing a bigger role through the introduction of the Home-grown School Feeding Programme (HGSFP). Even after the government increased its funding, programme still relied on WFP and other donor agencies like the Japanese government for the success of the programme.

Further, the country's budget depends largely on tax revenues (Republic of Kenya, 2014). For instance, during the 2014 to 2015 fiscal year, The National treasury expected taxpayers to raise Ksh. 1.164 trillion to fund a Ksh. 1.64 trillion budget, while in the 2015 to 2016 financial year, the Kenya Revenue Authority was required to collect from tax payers Ksh. 1.358 trillion to fund a budget of about Ksh. 2 trillion. This raises the question as to whether it is the Kenyan government or the people of Kenya who fund the 'free' public primary education. Is there any fundamental difference between the government and the people of Kenya?

At independence, the first president, Jomo Kenyatta, talked of 'our government.' This seemed to be in concord with the former US president, Abraham Lincoln's (1809 – 1865) conception of democracy as 'government of the people, by the people, and for the people.' But later he changed the language to: *Sisi tulipigania uhuru. Mtu akifanya nyokonyoko, ataona cha mtema kuni* (We fought for our independence. If someone insults us, we will deal with him roughly). Similarly, each of Kenyatta's successors, including his own son, Uhuru Muigai, personalised the government referring to it as 'my government,' an admission that there exists a conspicuous chasm between the government and the people of Kenya, which undermines the notion of Kenya being a republic.

As a republic (indirect democracy), the government is expected to use the people's money on the principles of trust and justice to provide primary education for their children. However, the government time after time breaches this public trust. *The Transparency International Global Corruption Barometer, 2013* estimates that 37% (more than 15 million) of Kenyans are of the view that the education system is highly corrupt. This perception finds corroboration in the Ministry of Finance's audit report of 2011 covering the period 2005 to 2009. The report revealed that Ksh. 4.2 billion meant for the Kenya Education Sector Support Programme to fund FPE had been misappropriated. Part of the money did not even reach the schools, an indication that some government officials were accomplices in the scam. Following the revelation, some donors rethought their support for the FPE programme. So serious is the malady of corruption in the education sector that one commentator is of the view that: 'The fate of free primary education in Kenya is likely to be determined by its fiscal policy and safeguards against corruption rather than any existing or future legal guarantees' (Tomasevski, 2006: 39). Corruption in the education sector is regarded as a violation of children's right to education; as such it is a serious issue which the government should address as a matter of urgency.

### **4.3. The Quality of FPE**

Further to that, even if education were absolutely free in the sense of no cost at all on the part of parents and guardians, the problem of ensuring that it is quality education arises. Numerous studies have established that the introduction of FPE has compromised the quality of education mainly in the cognitive and normative domains. We have already seen that in the cognitive domain the Uwezo study report of 2014 established that a significant number of pupils reach Grade 8 before they master basic Grade 2 level literacy and numeracy skills (Uwezo, 2014). In the normative domain, numerous studies undertaken since the inception of FPE programme in 2003 associate the programme with the perceived upsurge in pupils' discipline problems (Ogola, 2010).

The failure to realize educational excellence in these two domains runs afoul of Njoroge and Bennaars' (1986) unitary concept of education. For them, education is a four-dimensional concept. It consists of the cognitive, normative, creative and dialogical (social) dimensions. Of course in arriving at the dimensions, they were heavily influenced by Richard Stanley Peters' criteria of education. In his book, *Ethics and Education* (1966), Peters gives us three criteria upon which any activity purporting to be educational ought to be evaluated. For him, education that is worth the name education should satisfy three conditions, namely the value (desirability), knowledge and procedural conditions. In other words, education entails both the fostering and

acquisition of worthwhile dispositions by means of justifiable methods weighable on a sound scale (Peters prefers public criteria).

The deterioration of the quality of education in public schools seems to explain the phenomenon of increased demand for private schooling. By 2015, there were about 2.1 million pupils in private schools. The number of private schools which offer pre-primary and primary education was more than 9000. This is contrary to the commonsensical expectation that the introduction of 'free education' in public schools would diminish enrolment in private schools. It has been observed that the influx of children (and a few adults) from poor households into public primary schools through the door made children from affluent families to flee through the window to join private schools. The well-to-do households do not wish to expose their children to a low quality 'free' education. In mitigation, it is claimed that though pupils in private schools seem to perform better than their counterparts in public primary schools in national examinations, most private schools do not satisfy Peters' procedural criterion of education. Those who subscribe to this view claim that most private schools drill their pupils to pass academic examinations.

On its part, the government seems to acknowledge the fact that most private schools provide 'better quality education' than public primary schools (as measured by KCPE examinations). But instead of seeking ways and means of improving the quality of education in public primary schools, the government introduced quotas whereby pupils from private schools are discriminated against in the selection of Form One students to national, extra-county and county schools. This instance of discrimination against Kenyan children in private schools legitimises the concerns of the Kenya Private Schools Association (KPSA).

Other than monetary and quality issues, there are numerous nonmonetary factors that keep children out of school. In recent times, insecurity has become a cause for concern. Rising insecurity occasioned by terrorist attacks and banditry has kept many pupils and their teachers away from schools in Northern Kenya. The security situation in this and other parts of Kenya is so grave that some stakeholders have suggested that the country should start providing security awareness education in institutions of learning.

## 5. CONCLUSION

This paper has by means of philosophical critical analysis established that the phrase Free Primary Education can be construed in the specific sense to mean either unregulated and/or liberating education, or in the popular sense as education that is provided gratis. Understood in the specific sense, the government through the MOEST and its various support institutions regulates the theory and practice of education. Other players in the education sector, such as religious groups and parents also have a say in the education of the young. Theoretically, the concept of education is normative in nature which admits some degree of expert regulation. But some governmental and non-governmental interventions may render education to be unduly unfree.

FPE used in the popular sense is also inaccurate because the cost sharing policy is still operative. Even the Kenyan legal documents, such as *The Children Act, 2010* edition, expressly state that the provision of education is the responsibility of both the government and parents. Cognizant of this fact, the MOEST estimates the government's contribution towards FPE to be 80% and that of parents 20 percent. Cost sharing is a natural principle that cannot be dispensed with. Being a parent or guardian implies certain ontological obligations among them the education of the children under their care. The government ought not and cannot in every respect take the place of a parent in the education of their children as Plato proposed in his utopian society. It can only make education for its citizens affordable by shouldering most of the direct charges. Towards this end, the Kenyan government has made some commendable progress, but to call it FPE is a misnomer. Besides, the government uses mainly tax payers' money and donations to fund FPE. Hence, even the 80% of the cost of FPE the government claims to contribute is spurious. Moreover, the deterioration of the quality of public primary schooling in the country, as numerous studies have established, annuls the ontic status of FPE as worthwhile education: one that satisfies Peters' criteria or Njoroge and Bennaars' unitary concept of education.

Hence, the thesis of this paper is that primary education in Kenya is not, will not and can never be absolutely free in either the specific or popular sense discussed herein. In other words, the notion of education being free in either sense is a logical impossibility. Therefore, it follows with logical necessity that the phrase FPE whether in the specific or popular sense, as used in the context of

FPE programme in Kenya, is a deceptive, misleading, propagandized concept for political gain. In a typical propagandistic manner, it was and hitherto is systematically spread and even sneaked into legal documents giving parents a false hope. This is in tandem with Harding and Stasavage's (2014) observation that in low income countries fee abolition policies are popular election agenda. In consonance, Harris' (1999) observes that education 'is a changing, contextual and often highly personalized, historically and politically constructed concept.'

Although the Kenyan government plays a crucial role of providing education to its citizens on the principles of trust and justice, there is an urgent need to involve accomplished educational experts in educational policy formulation so that such policies and interventions can be viewed, to use Hamm's (1989: 115) phrase, as 'justified infringements on freedom' of educational theory and practice in the country. This way, we will get rid of propagandized educational policies, practices and ridiculous phraseologies, such as Free Primary Education which has no referent.

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