

REFLECTIONS ON SOCIAL JUSTICE AND AUTONOMY OF UNIVERSITY SYSTEM IN RELATION TO DISTRIBUTION OF EDUCATIONAL BENEFITS IN NIGERIA

By

PROF TALATU MUSA GARBA

And

DR. MUBARAK A. SAULAWA

Department of Education

Bayero University, Kano

Nigeria

Abstract

Social justice in tertiary institutions connotes the idea of the distribution of educational opportunities or benefits to different groups of citizens in a country equally and fairly. However, this is met with several challenges that have to do with politics and leadership which undermines the autonomy of the universities in the event of discharging their constitutional responsibilities. The paper being of a thematic analysis type employs the philosophical research method of speculation and analysis to discuss the problems of the distribution of educational benefits in our universities while exploring through the utilitarian theory of welfare by Bentham and others. It was found that Nigerian universities are availed with several strategies for which they use to distribute educational places as well as resources but bedeviled with several challenges from the political class in managing these resources. It was concluded that the future is bright for the citizens if these universities are well funded and equipped with the necessary facilities to meet up with 21st century challenges of education.

Key Words: Autonomy, Distribution, Social Justice, Judgements in Education, Quota system, reverse discrimination, entitlement theory

Introduction

Autonomy is known to be a neoliberal concept which connotes the idea that individuals/organizations should be given the right to live/operate their affairs with little or no government intervention in the social contract. However, on personal grounds it may imply giving individuals the right to operate freely without restricting their ability to make legitimate choices without the interference of a government or superior authority. It is well known for some time now that Nigeria has introduced a lot of policies that have undermined the autonomy of Nigerian universities for which they were hitherto established with their governing councils. This can be seen from the section 2AA and 2AAA of the Universities Autonomy Act which was an amendment to the Universities (Miscellaneous Provisions) Act No. 11 of the 1993 to provide for the Autonomy of the universities and other related matters. Section 2AA for instance, states that “*The powers of the Council shall be exercised as in the laws and statutes of each University and to these extent establishment circulars that are*

inconsistent with the Laws and statuses of the University that shall not apply to the universities” and continuing in 2AAA that; *“The Governing Council of a University shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the country”*¹. However, with the introduction of the Treasury Single Account (TSA) and the Integrated Payroll and Personnel Information System (IPPIS) the autonomy of these governing Councils in the Nigerian university system has been stifled and made a thing of ridicule, this is because it has limited drastically the powers and rights of the Governing Councils in terms of appointment, promotion and discipline of the university staff and shifted to the hands of some political offices like those of the Accountant General of the Federation.

This and other matters such as the introduction of tuition fees to the universities and removal of revitalization funds forced the Academic Staff Union of Universities (ASUU) to go on strike for 8 months. But was this effort crowned with success or was it futile? It may seem futile as many conceived, having gone for a strike for such a long period of time with no tangible results to take back to its members but empty promises.² And now the consequences of such failure have begun to manifest on the introduction of tuition fees and forcing the ASUU members to remain in the IPPIS even though it has not captured all the peculiarities of the Academic Staff in all ramifications. The admission and distribution of educational benefits has also suffered from political setbacks in many respects. The infrastructure of the universities is also reported to be dilapidated to handle the challenges of the 21st century educational demands.³ These and other reasons made it necessary for the philosophers of Education Association of Nigeria (PEAN) to address the theme of Tertiary Institutions Autonomy and Social Justice for which this paper hopes to achieve in the clarification of the terms for appropriate understanding of the Nigerian populace. These concepts include, autonomy, social justice, Nigerian Universities Act, distribution of educational benefits etc. To these analyses, we shall now turn.

What is Autonomy?

Autonomy in a neoliberal parlance connotes the idea that individuals should be given the right or privilege to conduct their life, businesses or economic activities with minimum or no interference by the state or government. The concept is viewed on the premise that human beings are rational animals and hence, need to be given some form of freedom to operate with little or no supervision as this is liable to bring about innovation, competition and general progress and development. This is why it is sometimes argued as an aim of education for

¹ P. Ehi Oshio, *Autonomy and the management of Federal Universities under the Universities Autonomy Act*, (National Universities Commission) accessed October 16, 2023 from <https://nigerianlawguru.com/articles/labour%20law/AUTONOMY%20AND%20MANAGEMENT%20OF%20FEDERAL%20UNIVERSITIES%20UNDER%20THE%20AUTONOMY%20ACT.pdf>

² Channels TV, ASUU Suspends 8-Month Old Strike, Says Issues not Satisfactorily Addressed’, accessed 16th October, 2023, <https://channelstv.com/2022/10/14/breaking-asuu-suspends-8-month-old-strike-conditionally/amp/>

³ Okolo Michael Monday and Gregory Deborah Mallo, Higher Education in Nigeria: Challenges and Suggestions, *Middle European Scientific Bulletin*, 16, September 2021. Accessed October 23, 2023, <https://cre.ac.uk/download/480517313.pdf>.

which schools or curriculum experts are charged with the responsibility of designing a programme for that. J. S. Mill⁴ has probably had the most influence on liberal philosophy of education in the formulation of autonomy as an aim of education. His conception of autonomy is, however, controversial. Autonomy is usually more richly specified as rational autonomy since rationality is also thought to be a vital educational aim. In a school setting, by rational autonomy, it is meant the freedom given to students to exercise their rights as rational human beings in terms of choice and action to decide in some certain circumstances of their studies such as choosing the courses they want to study and also negotiating the convenience of their lecture timetables. We shall however, be more specific with university autonomy here. This is because it directly deals with the virtue of nurturing the best brains in the nation. Hence the need to give them such autonomy in order to lead the country in research and development for the good of all. The question however, is, are the Nigerian universities truly autonomous with the current integration of IPPIS? This is tantamount to undermining the productive capacities of the universities as they are stifled and choked to operate under the auspices of inexperienced politicians as to how the universities should be operated.

What is Social Justice?

The concept of justice as a matter of being a universal virtue culled from the Greek virtues of Idealism, simply put is rendering to Caesar what is Caesar's. This may connote being just, but with some implications as to what actually Caesar's is and who is Caesar? Socrates has for instance, in many respects tried to discuss the concept of justice in '*Euthypro*', '*Apology*' and '*Crito*'⁵ while trying to fathom the justification for his conviction and incarceration in the court of law, up to his execution by the jury of Athens. Justice in this regard could be seen from the dimension of law and the maintenance of order or the rule of law. This implies equality in the treatment of individual citizens in the state by the state for the sake of peace and tranquility in the society. This means, the act of being just is the process of dispensation of justice here. Justice is a moral concept that connotes judgment and assessment of some acts as to whether they are done the right way or not, this may lead to serious ethical debate which we do not have the time to discuss in detail, however, we need to be unambiguous as to what we mean by the concept here. By Justice, it is meant equality⁶ or equity, and by equality we mean fairness, that is the state of being equal.

Social justice, in contemporary politics, social sciences, and political philosophy, means the fair treatment and equitable status of all individuals and social groups within a state or society. The term also is used to refer to social, political, and economic institutions, laws, or policies that collectively afford such fairness and equity. It is commonly applied to movements that seek fairness, equity, inclusion, self-determination, or other goals for

⁴ Christopher Winch and John Gingell, *Philosophy of Education: The Key Concepts*, 2nd Edition (London and New York: Routledge and Taylor and Francis Group, 2008), 18.

⁵ trans. G. M. A. Grube, *Plato: Five Dialogues*, 2nd Edition Revised by John M. Cooper (Indiana Polis, Cambridge: Hackett Publishing Company, Inc., 2002), 1, 5, 15, 36, 39, 50, 54.

⁶ Adewale A. Adeleye and Daniel O. Adekeye, *Philosophy and Critical Thinking: An Introduction* (Ibadan: University Press PLC, 2016), 140.

currently or historically oppressed, exploited, and marginalized populations.⁷ Social justice in the university system borders around the politics of distribution of educational places or admission based on the principles of justice, equity, fairness and equal educational opportunities for all.

Furthermore, due to the controversies surrounding the meanings of justice, we shall divide justice into two parts: Retributive justice and social justice. Retributive Justice is the justice that comes legal matters in the court of law, just like the one Socrates of Athens was battling with. We have less to do with this type of justice in this paper. The other justice which is our major concern is distribution or social justice which is the justice that relates to matters of fairness in the distribution of any benefits among people in the society. With scarce resources in Nigeria educational system, how do we distribute educational benefits with fairness among Nigerians? Do we distribute education according to status, entitlements, competition or do we employ reverse discrimination? We take each one of these principles of social justice in turn and see the benefit or otherwise of using it as a means of distribution of education in Nigerian universities.

Distribution of Education According to Status

This is the situation where a person's social position or region is used as criteria for educating that person. This method of distributing educational benefit was rejected in the 19th century in the Western Society because of the demands for equality of opportunity, career was open to talents. But in Nigeria this principle of justice is still being used. Region of origin is still used as criteria for admission into our universities. The challenges we may face in this distribution include:

- a) Distribution according to status is inefficient on utilitarian ground, because the talent of the children of the poor is wasted.
- b) It is contrary to merit and needs. Those most capable of becoming educated are not given most priority in education.

Distribution of Education According to Entitlement

In a book '*Anarchy, State and Utopia*' written by R. Nozick⁸, it says any distribution of goods is just if the goods are acquired according to:

- a) A just principle of acquisition
- b) A just principle of exchange
- c) A just principle of compensation

Nozick favours free exchange and do insist that it must be done without force or fraud or coercion which is a threatening use of force. According to entitlement principles any free exchange is fair. We have the right to those goods if we acquire them through free exchange. No one has the right to remove our entitlement. A gift is also fair because each individual is

⁷ Duignan, Brian. "Social Justice". Encyclopedia Britannica, 21 Sep. 2023, <https://www.britannica.com/topic/social-justice>. Accessed 23 October 2023.

⁸ Robert Nozick, *Anarchy, State and Utopia*, (New York: Basic Books, 1974), 150.

free to give gift out of what he/she acquires freely and it is not by force or fraud. Entitlement theory gives freedom from interference from owners. Also no one can be exploited in order to maximise welfare of others. It is a theory which strongly emphasizes people's right. When applied to education, entitlement theory enables teachers to sell their services. This means knowledge will go to the highest bidder. This theory nullifies the willingness and ability of the parents to pay for their children's education. A just distribution of knowledge is any distribution acquired through free exchange, which paved way for private schools and extra lessons by teachers. Looking at the criticisms against this method we could see for instance, that Nnaji for and Ifeakor⁹ cited Vergas (2010) to have argued that the most significant shortcoming of the entitlement theory is that it is a construction without any foundation, as it is, it has very little, if any, practical value, stating that instead of providing an original principle of justice in acquisition, he ended up leaning on Locke's theory of property. Let us view some other criticisms from the following respects:

- a) Children without Resources: Children depend on their parents. The entitlement theory gives children no right on their parents. Parents have no obligation to the children. This means the children of the poor will remain without education since they cannot afford to pay for it. This is a problem.
- b) Punishment: Force and fraud are to be prevented by law, the state. Those that engage in force and fraud should be punished. The problem is those people or children that are poor and who have no resources are unable to acquire education hence unable to know the law. The question is can we justify their being punished for something they don't know? They will have known if they had been educated. Therefore, entitlement theory fails because it cannot make it possible for the people to know the law. If distribution of educational benefit through entitlement has so many problems then maybe we should distribute education according to competition

Distribution of Education According to Fair Competition

According to procedural theory of fair competition developed by Tom Tyler¹⁰ and his colleagues, any distribution of knowledge is just if it is the result of just procedure of distribution. What is just procedure of distribution of knowledge? The just procedure for distribution of knowledge is a fair competition. The question is fair if (a) no irrelevant restriction on entry (b) no special handicaps or advantage at start or during competition. Two problems emerge with this consideration: Which restrictions are relevant? And What are special handicaps or disadvantages? Related to our purpose of the competition, if we want to find the fastest runner among many people of the same height, then we forget about their ages and concentrate on their height. Furthermore using bicycle in running race is cheating but it is not cheating for a bicycle race because it suits our purpose.

⁹ Osita Gregory Nnaji for and Chinedu Stephen Ifeakor, "Robert Nozick's Entitlement Theory of Justice: A Critique", *Ogirisi: A new journal of African Studies*, 12, (2016): <http://dx.doi.org/10.4314/og.v12i1.8>.

¹⁰ John Hegan and Valerie P. Hans, "Procedural Justice Theory and Public Policy: An Exchange", *Annual Review of Law and Social Science*, 13, October (2017). <https://doi.org/10.1146/annurev-lawsocsci-121416-011426>

How do we justify fair Competition? Firstly, there is utility of consumers: Using initial argument, an examination is adequate (The main purpose is predication). The idea in examination is to select those who will be most successful. Therefore, the most successful candidate will achieve most. By achieving most he/she will maximise welfare e.g. Doctors.

Secondly, fair competition is increasing the autonomy of the individual (i.e. freedom), this is because it gives one the ability to plan for life. One can plan to become whatever one wants with hard work. But then, what sort of action will be rewarded?

Thirdly, looking at fair competition with respect to desert, we can see that those who work hard deserve the products of their efforts. The most deserving are the ones to receive what they seek in competition. A fair competition would aim at ensuring that success was as a result of effort and talent not social position. But talent is inherited. We still reject talent because of its social base? No the talents have to be used if it is going to lead to achievement of something. Talent is requiring effort in order to achieve. Although all the three points above are in favour of fair competition, having a weakness, each played a role and therefore a combination of all the three might justify the principle. Even though fair competition fails to maximise welfare, it gives us a better production than other methods. This also implies better productivity. Productivity is the main feature. The aim of productivity requires the competition to be relevant. One of the grounds of autonomy, in fair competition is there is no forced labour. This might increase productivity. One might decide to reject competition. Fair competition leads to the removal of underserved advantages and disadvantages. This might increase productivity as well as the justification for fair competition above some problems may still persist. For example do we apply fair competition at initial education that is the primary school? May be we need different principles e.g. conditions necessary for fair competition. Another problem is that when there is competition only the successful ones will be selected and those restricted by the competition could even enter the competition what do we do with them? What do we do with the disadvantaged group? May be we adopt reverse discrimination. But then, what is reverse discrimination?

Distribution of education according to Reverse Discrimination and Quota System

Reverse discrimination is a programme for the disadvantaged groups. The main idea is to compensate the disadvantaged groups and attempts to remove handicaps and advantages for future competition, and by introducing policies like quota system, catchment area, and preferential selection of individuals and so on. This method is considered as one of the best ways to give the disadvantaged groups equal opportunity to accessing education. Quota System and Catchment Areas is a method of identifying the disadvantaged group e.g. women, rural candidates etc. and reserve a quota of places for them at the university, for example; in this group the less successful in competition are given places in the educational system excluding more successful, better qualified candidates from other groups.

This method of distribution of education will produce a more equal and balanced education for the society. The methods also make better services to the disadvantaged areas. This method gives greater participation in government which is beneficial in national unity. The method also brings about development of minority cultures. But the procedure is opposed on

many grounds. It is unjust to discriminate e.g. not giving chance for somebody with higher marks. It affects the autonomy (freedom) of one to plan his life. It fails to maximize welfare as less competent are selected. Increase discount from the more advantaged group thereby bringing disunity.

Preferential Selection of Individuals is another method of investigating candidate's history to see whether they suffered from disadvantaged. The disadvantaged are given places with lower marks. This method is required by merit. This is not an argument for desert because it deals with past efforts. They fail because they were disadvantaged. On the ground of productivity (i.e. welfare) the disadvantage merit the place and it will lead to the maximization of welfare. This method too has its advantage: for example, there is the problem of cost. This procedure of distribution reduces gains of productivity because a lot of money will be spent to find out whether those disadvantaged have a history of being so. There is also a problem of recognition. How could we know they were thought differently, prescribe the disadvantaged and who are not. Another problem is can we compensate to over-come the disadvantaged?

Some of the programmes of distribution of education discussed above; are clearly justified, while others have obvious disadvantage. Schools' methods of distribution of education often conflict with maximizing welfare especially when resources are small. At times it is better to favour welfare than justice. For example, consider a case of three schools with 2 mathematics teachers.

A proposal for the Distribution of Human and Material Resources

From the foregoing, we can see that these are matters of educational judgement before we can decide which method is best in the distribution of educational opportunities in our universities and other higher institutions, it is important to clarify here what is meant by educational judgement and how it is done with some criteria to be established. Philosophy of education however, is concerned with the overall business of education as an enterprise, and more acutely with the soundness and coherence in making educational judgements. As argued by the philosophers of education cited in Doyle¹¹. Philosophy of education is a system in which the theoretical reasoning (philosophical) is merged with the practical reasoning (Education). But then, let us clarify what is meant by practical and theoretical reasoning here. But what are these educational judgements? Educational Judgments, e.g. "this is a good school", "the course is good", "the teacher is excellent in teaching etc. The basic judgment on education is based on:

- i) **Content** - What should be taught
- ii) **Method** - How it should be taught
- iii) **Distribution** - who is to be taught
- iv) **Control** - Who should decide?

Whenever we intend to pass judgement in education, the above criteria should come to our minds and we should be ready to give adequate reasons and proofs (justification) in a rational fashion free of

¹¹ James F. Doyle (Ed.), *Educational Judgements: Papers in the Philosophy of Education*, (London and Boston: Routledge, 2010), 1.

prejudice and bias. In summary, philosophy of education looks at the distribution of educational benefits in this light and tries to justify why things are done this way rather than that way. For a curriculum to be successfully implemented, it must be executed by both teaching and non-teaching staff in our schools, these are the human resources. While on the other hand, the material resources have to do with infrastructure and facilities that would ensure the successful accomplishment of the designed program (i.e. the curriculum). Let us then, look into decision making and the distribution of human resources.

Decision making and the Distribution of Human Resources

For the program of education to be successful, the right decisions must be made as to the recruitment of qualified teaching and non-teaching staff. These human resources include teachers, principals/head teachers, computer operators, cleaners, messengers, security guards etc. all of which form the required team to run the program successfully, they ensure smooth conduct and the provision maintenance services for effective implementation of the curriculum. Various agencies have been established for this purpose such as SUBEB, UBEC, TRC/MOE, FMOE/NUC, NCCE, NEB, NBTE, SSSMB etc., all saddled with the responsibilities of managing the human resources. Decisions on how many staff will be allocated to a school is taken by the agencies that control such school. This is however, met with a number of problems. Firstly, the human resources such as teachers, librarians, guidance counsellors, secretaries, gatemen and security are grossly inadequate. Secondly, distribution between Urban and Rural areas should be scrutinized by asking whether there is even distribution of human resources between schools, and if the human resources are ready to take up appointment in the rural areas. Are the teachers qualified for the job? (Some are not trained, yet are posted by the influence of politicians in a quid-pro quo agreement). Sometimes the recruitment is done on casual basis for a long period of time, and not all are absorbed. Inability of the agencies to provide more spaces for qualified teachers who are on ground despite the inadequacies. Guidance counsellors recruited, but posted as teachers. Problem also abound, when teachers of special subjects are not given priority in the recruitment exercise when those not so trained are forced to teach the special subjects (e.g. Mathematics/English/Philosophy).

Thirdly, on the distribution of material resources: philosophy in this light, seeks to assess the distribution of infrastructure (buildings), facilities (such as toilets, internet, laboratories, libraries, etc.), furniture, overhead costs, textbooks, teaching aids etc. The question is, are the decisions on their distribution well informed and fair? Some schools get more than the others. What are the determining factors in the distribution of material resources? Is it the school location (urban/rural)? Or is it population size of the school? Could it be school type? (Model, science, day, boarding). Whichever the of the factors that is considered, the most important thing to bear in mind is even development and utilitarianism of Bentham, that is, giving the highest good to the greatest number of people, most importantly, the theory of social justice must be given keen attention and that universities need to be autonomous in the effective dispensation of this this justice.

Conclusion

From the foregoing, we have seen that the universities are facing difficulties due to scarcity of space and inability to accommodate all applicants for different programs that they offer as specializations. A serious challenge is feared through the introduction of IPPIS which denies the exercise of university autonomy through its councils throughout the nation. The infrastructure of the universities is also reported to be dilapidated, and this has got to do with issues of lack of funding to employ more teaching staff and build more facilities to accommodate the teeming population of students applying into such various spaces. This forces the universities to think about so many strategies from which they can utilize in admitting such students by being just and fair to them so that everyone is given equal access to educational opportunity based on the National Policy on Education's goal of "a land full of bright opportunities for all citizens"¹². But is the government ready to finance and revitalize the Nigerian universities to attain such goals? The paper suggested ways in which we can take a comprehensive look at the strategies we can utilize to distribute human and material resources in our institutions and also gave us the criteria for passing judgment in education in order to know the best course of action to take when faced with such options with a consideration of the concept of social justice in our universities.

Bibliography

- Adeleye, Adewale A. and Adekeye Daniel O. *Philosophy and Critical Thinking: An Introduction*. Ibadan: University Press PLC, 2016.
- Channels TV, 'ASUU Suspend 8-Month Old Strike, Says Issues not Satisfactorily Addressed', accessed 16th October, 2023, <https://channelstv.com/2022/10/14/breaking-asuu-suspend-8-month-old-strike-conditionally/amp/>.
- Doyle, J. F. (Ed.), *Educational Judgements: Papers in the Philosophy of Education*, London & New York: Routledge & Taylor and Francis Group. 2010.
- Duignan, Brian. "Social Justice". Encyclopedia Britannica, 21 Sep. 2023. <https://www.britannica.com/topic/social-justice>. Accessed 23 October 2023.
- Federal Republic of Nigeria: *National Policy on Education* 6th edition. Lagos: Nigerian Educational Research and Development Council [NERDC] Press, 2013.
- Hegan, John and Hans, Valerie P. "Procedural Justice Theory and Public Policy: An Exchange". *Annual Review of Law and Social Science*, 13, October (2017). <https://doi.org/10.1146/annurev-lawsocsci-121416-011426>
- Monday, O. Michael and Mallo, G, Deborah. "Higher Education in Nigeria: Challenges and Suggestions", *Middle European Scientific Bulletin*, 16, September 2021. Accessed October 23, 2023, <https://cre.ac.uk/download/480517313.pdf>
- Nnaji-for, O. Gregory and Ifeakor, C. Stephen, "Robert Nozick's Entitlement Theory of Justice: A Critique", *Ogirisi: A new journal of African Studies*, 12, (2016): <http://dx.doi.org/10.4314/og.v12i1.8>.
- Nozick, Robert. *Anarchy, State and Utopia*. New York: Basic Books, 1974.

¹² Federal Republic of Nigeria: *National Policy on Education* 6th edition (Lagos: Nigerian Educational Research and Development Council [NERDC] Press, 2013), 1.

Oshio, P. Ehi. *Autonomy and the management of Federal Universities under the Universities Autonomy Act*, (National Universities Commission) accessed October 16, 2023, <https://nigerianlawguru.com/articles/labour%20law/AUTONOMY%20AND%20MANAGEMENT%20OF%20FEDERAL%20UNIVERSITIES%20UNDER%20THE%20AUTONOMY%20ACT.pdf>.

Translated by Grube, G. M. A. *Plato: Five Dialogues*, 2nd Edition Revised by John M. Cooper. Indiana Polis, Cambridge: Hackett Publishing Company, Inc., 2002.

Winch, C. and Gingell, J. *Philosophy of Education: The Key Concepts*, 2nd Edition. London and New York: Routledge and Tailor & Francis Group, 2008.