The Challenge of Academic Freedom in the Nigerian University System

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Abstract. This paper takes a cursory look at the extent to which the Nigerian university system has enjoyed academic freedom. It observes that within the framework of the National Policy on Education (2004), universities in Nigeria are expected to enjoy the traditional areas of freedom in the areas of selection of students; appointment of staff; teaching and research and determination of content of courses. The paper however observes that in spite of this commitment, universities in Nigeria have been facing many challenges, which make the achievement of academic freedom very difficult. It notes that universities have been hampered by the activities of some agencies, such as the Joint Admission and Matriculation Board (JAMB), which controls and monitors admission process into the universities and the National Universities Commission (NUC). The paper therefore concludes that for a university to meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power.

Keywords: Academic freedom; Nigeria; Universities.

1 Introduction

Fundamentally, the university exists to carry out the basic functions of teaching, research and services to the community. This is an indication of the fact that universities consist of people, who not only search for knowledge, but also disseminate the findings of inquiry to the larger society in order to improve the well being of mankind. Similarly, the primary and traditional role of universities, according to Odebiyi and Aina (1999) is the transmission of knowledge and training of human minds, as well as engaging in research activities which could lead to the advancement of knowledge. In the view of Okoro-Orubite, Paulley and Abrahm (2012), the university is a community of
scholars, which believes in the superiority of the mind over matter and insists that everything should be subordinated to the intellect. The university is therefore a place where concepts hallowed by age and tradition are subjected to severe scrutiny and knowledge grows through dissent, and not through compromise. Earlier, Varghese (2007) opined that universities play a crucial role in generating new ideas, and in accumulating and transmitting knowledge, yet they have remained peripheral to development concerns. Although no longer the sole generators of knowledge needed for development, through their research and teaching they help to produce expertise, manage development, engineer social transformation, and preserve social values and cultural ethos.

Accordingly, modern societies now entrust universities with greater responsibilities than ever before. Universities are charged with preserving the knowledge of the past and transmitting it to the next generation, education tomorrow’s citizens, professionals and leaders and fostering the discovery of new knowledge that may either strengthen or challenge established ideas and norms- all with the aim of deepening human understanding and bettering human condition. Universities also function as engines of economic development, foster technological and scientific innovation, stimulate creativity in the arts and literature, and address urgent global problems, such as poverty, disease, ethno-political conflict and environmental degradation (Bilkent University, 2005).

Indeed, the Fundamental Principle (4) of the Magna Charta Universitatum, describes the university as the trustee of the European humanist tradition; its constant care is to attain universal knowledge; to fulfill its vocation it transcends geographical and political frontiers, and affirms the vital need for different cultures to know and influence each other (quoted by Erguder 2010). In addition, Bilkent University (2005) and Okojie (2011) reported that at the international conference convened by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in 1950 in Nice, the universities of the world articulated three principles on which every university should stand. They are:

- The right to pursue knowledge for its own sake and to follow wherever the search for truth may lead;
- The tolerance of divergent opinion and freedom from political interference; as well as
- The obligation, as social institutions, to promote, through teaching and research, the principles of freedom and justice, of human dignity and solidarity.

Arikewuyo and Ilusanya (2012) further observed that the presence of a university is a factor that can make an area more attractive. It can be a factor in
the decision of skilled workers to migrate to an area, as they generally move to regions with a high concentration of human capital, and in the decisions of businessmen to establish firms in an area, as they can be influenced by the fact that it has a pool of highly skilled labour and research laboratories. Similarly, the presence of a university can promote the development of private research and attract other research laboratories.

Consequently, the importance of university education is underscored by all governments of the world. Here in Nigeria, the Federal Republic of Nigeria (2004) outlines that the goals of higher education, which includes university education, should be to:

- contribute to national development through high level relevant manpower training;
- develop and inculcate proper values for the survival of the individual and society;
- develop the intellectual capability of individuals to understand and appreciate their local and external environments;
- acquire both physical and intellectual skills which will enable individuals to be self reliant and useful members of the society;
- promote and encourage scholarship and community service;
- forge and cement national unity; and
- promote national and international understanding and interaction

However, for the universities to perform its functions properly, an element of freedom and independence is required. This is particularly because academics certainly need to be free from any form of interference from both internal and external forces in order to carry out its functions.

2 Concept of Academic Freedom

The concept of academic freedom has generated a lot of discussions across the world. This is as a result of the fact that due to recent global changes, as well as their regional and national socio-economic and political impact, the issue of academic freedom has gained new dimensions, possibilities and constraints. To that extent, the concept has been defined by many scholars and bodies.

For instance, Hagg (2009) quoted the Global Colloquium of University Presidents, to have perceived *academic freedom as the freedom to conduct research, teach, speak and publish. Subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.* Furthermore, the Lima Declaration comprehensively defines academic freedom in this way:
the freedom of members of the academic community, individually and collectively, in the pursuit, development and transmission of knowledge, through research, study discussion, documentation, production, creation, teaching, learning and writing (Fernando, Hartley, Nowaka and Swinehart, 1990).

In addition, Erguder (2010) conceived academic freedom as the right to teach what one believes, to espouse unpopular academic and nonacademic causes, to act upon knowledge and ideas as one perceives them without fear of retribution from anyone. It is also defined as the freedom of the individual academic to teach, to do research and to publish without any external influence.

At the Academic Freedom Conference, held in Alexandria, Egypt, between 10 and 11 September, 2005, it was observed that during the past two decades:

- The concept of academic freedom interacts with other social, economic and political processes on both national and international levels. A multidisciplinary approach taking into consideration the impact of global changes and the heterogeneity of African and Arab countries and societies has therefore to be considered as well as research to be conducted on the state of the art of academic freedom in the regions concerned. A search for indices, benchmarks and index for academic freedom and university autonomy in Arab and African states deserves further consideration.
- To determine to what extent the state interacts with academic freedom, it is important to consider the political nature of the state and the ability of the academic community to struggle to achieve academic freedom.

However, the legal concept of academic freedom originated from Germany where in 1850, the constitution declared that science and its teaching would be free (Standler, 2000). Even the post World War II German constitution re-emphasized that “Art and Science, research and teaching are free” (The German constitution of 23 May, 1949 article 5, clause 3). Many prestigious American universities like John Hopkins in 1876, University of Chicago in 1890, Harvard and Princeton, were evolved on German model of universities such as Gottingen and Berlin and the early concept of academic freedom was imported there though American constitution does not mention education (Standler, 2000).

The importance of academic freedom cannot therefore be ignored at the university level. According to Okojie (2011), academic freedom is important because it enables academics to think freely, to speculate and to experiment with new ideas. Important developments have been spearheaded by those people who think freely and creatively. It also engages the ethical responsibility of the individual and the academic community in the conduct of research, both
in determining the priorities of that research and in taking account of the implications which its results may have for humanity and nature. In addition, academic freedom should be a means of strengthening the principles of pluralism, tolerance and academic solidarity between institutions of higher learning and between individual scholars and students.

Furthermore, academic freedom benefits the society in two ways. According to Bilkent University (2005), it benefits the society directly and usually through the impacts and benefits of acquired knowledge, the training of skilled professionals and the education of future leaders and professionals, and the education of future leaders and citizens. It benefits the society indirectly through the creation, preservation and transmission of knowledge and understanding for its own sake, irrespective of immediate applications.

Secondly, by facilitating critical thinking and open discourse, academic freedom provides the foundation for the continued intellectual and social value of the university as a place of unfettered debate and the free exchange of ideas. It thereby enables universities to produce citizens equipped to thrive in and situation free and open societies.

Similarly, academic freedom allows the students and academics to study, learn, speak, teach, research and publish without fear or intimidation or reprisal, free from political interference, in an environment of tolerance for and engagement with divergent opinions. The teacher is therefore entitled to freedom in the classroom in discussing his or her subject, and when speaking or writing outside the classroom as an individual, the teacher must be free from institutional censorship or sanction.

Academic freedom requires institutional autonomy of universities, which enables them to preserve the human record of knowledge and ideas, to advance the discovery and interpretation of new knowledge. This autonomy also includes the right of the university to determine for itself, on academic grounds, who may teach, what to teach, how to teach and who may be admitted to study. Similarly, this institutional autonomy should determine the framework for statutory provisions that govern or impact universities.

However, it has been observed that academic freedom can be threatened from a variety of sources, both internal and external to the academic community. Thus, Bilkent University (2005) observed that most fundamental threats to academic freedom have often come from the state, whose political power and disposition to regulate often stands in opposition to the university’s needs need for institutional autonomy.

In addition, Al Shamsi and Hamada (2005) indicated that a prime area in which the right to publish is frequently threatened is the national security. Governments, in developed and developing countries place firm restrictions on the free flow of information especially at times of crises to safeguard national security. Other governments, especially in Arab and African regions, according
to them, restrict the freedom of information and right to publish, whether they face crises or not, under the guise of national security.

Consequently, this paper focuses attention on the extent to which the principle of academic freedom is being achieved in universities in Nigeria.

3 Federal Government Statement on Academic Freedom


i) select their students except where the law prescribes otherwise;

ii) appoint their staff;

iii) teach, select areas of research; and

iv) determine the content of courses.

Government shall continue to respect this freedom as long as these areas are in consonance with national goals, (Section 65(b) i-iv).

The above statement is an indication of the fact that the Nigerian government perceives academic freedom as a process in which universities and other tertiary institutions will be free to, among other things, select their students, appoint staff, determine and teach the curriculum of their courses, as well as carry out research activities without any form interference from the government.

However, the institutions are not totally free because the government will only allow this freedom provided they are within the ambits of national goals.

Discussing the democratic governance of Nigerian universities, Arikewuyo (2004) asked the question: “What constitutes non consonance with national goals? Any government could arbitrarily determine this”. This is a challenge to academic freedom in Nigerian universities.

4 Challenge of Academic Freedom in Nigerian Universities

Even though the government of Nigeria allows academic freedom in the universities, there are some challenges. As a matter of fact, the government itself has put an impediment in the way of this freedom with the proviso that it would only respect those areas of academic freedom if they are in consonance with national goals.

In the area of the admission of students, even though the universities are allowed to admit their own students, the government has given some guidelines
which must be strictly followed by the institutions. This is where the issue of quota system of admission comes in. Admission into Nigerian universities is under the auspices of the Joint Admission and Matriculation Board (JAMB). In other words, even though the universities do the selection of candidates, the entrance examination is centrally done by JAMB. According to Assien and Lawal (2007), JAMB came into being as a central testing and placement agency in response to the problems of individual universities regarding multiple applications by candidates as well as multiple admissions. With the establishment of JAMB, the placement of candidates into the universities take into account the vacancies available in each institution, the guidelines approved for each institution by the proprietors and other competent authorities and the preference expressed for each institution and courses and following certain stipulated guidelines. Recently, the issue of the carrying capacity of each university was also added by the National Universities Commission (NUC).

The admission of students into universities is based on certain guidelines. Arikewuyo (2004) recalled that at the meeting of the Federal Executive Council held on September 22, 2000, the government approved admission guidelines into the nation’s universities as follows: Merit 45%; Catchment area 35%, and Educationally disadvantaged states 20%. He further observed that the Nigerian government cannot discard the politicization of admission in the universities. The issues of federal character and quota system are no doubts impediments to academic freedom in the institutions.

According to Assien and Lawal (2007), admission on merit means that candidates with very high scores in the JAMB conducted examination are given first consideration for their first choice of course and institution before other candidates. Under the catchment area policy, all states of the federation are grouped into catchment areas of each university. It is also called locality which in most cases is the geographical and/or socio-cultural areas contiguous to the institution candidate apply to. Consideration is therefore given to students who fall within the catchment area of the institution. Some institutions have all the states of the federation as their catchment areas, while state-owned institutions have all the local government areas in their states as their catchment area. Talking about the educationally disadvantaged states, certain states in the country are considered as less developed. Candidates from these states are given special concession for admission. Thus, the universities assign lower cut-off marks to this category of candidates so that they can be given opportunity to forestall a lopsided development of education in the country. Arikewuyo and Ilusanya (2012) listed educationally disadvantaged states in Nigeria as follows: Adamawa, Bauchi, Bayelsa, Benue, Borno, Cross River, Ebonyi, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nasarawa, Niger, Plateau, Rivers, Sokoto, Taraba, Yobe, and Zamfara. Thus, by this system, it means that a candidate in the educationally advantaged state, who scores 250
out of 400, may not get admission into the university, while his counterpart from the educationally disadvantaged state, who scores less would be admitted (Motti, 2010).

There is no doubt that these government guidelines and indeed the principle of quota system of admission is a major challenge to academic freedom of Nigerian universities. Perhaps this is one of those issues government referred to as *consonance with national goals*. However, the system has been criticized by many scholars. According to Obilade (1992), the politicization of admission has the effect of forcing integration and eroding the autonomy of the university system (Obilade, 1992). Consequently, a university may be constrained to admit candidates who perform even below the cut off mark because such candidates come from educationally disadvantaged states. The implication of this is that the university system in Nigeria is not free from the political arena and that its admission process is determined not totally on merit, but by other political forces which are determined by the government in power and according to the National Policy on education, *except where the law prescribes otherwise*.

On the appointment of staff, the universities are relatively free. Each university has a governing council, which takes care of appointment, promotion and discipline of staff. Arikewuyo and Ilusanya (2010) have also observed that government in Nigeria does not often infringe on the power of the university councils to appoint, promote and discipline staff. However, there have been some cases, especially during the military era, when some lecturers were dismissed because the military felt *they were not teaching what they were employed to teach*. Olorode (2001) captured the picture of Nigerian universities under the military in this way:

> Universities suffered from arbitrary governance. Rather than being a place where justice and truth are to be nurtured, the universities triumphed on mediocrity and untruths. Promotion was earned through sycophancy and the admission procedure became systematically bastardised as wives, children and cronies of vice chancellors had their own admission quota without reference to the established procedure. University governance became unpredictable and university finances in shambles (p.32).

In addition, some governments in Nigeria have removed vice chancellors for not complying with military directives, to the extent that a Major General was appointed as a sole administrator in a first generation university. Ya’u indeed recalled that the appointment of Sole Administrators in Nigerian universities soon became a pattern with the appointment of Sole Administrators in ten universities since 1997. He observed that at the University of Nigeria, Nsukka, 180 academic staff were unilaterally sacked. Many of them were also arrested, detained and charged with arson. Arikewuyo (2004) also recalled that...
academics in many other universities have been retired, dismissed, arrested and detained in the past without being subjected to university rules and regulations. Ajayi (1989) quoted Professor Oluwasanmi, a former vice chancellor of a university as asserting that *actual interference in university affairs started in 1975. There was no question at all of any up to 1975, usurping the powers of Council to dismiss staff... this problem which universities find themselves with started in 1975.*

In that manner, Ya’u (2005) recounted that the first major assault on academic freedom in Nigeria was in 1978. That year, students in Nigeria’s tertiary institutions protested against government’s plan to increase feeding and accommodation fees. Policemen that were sent to quell the riots by the government shot and killed many students in the process. The government then unilaterally, without consultation with university councils and senates of the institutions closed them, sacked two vice chancellors, terminated the appointment of some Lecturers, expelled some student leaders and banned the National Union of Nigerian Students (NUNS). In addition, many cases of assault and intimidation on the academia were reported under the military regime between 1985 and 1999. Ya’u also recalled that the expectation of academics that civil rule would respect academic freedom was shattered with the case of 53 academic staff who were unilaterally dismissed at the University of Ilorin in 1999. Similarly, five Professors at the Lagos state University (LASU), who opposed the procedure the government adopted for the appointment of the Vice chancellor, contrary to that provided by the law, were dismissed on the orders of the state Governor. The Academic Staff Union of Universities (ASUU), has been banned and unbanned at several points in history by successive governments in Nigeria.

However, by and large, as far as staff issues are concerned Nigerian universities are relatively free, though there are some few cases about infringement on this aspect.

On curriculum issues, Nigerian universities are still experiencing some challenges. This is because curriculum and content of courses are relatively subjected to the approval of the National Universities Commission (NUC). As a matter of fact, a university cannot run a course except the course has been approved or accredited by the National Universities Commission. Part of the functions of the NUC is to lay down minimum academic standards in universities, to accredit their degrees and other academic awards; and ensure that quality is maintained within the academic programmes of the Nigerian University System. Thus, all academic programmes of a university must be approved and accredited by the NUC before they are commenced. The implication of this is that the Senate of a university does not have absolute power over the courses of instruction in the university. The NUC has also laid down Minimum academic standard (MAS) for all programmes in the university.
system. This is why from time to time; the NUC visits the universities to ensure that all courses are run in line with the approved Minimum Academic Standards (MAS). It is in this respect that Okojie (2011) observed that because there is no absolute freedom, universities are subjected to the scrutiny of their peers through the instrumentality of the accreditation exercises.

Perhaps the area where Nigerian universities have enjoyed academic freedom mostly is in the area of research. The institutions, whether collectively or as individual academics have been conducting research as well as advancing knowledge without interference or hindrance from the government. The Nigerian government has indeed encouraged academics to conduct research and publish the findings of such research endeavour without any hindrances. This fact was attested to by Okojie (2011), when he observed that universities in Nigeria have enjoyed freedom in this area because they determine what to teach, how to teach without the intervention of government. As a matter of fact, the Federal Republic of Nigeria (2004) agrees that all tertiary institutions (including universities) shall pursue their goals through teaching; research and development; virile staff development; generation and dissemination of knowledge; inter-institutional cooperation; dedicated services to the community through extra-mural and extension services; a variety of modes of programmes including full-time, part-time, block-release; day-release, sandwich, etc; Students Industrial Experience (SIWES); among others.

In the observation of ASUU, universities will suffer from the following dangers if academic freedom and institutional autonomy are debased:

- inability of universities to pursue sacred functions,
- scholars being forced to owe loyalty to the party in power, with the consequence of political consideration rather than concern for truth being the decisive factor in determining intellectual issues,
- loss of job security,
- university councils, becoming rubber stamps for government decisions, and
- inevitable fall of standards (quoted by Ya’u, 2005).

5 Conclusion

From the foregoing, it is clear that for a meaningful university education and for Nigerian universities to achieve the goals for which they have been established, it is imperative for them to enjoy the principles of academic freedom. In this case, the universities should be allowed free hands to govern themselves. In that case, the curriculum of the institutions would be guarded and monitored by their respective Senates. Although Okojie (2011) has
observed that absolute freedom may not be possible, the universities should still be allowed to be run according to universally acceptable norms and principles.

In that wise, the various organs of the university, such as Governing council, Senate, Faculties and Departments should be allowed to perform their statutory functions. The role of the Joint Admission and Matriculation Board (JAMB) in the admission process should be reviewed. Obnoxious regulations which compel the universities to admit students on quota basis should be discarded such that JAMB will only be a clearing house and coordinating agency for university admission. This is why Arikewuyo (2009) contended that part of the restructuring that the Nigeria university system needs is that each university should be allowed to conduct its own admission examination without any recourse to JAMB. By so doing, each university would be allowed to determine the criteria for admission as well as determine the quality of the candidates to be admitted. Similarly, while it is desirable for the National Universities Commission (NUC) to perform its duty of assuring quality in the universities, the institutions should still be free to regulate their course of instruction and curricula through the Senate of each institution.

Federal and state governments, especially Visitors to the universities need to imbibe the culture of democratic principles. In that wise the universities should be allowed to govern themselves according to the laws and acts that establish them. Fortunately, the Universities (Miscellaneous) Act, 1993, gives the Senate of each university, powers, among other things, to have control over teaching and research; admission of students; award of degrees, as well as promotion of research in accordance with university statutes and laws. Academic freedom should therefore be a fundamental human right of the universities. Consequently, now that the nation has returned to democratic governance since 1999, universities should be run in line with democratic norms. A situation whereby academics are summarily dismissed by Visitors without recourse to university councils should be discarded.

The Academic Staff of Universities (ASUU) has been in the forefront of protecting university autonomy and academic freedom in the country. Even though the issue has always been a major component of the various agreements with the union since 1992, successive governments in Nigeria have often breached this aspect of the agreement by infringing on the freedom of the universities to govern themselves in line with acceptable university norms. Even though the government agrees in the National Policy on Education (2004) that it would respect academic freedom by allowing the universities to select their students, teach and select areas of research and determine the content of courses, the clause, which says government shall continue to respect this freedom as long as these areas are in consonance with national goals, no doubt, constitute a major setback to the achievement of considerable academic freedom in Nigerian universities. There is therefore the need to amend this
aspect of the National Policy on Education so that the universities will be able to achieve the goals for which they have been established.

Finally, in the view of the Magna Charta Universitatum (1988), for a university to meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power.

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