

## **The Almajiri Right to Education and its Complexities**

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### **Abstract**

The intent and end of the law in all development efforts is to dignify the human person. Unfortunately, all the conversations about the age-long almajiri education system contravened the law and failed to boost the dignity of the poor northern child under the system. The desire to change the status of the almajiri has long been considered first with the introduction of the universal basic education which has been modified to fit contemporary expectations but it has failed to solve this problem. The enactment of the Child Rights Act was believed will address the fallen value of the Almajirai but the story has remained as it were. The introduction of the Almajiri integrated education system with supportive infrastructure by the Goodluck Jonathan administration was innovative, however it is today a story of failure. This paper examines the religious, ideological and political biases that have combined to undermine the post-2012 government efforts to redefine, redesign and empower this institution to align with the law and facilitate development that dignifies the Almajirai in northern Nigeria. The paper relies on secondary materials and uses content analysis to present the data. To adequately ensure the effective implementation of the Alma-jiri education system in Nigeria, it is recommended that there should be a holistic approach to full implementation and not conceived for selected states in Northern Nigeria.

**Keywords:** Almajiri, Child Rights Act, Development, Human Dignity, Rights.

### **Introduction**

The child represents the future hence an important component of the continuity of the human community. Although the child depends on adult supervision and guidance does not erode the need to respect the child's rights to be treated with dignity. Childhood is a social construct sustained by social processes (Bisht, 2008) that is conceived as a legal prescription, labour and social policy. The Nigerian Constitution

has no clear definition of a child, however, the definition of the child by the Nigerian Criminal and Penal Codes in S50 and S30 respectively from the angle of criminal responsibility (Abdulraheem-Mustapha, 2016) is vague. S277 of the Nigerian Child Rights Act (CRA) affirms that anyone below the age of 18 years is a child (UNICEF, 2000; Landsdown and Vaghri, 2022). Characteristically, a child is physically and emotionally immature, vulnerable, lacks autonomy and is socially dependent (Roz, 2012).

The family has a moral, religious and legal responsibility to lead the child properly by setting rules and ensuring that the child obeys them, respects authority and acts responsibly (Scott and Gordon, 2005). It is what the child learns from the family early on that influences how the child lives and relates with the community at large. Children have special rights because of their unique need for additional protection than adults. The rights of the child convocate the duties of maintenance, safety, and education by the parent to the child. These rights are crafted by UNICEF on four basic principles: i). non-discrimination (article 2); ii). The best interest of the child (article 3); iii). right to life and development (article 6), and iv). right to participation (article 12) (Santoso, 2017). Eugene Verhellen categorizes those duties into Provision (access to food, healthcare, education, social security); Protection (from maltreatment, abuse, neglect, all forms of exploitation); and Participation (having the right to act, be involved in decision-making) (Santoso, 2017). The argument that children should be seen as public goods revalidate the role of the government in protecting and providing for the child (Shively, 2008). Every child must receive a full dose of these duties and rights from their parent, community and state (Saeidi, et. al., 2014).

Society is a social association that exhibits a high degree of personal intimacy, emotional depth, moral commitment, social cohesion, and continuity in time (Scott and Gordon, 2005). These elements uphold the dignity of the child by enforcing the rights of the child to all-round development. The relationship experience the child gets from this kind of community determines the modes of the overall political relations (Scott and Gordon, 2005). The demand to enforce rights challenges state sovereignty and power by placing limits on what it and should not do, however, respect for individual rights enhances state legitimacy and reputation (Burnell, 2003). On the contrary, the failure of society to provide those positive experiences by enforcing those duties and rights has consequences for the child's well-being and appropriate social functioning. The absence of a responsible and responsive community majorly accounts for the public's failure to protect the child in contemporary Northern Nigeria as the almajiri system continues to boom unregulated.

Performing these responsibilities to the child in today's contemporary society means acting in tune with Constitutional provisions. The responsibility of the elderly over the child should not be a pretext for abuse. It is the right of all human beings to be treated with dignity given the constitution incites the

reverence of the population in the work of government (Alison, 2003). This is a legal entitlement attached to all persons equally by their humanity (Burnell, 2003). The Nigerian Constitution reaffirm human dignity as obligatory for a tolerable life and the child is not excluded from it. The protection of children in Nigeria appears entirely statutory as the Bill of Rights of the 1999 Constitution does not specifically protect children except to the extent that they may be described as human beings. This is the gap the Child Rights Act of 2003 is meant to fill with a clear articulation of how the child should be seen and treated. Oddly, its enforcement has remained problematic because of religious, ideological or political biases (Rothstein & Sorak, 2017).

The perpetuation of the current compromised almajiranci system is one of the disheartening religious biases accepted in Northern Nigeria (CHRICED, 2020). The acceptance of the undiluted form of the almajiranci system is enthused by the belief that mankind being the vicegerent of Allah on earth the search for knowledge is obligatory for every Muslim (Shittu and Olaofe, 2015) is to be cherished and not trivialised (Gomment, 2020). Ironically, due to the dubious behaviours of some stakeholders, the hitherto undiluted almajiranci system has been altered from being a pragmatic system that allows the child to get an education that is fit for purpose and socialises them to become productive and responsible members of their communities to undignified living (Joda, 2021). This system in its current practice nailed on the wall of dignity has failed on all fronts to project the underlying principles and value of human dignity.

The inappropriate living conditions of almajirai have attracted attention amidst the growing concerns about child welfare and rights in Nigeria. According to El-Rufai, the COVID-19 pandemic provided the opportunity to determine the state of the almajiri education (Premium Times, May 7, 2020). The indecorous state of the almajiri system is redeemable by the Child Rights Act (CRA) that has been domesticated by 24 states in Nigeria even though implementation remains foggy. The cries against the unwholesome practices associated with the system have been loud rather, the system still appeals to Northern religious and traditional elites despite its obvious ills (Obisesan, 2021). The question then is, what are the religious, ideological or political biases that have allowed the almajiranci system to flourish? The object of this paper is to examine those religious, ideological or political biases that have vitalised the almajiri system to thrive.

### **Human Dignity: A Pragmatic Search for the Meaning**

The word dignity is derived from the Latin word *dignitas* meaning ‘honour’ and ‘respect’ (Marcio and Mhe, 2017) or the word ‘Wurde’ connoting ‘inner worth’. elevation over the rest of nature by being free by ascribing a certain type of value that is absolute, inherent, incomparable, or unconditional (Sensen,

2009). Inherent dignity connotes individuality, rationality and autonomy, it is earned because of the merits of individual choices or reasoning to qualify. Humanity is dignity (Donnelly, 2009) and it ascribes in a person a sense of self-worth and self-respect and the respect of others (Cladea, 2020). According to Michael Meyer, there are: i) social dignity, derived from positions of high rank; ii) the virtue of dignity-settled disposition and attitudes that contribute to good moral or ethical temperament; and iii) human dignity understood in terms of the special moral worth and status held by a human being (Donnelly, 2009). For Mattson and Clark (2011) human dignity is a subjective experience of well-being, contingent on the collective sum of individual experiences of values (Cladea, 2020).

According to McCrudden human dignity conjures i) the claim about the intrinsic worth of the human person; ii) a relational claim about how others should treat human persons given their inherent value; and iii) a claim regarding the proper role of the state vis-à-vis the individual (Carozza, 2008). Since it is believed and presumed that the state exists for the good of persons by guaranteeing that human dignity takes precedence over all other norms in all cases it therefore means that state interference in peoples' choices and actions violates human dignity (Alexy, 2015). It is however essential given the presence of social political and economic inequalities which are threats to a peaceful society it means that interference is justifiable to balance unequal outcomes arising from changes as a consequence of those threats. It is for this reason that proportional interference is justifiable and constitutional (Alexy, 2015) to avert the breakdowns in modern regimes of power (Bennett, 2016).

Human dignity is the cornerstone of international human rights instruments (Andorno, 2009; Bo, 2014) but using the term dignity in the context of other fundamental rights makes the concept superfluous (Márcio and Mher, 2017). There is a derivate connotation that enables it to take whatever meaning actors want to give to it to justify their actions (Bennett, 2016). The vagueness and lack of precise definition (Andorno, 2009) of human dignity in international law documents (Bo, 2014) has left it susceptible to abuse and misinterpretation. If reasoned as self-justifying, primordial, and vulnerable, then, it is difficult to disassociate it from being an intrinsic permanent attribute of every human being, equal for all and having important practical consequences (Andorno, 2009). Given this prejudice, it is a way of thinking, acting, and relations in society that is uniquely valuable but a vulnerable object of care (Bennett, 2016) that must be preserved.

### **Human Dignity Principles**

Human dignity is nested on four principles: equality, physical and moral integrity, freedom and solidarity. Dignity as rights, duty and moral value is the true pillar of the law on which all legal norms are based

(Messetti and Dallari, 2018) with roots in positive law even though it is informal, flexible and pluralistic in its relationship to local law and culture (Carozza, 2008). It is reinforced by legal and moral thought that is strengthened by egalitarian claims (Riley, 2015). The most important aspect of its conception is its emphasis on formal equality and its incompatibility with perfectionism (Riley, 2015). It is required to be distributed in tandem with the principle of equality to produce a fair balance in the relationship between two or more persons or groups regarding some aspect of their lives (Acharya, 2012).

Human dignity invokes freedom, will and liberty (Ehsan, et, al., 2020) and has consequences for freedom, justice and peace. On the other hand, moral dignity is synonymous with honour though it is not about the existence of the persons, but about their behaviour about their ability to freely choose good and to contribute beneficially to their own lives and the lives of others (Donnelly, 2009). This form of dignity makes a person irreplaceable. Moral dignity is not about the existence of the persons but their behaviour; it is the outcome of a virtuous life lived by moral principles (Andorno, 2009). This kind of dignity is unequal and it is gauged by the individual behaviours and actions. The underlying idea here is that moral dignity is attained and preserved by freeing oneself from disturbing emotions, especially desire, fear, pleasure, pain, and anger (Bo, 2014). Thus dignity arises from one's ability to exercise control over vulnerability and humiliation that evolves from individual weakness, the society, or the environment.

The equality content of human dignity empowers people to pursue their life goals while respecting the dignity of other members of the community. This implies that one's dignity is connected to the recognition of others' dignity (Marcio and Mher, 2017). Its relational content professes that individuals should live in society not thinking of themselves as subjects possessing rights to make claims on the other, but should have reciprocal commitments to mutual love and care for each other (Bo, 2014) and the environment (Baumann, 2009). The absence of reciprocity generates inequality and unequal relations where some persons are violated by others while others are protected from violation (Kirchschlaeger, 2020). Preserving human dignity is galvanized by respecting the rights and liberty of others (Loizides, 2017)

The universal character of dignity is reflected in its intrinsic worth (Monsalve and Román, 2009; Bo, 2014; Messetti and Dallari, 2018) while the cultural (social) relative dimension is behaviourally expressed. The former is obtained by birth as a human being and should be accorded the highest respect and care (Andorrno, 2013; Bo, 2014). The other is evidenced by the expression of certain behaviours in diverse social environments (Marcio and Mher, 2017). Human dignity raises one's level of respect if the individual is committed to a higher standard of duty considering that duties are the other side of the coin of rights (Bo, 2014). It sees humans as a political animal, imago dei, and the human person. The first two

elements are concerned with duties and norms of fitting behaviour and dominion while the last component is linked to universality and legal rights (Riley, 2015). In aristocratic societies, dignity was not a universal principle to be given equally instead it was a particularistic principle of hierarchy in those societies (Donnelly, 2009).

Dignity is allied to respect (Baumann, 2009; Andorno, 2009) and respect for persons is mandatory (Loizides, 2017). Mill pointed to two kinds of respect: first, respect is associated with a feeling of approbation; and second, respect should be associated with the recognition of what is good for all members of a society, irrespective of approbation (Loizides, 2017). Conversely, appraisal or evaluative respect is a kind of esteem derived from having a positive or favourable attitude towards a person as a moral agent. That is, appraisal respect comes from the evaluation of a person's character or conduct; it reflects in how a person's character, conduct, and achievements fare well in comparison with a standard of (moral) excellence (Loizides, 2017). Whereas one cannot demand appraisal respect, one can demand recognition respect. Recognition respect demands a person's treats another person respectfully irrespective of variance in character traits, merits or accomplishments. The object of recognition respect is dignity or authority, recognition respect concerns how our relations to a bearer of dignity or authority are to be governed (Loizides, 2017) and is the essence of human dignity.

### **Human Dignity and Rights**

The law creates social order as human relationships are governed by just principles where the rights of each individual and the common interests of society are guaranteed (Andorno, 2009, Riley, 2015). It embodies those moral requirements that enable individuals to abstain from behaviours that do not respect the valid claims of others or actions that fall short of human ideal (Loizides, 2017). Human Dignity is the foundation of law (Kirste, and; Marcio and Mher, 2017) with the object of preventing violations or providing redress for violation. Though the law promotes freedom, the law aims to limit unwanted consequences of freedom by sanctioning unwanted conduct or by deterring people's actions to undermine the freedom of others (Messetti and Dallari, 2018). The protection of human dignity validates the protection of individual autonomy by limiting the powers of government by guaranteeing fundamental rights, inhibiting humiliating treatment and anti-discrimination, strengthening personal integrity and freedom of choice, privacy and minimum conditions for decent life (Marcio and Mher, 2017). Human rights reinforce human dignity by balancing all forms of dignitarian counter-politics (Bennett, 2016) that account for the degeneration of rights by guaranteeing the:

1. freedom of every member of society as a human being.

2. equality of each member with every other as a subject.

3. independence of every member of the commonwealth as a citizen to actively pursue happiness and enjoy their lives in their community (Messetti and Dallari, 2018).

Human rights empower people to live in dignity given it is the mechanism for realizing the dignity of the person (Donnelly, 2009). They espouse a specific logic of intervention that is protectionist which is crucial for expanding human fortunes. Human dignity reinforces human rights and vice-versa. It is the ultimate value that gives coherence to human rights (Donnelly, 2009). Human rights are expressions of dignity's intrinsic obligations (Bennett, 2016) targeted at mitigating or eliminating human vulnerability that threatens human autonomy and prosperity. They are the bulwark for the protection of our normative agency (Follesdal, 2017). When the violation of human dignity is unavoidable human rights inform and energize efforts to compensate those whose vulnerability was transformed into concrete violation (Kirchschlaeger, 2020).

### **Human Dignity as a Development Instrument.**

Dignity is aligned with self-respect and not unconnected to self-development necessary for achieving economic dignity- the capacity of the people to freely make choices (Brown, 2020) that will perpetuate human agency driven within the framework of liberalism. Liberalism undermines any effort by the sovereign nation-state to degenerate into a state of nature characterized by insecurity, disorder and brutality (Heywood, 2006). In this case, the state's use of power is concerned with influencing the production, distribution, and use of resources in the course of social relations (Heywood, 2008; Shively, 2008) fairly to enlarge peoples' opportunities to live humanely (Enslin, 2014) and with dignity (Todaro and Smith, 2005). This is dependent on the ability of the people to seek, see and utilize opportunities maximally which strengthens their capability to preside over their interests and concerns (Kirste, nd). If this capacity is undermined, human dignity is also violated because the people's ability to meet their basic needs is threatened. Power if not properly used does not only generate inequality but disempowers those with no access to state power. The political power play is supposed to equalize opportunities for everyone such that privilege or disability is not tilted unfairly against one group alone. In Nigeria, it is evident that capricious use of power has exacerbated poverty and its associated child indignity.

Looking at it from the angle of poverty, children from families of low economic status become responsible and self-reliant at a much younger age than their more affluent peers (Roz, 2012). In such an environment, once a child is physically capable of undertaking work, they are expected to help out and take on adult roles without considering their age (Halarambos and Holborn, 2008). This belief has

permitted child labour to persist which in turn has given rise to all forms of child exploitation all around the world. The various forms of abuse poured on the child only expose in practical terms people's failure to accept that the child at that early age already contains a man's personality that should be dignified (Halarambos and Holborn, 2008). The failure to recognize the worth and dignity of the child is a flagrant display of social injustice (Loizides, 2017). The Nigeria constitution ascribes equal moral worth to all human beings yet it is not extended to all, and sadly so, the child is exploited and abused. Child abuse is a reflection of unequal power relations and a pointer to the abuse of power between different age groups (Scott and Gordon, 2005) as equality for all is far from perfect (Loizides, 2017).

The CRA by its provision is the main cathedral of hope for strengthening the dignity and enriching the wellbeing of the Nigerian child. S1 emphasizes the pursuit of the best interest of a child to be pre-eminence, while S2 crystalize around protection and care for the child's well-being. S274 (1) and (2) assert the Act supersede and prevail over other enactments about children. The CRA subsumes the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child (ACRWC) (Arowolo, 2018). These three child rights instruments seek:

1. Protection from violence, abuse or neglect.
2. Education that enables the child to fulfil their potential,
3. Raised by, or have a relationship with, their parents,
4. Express their opinions and be listened to.

The Act conforms to the high standard of justice and goodness (Loizides, 2017). The starting point for realization of the Act's goal for the child is inclusive education which will imbue in him/her discipline, attachment and autonomy. These attributes embolden them to exercise their authority and resist negative energies and impulses that are likely to undermine their well-being and dignity. Second, education develops in the child a sense of devotion to society and its moral system. Lastly, education is necessary for the development of autonomy, a sense of individual responsibility for our actions (Ritzer, 2008) and functioning- that is, what a people can do with the capabilities they possess or control. While capabilities relate to the freedom a person has in terms of the choice of functioning, given his/her features. The freedom of choice, or control of one's own life, is itself a central aspect of well-being (Todaro and Smith, 2005).

Education helps children to identify their endowment as well as aids them to develop the right moral attitude towards society (Ritzer, 2008). The development of personal worth occasioned by education is a reward in itself because it galvanizes respect for the individual and others (Loizides, 2017) while also energising people to willingly respect societal laws necessary for an orderly society. The ability of the

child to partake in community life will be extremely difficult without this mindset (Todaro and Smith, 2005). The self-discipline it demands from the individual elicits his/her free desire to attach to a society based on the virtue of enlightened assent (Ritzer, 2008). The capacity of children in later life to develop and prosper rests on what they can do because of their access to broad and deep education (Todaro and Smith, 2005).

### **Islam and the Child Rights Act (CRA): Their Compatibility with Human Dignity of the Child**

In International Human Rights law children's rights are not only classed into the general human rights as adults but they also have special human rights that protect their specific vulnerabilities as children. Those rights are first, empowering - those that see children as autonomous persons under the law; then, second, protective - those that place a claim and duty on society to protect children from harm given their vulnerability and dependency (Saeidi., Ajilian., Farhangi and Khodaei, 2014). The child rights guaranteed in Islam are aligned with the Convention on the Rights of the Child (CRC) adopted by the United Nations General Assembly in 1989 S34 by specifying and placing great emphasis on children's rights and responsibilities (Santoso, 2017). In Islam, those child's rights are given by God evidenced by the Quran's emphatic proclamation that, Allah did not only create humans in the best form" (Al Qur'an, Surat At-Tin (95) – Verse 4) but also dignified the children of Adam and privileged them far above many of Our creatures" (AlQur'an, Surat Al-Isrā (17) – Verse 70). As such, everyone must be treated with dignity. Hence, anyone who violates the child will be held accountable for their actions against the child (Houmine and Loudghiri, 2023).

Islam ascribes the child's rights to social rights with dual junctures that is, before and after birth. The social rights before birth include the right to a noble parent having character and the right to an unborn child while the social rights after birth include rights to lineage, suckle and nutrition, and being received by the Muslim society. The educational rights cover rights to life, general care and socialization as well as basic education, just and equal treatment, and physical education. The financial rights encompass rights to livelihood, property and inheritance. Islam guarantees not only the rights of children but imposes certain duties on the parents. There are approximately 66 rights of the child that are divided into 25 Surats in the Qur'an is more extensive than those conferred by the United Nations Convention on the Rights of the Child (Houmine and Loudghiri, 2023). In Nigeria, the Constitutional right to dignity of the human persons insulate everyone from disrespect, torture, servitude and forced or compulsory labour S34-S-1 (a), (b), (c) of the 1999 Nigerian Constitution have been recoiled into the CRA of 2003.

**The Almajiri System: A Summative Reflection**

A seasoned review of the meaning of almajiri has been elaborately explored by (Hoechner, 2014; 2015; Onitade, (2015); Okonkwo, (2022)). This paper's emphasis is on interrogating why efforts to align it with the CRA and the introduction of the almajiri model school system have failed to produce the desired outcome. The almajiri system is contemporaneous with the history and practice of Islam in Northern Nigeria. It is the traditional way of acquiring and memorizing the Holy Quran from Mallam by an almajiri (pupil) (Onitada, 2015). In its pure form, the almajiri dwells with a mallam to build knowledge with devoted maximum servitude and apprenticeship towards the words and teachings of such a scholar. In return, the Mallam is expected to cater for the Almajiri's needs until graduation (Obisesan, 2021). Hitherto, the parents of the almajirai and their host communities shouldered the responsibility to feed, shelter, and cloth them (Gomment, 2020). The system of Zakat, Government treasury, and other endowments or charities (Sarkingobir, et. al., 2019) contributed to providing and sustaining a dignified study environment for almajirai. Over time, the traditional almajiri system was tainted (Saheed, 2022) as almajirai have to fend for themselves by whatever means possible. Its current practice contradicts the spirit and letters of the CRA and the standard requirement of the regulated formal school system that demands the pupil learn in a dignified setting.

About 10 million almajirai in northern Nigeria are acquiring Islamic knowledge under extremely austere living conditions (CHRICED, 2020) with no life-rejuvenating facilities. Their learning environment is unamiable as pupils sit on bare floors or torn mats. Their classrooms also serve as sleeping hostels with no protection from the elements, worse still, some of the pupils live on the street (Muzzammil, 2023). The predominant method of teaching under the almajiri system is coercive, as the beating is frequently used as the main instrument for eliciting almajiri obedience (Sarkingobir, et. al., 2019). Reports of discovered torture chambers for punishing erring almajirai in Kaduna, Kano, and Katsina states in 2019 showed the level of rotteness in the age-long celebrated institution (Hansen, 2016). Their living and learning spaces are unkempt and unhealthy as open wells and streams are the only sources of water for their use. Poor supervision coupled with the absence of good sanitary practice by almajirai makes them the leading apostles of open defecation in Nigeria. All these anomalies account for their increasing health-related problems (Okonkwo, 2022; Muzzammil, 2023).

While the almajiri system is commended for inculcating moral and Islamic religious knowledge it is however linked with rogue behaviours and social problems (Gomment, 2020) with a consequence for high rate of death among almajirai in Nigeria (Shittu and Olaofe, 2015). Those ill behaviours are reinforced by the fact that most of the Mallamai are poor with little or no support hence they rely on the

proceeds of the almajiri unhealthy activities to survive (UNICEF, 2020). Almajirai's rogue behaviour is explained by the economic deprivation theory which holds that economic deprivation induces psychological distress evidenced by frustration and aggressive interactions with consequences for child deviant conduct trajectories (Sosu and Schmidt, 2017). This extreme circumstance pushes people towards extreme behaviours that make them easy recruits by criminal organizations (Muzzammil, 2023) and amoral political groups in Nigeria for destructive purposes (Amuda, 2021). While not all children living in economic hardship and deprivation display conduct problems, a disproportionately high number of children with conduct problems tend to come from families living in poverty (Sosu and Schmidt, 2017). Almajirai are the most threatened and vulnerable set of people in Nigeria. The numerous social vices that are linked to the almajiri system are disturbing but, offloading the blame for the worsened Nigeria's violence and militancy on the almajirai alone due to the presumed backwardness and conservatism of the almajiranci system is problematic (Hoechner 2014).

The almajiri system is disempowering evidently because the system does not prepare them for agency and autonomy or a modern workforce (Amuda, 2021) as inclusive education does. An inclusive educational system promises its recipient a flexible lifestyle, labour mobility and the individual's ability to make personal decisions that are grounded on the individual's evaluations of the situation and the ability to do so without excessive external influences. Autonomy encompasses reason, independence and choice. Reason denotes the mental capacity to make informed choices. Independence means the absence of coercion or external manipulation as part of the decision-making process, while choice in this sense means the actual presence of alternatives to choose from (Karklina, 2020). Only very few have the privilege of learning handwork and thrift from their mallam. Sadly, neither the Federal Government nor the State Governments in Nigeria recognized the almajiri education or employed graduates of the system (Saheed, 2022) simply because the system failed to provide adequate educational outcomes (Muzzammil, 2023).

The lack of practical skills by most almajirai required them to contribute meaningfully to modern society to earn and have a sustainable livelihood to account for their low status in later life (Hoechner 2014). This defect seems to link the almajiri system to unemployment, poverty and youth restiveness (Usman and Romle, 2015) as graduates are unlikely to sustain a life less precarious than the one they grew up in. The greatest potential of its graduates for economic activity is their place within Nigeria's prayer economy (Hoechner, 2018). Those who prefer a dignified means of livelihood end up with low-paying menial jobs. Others who are comfortable with life on the street continue to beg throughout their lives. The luxury-loving ones serve as political yobbos and live on handouts from unscrupulous politicians (Shittu and Olaofe, 2015). Inversely, Babagana, et. al., (and) believe that the almajiri system has a strong and positive

impact on the child, family and the nation at large. This is debatable because available data indicates it is bereft of sufficient evidence of development (Saheed, 2022).

### **Redeeming and Reinforcing the Almajiri Education Regime: The Road So Far Travelled**

The first epic effort by the Nigerian government to universalize education for all Nigerian children was evident in the enactment of the Universal Basic Education (UBE) Act. The act informed the unveiling of the Universal Primary Education scheme in 1976 which made basic education mandatory, free and compulsory for all school-age children. The Act was framed in the National Policy on Education in 1977 which was altered in 1981 and 1990 to capture the changing complexities of providing standardized education at those levels in a constraint society. The rejigging of the UBE in 1999 which birthed the UBE Act of 2004 in Part 1-S2 (1); S2 (2) reinforced every child's rights to access primary and junior secondary school education while it also made it the duty of every parent to ensure that the child has these layers of education in Nigeria. As plausible as those efforts were the almajiri school system and its gory activities that limited the child's proper development and functioning persisted.

The desire to change the infringement of the almajiri rights to basic education impelled President Jonathan Goodluck's administration in 2012 through the Universal Basic Education Commission (UBEC) to unveil the national Almajiri Integrated Model School policy to transform the old almajiri school system. The policy design aimed to integrate Qur'anic schools into a formal school system with a defined curriculum that provides religious and skill-based education to the almajirai. This 2012 initiative was intended to increase access to inclusive education, specifically for the 10 million out-of-school children in Northern Nigeria (Jah and Gofwa, 2021). The change was necessary because the almajiri system did not work for the children in northern Nigeria (Premium Times, May 7, 2020).

The integrated school system incorporated three elements which are: first, the change element integrates the almajiranci system into the formal education system within its original location thus meeting the child's need for social inclusion and enhanced well-being required for proper development (Amuda, 2021). The second change element is the establishment of model boarding schools to serve a group of Tsangaya/Qur'anic schools within a given location. This will take care of the health and feeding needs thereby eliminating the unhealthy behaviours associated with the old almajiranci system. The National Home-Grown School Feeding Programme was part of the Social Investment Programme aimed to provide free school meals with food procured from local smallholder farmers, to 1) improve child nutrition, 2) increase school enrolment and completion, and 3) strengthen local agricultural economics (CHERICED, 2020; Jah and Gofwa, 2021). The program increased primary school enrolment even though the quality

and quantity of the food given to the children in the very few schools implementing the programme is poor and efforts to improve it have been thwarted by official corruption (the Guardian, May 13, 2022).

The third change element incorporated basic education with already established Islamiyyah and Ma'ahad schools (Onitada, 2015). The non-formal education component of the integrated school system provided Qur'anic education with a strong foundation in recitation of the Qur'an and Islamic study (Yusha'u, Tsafe, Babangida & Lawal, 2013). The formal component offers core subjects like English, Science, mathematics, and Social Studies together with Hausa, Computer, PHE and Handwriting under a formal education system. It also included the provision of vocational skills such as Agriculture, Trade, Commerce, Handcraft, Mechanics, Vulcanizing and Islamic Calligraphy among others. The system was designed to enable almajirai to acquire Qur'anic and basic formal education that will improve their socio-economic condition (Amuda, 2021).

Structurally, the intention was to build 125 Al-Majiri model schools in 27 states across the country. But as of 2014 when those schools were slated for commissioning only 64 out of 89 and 35 of 64 were completed and furnished by UBEC and TETFund respectively. The completed schools built in Adamawa, Borno, Gombe, Bauchi, Yobe, Jigawa, Kaduna, Sokoto, Zamfara, Kebbi, Oyo, Osun, Lagos, Ondo, Ekiti, Edo, Rivers, Kogi, Niger, Katsina, Taraba and Nasarawa States and handed over to those state governments for immediate pupil enrolment and use. The good intent of the Jonathan administration was frustrated by some state governments who deliberately starved the scheme of funding thereby allowing it to die a natural death (Shittu and Olaofe, 2015). After defeating the almajiri integrated school system championed by former President Goodluck Jonathan's administration, the Muhammadu Buhari administration introduced the National Commission for Almajiri Education (Daily Trust, June 8, 2023) with no action or result to show.

### **Almajiranci System: Interrogating the Biases that Undermined its Success of the New Scheme**

The main challenge to the plan by the government was the resistance from Mallamai who saw the new development as depriving them of their source of livelihood. They are unemployable in public or private organizations as they are not certified by the federal or state government. The shifting economic space that has obliterated the capacity of the community and parent of almajirai to assist and supervise the Mallamai has emboldened the latter to exploit almajirai in their custody. The Mallamai who are products of the same system receive no salary but live off the support given to them by the local community, the alms received in exchange for their spiritual services, the contributions of their students and supplementary income-generating activities (Hoechner, 2015). It is unfortunate that the majority of those

operating the system today lack prudence and are desirous of living flamboyantly at the expense of their pupils and society (Shittu & Olaofe, 2015). This mindset facilitated the transition of the almajiri system from a system that hitherto produced good leaders for the society to a dysfunctional factory for child neglect and abuse that is outputting unemployed and unemployable citizens (CHRICED, 2020).

To feed the greed of Mallamai the almajirai are not only expected to do domestic chores for little handouts and bring back the proceeds from their begging to the Mallam in whose custody they have been bestowed as loco Parentis (Okonkwo, 2022). Ironically, Islam abhors begging which is today the signpost of almajiranci in northern Nigeria (Mohammed, 2020). Their unwelcoming disposition against reforming the system is not unconnected with the fact that they are beneficiaries of the proceeds of almajirai scavenging, begging and rogue behaviours. To mitigate the exploitation of almajirai, the Kano state government under Governor Ganduje gave tractors to Mallamai for farming so they could conveniently feed their pupils as well earn extra income by leasing those tractors to other local farmers. Similarly, the Kano State government initiated a prohibition against almajiri by the Ministry of Women's Affairs and Social Development to reduce the prevalence of child labour in Nigeria by 2015. This initiative was meant to take almajirai off the streets of Kano but it failed and only succeeded in taking them off the major streets but the story remains the same in the slum areas of the city (Jah and Gofwa, 2021). In like manner, the Borno state government offers stipends to Mallamai in the state to ease their burden of catering for almajirai, all these only yielded little positive effect.

It is not surprising that the most vocal supporters of Almajiranci are Mallamai who believe the status quo, even if imperfect, is beyond reform due to its pseudo-divine status (CHRICED, 2020). It is expected that religious and community leaders should raise their voices in addressing social inequality and exploitation of minors by advocating for the transformation of the almajiri system for the benefit of society (Onitade, 2015) they have remained mute. While Islamic religious leaders in Northern Nigeria hold the power to influence attitudinal adjustment and swerve the pendulum of change in a positive direction they rather campaigned assiduously for the APC to win the 2015 election, but failed to work sedulously to ensure the modernization of the almajiri system that was pioneered by former President Jonathan Goodluck administration in 2012.

Successful implementation of policy aimed at changing lifelong belief system must be hinged on effective enlightenment campaign using all media sources. The ease of getting the campaign message to rural and urban folks is laid because Northerners are ardent listeners of radio but the government failed to effectively use that source. Though the government carried out an enlightenment programme about the benefits of the almajiri integration programme it was not extensive and consistent enough to influence the

desired change in those concerned. Since the campaign was not intrusive most of the rural dwellers were unreached hence their unwillingness to support the implementation of the programme (Onitade, 2015). The failure of the government to include the Mallamai in the media campaign for the acceptance of the new Almajiri Model Schools reduced the initiative's potential for success (CHERICED, 2020) hence contributing to de-marketing the policy at the rural community levels.

The fear of cultural diffusion and corruption of traditional religious practice which will in turn trigger religious decline among northern children and youths which informed the introduction of sharia law in 2002 (Obisesan, 2021) across most states in northern Nigeria significantly accounted for the people's refusal to accept the intended change. In this regard, the Mallamai indoctrinated these children and their parents that Western education is sinful (Punch, May 26, 2019). The deeply held indoctrination that Western education (Boko) was of Christian-European origin was haram and therefore anti-Islamic by most rural Muslims galvanized support in favour of the non-acceptance of the policy (Safiyanu and Bugaje, 2020).

The traditional Qur'anic school system is patronized mainly by poor families in northern Nigeria. Though parental poverty is in part blamed for the acceptance of the almajiranci system, however, parental neglect cannot be exonerated for the neglect and poor quality of care accorded almajirai. Ideally, developing enviable humane behaviour and a stable community is linked to the quality of care given to a child (Anjum and Wani, 2019). This is expressly stipulated by Sharia that fathers must take care of their children, protect their health and provide them with the essential requirements for survival (Houmine and Loudghiri, 2023). Parental neglect does not obscure or exonerate the government from its actions and inactions which have inflamed inequality, poverty and alienation that the modern Nigerian state has come to represent (Hoechner 2014). Parents patronizing the traditional almajiri system are craftily absconding from their responsibilities (CHRICED, 2020) as divinely ordained by Allah.

In Nigeria's case, the actions and inactions of the government toward almajiranci are informed by their tacit support for a humanly ill-administered system that is good for political expediencies. Over time in Nigerian politics, northern political elites have at all-time valued and used almajirai willingness to influence election campaigns by any means necessary for little compensation (CHRICED, 2020) while the Mallamai enjoy the huge monetary reward from such political patronage. Specifically, they are looked upon as ready recruits for politicians seeking to rent a crowd or mob for a rally or riot, especially around election time (Hoechner, 2018) and periods of heightened tension (Punch, May 26, 2019). The expedient of harvesting votes and political support made the government give tacit recognition to the system as a

valuable custom to achieve its political ends. The politics of election left the system untouched instead of being scrapped it is used for moral and cultural issues (Obisesan, 2021).

Though Almajiranci is entrenched in Northern Nigeria, the almajirai and their parents are anything but opposed to modern education (Hoechner 2014). Hitherto, the problem revolved around the doubts in the mind of most rural and urban northern Muslim parents that fuelled the fear that their children may be converted to Christianity if they allow their children to attend secular or Christian missionary education, which is not compatible with the Islamic norms and values the Hausa people have embraced and localized as a total way of life (Jah and Gofwan, 2021). The very fact that Western education under Christian missionaries and British colonialists emphasized literacy in English as opposed to Arabic intensified their suspicions leading to some resistance to it.

This belief is still existing among the larger northern rural poor populations who have not had access to Western education themselves (Suleiman, et. al., 2021). The almajiri system was once relevant when literacy in Arabic was the basis of social and economic mobility but today it is an aberration where about 10 million almajirai in northern Nigeria representing about 81 % of the over 13.2 million Out-of-School Children (Premium Times, 2019; UNICEF, 2020) live in poverty (NBS, 2022). Under this grim setting, Quranic school is seen by poor northern Muslim families as offering a way forward in constrained circumstances, even though it reproduces poverty in the long run. The consequences of state actions in retaining the system and its inaction to modernize the system mean that the 86 million (65 %) poor people living in northern Nigeria will continue to increase with no hope of breaking out of the poverty trap.

Most northern parents are receptive and supportive of the almajiri system to cover for the neglect of their responsibility to their children so they are often quick to use religious discourse to reclaim dignity (Hoechner, 2015). While the almajirai in their bid to escape the negative connotations of poverty and experiences of exclusion to cope with denigrating experiences interpret their deprivation as a voluntary exercise in asceticism and a necessary part of their education. At the same time, recourse to religious discourses emphasizing the values of asceticism and endurance does not further an agenda of social change and thus risks perpetuating the almajirai weak social position (Hoechner, 2015). The quick use of the Hausa phrase 'haka Allah meaning 'that is the way God wants it's to justify the necessity of the almajiranci system is a rather weak self-redeeming cliché often deployed to cover up for the deprivation, inequality and poverty this system is creating. Placing emphases on asceticism and endurance does not enthruse social change and thus risks perpetuating the almajirai weak social position (Hoechner, 2015). This entrenched pattern of belief among northern Muslims has made it difficult to alter or influence them to embrace the transformation of a practice that is perceived as their tradition.

In Nigeria, efficiency and effectiveness do not influence the provision of public goods. In this case, the efficient manner in which those schools were built only pointed to the fact that the federal government was intent on vote-winning which the opposition party was also intent on frustrating. The quest to wrest political power from President Goodluck Jonathan in 2015 (Election year) at all costs pushed the All Progressive Congress (APC) to connive with the local Mallamai to discredit and frustrate the successful modernization of the traditional almajiri system of education. The success of President Goodluck Jonathan at attitudinal change and favourable adjustment to the modernization of the almajiri system would have meant the failure of the APC at the polls. To stop this, this good initiative had to be killed to ensure that the APC won the election. The failure of Goodluck Jonathan to secure his second bid election was in part blamed on his willingness to reform the almajiri system (Ugwu, 2020 in Okwonkwo, 2022).

In Nigeria, the major footprint of elite power is displayed by controlling ideas and public opinion such that it does not even occur to some groups to want the things they should want. In Nigeria's case, the northern elite continues to maintain its power by controlling communication and ideas such that people do not want (do not realize they need) things that threaten the elite. The obvious consequence is that there is a clear disjunction between people's want and their real interests. (Shively, 2008). The traditional northern Nigerian society is feudalistic with its class distinction that seeks to keep the hegemonic class in its advantage position while the larger poor peasants remain at that lower level of society as passive subjects with little leverage over religious norms that disparage them (Hoechner, 2015). Within this system, there are different sets of rules for the hegemonic and the subjected class. Under differential regime rules especially where politics is inconsistent and its rules impossible to fulfil human dignity is violated (Riley, 2015). Hence, one of the manipulated political rules is the use of the almajiranci system as one of the viable tools to keep the larger poor community as passive subjects.

The Federal government initiative about almajiri was not well supported by northern hegemony which has control over the northern state governments which informed the obvious lack of political will of the governors of beneficiary states to carry on with the initiative. After transferring the built almajiri model Schools to the benefiting states they were not administered effectively by them (Jah and Gofwa, 2021). Proper monitoring and supervision of the programme were inadequate to protect the programme as such safeguards of all activities in the model almajiri schools were absent (Onitada, 2015). Most Nigerian public primary and secondary schools at the state levels are only a last resort for those without alternatives considering that they are riddled with poor infrastructure, inadequate remuneration, poor teacher quality, and supply, poor learning outcomes and poor delivery (USAID, 2020) and this feature continue to serve as disincentive for school attendance (UNICEF, 2020).

**Concluding Remarks**

Almajiri education system has placed millions of northern children on the street. This violation of their rights to care and schooling deserves nothing but a strong effort to end it. The Child Rights Act is a positive right that directly places and extends the responsibilities of the child squarely on the state (Heywood, 2006). Positive rights account for the expansion of government intervention in society by defining the sphere of unconstrained action for the state while also preventing the state from encroaching upon the rights of individuals by marking out a sphere of government inactivity all in a bid to enhance the well-being of everyone including vulnerable children. Unfortunately, in Nigeria, accepting to enforce this responsibility for the people is not a virtue of those holding political leadership hence the perpetuation of the almajiri education system.

The system if well integrated and properly regulated is valuable but in its present form it has been corrupted by lazy parents, greedy teachers, exploitative politicians and employers of cheap labour. The politicization and commodification of religion in northern Nigeria have not only undermined the efforts to modify and improve the standard of the Almajiri education system but have further facilitated its decay in value. Genuine moral commitments of some concrete groups that are tied to the basic organizing principle of society that have made sacrifices to ensure that this tainted practice that dehumanizes the child should be modernized remained unattained. The failure of the state governments to accept, respect and enforce the rights of the child is evidenced by the lip service most northern state governors and its hegemonic groups have given to its rejuvenation by deliberately leaving a worthwhile system to decay despite federal government effort under President Goodluck Jonathan's to rejig it to make it a productive sector that will contribute to national development.

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