

**MORAL PRINCIPLES, FELLOW-FEELINGS AND UTILITARIANISM:  
A SNAPSHOT OF THE CONSCIENCE OF PROFESSOR A.A. GWANDU**

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In this paper I shall attempt to present the conscience of professor A.A Gwandu and use it to reflect on the relationship between moral principles, fellow-feelings and utilitarianism. I shall begin this paper with a brief resume of Gwandu not because I feel you need to be reminded about who he is, but because I believe it provides us with the necessary background against which we can examine his morality. A.A Gwandu is a professor of Islamic studies with specialisation in Islamic jurisprudence. Throughout his education, Gwandu trained as a Muslim theologian and he was for many years the head of the Islamic Studies Department at Usmanu Danfodio University (UDUS), Sokoto. Later, he was appointed the dean of the faculty of Arts and Islamic Studies and in October, 1989 he became the Vice Chancellor of the University a position he held until October, 1993.

In this capacity he was responsible for the implementation of a number of important decisions taken at both local and national levels. Professor A.A Gwandu is widely renowned for his frankness and dogged adherence to the rules and regulations of the establishment. These qualities have often times brought him into conflict with his colleagues who would sometimes want the rule to be relaxed or bent a little in their favor. The most recent of these conflicts arose from his implementation of the decision taken at the joint committee of vice-chancellors and Pro-Chancellors' meeting with the then secretary for Education, Professor Nwabueze not to pay the salaries of academics who refused to comply with the ultimatum given to them to call off their strike and go back to work on or before the 25th of May, 1993.

It is important for my purposes that this piece of social engineering should be thought of not in abstract terms but in concrete terms of the way Gwandu's training is certain to influence both his moral judgments and his actions in any given circumstances and the repercussions of such judgments and actions.

I shall use Gwandu to illustrate two themes namely the distinction between moral judgments about the right and conscientious thing to do in a given circumstance and fellow-feelings on the one hand, and the conflict between our normative, moral theory of utilitarianism and our belief about saintliness a secular notion used here to refer to acts of outstanding courage and commitment to duty.

I am afraid that I shall be doing an injustice to Gwandu's many virtues and to his great intellectual achievements and ingenuity, for my concern here is only with the "worst" thing about him-namely his rigidity and dogged adherence to the rules and regulations of the establishment.

My intention, however, is not to condemn Gwandu or ridicule him, but to use his morality to illustrate the need for us to keep our principles open to revision, exposing them to whatever genuine pressures there are, including pressures from our sympathies and utilitarianism.

Furthermore, the strong appeal to Islam and the saturation of the paper with Quranic citations should not be mistaken as an attempt by the "heretic" to appease a certain group of self-proclaimed saints. Both the appeal and the replete citations are purely incidental and are necessitated by the nature of the subject under discussion.

In mid 1993 last year the dispute between the Academic Staff Union of Nigerian Universities and the Federal Government over funding and conditions of service in the Universities reached its climax with the Federal Government giving the academic Staff the ultimatum to call off their strike and go back to work on or before the 25th May, 1993 failing which their salaries would be stopped. This ultimatum coincided with the period of that year's annual festival of Id-el-Kabir - a Muslim festival which requires the faithful throughout the globe to offer sacrifice to Allah in commemoration of the great Abrahamic event. Since this festival involves alot of financial commitment on the part of the faithful establishments would normally pay the salaries of the month in which the festival falls in advance of the time to enable those who can among the faithful to carry out their religious duty.

Majority of the striking lecturers at UDUS, as was also the case generally in other Universities in the Country, ignored the ultimatum and did not go back to work by that date. In his capacity as the Vice- Chancellor of UDUS, Professor Gwandu stood firm by the decision of the joint CVC/Pro-Chancellors' meeting with the then secretary for Education and ordered for the non-payment of May salary of all striking lecturers at UDUS.

By refusing to pay the May salary of these lecturers in compliance with the decision taken at their meeting in Lagos, Professor Gwandu had succeeded in rendering a number of Muslim lecturers at UDUS unable to buy their sacrificial lambs. For many of these families Sallah was not a time of joy and festive mood, but of sober disappointment and humiliation.

This unpopular stance had brought Gwandu under severe attacks from his colleagues who were unprepared for such onslaught which caught them off-guard. A number of senior academics had tried several means to dissuade Gwandu from his stern position but to no avail. Professor Gwandu just wouldn't budge until a counter directive arrived much later from the Chairman of the CVC directing all the vice-chancellors who had not done so to pay their teacher's salaries.

Does this action of Gwandu have any moral basis?. And if it has, was there in Gwandu's own mind any conflict between morality and sympathy? or is he as many of his colleagues would have us believe a heartless sadist with only a wicked idea in his head, that of inflicting pain and suffering on other people?. These and other similar questions will be looked at critically in the remaining parts of this paper.

First, although it is debatable whether the springs of someone's actions could constitute a morality, there really cannot be any doubt that Gwandu's action may nevertheless, have a moral basis. That is a set of principles of action which he sincerely subscribes to and which for him the problem of acting rightly or wrongly or in obedience to conscience is the problem of conforming to or deviating from these principles. Gwandu's principles of action are not far-fetched. For both as a theologian and a public officer he had a moral responsibility to perform his duty faithfully and justly, without fear or favor. In other words, without allowing his fellow-feelings to influence his decisions.

Both Islam which is Gwandu's professed religion and area of specialisation and public service demand of him to fulfill his obligations by keeping his promises and doing the right, conscientious thing in the conduct of his duties in whichever circumstances he finds himself. In Suratul--Baqarah, for example, Allah defined righteousness not in terms of the mechanical ritual of turning our faces to the east or west, but in terms of, among other things, keeping our promises and being firm and patient:-

“ It is not righteousness that you turn your faces towards the east or west: But it is righteousness to :-

- i. Believe in God, and the last Day, and the Angels, and the Book, and the Messengers;
- ii. Spend of your substance, out of love for him, for your Kin, for Orphans, for the needy, for the wayfarer, or those who ask, and for the ransom of slaves;
- iii. Be steadfast in prayer, and practice regular charity;
- iv. Fulfill the contracts which you have made; and
- v. Be firm and patient in pain (or suffering ) and adversity, and throughout all periods of panic. Such are the people of truth, the God-fearing” (V.177).

Further , in Surat-ul-Nahl, Allah commands the faithful to:

*“Fulfill the covenant of God when you have entered into it, and break not your oaths after you have confirmed them;(V.91)*

In addition there are numerous sayings of the holy Prophet which emphasise the religious significance of keeping one’s promises. One of them cited the act of breaking promises as one of the three signs of the hypocrite.

The Quran makes no distinction between religious contracts and those entered into in our social transactions. In Islam every engagement is worth keeping and subject to account before the lord, Almighty:-

*“...And fulfill (every) engagement, for (every) engagement will be inquired into (on the day of reckoning);” (ch.17, V. 34.)*

To be righteous therefore is to be steadfast not only in faith and practice, but also in our social transactions. This would require both fairness and firmness, in peace or distress in all our dealings be they in relation to our religious or public duties. One should not distinguish between public and religious duties. As Allah reminds us the faithful will be called to account for all the promises and oaths they have made.

Similarly, in public service officers who are entrusted with greater responsibility are normally given the oath of office that they will be faithful, fair, honest and that they will not allow their personal feelings to interfere in discharging their duties. Here is a quote from one of such oaths:-

*I,.....do solemnly swear that as .... I will discharge my functions, and perform my duties honestly , to the best of my ability and faithfully in accordance with the rules and regulations governing the conduct of the Elections; and I will not allow my personal interest to influence my official conduct. So help me God.*

This means that both the principles which Gwandu is taught throughout his training as a Muslim theologian and those which he solemnly pledged to uphold on assumption of duty as a public servant emphasize honesty, fairness, promise-keeping and strict adherence to the rules and regulations of the establishment. So the action, to

many of his colleagues abhorrent, of refusing to pay the May, 1993 salary of striking lecturers of his institution, presented itself clearly to Gwandu as the right, conscientious thing to do in the given circumstance. This is because by his action, Gwandu did not only fulfill an obligation which he undertook to implement at their meeting in Lagos, but he also did so fairly and honestly without recourse to his fellow-feelings.

It didn't occur to him at all to question the Lagos decision. And even if it did, for him, the time for rethinking and subjecting the decision to critical pressure was not at the implementation stage, but in the boardroom while the decision was being taken. Once taken, whether it later turns out to be good or bad, popular or unpopular the decision becomes binding and its implementation obligatory upon all those who took part in the decision making until it is repealed or revised through the same process. This, then, is Gwandu's morality and I think you will agree with me that it dictates refusing to pay the May salary. I think you will agree with me, too, that it is our general morality since it does not appear in any way to contradict the principles of action which we sincerely assent to, and which we expect both those with theological training of Gwandu's type, and those entrusted with public offices to adhere to.

Yet rather than being commended for having the strength of will to do what good morally dictated in the given circumstance, he was condemned by even the more orthodox of his colleagues as someone who had committed an abominable act. In one of our wildest reactions to his action the academic community at UDUS at some point even contemplated settling the score with him by setting the process of impeaching him from office in motion. However, in the end we settled for the more sober decision of instituting a court case against Professor Gwandu for what can be seen to be nothing more than carrying out his duty according to the dictates of his own morality.

So what is behind all his furor about Gwandu's refusal to violate the dictates of his conscience? Have we changed our principles regarding personal and public conduct? or are we confusing fellow-feelings with good morality? Our reaction to Gwandu's refusal to pay the May salary would seem to suggest that a number of us if found in the same position would have rejected morality and succumbed to our fellow-feelings, or to the desire to appease our colleagues. But for Gwandu, sympathy or the desire to satisfy one's colleagues did not give him any good reason for rejecting his morality. In his morality promises made and decision taken count more than fellow-feelings. Their effect on him is paramount and they have, as we have seen, a spiritual significance for him because they determine whether or not he is God-fearing. In a recent interview with the author, Gwandu cited the following verse of the holy Qur'an to explain why he wouldn't bow to pressures from his colleagues. He is afraid he may dent his faith and exclude himself from the true believers who are described as:-

*Those who faithfully observe their trusts and their covenants;  
And who (strictly) guard their prayers: These will be heirs; who will  
inherit paradise: They will dwell therein (for ever), (V.8-11).*

But does this mean that Gwandu did not have any sympathy for his colleagues? or that he didn't experience any conflict between his morality and his sympathies? The answer to both questions is no. In the interview the author had with him Gwandu confessed that he suffered excruciating pains in implementing the decision because it meant acting in violation of his sympathies for his colleagues. He described himself as someone who was caught up in the war between will and obligation. But when asked why he didn't succumb to his sympathy, he was quick to argue that public officers should at all times, be able to distinguish what constitutes carrying out their duties

honestly and faithfully from that which revolves around fellow-feelings and then act according to the dictates of their own conscience.

In this regard Gwandu scarcely cares for sympathy or the desire to appease colleagues and never hesitates to act contrary to both. What he does care for is honesty and keeping one's promises and both these required him to stop the salaries of the striking lecturers in his institution who would not comply with the federal government ultimatum. And that is exactly what he did! acting according to the dictates of his own morality.

Again, this may appear to suggest that Gwandu is entirely a prisoner of his own morality, so rigid that he cannot conceive of any circumstances that may warrant the rejection or setting aside of that morality. But again, this is far from the truth. For Gwandu was quick to admit that he is willing to reject his morality but only in the face of "al-darurah" (dire necessity) which may call for relinquishing of the morality as such. This, he further explained is in conformity with Islam's principle of exception which allows for bending or breaking even the hard-core rules and principles, of one's morality while still retaining one's integrity such as the concession given to the sick or the wayfarer to break the fast and pay later.

Thus, both Gwandu and his morality are not entirely uncompromising but as he rightly pointed out the definition of "al-dadurah" is relative. So that what one person describes as dire necessity may not be perceived as such by another person. This we see in the way Gwandu and his colleagues perceived the problem under discussion. For while majority of his colleagues perceived the occasion of Id-el-Kabir as one of dire necessity which could warrant the rejection or setting aside of one's morality in order to allow one's fellow Muslims to perform a religious duty; Gwandu argued that in the given circumstance, there was no compelling necessity to warrant relinquishing of his morality as such because according to him:

*"the academic staff had a choice of ending their hardship by picking a pen and paper to write and say they had gone back to work"*

Throughout the dispute Gwandu's position was very clear: although one's fellow-feelings for someone may lead him to help that person or even think that he ought to help him, that, in itself, is not a judgment about what one ought to do, but just a feeling for the person in distress. And in a conflict between principles and sympathy principles ought to always win except where there is a compelling necessity which would call for the modification of the principles. However, as is evident in this particular case, the opinions of people differ a great deal in the way they judge situations. There seems to be no agreement between Gwandu and his colleagues over the definition of "al-dadurah" and this primarily constitutes the dispute over non-payment of May salary between the two opposing parties.

More precisely, it is a dispute over moral judgment and perception. For Gwandu's colleagues are contending not just for a different morality, but for a completely different way of interpreting the situation. That is, they reject both our general morality and Gwandu's judgment about the right and conscientious action to take in the circumstance. Herein lies the real significance of the dispute, for if Gwandu's colleagues are right, the consequence of their interpretation of the situation would entail a radical change in our morality and belief about saintliness.

In the light of these points, it seems to me that there is no difficulty about drawing a moral from Gwandu's action. I take it that we all agree in our belief that public officers should be faithful, fair and just in carrying out their duties without fear or favour. so we shall agree that Gwandu did well by rejecting his sympathies and acting in

accordance with our morality. Yet we were quick at condemning him for doing the right, conscientious thing in the given circumstance. But why?

Clearly it was not because he acted wrongly, nor was it because he performed his duty unfairly or dishonestly. The most apparent reason seems to me to be because his action was in conflict with our happiness. I mentioned earlier that the result of Gwandu's action had left many families unhappy because they could not partake fully in the celebration of Id-el-Kabir. This begs an important question as to what ought to be done should our basic duty be in conflict with our general happiness.

In this particular case, Gwandu's action clearly illustrates a conflict between the greatest happiness principle of utilitarianism and our belief about saintliness. The collision that could easily be detected here is between our belief and expectation, that public officers should be saint and the requirements of utilitarianism that it is our duty to do whatever produces the greatest total of happiness. For as pointed out by Urmson (1969), this requirement does not concede the existence of a class of actions which would produce greater happiness but which is not our duty to perform, or which, as is evident in this case, contradicts our duty.

Thus, when Gwandu refused to pay the striking lecturers their May salary- an action which produced the greatest total of unhappiness among striking lecturers, but, which nonetheless, was his duty to do, he was reproached by the same people who expected him to act saintly in carrying out his duties. Our most direct response to him is our outright condemnation of his action. In our eyes Gwandu showed a general indifference to our suffering and by our actions we seemed inclined to suggest that when our basic duty runs counter to the greatest happiness principle it should be rejected. Yet it remains part of the notion of duty that it demands compliance both when we are directly affected (positively or negatively) and when we are not.

That this belief about saintliness exists in our society is incontestable. It is general knowledge that public officers on their appointment are given the oath of office that they will abide by the moral code of duty which distinguishes basic rules of duty from personal interest. By this oath a public officer ought not allow his or her personal feelings to influence his or her decision.

In light of this point, Gwandu's seeming indifference to the suffering of his colleagues ought not be equated with a general propensity to inflict pain and suffering on them. He was merely and, as he himself admitted, painfully carrying out a duty which he solemnly promised to perform without fear or favour and without allowing his personal feelings to influence his decisions and actions.

This example of Gwandu shows clearly that sometime we feel entitled to require public officers to perform acts which contradict both their basic duties and our expectations of them and to reproach them for not doing them. Central to this expectation, as we have seen in this particular case, is a utilitarian consideration that we ought to make people happy. But it is not only in the circles of academe that this holds true. There seems to be a general expectation by colleagues of public officers in both government and the private sector to sometimes act in violation of their duty.

Hence, Gwandu's case reflects on a small scale the subtle but wider expectation of the public that the greatest happiness principle of utilitarianism should provide the definite rule of performance of one's basic duties, the oath of office notwithstanding. Those holding offices are by this unofficial requirement expected to distinguish cases in which performance of duty does from those in which it doesn't produce the greatest total of happiness and to do only those which produce greatest happiness. In this particular case, Gwandu's action can be said to have produced only his own happiness to the exclusion of his colleagues in the satisfaction that he had done the right, conscientious thing to do in the given circumstance, and this primarily is the cause of disenchantment

among his colleagues. Gwandu was condemned simply because he disregarded this unofficial and contradictory rule of performance.

That this subtle expectation permeates our society is hardly debatable. Many of us have at one time or another come under pressure from colleagues and others closely related to us to act in violation of our own principles or duty either in relation to admissions, examinations or other aspects of our duties. And it is common knowledge that those who administer the oath to public officers are, in fact, among the first to demand of them to violate the oath. The preponderance of this expectation in our society might incline us toward accepting the view that under such pressures one should keep his principles or duty in a subordinate place, not allowing them to influence his decisions. But don't we all agree that it might be wrong, selfish and weak for one to bow to such pressures?

Apparently, Gwandu's moral principle may appear untenable because it conflicts intolerably with the pity that we feel for the families who could not rejoice fully in the celebration of the great commemorative festival of Id-el-Kabir. However, the existence of such feelings, although an interesting one having the potential of affecting one's principles and conduct, is strictly irrelevant to the rightness of Gwandu's action. I think Gwandu was right to have stopped the striking lecturers' salaries who it should be maintained dared the repercussions of defying government ultimatum given to them.

Moreover, if the above account is reasonably faithful to our own line of thinking, then it seems to me vulnerable to a pretty straightforward, and devastating rebuttal by Gwandu. He can point out that our own view ignores the important distinction that can be drawn between moral judgment about what one ought to do in a given circumstance and acting according to one's fellow feelings. It is possible to concede that the existence of fellow-feelings is necessary for checking our principles and yet still deny that such feelings provides special grounds for Gwandu to reject his own morality in this particular case. Gwandu may, as he in fact did, confine himself to acknowledging that fellow-feelings are vital even when they can do nothing but bring pain and suffering. This is certainly better than not ever having those sympathies at all which might interfere with one's principles.

Thus, we can share with Gwandu the view that a condition of having one's principles or duty revised is the existence of "al-darurah". But this concession entails that one must be able to conceive of the situation to be one of dire necessity, and if one does, the necessity must be identified in the light of all the possible options.

Why then do we object to the exercise of good morality and call it tyranny? If we are all agreed that saintliness is a paradigm of human virtue then we shall find nothing wrong in the practice of it both when we are interested members and when we are not. Honesty as an objective depends on the belief in saintliness as a virtue which requires personal feelings to be kept within prescribed bounds in the performance of duty. Public officers are therefore left in no doubt that moral convictions are subject to enforcement in all circumstances except when there is a genuine and compelling necessity for acting otherwise. The apparent dilemma arises only if we fail to see that judgments concerning what is right and conscientious thing to do in any given situation are logically distinct from judgments based on fellow-feelings.

Bennett (1974) argued in a similar manner in a detailed reference to the war between will and obligation in "The conscience of Huckleberry Finn":-

*"I don't give my sympathies a blank cheque in advance. In a conflict between principles and sympathy, principles ought sometimes to win. For example, I think it was right to take part in the second world war*

*on the allied side; there were many ghastly individual incidents which might have led someone to doubt the rightness of his participation in that war; and I think it would have been right for such a person to keep his sympathies in a subordinate place on those occasions not allowing them to modify his principles in such a way as to make a pacifist of him;" (p.133).*

For both Gwandu and Bennett, then, saintly actions may be criticised and even condemned because they cause distress to others, because they are nuisance, but this sort of condemnation, however plausible it may sound, can never be sufficient ground for us to demand for the violation of such actions so long as saintliness is held as a paradigm of human virtue by our society.

This argument is, I suppose, nothing more than an appeal to our intuitions concerning what should and what shouldn't be the concern of public officers. Of course there seems to be nothing wrong with such an appeal in its proper place and I hope I have been able to show that in this particular case of Gwandu's refusal to pay the May, 1993 salary the appeal is in its rightful place. I think you will agree with me that we can expect a universal agreement on: "You should not break a solemn promise simply to appease your sympathies or your colleagues, but that some exceptions to this rule can be made on genuine and compelling grounds." But whose intuitions are we thus appealing to on this matter? Clearly it is the intuition of saints and honest men, men who do not believe that fellow-feelings should be allowed to interfere with or regulate our actions.

However, our response to Gwandu's saintly action will appear to suggest that saints in our public service can hope to find only a very small audience who would hold both the belief that public officers act saintly and the courage to support them to be so. Thus, the principle which Gwandu defends, while not nugatory, attracts so little support from his colleagues that one wonders whether it is worth the effort of a serious defense.

That the principle would appear very difficult to defend is evident when we realise that there is a general breakdown of compliance with such moral code among public servants in the country a fact which necessitated the reintroduction of a nation wide war against indiscipline and corruption (WAIC) by the present administration. If our interest is of purely selfish nature, and if we are concerned only with preponderance of the violation of our solemn promises in the society, it would appear to be more expedient to argue that the action in question (Gwandu's refusal to pay the May salary), should be condemned on the ground that it makes no worldly sense in a culture that condones indiscipline and corruption. It is like arguing that since corruption is so ingrained in our society it should be legalised. My reaction here would be that the notion of duty would not, or in fact, should not lose its stringency simply because many public officers are negligent in enforcing it. I only go to show how very rare it is to come about saints in a society in which there is general breakdown of compliance with the moral code of duty.

Besides, as rightly pointed out by New (1974), there is a familiar and opposite danger in settling one's moral fights at the limited range of such an argument, i.e. "the danger of encouraging the minimum rather than the maximum moral effort," (P.181).

It should be added, too, that it is pointless to extol saints if we are not going to require and encourage people to be so. For as New rightly retorted: "Why should we encourage people to be saintly and heroic if we do not think they ought to be so?" (p. 183).

In light of these points one cannot but agree with Gwandu for sticking to his principles in the salary dispute. But this then means also that in the face of valid reasons one must accept to modify or even reject one's principles should doing so be

demonstrated to have the potential of producing more happiness or benefits. Thus a method is urged for adoption which both guarantees the continued adherence to one's principles and yet allows for ultimate control over their content. One sure way such control can be exercised is, as Bennett (1974) pointed out, by checking one's principles in the light of one's sympathies.

So let us now reassess Gwandu's defense of his principles in the light of another case of conflict between his morality and utilitarianism. It will be remembered that Gwandu maintains that one can concede that the presence of "al-dadurah" could warrant the modification or rejection of one's morality without prejudicing his integrity.

Certainly he was right to argue that our perceptions and opinions may differ in our identification of "al-darurah" but clearly it is possible to reach a consensus or agreement over certain general principles of action. And since Gwandu can employ the argument from such generally agreed principles to arrive at a conclusion about which action to take in a given circumstance he must also be able to accept one when he sees it. But as will become clear in due course Gwandu failed at a crucial point.

The time again was during the 1993/94 session registration. About 59 applicants with only 4 credits at O'level in arts subjects were erroneously offered provisional admission into the University by JAMB. I say erroneously because one of the admission requirements for arts students as clearly stipulated in the University brochure is 5 credits at O'level. On their arrival to take up their places at the University, Professor Gwandu, in compliance with the admission regulation, directed that they should not be registered since they did not fulfill one of the admission requirements.

This action of Gwandu though in compliance with the approved guidelines of the University for admissions, nevertheless, was not in the general interest or benefit of the institution. For one generally agreed way of getting the University out of its present economic doldrums, and one which Gwandu himself emphasised throughout the period of admission exercise, is by admitting more students since the funds allocated to the Universities annually are calculated on the basis of the students population of each institution. Hence an additional 59 students would have meant an increase in the financial capacity of the institution.

Yet, here was a Vice-chancellor who could say no to a few more students( i.e. more money) even though he could have made their acceptance conditional upon making up the one credit deficiency either in the first year of their study or before graduation. Moreover, there is already an existing precedent in the institution for those with deficiency in English or Mathematics who are allowed to make up for the deficiency before graduation by taking either qualifying English or basic Mathematics as the case may be. There is no doubt that it might have created more benefit or happiness for the institution had Gwandu accepted these students, and it might do this precisely because of the additional money that would thereby come to the University. But because Gwandu instead chose to stick rigidly to the rules this benefit was thereby lost.

Certainly then, the former point supporting Gwandu's defense of his principles, it appears, simply will not stand. With regard to this latter case, evidence available demonstrates quite clearly that Gwandu is simply wrong in sticking to the rules. His violation of the rules would not be tantamount to an action which is unanswerable or unpardonable before the lord. If anything, I think Gwandu would even be commended for violating his principles in the given circumstance. Gwandu's claim to the contrary overlooks completely this utilitarian aspect of the argument.

Thus, while many of us would argue that compliance with the guidelines in this regard is nugatory and would be willing to keep our morality open to revision and even consider it untenable in the circumstance, Gwandu would insist that a moral code must distinguish basic rules compliance with which is obligatory from what New describes as

"Higher flights" of morality fulfilling the aims of which is not necessary for a tolerable social life. While life in a University with inadequate resources would be impoverished, it would only be poor and not necessarily impossible as when basic duties such as enrollment or recruitment of staff are neglected. There is some truth in this point but as noted by New (1974) in reference to Urmson(1969), such truths in no way demonstrate that we do not have non-basic duties as well as basic ones. I imagine that Gwandu will agree with me that in addition to their basic duties which they promised to uphold, Vice-Chancellors also have the non-basic duties of say, benevolence and of doing extra more than their specified duties in order to increase the benefit or happiness that may accrue to their institution. The truth of this latter claim was practically demonstrated by Gwandu himself in 1992 when he launched the N100m. endowment fund which brought additional financial capacity to the institution.

Certainly it was not part of his specified duties as Vice-Chancellor to launch endowment funds, but because doing so presented itself as an opportunity to produce more good by way of increasing the financial capacity of the institution Gwandu felt that he had a duty to do so. No doubt one that he was not obliged to perform, but a duty nevertheless.

True, the Vice-Chancellor has a basic duty to observe and uphold all the rules and regulations of his institution. But it seems to me to be a bad logic and bad morals, too, to infer from this that the vice-chancellor has no duty at all to disregard or revise any of such rules which may appear detrimental to the progress of his institution. Gwandu would however insist that for as long as the rule stays he would not violate it irrespective of the losses it may bring to the institution. To use an apparently detrimental guideline in defending one's failure to act in a positive manner that will increase the benefits or happiness that may accrue to one's institution, would, in my view, be tantamount to hiding a moral fault behind a legalistic jargon.

Thus, we can easily generate an ad hominem argument directed specifically towards Gwandu and those who see his defense of the regulations in the admission case as the right thing to do. My claim here is that contrary to Gwandu's view, the admission case clearly illustrates that the duty to perform acts which contradicts one's duty or morality may sometimes be grounded in the same principles as the duty to perform specified actions which one had solemnly promised to perform.

Certainly then it is possible for Gwandu to be wrong in his dogged adherence to rules and regulations and his judgments about the right, conscientious action to take in different contexts. But so is it also for us who feel that sometimes moral principles ought to give way to benevolence, particularly when our happiness is at stake. The two examples above demonstrate that there may be grounds both for and against saying that public officers should always be faithful, fair and firm in the performance of the specified duties which they solemnly swore to uphold.

Which way one describes the situation, however, depends on one's moral endowment. As we have seen, Gwandu was aware of this argument and he presented it himself in reference to "al-darurah" when he maintained that its definition is relative, and that the interpretation that one gives to a particular situation will determine what action one takes in that context.

If the foregoing arguments are acceptable we are left with two basic options. First, we can, with Professor Gwandu, agree that public officers should neither perform duties of benevolence, nor violate any rule of the establishment no matter how detrimental it may appear to be so long as it is not repealed or modified by the establishment. For why should we have rules if they are not to be obeyed?

On the other hand, we may as Bennett(1974) did, argue that we must try to keep our morality open to review, exposing it to whatever pressures there may be,

including pressures from our sympathies and utilitarianism. What we look for in cases in which our intuitions are in favour of change is that it be demonstrably shown that actual loss or harm would result from our dogged adherence to our principles or establishment rules. Surely, though, this example of Gwandu clearly shows that the burden of identification of a case as one of compelling necessity is always on the individual public officer who would interpret it according to his own moral endowment and his own particular understanding of the situation both of which may or may not coincide with those of others.

As I suppose is apparent by now, my sympathies lie with this latter option despite my very sympathetic reading of Gwandu in the earlier case of his refusal to pay the May salary. I did not claim, though, to have presented a very lucid defense of this position. At best I have shown that it may sometimes be necessary for us to begin to approach the thought that our morality could be improved by subjecting it to pressures from both our sympathies and utilitarianism. This, is, however, not to conclude that we should give our sympathies "a blank cheque in advance", or that we should go about on a rampage breaking every blessed rule of our establishment indiscriminately. Still we need a reasonable degree of compliance to these rules and consistency and firmness in their application if we are to maintain order and sanity. Gwandu's principles thus remain indispensable but not for those who will demand for favours and selfish violation of the moral code.

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