

Foreword

I joined Kabarak University as professor of public law in October 2021. For the first few months, one question raged in my mind, 'What can Kabarak Law School do in search and defence of radical legal education?' The answer to this question is reflected in my Inaugural Lecture, which is published in the Kabarak Law School Occasional Paper Series in January 2022. It is my hope that the reflections in the lecture were considered by students, faculty, and the administration in the University.

One of the principal ways of inculcating a culture of radical legal education, I argued, was for embedding a culture of intellectual critique among the student body. Students should be able to study great thinkers and debate the great ideas of their time with knowledge and confidence.

Student journals are mechanisms that facilitate legal radicalism. They are based on legal educational success that is traced back to educational systems. I trace my legal education from my childhood community all the way to the University of Dar where I did my undergraduate and masters degree in law. I particularly liked the Socratic method of teaching that tended to be student centred and required serious reading. In Dar, it is the students that championed legal radicalism as they took part in discussions and in writing scholarly articles.

While doing my Master of Laws in Dar, I attended classes where we were required to read and reflect on critical articles. This helped us establish an intellectual and ideological foundation for studying, researching and publishing scholarly articles. The law is neither perfect nor static. Law does not exist in a vacuum. It develops over time and so do the gaps in it. Development of law has historically been a site of societal struggles. Universities are the suitable platforms for engender-

ing seeds of radical change to address the stagnancies and inadequacies of the law. This noble objective of producing excellence, as Mahmood Mamdani puts it, does not rule out democracy in intellectual settings.¹

From my years as a lecturer at the University of Nairobi, I recall my experience affirming that participation and critique of students not only enriches their legal and intellectual development but also that of their teachers. In this context, the critical analyses of and recommendations expounded in student journals such as this offer scholars, practitioners and policy makers a pool of options to pick from in addressing the law and its implementation.

In this inaugural issue of the *Kabarak Law Review* are papers that advance legal radicalism, addressing questions holding both public and private authorities accountable, and advocating revolutionary approaches to human rights and constitutional implementation. The *Review* in many of its papers, reminds us of the need for intellectual leadership and the benefits of counter-intellectual hegemonies.

Kabarak University School of Law is known for its legal scholarship in various publications including: *Kabarak Journal of Law and Ethics*, *African Journal of Commercial Law*, *East African Community Law Journal* and most recently *Kabarak Law School Occasional Paper Series*, which I am pleased to have contributed to. Most of these publications are based on articles submitted by legal scholars in universities across Kenya and beyond.

What can Kabarak Law School do in search and defence of radical legal education?

It is our duty as university law teachers to train and mentor our students to become great researchers, authors and philosophers. To mentor them just as we were mentored in the institutions we were in and even better. This can be done through publishing articles written by students. This can be effected through among other means; editing and publishing their dissertations, choosing the best class research assign-

¹ Mahmood Mamdani, 'Is African studies to be turned into a new home for Bantu education at UCT?' 24(2) *Social Dynamics* (1998), 73.

ments to be featured in the journals and having writing competitions among students. Additionally, mentorship can be done through a call for papers directed to students. In such processes, the faculty trainers are able to assist them in their pursuit.

As one of my teachers, mentor, a revolutionary intellectual, Issa Shivji teaches us, 'One of the most important sites in the struggle for ideas is the university....The University of Dar es Salaam became known far and wide for researching our concrete reality, for critical analysis and relevant theorising.'²

With the publication of *Kabarak Law Review*, I can happily say that Kabarak Law School and its student community is precisely on the path described above. I am therefore pleased to write this Foreword for the first issue of the *Kabarak Law Review*, and look forward to many more regular issues.

Professor Willy Mutunga, CJ,
Kabarak, December 2022

² Issa Shivji, *Liberating democracy and democratising liberation: Distinguished Nyerere lecture, 2021* Mkuki na Nyota, Dar-es-Salaam, 2022, 31, 33.