

Law students' role in radical legal education: Lessons from the University Students African Revolutionary Front

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Introduction

Law, as a course taught at universities, needs to not only involve the teaching of the mastery and understanding of the laws of a particular nation but should also involve the teaching of how to analyse and criticise these laws.¹ Legal education should equip students with the relevant skills to internalise, analyse and criticise the laws of their country and international laws.² Law students should also be able to analyse and critique the actions of the government, uphold rights and stand up for

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¹ Willy Mutunga, *In search and defence of radical legal education: A personal footnote*, Kabarak Law School, Occasional Paper Series 1(1), 2022, 20.

² Willy Mutunga, 'My memories of Hastings Wilfred Opinya Okoth Ogendo from 1968-1982,' in Patricia Kameri-Mbote, Collins Odote (eds) *The gallant academic: Essays in honour of HWO Okoth Ogendo*, Nairobi, University of Nairobi, 2017, 26.

the citizens.³ To do this, legal studies as well as law students need to be radicalised and revolutionised so that they can interpret laws, legal phenomena and the conduct of the leaders for their benefit and that of the people. Doing so will enable students be more equipped to advocate reform should they feel that the government's policies are at odds with their beliefs or are likely to hurt others, or even exploit them.⁴

Radical legal education in this essay refers to a system that empowers law students by giving them the authority and ability to determine what they learn and how they are taught in law school. It promotes a liberal approach to learning where the voices of students are considered just as important as those of their instructors.⁵ Essentially, it creates an educational environment where students can freely express their opinions without fear. This approach aims to educate and train lawyers who are actively engaged in various aspects of society.⁶

This paper teases out valuable lessons from the University Students African Revolutionary Front's (USARF) experience in shaping radical and critical law students in East Africa.⁷ These lessons encourage active learning by law students rather than being passive conveyors of established norms without questioning or advocating the advancement of better policies. This essay ultimately posits that it is time for critical analysis of the law by law students, so as to foster their intellectual development. But first, let us establish how universities (law schools) create an enabling environment for these values.

³ J Osogo Ambani, 'Money has killed our universities' *Katiba Corner, The Star*, 24 October 2020 --<<https://www.the-star.co.ke/siasa/2020-10-24-money-has-killed-our-universities/>> on 24 October 2022.

⁴ Ambani, 'Money has killed our universities', *Katiba Corner*, 24 October 2020.

⁵ Mutunga, 'In search and defence of radical legal education: A personal footnote.' 1(1) Kabarak Law School, Occasional Paper Series, 2022, 19.

⁶ Ambani, 'Money has killed our Universities,' *Katiba Corner*, 24 October 2020.

⁷ Mutunga, 'In search and defence of radical legal education', 15.

The role of universities in entrenching radical pedagogy

Renowned intellectual and the former Kenyan Chief Justice, Professor Willy Mutunga credits the University of Dar es Salaam for his intellectual, ideological and even political development. It was during his time at the University of Dar es Salaam that he engaged in extensive reading, which has continued to shape his intellectual and political journey to date.⁸ The impact of the University of Dar es Salaam on Professor Mutunga underscores the critical role that universities play in shaping the lives and futures of students. This is the focal point of this section.

Ella Patenall outlines five essential soft skills that students are expected to develop during their university education. In her work, Patenall contends that universities are not just about improving a student's writing skills but also enhancing their ability to engage effectively in face-to-face interactions, through which students acquire critical thinking and problem solving skills.⁹ In essence, universities should be structured in a way that integrates the social, economic, historical and political facets of a student's life. This will enable students to not only pursue and connect with academic knowledge but to also effectively understand its correlation with their daily affairs.

Professor Mutunga provides a more detailed explanation of the university's role, drawing on Professor Mahmood Mamdani's insights.¹⁰ According to Professor Mamdani, universities tend to acknowledge, honour and promote expertise primarily because they are driven by the pursuit of excellence.¹¹ This pursuit of excellence blends democracy into an intellectual environment. In this context, democracy entails recognising expertise while also remaining open to

⁸ Mutunga, 'My memories of Hastings Wilfred Opinya Okoth Ogendo from 1968-1982', 26.

⁹ Ella Patenall, 'Five soft skills you develop at university', March 2018, last updated Dec (2021)-< <https://www.topuniversities.com/student-info/careers-advice/five-soft-skills-you-develop-university> > on 28 March 2022

¹⁰ Mutunga, 'In search and defence of radical legal education', 25.

¹¹ Mutunga, 'In search and defence of radical legal education', 25.

questioning and scrutiny, which is akin to the peer review.¹² Professor Mamdani emphasises that universities should ensure that scholarly work is accompanied by humility, and the expertise fostered within universities should be subjected to rigorous debate and discussion.¹³ Further, universities should resist the temptation to stifle debate through administrative means as true intellectual leadership should not be confused by intellectual dominance or hegemony.¹⁴

Role of law students in radical legal pedagogy through the USARF experience

Other than being a political students' movement, USARF provided a forum that students could use to produce scholarly articles, which developed into seminal works in later years. For example, Professor Issa Shivji, a member of USARF, published some of his student essays in his books *Class struggles in Tanzania* (1976) and *Intellectuals at the Hill: Essays and talks 1960-1993*.¹⁵

USARF together with TANU Youth League organised ideological classes on Sundays at the University of Dar es Salaam. These ideological sessions helped students to collectively engage with class reading materials outside the set lecture times. These classes yielded students who could analyse government affairs, relate law with historical approaches and develop the radical thinking in a multidisciplinary way. Radicalism of students from other departments like literature, political science, sociology, history and even engineering was reflected in the radicalism of law students, by virtue of the USARF classes.

¹² Mahmood Mamdani, 'Is African studies to be turned into a new home for Bantu educational at UCT?' 242, *Social Dynamics*, 1998, 73.

¹³ Mutunga, 'In search and defence of radical legal education', 25, citing Mamdani, 'Is African studies to be turned into a new home for Bantu education at UCT?', 73.

¹⁴ Mutunga, 'In search and defence of radical legal education', 25, citing Mamdani, 'Is African studies to be turned into a new home for Bantu education at UCT?' 1998, 73.

¹⁵ Mutunga, 'My memories of Hastings Wilfred Opinya Okoth-Ogendo from 1968-1982', 26.

USARF played an important role in developing a culture of intellectual discourse between lecturers and students, including critique. Through essays, Professor Shivji would pen down his opposing views against some of his lecturers. In fact, his book *Class struggle in Tanzania* contains some of his positions as a student.¹⁶ One of the debates he scrutinised involved the neutrality of law espoused by his lecturer, Robert Siedmann, who taught Law and Development.¹⁷ Some students including Shivji disagreed with Siedmann on the fact that the state could direct some transformative social development. The USARF students viewed the state as exploitative. These sentiments were vocalised through classroom debates or through writing.

Conclusion

Radical legal education helps law students grow intellectually by making decisions that add value to themselves and their society. Decision-making is a great thing, as it encourages students to air their views and learn from other intellectuals among the student body, administration and lecturers. When law students are subjected to radical learning, they will see clearly the shortcomings of law, how and where the government exploits its citizens. Law students will be able to relate law with the social, historical, cultural, political and economic phenomena. They will gladly defend what is right and oppose what is wrong audaciously. Should law students today yearn for radical legal education or should we keep on acquiring law degrees when we cannot stand up for ourselves or others?

¹⁶ Issa Heinemann Shivji, *Class struggle in Tanzania*, Hienemann, London, 1976.

¹⁷ Shivji, *An intellectual journey with my teachers*, 31-33.