
WILLY MUTUNGA ON AFRICAN RADICAL LEGAL EDUCATION

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Abstract

In his Inaugural Lecture, delivered at Kabarak University in Kenya, Willy Mutunga, the former Chief Justice of Kenya, calls for radical legal education in Africa. For him, such education is interdisciplinary, it must also be a socialist education and must be linked to international socialist projects. It must be home grown and not imported from a non-African source. It must have a human rights foundation. It must also embody a Pan-African jurisprudence. To him, this cannot be accomplished without abolition of the colonial structure but by colonialism neo liberalist jurisprudence. He advocates for a Pan-African jurisprudence subversive education to remove anachronistic legal education.

Key words: *Academy, interdisciplinarity of law, radical legal education, and Pan-African jurisprudence*

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During the Inaugural Lecture noted above, the former Chief Justice of Kenya, called for the implementation of radical legal education.¹ At the beginning of the Lecture, he informs the audience that what this education is will be gleaned in the trajectory of the Lecture. Apparently, as one can tell from the Lecture, what he sought to be implemented in legal education is the kind of education he had been exposed to as a law student at the University of Dar es Salaam, Tanzania. It was also the kind of education he sought to implement as a Professor of law. My primary goal in what follows is not to write a scholarly comment on what he says. Rather, it is to pursue a creative reflection on African radical legal education. I take what he says about radical legal education as a springboard for my own imagination of what such an education could be.

As evident in the Lecture, what he says about radical legal education is autobiographical. Perhaps, the intimation here is that radical legal education implicates or ought to personally implicate those who participate in it. For the African, radical legal education is or ought to be an education that touches on what it is to be an African. It is an education on what an African is or what he or she ought to be. Normally, the teaching or studying of law in African does not explicitly indicate that this is an essential element in legal education. Normally, in other fora of legal education, legal education is not presented as the education of self, as self-education. It is also not widely perceived as such by the public.

What can be gleaned from Mutunga's Lecture is that legal education, whether radical or not, is inescapably, political. A law Professor, a law student, and even a law school administrator is inescapably a political agent. Law school, it would follow, is essentially a political place. Also, a

¹Willy Mutunga, 'Inaugural Lecture,' In search and defense of radical legal education: A personal footnote.' *Kabarak Law School, Occasional Paper Series*, Volume 1, Number 1 (2022).

lawyer or a judicial officer is equally political. The judiciary is a political institution. To use existentialist language, inevitably, in the domain of law, whether in the academy or in legal practice, one explicitly or implicitly chooses the politics for which he or she is an agent. What is meant by claiming that institutions of law or that agents of law are political is not self-evident. Rendering it so ought to be a part of the mission of legal education if such education is intended to be truly radical. Failure to do so disqualifies it as truly radical. When it is disqualified, it is likely to become a political agent of the dominant elite ruling class or an agent of the state that serves the interests of this class. When there is such failure, members of society are harmed. The harm is not readily recognized if only because it is assumed by the majority of the members of society that law and its practice, exclusively, is the business of those who practice law or those who train those who undertake such practice.

The perception or the understanding of law and its institutions as political is not shared by everyone. There are those of positivistic bent who believe that law and politics are or ought to be separate - those who believe that law is law and politics is politics. Most likely, it is the same people who believe the rule of law is the rule of law and the rule of politics is the rule of politics, and that these two rules should not be confused with or be mistaken for each other. Whether they acknowledge it or not, these separatists are political. That is the separation itself is political. Politics is inescapable. The political is total. It is the ground phenomenon. None of these claims make sense unless and until the sense of the political is clarified. The clarification itself must be political; otherwise, what politics is will remain obscured.

In the Academy, education has been compartmentalized in such a way that the study of politics has been assigned to the discipline of Political Science or to the other disciplines in Social Science. The study of law has been assigned to the Faculty of Law or to the School of Law. The

possibility that the entire Academy is political or that all the disciplines are political has been institutionally ruled out. This ruling out is political although not self-evidently so. Moreover, it is not explicitly or necessarily intentional. It is the status quo of the institutionalized topography of the Academy. This topography appears natural, as a permanent feature of the Academy. The Academy has taken the form of classical taxonomy in classical biology, whereby, by nature, biological species occupy distinctive places. This naturalism ought to be changed. It contributes to the ongoing suppression and oppression of Africans.

In the Academy, between one academic discipline and other academic disciplines, there appears to be a brick or a steel wall that cannot be penetrated without imploding or exploding the entire Academic edifice. Perhaps, it is this explosion or implosion that Mutunga has in mind in his conception of radical legal education. If it is what he has in mind, radicality calls not only for the explosion or implosion of the discipline of legal education but also for explosion or implosion of the Academy in its entirety. The words 'explosion' and 'implosion' may convey an erroneous implication that they necessarily entail physical violence. What these words ought to signify is deconstruction of what passes as Academic education today. It calls for a radical re-evaluation of what hitherto has passed and what passes as Academic education. It calls for radical eradication of the traditional topography of the Academy.

It appears that, as a law student and as a Professor of law, Mutunga embraced and still embraces interdisciplinary and multidisciplinary approaches to the teaching and to the studying of law. One may surmise that this is a part of what he refers to as an aspect of radical legal education. If this is his opinion, it preserves the internal organization of the Academy and does not challenge the existence of the Academy itself. My opinion is that it is only the latter challenge that can constitute legal education that is genuinely radical. The approach Mutunga takes is a preliminary step. Such a step ought to lead to a step where the *indisciplining*

of the disciplines takes place; that is, where the elimination of disciplines takes place. Once this takes place, the concept of interdisciplinarity and the concept of multidisciplinary would be devoid of content. Ultimately, this would call for the elimination of the Academy as we know it since it is what houses the disciplines. When the disciplines are done with, there is nothing to house and, consequently, the Academy enters into a museum of the history of education. The trajectory of Mutunga's Lecture does not explicitly point to this eventuality. To this extent, his view on radical legal education is not as radical as it ought to be. Regardless of how radical he appears; he is essentially a status quo Academic legal thinker. He appears to give legitimation to what calls for de-legitimation.

Contrary to the prevailing perception of the place of education, the Academy has not been in existence since time immemorial. It has not been, and it is not the exclusive place for education. Legal education does not have to take place in the Academy and has not taken place there from time immemorial. There was legal education before the establishment of the Academy and there can be legal education outside the Academy. Recognition that this is indeed the case, can open a venue for an alternative course of legal education -an alternative forum of legal education. The difficulty of imagining what can replace the Academy should not paralyze imagination or freeze it in its current range. What comes into being in history does not have to last forever. Imagination is what it is by being exhaustively historical. Imagination is the landscape where radical African legal education ought to be taking place.

For the most part, the Academy is largely a construction of the Euro-West. It should also be borne in mind that the Euro-West has not been existence from time immemorial. It is a recent geo-historical construction. Before its birth, there was legal education in the pre-Euro-West. The investigation of silence in this phase of the history of Euro-Western education is yet to take place. The history of legal education in

the Euro-West remains to be written just as the history of legal education in Africa and elsewhere remains to be written. In interaction with non-Western people this silence ought to be of concern for it may foster the same silence in the education of non-Euro-Western people. Whether legal or non-legal education, history matters. Prior to the invasion of Africa by non-Africans, there was Indigenous African legal education. This education did not take place in the Academy. It was a part of the Indigenous African social and cultural institutions. European modernity has confined these institutions to primitive museums - museums that have been constructed by Euro-Westerners primarily for anthropological study by Euro-Westerners.

There is the historic Academy in Ancient Greece founded by Plato, from which, apparently, the Euro-Western Academy has emerged. Today, in Africa, the Academy is an extension and, perhaps, an imitation of the Euro-Western Academy. It is within which legal education in Africa takes place today. It is a product of Euro-Western colonialism and imperialism in education. That is, the Academy in Africa is a creature of this colonialist - imperialist adventure. For the most part, it is parasitic to the Euro-Western Academy. It is doubtful that the radical legal education Mutunga talks about can take place without terminating this parasitism. To use contemporary language, legal education in Africa ought to be de-colonized and, thereby, be an agent in the process of de-colonizing education in Africa, an agent of de-imperialization of legal education.

Contrary to what appears to be the case today, the Academy is not essential or an exclusive place for education. Today, in Africa, the Academy is largely a Trojan horse that serves as a slaughterhouse for the sense of what it is for an African to be an African. It is not where an African can truly be Africanly educated. Attending the Academy has been and even today could be seen and understood as a process whose objective to bring about the erasure of the sense of being African. Current legal education could be suicidal. It could be genocidal. A full

radical and critical anatomy of the Academy that could expose this state is yet to emerge. Even the need for such anatomy is yet to fully emerge. It remains buried beneath the existing Academy. For the African, the Academy remains a home for amnesia. For the most part, instead of being a place for education, it is a place for radical miseducation.

What an African Professor law or an African student of law ought to bear in mind is that, in colonial Africa, the Academy was an agent of racist colonialist imperialism. The Academy was not a neutral educational institution unaffected by racist colonialist imperialism. The more the African became educated, the more he or she vacated himself or herself as an African. The Academy's mission sought to wipe out the Africanness of the African. This self-vacating (with the blessings of 'law' was attended by the installation in the vacated place of an African constructed by the racist colonialist imperialist education to serve a racist colonialist imperialist mission. It was a part of the colonialist political project. Legal education was a part of this racist colonialist imperialist mission. Integral to this mission was the effort to inculcate self-loathing in the African and to inculcate worshipping of Europeanity. The Academy was sacred Temple of the Euro-God. It was a citadel of European racist colonialist imperialism in Africa. This is the elemental meaning of the European legalism enacted at the Academy.

In post-colonial Africa, an African who is concerned about the integrity and the dignity of his or her identity as an African or for whom education incorporates true self-education must inquire about the depiction of what passes as African in the Academy. Partly, in the light of colonized and neo-colonized African, central to Africa education must be self-liberation. A legal education that is truly African must be the agent in this liberation. If legal education is to be truly African and radical, it must be in the service of self-liberation of the African. This is precisely the opposite of legal education the racist colonizers and imperialists were promoting. And they still promote after the formal end of colonialism.

Legal education in colonial Africa sought to keep Africans in chains. It was anti-African. This was a part of the overall mission of colonialist imperialist education. The mission was to institutionalize and promote the interests of the colonizing Euro-Western powers at the expense of authentic African interests.

Today, the status quo of the Academy must be eliminated. This cannot be accomplished by neoliberalism. Neoliberalism *whitewashes* Academic education and makes what is unacceptable acceptable. It *whitewashes* legal education as well as the other branches of Academic education. In addition, it is dangerous to project Academic education as transformative. The often-touted transformative jurisprudence that became popular in post-Apartheid South Africa must be exposed for what it is essentially: it is a deceptive neoliberalism that fails to grasp and express the radical measure that is necessarily needed if the African is to regain and assert his or her integrity - the dignity of being human. It postpones the African's right to be African a right to be human. It is an ideological jurisprudence that serves the interests of neoliberalism.

A truly radical legal education is not transformative. It calls for a qualitatively new and different legal education -an education that cannot take place in the current Academy. The word 'transformation,' moreover, is ambiguous. It could refer to change that is marginal and superficial or to a change that is radical. In its truest sense, the change that radical legal education calls for is substantive change. Marginal and superficial change leaves substantive dimension of legal education substantively unchanged. It conserves and promotes the status quo of neo-colonial African and the interests of those who benefit from neo-colonialism. Radical legal education eliminates these interests. It is in the service of anti-neo-colonialism. It is more than a substitution of one legal education with another. It obliterates the prevailing legal education; hence, its radicality.

It is undeniable that there were some Africans who benefitted from colonialism and that, today, there are some Africans who benefit from neo-colonialism. Radical legal education identifies these benefits and seeks ways to eliminate them. It should not come as a surprise that there are Africans who are anti-radical legal education and that these Africans have non-African and anti-African support. Those Africans who pursue radical legal education, also have non-African and pro-African supporters. African legal education whether radical or anti-radical has a global dimension. Today, legal education does not exist in a global vacuum. There is an impact on it by non-African and at times by anti-African systems of legal education. Attention must be paid to the impact that globalization of legal education has on African legal education. It should not be assumed that the impact is entirely positive. The global neoliberal pressure on legal education in Africa cannot be ignored by those who are committed to radical legal education in Africa.

As a law student in Dar es Salaam, Mutunga was exposed to a classical period in the history of African Liberation Movement. In his lecture at Kabarak University, he shares with the audience the nostalgia for this period. In Dar, he was exposed to the thinking of African Liberation Movements: FRELIMO, ANC, SWAPO, ZANU, ZAPU, MPLA, POLISARIO, MONALIGE and to other Liberation Movements. He was initiated into Pan Africanism and to the significance of Pan-African Jurisprudence. He appears to have correctly been convinced that radical legal education must be a Pan-African education. He lamented the fact that, today, African law school had become a place where this kind of education is not being taken seriously. Unfortunately, what was going on at Dar was not going on in other African capital cities. Dar was a politically educating place. It was unmatched by any other African city. Most of the other African cities were indifferent or in opposition to what was going on in Dar. Not even Accra in Nkrumah's Ghana regime was as politically revolutionary as Dar. Julius Nyerere, the first President of Tanzania is to be credited for putting Dar on the African political

liberation journey. Neo-colonialism did whatever was necessary to hinder the flourishing of Pan-African Liberation Movement. When countries from which the Revolutionary Liberation Movements that met in Dar became independent, the Pan African liberation zeal cooled off. A post-colonial Africa beset by neo-colonialism emerged. Nation fetishism, national chauvinism, and obsession with national sovereignty, and ethnicism prevailed. Under these conditions the need for radical legal education barely surfaced. African education in general, was subject to the same fate.

At the onset of Ghana's independence, Kwame Nkrumah alerted Africans to the threat posed by neo-colonialism after the formal end of colonialism.² The alert ought to have called attention to the rise of a neo-colonial Academy in Africa. The rise of such an Academy shaped and still continues to shape the disciplines in it and the relation they have with each other. Legal education did not have immunity from neo-colonialist contagion. Even if it were to be conceded that interdisciplinarity and multidisciplinary are helpful in the teaching and the studying of law, interdisciplinarity and multidisciplinary could be neo-colonial ways of framing legal education. They could be diversions from the emergence and the understanding of a truly radical legal education.

There is no legal education or education in general that exists in a societal or in a cultural vacuum. There is no society in general and there is no culture in general. Societies and cultures have contextual grounding. Colonialism sought to systematically deny this fact. It hierarchized societies and cultures and placed African societies and cultures at the bottom of the hierarchy. This was an implementation of the social, cultural, and racist imperialism and for a systematic erasure of Indigenous African societies and cultures. It was an ideological political project

² See Nkrumah, Kwame, *Neo-Colonialism the Last Stage of Imperialism*, New York: International Publishers, 1966.

within which legal education was placed. Sociology of law and culturology of law is inseparable from legal education. Radical African legal education cannot emerge or pursued without a radically different African sociology and African culturology: a radically different African society and a radically different African culture.

Colonial legal education and colonial education generally became the means of erasing Indigenous African societies and Indigenous African cultures while, simultaneously, the societies and the cultures of the colonizers were being imposed on Africans by the colonizers. Hegel erroneously claimed that Africans had no consciousness of law implying that there was no Indigenous law that could be the subject of study. In Africa, legal education became the study of the legal education of European colonizers. It became the teaching and the studying of European societies and the studying of European cultures. Indeed, according to the European colonizers, there was no African law to study. The language in the study of law was the language of the European colonizers - English, French, Portuguese, and Dutch. In Arabized Africa, Arabic was the dominant language. For the most part, the Academy became the graveyard of African languages, of African societies, and of African cultures. In neo-colonial Africa, African educators became the grave diggers and graveyard caretakers of their own societies and of their own cultures. They furthered and, for the most part, today, further the mission initiated by the colonialists.

Compartmentalization of the disciplines in the Academy conceals the fact that these disciplines and, indeed, the Academy itself, does not exist in a societal or a cultural vacuum. The Academy is the flesh of the society and the of culture in which it exists. Legal education is not an exception, it is the flesh of the society and culture in which it exists. African legal education is not an exception. Sociology of Africa and culturology of Africa are at stake in African legal education. The belief that there exists education in itself or that there exists legal education in itself -the belief

that education or law is analogous to a cloud that hovers above society or above culture is a dangerous belief that feeds the hyenas of African societies and of African cultures. This belief is nourished by the fetish of scientism or by the fetishism of universalist rationalism.

The trajectory of Mutunga's Lecture leads to the following vision of what he regards as the core of radical legal education. He says,

“...Radical legal education is anchored upon unfettered academic freedom. Both the state and the university leadership must uphold, protect, and defend academic freedom in teaching, research, and writing. Academic freedom is also about resisting any attempts to subvert the academy by any interests – internal and external. Academic freedom births the battle of ideas in the academy, a fundamental reason why universities exist”.³

If it is granted that academic freedom is at the core of radical legal education, it is radically and supremely important to remind ourselves that the Academy does not exist in a societal or in a cultural vacuum. Freedom in the Academy does not float above society or above culture as if it were a mighty sparrow that flies in the sky without succumbing to terrestrial gravity. Except in the domain of dangerous fantasy, the viability and sustainability of Academic freedom depends on the existence of a free society and the existence of a culture of freedom. The state, it should not be forgotten, is a societal and cultural creature. As noted earlier, the Academy is and ought to be the flesh of society and the flesh of culture in which it exists. In the case of African legal education, Academic freedom depends on freedom in and of African societies and freedom in and of African cultures. It is dangerous to think of Academic

³ Willy Mutunga Lecture, *Ibid.*

freedom as an island of freedom in unfree society or in an unfree culture. Academic freedom must be in the service free society and of free culture from which it ought to derive its existence. This foundation of Academic freedom prevents freedom from being a bastion of oppressive elitism - the kind of elitism that colonial education fostered, and that neo-colonial education fosters. Elitism is divisive in African societies and in African cultures. It is a weapon in the war against African societies and against African cultures.

Anyone familiar with Euro-Western Academy is most likely familiar with the ongoing affirmation of the need for Academic freedom. What is often left out is the link between Academic freedom and freedom in Euro-Western societies and Euro-Western cultures. For the most part, the discussion of Academic freedom in the Euro-West takes place in Euro-Western societal and cultural contexts. What is forgotten is that in the Euro-Western Academy, Academic freedom is Euro-Western Academic freedom. It is not the Academic freedom of all societies or the Academic freedom of all cultures. There are differences in world societies and differences in world cultures. If this is not recognized, societal and cultural imperialism are likely to prevail. Legal education is likely to promote ether imperialism if it is not recognized that it is grounded in its societal and cultural particularity.

Prevention of societal and cultural imperialism ought to be one of the aims of legal education in Africa and in other parts of the world that have been victims of Euro-Western colonialist imperialism. Prevention opens the environment for the flourishing of human rights. In his Lecture, Mutunga, correctly points out that,

“Education is the mother of all rights. Educational institutions are nurseries for the status quo as they are for the resistance of the status quo. I believe every law

school in this country has to take a position on the issue of radical legal education”.⁴

Contrary to the colonialist or the neo-colonialist claims, if education is the mother of all rights, these rights include the right of the African to be African. This right is the right to be human among other human beings and a right that the racist colonialist imperialists did not recognize. The pursuit of radical legal education is a human right. For Mutunga, radical legal education seeks to build:

...a free, just, humane, peaceful, non-militaristic, non-violent, non-racist, non-ethnic, gender just, non-sexist, equitable, ecologically safe, and a prosperous democratic socialist society on the planet”.⁵

Evidently, this is not taken seriously as an essential element in the mission of law school or for the practice of law. Ministries of education in Africa and in other regions of the world do not insist on this as a criterion for being legally educated. It is not used in the screening of Settler Professors of law or the screening of Visiting Professors of Law in African Faculties of Law or in African Law Schools. This omission nourishes the omission of sensitivity to human rights in legal education. If the concern appears as unreasonable or as unbearable burden, there arises a crucial and significant opportunity to rethink the mission of legal education. What does this education serve? Who does this education serve?

It is evident that in his conception of a radical legal education, Mutunga is committed to the establishment of a democratic or progressive socialist society. History teaches us that the conception of such a society is problematic. Conventionally, Euro-Westerners project the Euro-West as

⁴ Id.

⁵ Id.

the citadel of democracy, as the Bethlehem of democracy: Athens, step aside. What remains concealed is that Euro-West has Euro-Westernized conception of democracy. In the course of doing so, Euro-Westerners have Euro-Westernized legal education. Legal education in the Euro-West has been projected as the global paradigm of legal education. If, as it is commonly believed in the Euro-West that democracy is a government of the people by the people and for the people, the question that for the most part remains unasked is, who are the people? The answer to this question is not lexicographical. Its source lies outside a dictionary. History offers us a clue.

History teaches that Euro-Westerners have projected themselves and continue to project themselves paradigmatically as the people - a lesson that can be gleaned from the way that they have treated non-Euro-Westerners. They view themselves as the highest and truest expression of what the word 'people' signifies. This is a lesson that the enslavement and the colonization of Africans taught us and that, for the most part, teaches us today. In the Americas, it is a lesson that registered concretely in the way Indigenous Americans were treated by Euro-Western conquerors. It is the lesson that Euro-Westerners sought to impose on Asians.

Is it possible to be for the people and against the people at the same time? Was the Soviet Union not a Union of working-class people? Is China not a People's Republic? Is North Korea not Democratic People's Republic? Who are the "people" who are placed on the pedestal in contemporary political-legal discourse? Was the Nazi regime not a Volkish regime? Could it be the case that, democracy, as understood in the Euro-West, is ultimately, a Christian idea of the Chosen People? Could it be the case that democracy has been baptized? Can one be a democrat without being a Euro-Christian? In Africa, today, are people

neo-colonial Africans? Are the people the ruling elite or the people as defined by the state of the ruling elite?

In Kiswahili-speaking countries, “people” are referred to as “*Wananchi*.” – (children of the earth). But who are *Wananchi*? Are they the de-Africanized Africans? Are people in Africa urban dwellers? In Africa, are people the people as defined by ‘African politicians? What is the *politics* of the people? Is ‘people’ an ideological concept used as a javelin to attack those that one considers a threat to their self-serving interests? Have non- and anti-Africans exported this concept politics to Africa? Have Africans imported it to their detriment?

What is the concept of people that Mutunga has in mind when he calls for a progressive socialist society - the society that he puts on the Academic table? What do we learn about this concept in the Academy? Could it as once be the case, Marxist, Leninist, Maoist concept of people? A secularized people? Could it be a form of secularized Euro-Western Christian idea of socialist people? Has Euro-Western secularism become a veneer or a *whitewashing* of Christian anthropology, a *whitewashing* of the Academy and its disciplines? Could legal education be such a *whitewashing*? Has the time not come for us to be skeptics and, perhaps, nihilists?

The majority of law students in Africa and elsewhere seek legal education to become practicing lawyers. What kind of lawyers do they want to become, or do they become after graduation? Neo-colonial lawyers? neo-capitalist lawyers, neo-bourgeois lawyers? Neo-liberal lawyers? Anti “people” lawyers? What answers does legal education provide? What interests does the legal profession secure and promote? As Marx pointed out,

“The bourgeoisie has stripped of its halo every occupation hitherto honored and looked up to with

reverent awe. It has converted the physician, the lawyer, the priest, the poet, the man of science, into its paid wage laborer".⁶

One cannot practice law in a societal vacuum or in a cultural vacuum, or in historical vacuum. Should an African practitioner of law not understand African society, an understanding of African culture, and an understanding of the historical context of the African society and a historical understanding of African culture? Should a non-African practitioner of law in Africa not have this understanding? Should an African or a non-African Professor of law in Africa not provide this understanding to his or her students? And can he or she do so without an understanding of this understanding? All these questions appear to me to be essentially relevant to what would constitute radical legal education in Africa.

A radical legal education would be truly inconceivable and unsustainable if it were not intrinsically and organically linked to African education generally and if legal profession were not organically linked to other professions in each African country and unitedly in all African countries. For example, what binds legal profession should equally bind medical profession. Medical practice does not exist in a societal, cultural, or historical vacuum. Radical legal education is not truthfully conceivable or sustainable if it is not echoed in radical medical education and in the radical education in other professions. This is the case in Africa and elsewhere. It is worth emphasizing that no profession exists in a societal, cultural vacuum, or in a historical vacuum.

Today, for the most part, professional life in Africa is predatory. It is a life in which consumers of professional services are subject to the greed

⁶ Tucker, Robert C., *The Marx Engels Reader*, New York: W.W. Norton & Company, 1978, at p. 476.

of professional service providers. Services are for those who can afford them. This was a clear lesson in colonial Africa and is the lesson of neo-colonial Africa. What is happening in Africa echoes what is largely happening in the Euro-West and many other parts of the world. Greed and egotistical pursuits reign. Many professionals behave like hyenas and, although not explicitly stated, their education trains them to behave as such. It should not be forgotten that colonizers were hyenas as are neo-colonizers today. Pervasiveness of corruption is symptomatic of and is indeed, reality in many countries. It is pervasive because it *pays*. There is an incentive to be corrupt. If a person is not corrupt and has a chance to do so and opts not to, such person is deemed to be stupid. There is a Kiswahili saying “*Mkono mtupu haulambwi*” which means an empty hand is not licked. The wise are made foolish and the foolish are made wise. Or it is made to appear as if it is a sign of ignorance not to see that both modes of being are the same. It seems to me that radical legal education sought to educate us to what is going and pave the way for the emergence of a just society and a just culture. There ought to be a place in radical legal education for radical ethics. A radical education of what social and cultural justice calls for ought to have a prominent place in radical legal education.

Throughout this reflection on Mutunga’s opinion on radical legal education, politics is linked to education. The association of law with politics invites an inescapable question regarding the meaning of the word ‘political.’ In determining the meaning of this word, one should be sensitive to the politics of determination. Who determines and how determination is made, essentially, matters politically. In Africa, could the meaning of the political be an export to Africa by Euro-West? Could be imported by Africans from Euro-West? What are the colonial and neo-colonial contexts of these transactions? How does one theorize politics? Should theorization of politics take place in the Academy? As has been claimed previously, is this not precisely where such theorization ought

not to take place exclusively? Should we turn to Greek understanding of *polis* from which the word politics derives? Why Greece? And can we turn to Greece without the mediation of Euro-West? Have Euro-Westerners not imposed their sense of the political on the Greeks? Must it be forgotten that the Ancient Greek who coined the word *polis* were not Europeans? How do we know that the meaning that the Ancient Greeks associated with the word politics is the same meaning that prevails in the European understanding of politics? Why not turn to Indigenous African languages to find the meaning of this word? If the word is not found in these languages, it is time for Africans to decide for themselves what this word ought to mean. Perhaps, it is time to get rid of this word and to determine how to speak about themselves. Speech about politics is speech about oneself. One does not learn the meaning of this word from the Department of Political Science at the Academy or from politicians. One learns the meaning of the word from one oneself -not from an isolated self, but from an organically communal self. Free people does not beg for a sense of what or who they are or for how to speak about themselves. Ought this not to be what it meant for Africans to claim and affirm their independence? And should radical legal education in Africa not be an education where a radical sense of being African is instilled and cultivated? It is where Africans learn and practice who and what they are? It is where they learn and practice what it is to be a human being. In the latter case, education binds them to all other human beings wherever they are. Radical African legal education arises from and is in the service of universal humanity.

It seems to me that in the light of the questions raised above, and in the light of what has been said previously, being political for the African is being African and being African is being political. This claim does not appear to tell us much and it is questionable whether it tells us anything at all. If what is said appears as circular reasoning or as unilluminating thinking, it is not intended to be so. It is an invitation to radically think about what is at stake not only in African legal education but also in

world-wide legal education. Even in the light of its particularity, radical African legal education is a part of radical world-wide legal education. Radical world-wide legal education must be thought in the context of what has been said about radical African legal education. World-wide legal education must be seen and understood in its radical context. Given diverse contexts of dialogues and conversations on legal education, their radical grounding is a necessity. A radical search for such a foundation ought to be integral to a legal education that is presumed to be radical. The local context of the world-wide radical legal education matters and, conversely, the world-wide context radical legal education matters in the local context of radical legal education.

When successful, radical legal education produces radical legal practitioners of law and, for those who become Professors of legal education, they become radical legal educators. Above all, it produces radical citizens and, as such, they secure and promote the kind of society that Mutunga calls for. Such a society, in turn secures and promotes the goal of radical legal education. Radicality in any of these contexts examines creatively the roots and the nature of what is good for both the individual and society. What is good for either is not permanently fixed. It is subject to continuous investigation. This type of investigation is central to radical legal education and also central to a society that is committed to an ongoing pursuit of human rights in all their manifestations. The pursuit is both personal and societal. It is an *Ujamaa*⁷ or an *Ubuntu*⁸ pursuit. In an essential sense, we are what we are organically. This is why corruption or abuse of public trust is so heinous. This is a message that ought to be conveyed in and by radical legal education.

⁷ See Nyerere, Julius, *Ujamaa: Essays on Socialism*. Oxford, UK: Oxford University Press, 1971

⁸ See Mogobe, B, Ramose, *African Philosophy Through Ubuntu*, Harare: Zimbabwe, Mond Books, 1999.

Gone are the days when every nation pretended to exist in isolation from other nations when any people believed that it could exist in isolation from other people. Contemporary African jurisprudence and every other jurisprudence ought to take the global landscape of jurisprudence into consideration. Today, in Africa we ought to be cognizant of ethno-jurisprudence and also cognizant of apartheid in the landscape of jurisprudence. We have entered into a global landscape of jurisprudence. The entrance is highly treacherous especially due to the seduction of neo-colonial jurisprudence that is falsely projected as global jurisprudence. Globalist society and globalist culture ought not to dispense with essential particularities. False globalism or false universalism should not dispense with legitimate societal and cultural differences. It is tragic for Africans to fall victim to these falsehoods. As Aimé Césaire once noted, there are two ways to lose oneself: in dissolution in the universal and in the imprisonment of the particular.⁹ Avoidance of being lost in either situation ought to be enshrined in radical legal education.

Today, radical legal education in Africa must not only be Pan-African. It must also be coordinated with global radical legal education projects. There is no longer any authentic radical legal education that exists in a global vacuum. Radical legal education in Africa is not an exception. It faces obstacles similar to those faced in other parts of the world. Solidarity and collaboration in global radical education is imperative. This is an educational project that bears directly on humanity as a whole.

⁹ See Aimé Césaire Letter to Thorez in occasion of his resignation from the French Communist Party in 1956. *Social Text* (2010) 28 (2 (103)): at pp.145–152. Césaire resigned because the Party was Class driven and ignored Race as a distinct aspect of source of oppression which could not be subsumed in class oppression.