Decolonisation: Meaning and impact for the profession

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Decolonisation

a. Is there a need; and what are we decolonising?
b. Definitions
c. Theoretical framework(s) /enablers
d. How and to what end?
e. Impact for the profession?
Why?

What?
What: Change legal education and culture by:
  a. Decolonising content
  b. Epistemological changes – what should count as knowledge
  c. Need for deliberative interruption of the usual hierarchy of knowledge
  d) shift from legal domination to a law of justification
Therefore:

a) Need to embed African epistemologies and African law in the curriculum

b) De-link or disengage- moving away from the ‘colonial’ by adopting a way of thinking and doing that points to an alternative world

d) Relevance and context important
Definitions
a. Africanisation:

a) Usually regarded as a first step towards transformation, requires curriculum to have more local content

b) In Africa this implies that the content must be ‘African focused content’
b. Decolonisation

Involves a deep sense of recognition of and challenge to colonial forms of knowledge, pedagogical strategies and research methodologies

a) Have to:
   i) Engage with single stories – one dimensionality
   ii) Whose knowledge are we producing?
c. Transformation

An individual, collective, cultural & institutional change, aimed at high performance, effectiveness and excellence. It entails improvement and continuous renewal guided by a sense of justice and ethical action, based on community engagement and achievement of a state that is demonstrably owned and controlled by the people.
c. Curriculum

a) A list of topics to be taught.

b) It includes what is taught, how it is taught and assessed, as well as who the teachers and students are.
c. Curriculum transformation

a) Curriculum must have a **local content** and must take into account variables including equity, efficiency, access, integration and adaptability in the light of massification of Higher Education.

b) It must have clear values such as **ubuntu, language, social justice, responsibility and agency**
**National Context**

**South African Human Rights Report**: Transformation at Public Universities in South Africa relating to Curriculum and transformation

**CHE: Quality Enhancement Project: Phase 2 of the QEP**: The QEP requires Institutions to address the following eg:

a. What the institutions approach to addressing curriculum renewal and transformation entails?

b. Show effects the changes are having…

**Institutional Context**

**Unisa’ vision**: The African University shaping Futures in Service of Humanity

**2011 CLAW Curriculum Transformation Statement**

- Ubuntu;
- Humanisation of the law;
- Social justice imperatives;
- Transformative constitutionalism…
How and to what end?
a. **Address halo effect that surrounds the terms:**
   i. Transformation
   ii. Africanisation
   iii. Decoloniality etc.

b. **Careful selection of curriculum content to avoid alienation from:**
   i. Institutional contexts;
   ii. Knowledge taught;
   iii. Teaching approaches
c. Humanise the whole teaching enterprise, by considering:

i. Cultural dimensions;
ii. Political dimensions
iii. Social dimensions...
To what end?

a. Graduates who have skills to act as agents of humane social change
b. Ability to see law as a core component that shapes the social and economic fabric of society
Impact for the legal Profession?
a. Cohort of professionals with ability to see and interpret law as a transformative tool;
b. Ability to act [efficiently] as agents of humane social change
c. Ability to exercise own agency
d. Cohort of professionals that appreciate the need for ‘jurisprudential ambition and intellectual imagination’.
Thank You