

## **Civic responsibility and civic engagement: an innovative approach to skill development for law students**

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### **Abstract**

UNESCO's in-progress reflections series identifies, among other focus areas for competencies and skills development, a citizenship curriculum that would encompass content such as peace, human rights, sustainability, development, values and ethics. These themes pertain adequately to legal education and practice. From an interdisciplinary approach, they offer opportunities for introducing experiential learning, when there is willingness to innovate. This paper presents a student civic initiative devised to translate theoretical knowledge acquired into direct civic engagement at the service of society. The initiative is an integral complement to the knowledge of law and basic legal skills. It puts students face to face with societal needs like human rights, development, cultural values and the diversity of their communities. At the same time, it cultivates in them a sense of personal responsibility to remedy societal inequalities in new ways, demonstrating how theory should inform practice. Their capacity to observe and analyse matters at hand sharpens faster and their critical reasoning improves. For instance, from real problems they see in society, they start looking at laws in a more critical manner. The attempt in presenting this paper is to show how the conceptual framework of unity of knowledge, from which true interdisciplinary approach stems, guided the idea of the civic initiative as a skill development opportunity for law school students. The paper will state the multifaceted problem the initiative set out to solve, its main aim and objectives, as well as the results of its initial phase of execution. The paper also envisages the scalability of the initiative as well as the investigative potential it opens up, regarding the many ways in which experiential learning enhances competencies and skills development in legal learning.

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## Introduction

### *Background*

Several factors have determined the option of seeking ways of promoting law students' civic engagement as an experiential learning opportunity. The literature on student-centred experiential learning has explored extensively the use of law clinics offering a closer involvement for students in the role of lawyers. For instance, according to Stephen Homer, law clinics give students a taste of what the lawyer's work entails and why.<sup>1</sup> Alison Drake outlines the competency outcomes expected from clinical learning: 'interviewing, counseling, negotiation, fact development and analysis, conflict resolution, organization and management of legal work, collaboration, cultural competency and self-evaluation'.<sup>2</sup> Andreas Bücker and William Woodruff are of the same view as Drake.<sup>3</sup> They state that, primarily, clinical legal education is a way of training law students by exposing them to instances requiring the application of what they learn to real situations. Jeff Giddings and Jacqueline Weinberg suggest that every law student should have the opportunity to learn through clinical experience: they examine the Clinical Guarantee Initiative of Monash University aimed at ensuring exactly that.<sup>4</sup> Experiential learning through law clinics is firmly entrenched in modern law schools. However, the context of the East-African region and Kenya brings to the discussion the fact that experiential learning can be expanded to other areas, considering two interlinked factors: the aspiration of students when they join law school on one

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<sup>1</sup> Stephen K Homer, 'From Langdell to Lab: The Opportunities and Challenges of Experiential Learning in the First Semester', (2022) 48 Mitchell Hamline Law Review 266, 275.

<sup>2</sup> Alison M Drake, 'The Need for Experiential Legal Research Education' (2016) 108 LLJ 511, 517.

<sup>3</sup> Andreas Bücker and William A Woodruff, 'The Bologna Process and German Legal Education: Developing Professional Competence through Clinical Experiences' (2008) 9 Ger.Law J 575, 578.

<sup>4</sup> Jeff Giddings and Jacqueline Weinberg, 'Experiential Legal Education: Stepping Back to see the Future' in Catrina Denvir (eds), *Modernising Legal Education* (CUP 2019).

hand; and on the other, the role of the profession in making access to justice a reality.<sup>5</sup>

Kenyan law students' perspective can be judged through the experience of interviewing them during the admission process. Candidates respond to many different questions which aim at helping to ascertain not only their preparedness, but also their aspirations and their expectations. When asked why they want to study law, most of the candidates express their desire to aid individuals who have been victims of injustice. They believe that pursuing legal education can actively contribute to the promotion of justice within society. They want to use their future professional expertise to reduce inequalities in society. They aspire to meet challenges posed by unmet social justice goals. They carry a relatively vague awareness of some systemic issues they think the legal profession can present them with the opportunity to solve.

From the perspective of access to justice, Kenya, like many other African countries, still shows great inequalities before which the practice of the law presents serious limitations in remedying. When examining the push for competencies and skills focused legal training, one finds emphasis on the inadequacies of doctrinal type of teaching law as the main flaw in law schools' curricula. The approach adopted in this paper is looking at competencies and skills meant to develop the identity of legal professionals who are empowered from their student years to respond to their aspirations for justice and address social justice matters. The question is why, how and when to impart competencies and skills that define a civically engaged law student.

### *Problem*

The statement made in 1940s that law students seem to know 'too much about the law and too little about human nature', demonstrates that the challenge of educating lawyers suitable for practice has persisted over a long period of time.<sup>6</sup> The statement could indicate that, for a professional field to be effectively productive and constructive, it must consider the societal needs it is called to respond to. While in the West, it seems that the profession undergoes

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<sup>5</sup> Alli Gerkman and Logan Cornett, 'Foundations for Practice: The Whole Lawyer and The Character Quotient' (2016) AccessLex Institute Research Paper 16 <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2823835](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2823835)> accessed 9 June 2024.

<sup>6</sup> John S Bradway, 'Educating for law practice: Law Students Can Be Given Clinical Experience' (1948) 34 ABAJ 103.

a certain level of ‘confusion and demoralisation’,<sup>7</sup> in Africa it appears to fall short of making justice accessible for many people. This problem highlights the fact that there is a danger of serving professional interests and disregarding civic engagement. Yet the profession is not just about becoming expert lawyers, with competencies expected by employers,<sup>8</sup> but also about being responsible citizens and engaged professionals. The problem could then be how to find experiential learning initiatives converging into developing law students’ civic engagement competencies and skills to increase civic and social responsibility. Like service-learning practice, civic engagement opportunities could develop students’ critical thinking abilities as applied to concrete societal issues. They reinforce the understanding of course content by applying it to real life situations. They also offer a better grasp of concerns underlying justice problems. In this way, civic learning experience can enhance ‘cognitive, personal and spiritual development, heighten an understanding human difference and commonality, sharpen problem-solving abilities and increase collaborative work’.<sup>9</sup> Incorporating civic engagement experiential learning in law school is one way to better equip the legal profession to respond to the challenges of social justice and bridge the gaps still afflicting the dream of access to justice for so many.

### *The Conceptual Framework: Unity of Knowledge*

The insistent call for experiential learning in law schools aims at overcoming a problem expressed somewhat harshly in the following terms: ‘Law school education does not, by and large, train students either to practice law or to engage in serious legal scholarship. Rather, the law school curriculum disenfranchises students intellectually and disables and incapacitates them professionally’.<sup>10</sup> Indeed, law schools develop students to join a very restricted professional field, career wise. There is a deficit in teaching students not only the practice of law, but also its metaphysical foundations, the structure of its

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<sup>7</sup> William M Sullivan, Anne Colby, Judith W Wegner, Lloyd Bond and Lee S Shulman, *Educating Lawyers: Preparation for The Profession of Law, Report*, (2<sup>nd</sup> edn, The Carnegie Foundation for the Advancement of Teaching, 2007) 3.

<sup>8</sup> Nickie Nikolau, Lisa Silver and Alexander Dingman, ‘Creating the ‘Whole Advocate’ through Experiential Learning in the Law Classroom’ (2023) 10 CLEAR 2.

<sup>9</sup> Grant Larson, ‘Community Service Learning: What Does It Mean for Social Work Education’ (2008) 25(1) CSWR 90.

<sup>10</sup> Karl E Klare, ‘The Law School Curriculum in the 1980s: What is Left?’ (1982) 32 J Leg Ed. 337.

substantive principles, the social and moral skills it requires and the interpersonal abilities it takes to be a good lawyer.

As Michael Cozens puts it:

...the law is a massive structure comprised of many interrelated parts, of which the student is one, and the law school environment should give recognition to as many of these as possible. [...] Unfortunately, in law school they all too often eschew the place of personal values and feelings in favour of dispassionate, sometimes calculated amorality. Neither the law, nor the people it serves are amoral or value free.<sup>11</sup>

It is fair to say that legal education cannot happen in an isolated manner. It should benefit from an interdisciplinary contribution by other fields of knowledge to, precisely, build better competencies and skills in the students. The question is what is the foundation of a proper interdisciplinary approach to experiential learning in law? In other words, what is the adequate conceptual framework for such an approach?

Unity of knowledge as a conceptual framework is adequate for the analysis of new experiential learning initiatives for three reasons. First, because it solves the dichotomy brought about by too much specialisation in different fields of knowledge. Secondly, it bridges the gap between theoretical and practical dimensions within a specific field of knowledge and, thirdly, it provides the foundation for an interdisciplinary approach, whereby other fields of knowledge could provide competencies and skills enhancing legal learning.

There is sufficient evidence to support the fact that no area of knowledge is self-sufficient, and that is what calls for interdisciplinary approaches to any field.<sup>12</sup> From an epistemological perspective, it is not possible to support interdisciplinarity where there is no possibility of unity of knowledge. The concept refers to the integration between the body of knowledge and the rationality of its purpose. Such an integration would align what we know and what we believe; what we know and what we do. The three steps illustrate how there can be alignment between the theoretical principles, their ethical

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<sup>11</sup> Michael Cozens, 'Clinical Education: A Student Perspective' (1993) 2 Dal J leg Studies 201.

<sup>12</sup> Antoinette Kankindi and Victor Chimbwanda, 'Legal Education and its Contemporary Challenges in Sub-Saharan Africa' (2021) 5(1) SLJ 143.

foundation and the application through experience. For Tanzalla-Nitti, unity of knowledge implies not separating what makes a science true from the conditions that make a science good, thus having access to the ultimate reasons that may justify and support the development of such a science.<sup>13</sup>

For law, like for any other field of knowledge, the integration of knowledge into a unified synthesis depends upon the value that legal knowledge has for oneself, for the community and the progress of the human society. Such convergence is also desirable between unity of knowledge and the spirit of a legal mind, legal scholar and/or a legal professional. A truly legal mind, a jurist in the civil law tradition's expression, is a lawyer who has integrated in their knowledge and *savoir-faire* an ability for critical reflection, intellectual rigour, willingness to collaborate and openness to a constructive exchange with other disciplines for a practical and integral advancement of humankind.

Unity of knowledge provides the intellectual maturity predisposing a lawyer to find solutions to complex problems, always within the horizon of the common good. This assumes in the lawyer sufficient mastery to translate theory into practice, to apply theoretical principles to solving problems that practical life brings with it. Practical skills are not possible where there are no habits of the mind that guide the right way to effectively cultivate and use practical skills. In simple terms, this means becoming responsible, ultimately taking responsibility derived from one's knowledge.<sup>14</sup>

With regard to the legal profession, such responsibility includes the concern for what makes a community a civil community; what makes a citizen a law-abiding citizen; what makes a lawyer a good lawyer; what substantiates the truthfulness of a legal doctrine or even a legal system; and ultimately what characterises a law as just or unjust. Coherent legal education must therefore cultivate in the learners' intellectual habits and skills built upon unity of knowledge, so that they can cultivate the ability and responsibility to give practical answers to such questions.

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<sup>13</sup> Giuseppe Tanzella-Nitti, 'Unity of knowledge' (2002) *INTERS* - <http://inters.org/unity-of-knowledge> accessed 14 December 2020.

<sup>14</sup> Antoinette Kankindi and Victor Chimbwanda, 'Legal Education and its Contemporary Challenges in Sub-Saharan Africa' (2021) 5(1) *SLJ* 143.

## **Civic engagement as an experiential learning opportunity**

### *Conceptual basis*

The idea of exploring a civic initiative as an experiential learning option for law school students took a long time to materialize. Several factors contributed to bring it to fruition. After the complicated period of teaching under Covid 19 restriction in 2020-2021, we found ourselves before students who were somewhat less engaged, not only in the classroom, but also in general. On the other hand, they could sense that society was under much pressure and people were suffering greater injustices, yet the law could not help much. If anything, the law could take away more rights. The problem of multifaceted inequality appeared more and more obvious. The concept of the common good, as a principle of justice and the basis of civic commitment informing classroom discussions, became more and more compelling. They brought to the fore some questions regarding ‘the personal, interpersonal and systemic questions of lawyering that can inform the relational competencies that good lawyering requires’.<sup>15</sup> Those who have studied clinical legal scholarship have come to the realisation that there is a need to cover issues that are seemingly beyond the legal sphere yet fall within a systematic approach to developing the much-needed relational competencies.<sup>16</sup>

Relational competencies consist of attributes, which are also qualities or virtues of the mind and practices. They include interpersonal abilities such as one’s awareness of themselves and of others, personal reflection, and capacity to listen and be empathetic. They could also involve the ability to communicate across diverse cultures, as well as the capacity to face structural dimensions intrinsic to the work of a lawyer. While some would think that lawyering entails multiple and intersectional identities, it is undeniable that the lawyer is one human being, who is at the same time a citizen of their society and a member of their profession. All these dimensions pertain to a single person, who has the same responsibility of being a good person, a good citizen and a good professional.

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<sup>15</sup> Susan L Brooks, Marjory A Silver, Sarah Fisher and Kellie Wiltsie, ‘Moving Toward a Competency-Based Model for Fostering Law Students’ Relational Skills’ (2022) 28 CLR 386.

<sup>16</sup> *Ibid* 371.

The pedagogy implied in experiential learning, in the spirit of unity of knowledge and interdisciplinarity, should look beyond the confines of clinical legal training. It is in doing so that it would include ‘reflective practice, cross-cultural lawyering, trauma-informed practices, self-care and mindfulness’.<sup>17</sup> The effects of Covid 19 restriction measures, and some of the subsequent financial crises, have forced us to rediscover some systemic factors that affect the legal profession, including but not limited to ‘complex identities, biases, blind spots, power and privilege’.<sup>18</sup>

Confronted with the need to reassess the different approaches we could adopt to develop law school students’ competencies and skills for the common good, we had to design a student-centred civic initiative that they could build themselves, with guidance from faculty. The main aim is to provide students with real world opportunities to apply their theoretical knowledge. The theoretical understanding of the concept of the common good must be translated into practical endeavours. Such a process would develop in students the skills and values of a good person, good citizen and a good lawyer with high ethical standards for their own personal life and profession.

The student civic engagement initiative had to be an integral complement to the knowledge of law and basic legal skills, especially as pertaining to matters of the common good, public interest and social justice. Civic engagement directly responds to the students’ aspiration to remedy injustices, especially those due to inequalities. Its main features had to put students face to face with societal needs such as human rights, development, environmental challenges, cultural values and the diversity of local communities. The close contact with such realities is what would motivate the culture of the commitment to building the common good, a sense of personal responsibility to remedy societal inequalities in new ways. From a reflective point of view, it would also develop their critical skills in relation to law and policies failing communities.

### *The civic engagement initiative*

#### Choice of Community and Area for Initiative’s Activities

The focus of the student civic initiative developed at Strathmore University’s law school had to be an educational support for young Kenyans at the primary

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<sup>17</sup> Ibid 373.

<sup>18</sup> Ibid 374.



level of education. This is because public schools at that level, particularly in marginalised areas, are in dire conditions, which hinders the prospects of the neediest section of the population. Indeed, when primary education is compromised, the chances of accessing a good high school and, later accessing higher education, are narrow. The choice was based, firstly, on the belief in the power of education. Secondly, it recognised the importance of improving the learning environment for the teachers and the learners to help improve the pupils' performance. Thirdly, it was determined by the fact that education is a fundamental right guaranteed by international instruments and domestic statutes.<sup>19</sup> The initiative had to be for the benefit of a marginalised and seriously underprivileged community since the risk of missing out on proceeding to high school level is greater.

The area chosen is Mau, in Narok County. The main community issues addressed by this program include improving educational outcomes, enhancing access to clean water and sanitation in primary schools, and mitigating the effects of deforestation. These challenges stem from the historical dispossession of land and repeated arbitrary evictions of community members during government-initiated Mau Forest evictions, affecting over 60,000 households. These actions have destabilised under-privileged livelihoods; disrupted access to basic services such as education and health and led to widespread socio-economic vulnerabilities.

The identification of these issues was informed by community consultations that took place around Enengeetia Primary School. Exploratory meetings took place with the board members, the management of the school, and some parents and representatives of the community. Consultations were also held with professionals from the community, who are former students at the primary schools of the area. Field visits and community feedback revealed 3 serious problems at Enengeetia primary school: the deterioration of the physical facilities; the lack of access to clean water and sanitation posing significant public health risks for both the pupils and the teachers; and the poor performance at the national examination by the finishing class. Furthermore,

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<sup>19</sup> Among many, the most important ones are: The Universal Declaration on Human Rights, 1948, Article 26; The Convention on the Rights of the Child 1989; The Salamanca Statement on Inclusive Education, 1994; The Sustainable Development Goals, Goal n.4 on Quality education; The Constitution of Kenya, 2010, Art. 43; and The Children's Act, 2022, Art. 53.

deforestation in the area has led to environmental degradation, especially since the Mau forest is deemed to be one of the main water catchment areas in Kenya.

### Law School Students' Involvement

The Student Civic Initiative involves approximately 160 students, mainly on the second year, undergraduate programme, because they are the ones taking the courses on Ethics as well as Social and Political Foundations of Law. Both courses deal largely with the concepts of responsibility, citizenship and common good. The initiative is a non-compulsory part of their course work, precisely to inculcate their personal commitment to it. The initiative started in 2022 with 16 students participating in the conceptualization of the project and initial contacts with the community. The first activities in 2023 saw a total of 74 students participate in the fundraising, while 28 out of the 74 signed up for the workcamp to carry out the actual work of refurbishing the physical facilities, supporting learning and contributing to restoring the local ecosystems by planting trees. In 2024, the second edition of the initiative saw greater participation, where 112 students contributed funding and 58 of them signed up for the work-camp. Since news of the Initiative spread at the Law School, 9 LLM students even offered to participate in fundraising to buy writing materials for pupils who had none at the primary school. The increase in law students' participation and their satisfaction is consolidating the Initiative.

Though we did not use a feedback form to record satisfaction statistics, we have a total of 93 students from the 2023 and 2024 combined cohorts who have shown interest in continuing to stay engaged with the initiative, either by fundraising contributions or by signing up for the next phase of activities.

### Objectives of the Initiative

The objectives of the initiative are simple: offer to law school students an experience of engagement at community level, whereby they solve some specific problems, while they assess, in a real situation, challenges of access to justice, human rights, development and inequality problems directly. The effort would initiate a creative approach to experiential learning, leading the 21st-century student to assume their civic responsibility in driving localised development, an experience that would also shape an innovative perspective to their profession.

Following the feedback from the community, the first objective was the refurbishing of the classrooms, including overhauling the floors and the walls, repairing the windows and installing electricity, to create a better learning environment. The second was to try offer extra tuition to the finalists at the primary school, so that they could improve their performance at the national examination. The third component was to contribute to restoring the ecosystem around the school by planting trees.

The funding model proposed to students was simple: raise about 5% of their pocket money through the course of two semesters and contribute it monthly where possible. This structured approach ensures consistent financial support for the project's activities. Leadership responsibilities are distributed among students in smaller groups, with each group leader overseeing the progress of fund mobilisation weekly and ensuring accountability. The main idea behind this fundraising plan is to gradually build ownership of the project, hinging on each individual's sense of responsibility. It could have been possible to raise money from elsewhere, but then the students would not have been as motivated to carry out the project as they are. The responsibility for following up, monitoring and updating contributions was assigned to the group work leaders, who provide monthly reports to the faculty members in charge.

#### *Results of the initial stages of the Civic Initiative*

The civic initiative was devised to experientially translate theoretical knowledge acquired into direct civic engagement at the service of society. As an integral complement to the knowledge of law and basic legal skills, it sought to put students face to face with societal needs, especially in terms of finding a remedy to social injustices. The conviction is that it is possible to cultivate, in law school, the students' aspiration to contributing to more justice in society. The experience of being socially engaged, while studying law, is a way of correcting the ills identified by Deborah Maranville. She stated that:

...many law students are so bored by the second year, that their attendance, preparation and participation decline precipitously; by the graduation, they have lost much of the passion for justice and the enthusiasm for helping other

people that were their strongest initial motivations for wanting to become lawyers'.<sup>20</sup>

When law schools fall short of nurturing such strong motivations, it means that the curriculum is not building in the students the values that undergird the very purpose of the law and the legal profession. 'Students whose passion is justice often encounter significant unwillingness to grapple with overarching issues of justice in the law school classroom. Some teachers are reluctant to address them because they are controversial'.<sup>21</sup> Experiential learning of the type involved in the student civic initiative solves such problems because those issues are experienced firsthand, without any lectures. It becomes evident that they are not only incidental to the principles of law, but more importantly, the very reason for laws. That is why the initial stages of the civic initiative, as an experiential learning instance, has exceeded expectations both in the law school students and in the pupils and teachers at the beneficiary school.

In normal conversations with former students who are now professionals, it is common to witness a certain level of dissatisfaction, discontent, disillusion, sometimes, burnout, and mental issues. We should be brave enough to acknowledge that, if we introduced a culture of civic engagement to them in law school, keeping them in touch with real needs of justice, the disillusion with the profession would not be as strong. It is also true that giving back to society in a consistent manner, not as a sporadic act, is a real way for people to find and sustain the meaning of their lives and their work.

#### Results for law school students participating in the initiative.

The project gives the university students life skills that will enrich their learning with a new perspective to life in their profession, and enhance their concern for the community. The synergy the initiative creates among the students becomes an actualization of the concepts they learn in class, as well as the ideals and values Strathmore University seeks to instil in them. For instance, the students act with freedom and responsibility carrying out the service in an environment of mutual respect. The initiative offers an opportunity for them to recognize what it means to be in a position of privilege;

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<sup>20</sup> Deborah Maranville, 'Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning' (2001) 51(1) JLE 51.

<sup>21</sup> Ibid 53.

the duty they have to society and how little it takes to meet that duty for the benefit of the less privileged.

The first result of the civic initiative on the law school students is a personal transformation that is difficult to express in words. They worked hard on tasks they have never faced before, motivated by improving the sorry state of the primary school. Their own words better express the learning experience.

One student summarised the transformation in a mysterious yet clear statement: “There was no grumbling, no slacking nor squabbling. Their stark contrast to our existence as well as the overwhelming realisation and gratitude for our privilege drove our hands and hardened our minds to face the task at hand with fortitude”.<sup>22</sup>

Another student expressed it differently:

You truly never know how privileged you are to be in a certain space until you witness the lives of those in a less privileged state. My experience at Narok in April is summed up by this very statement. Having raised money towards this civic initiative over the course of 6 months, while I had in mind what the money would be going towards, and the fact that we would be going to a school in Maasailand, I still did not know just how dire the situation was on the ground and how big of an impact the work we would do would have on the school, its students and staff until we got there.<sup>23</sup>

Another student put her view from a different perspective:

Noblesse oblige. This is the French expression that loosely translates to privilege comes with responsibility, which is usually to give back to society. The Narok work camp has been the truest manifestation of this phrase for me, therefore I write this deeply personal reflection full of gratitude and a renewed sense of purpose. The school is deeply reminiscent of the failure on the part of the government to fulfil its obligation to promote the right to education, one of the socio-economic rights in Article 43(1)(f) of the Constitution. Seeing the state of informal primary schools and the number of

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<sup>22</sup> Personal reflection of one of the male students that participated.

<sup>23</sup> Personal reflection of one of the female students who participated.

people who live in poverty is what motivated me to do my LLB. I wanted to have the opportunity to convert my anger into justice. At the end of the day, I became cognisant of the reason I was working, to give the children a more conducive learning environment. It was a chance to right the wrongs of the government and, hopefully, give them a chance to pursue their dreams because I believe the words of Nelson Mandela when he said education is the most powerful weapon, which one can use to change the world.<sup>24</sup>

These personal reflections from a few of the students demonstrate not only transformation in terms of personal responsibility, but also in terms of changing their attitude and openness to learning by experience. The reflections also show a few skills and competencies they did not suspect they could acquire so easily. Such skills are, for example, the capacity for organized reflection in service learning. Its immediate consequence is that, according to sociologists, 'it makes students more likely to apply critical thinking, synthesize information from classroom and community settings and examine structural/institutional antecedents of social issues'.<sup>25</sup> However, before they think critically of social and policy issues, they reflect upon themselves and their own context, attitudes and perception. In all appearance, the civic initiative became a context and method within which the integration between theoretical knowledge and acquisition of skills finds a natural support.<sup>26</sup>

During the execution of the civic initiative, the enhancement of certain competencies stood out, including knowledge and understanding of issues and the exercise of ethical responsibility by each student at different levels. It is also an occasion to discover other educational needs of our students, especially the need to hone physical abilities and capacity to reflect upon one's mental state, as well as the ability to devise personal learning outcomes from the initiative.<sup>27</sup> On one hand, the challenge lies in accurately assessing or evaluating the learning that is taking place. On the other hand, there is the challenge of incorporating the initiative into the curriculum for sustainability and greater impact on future lawyers. It is fair to say that the civic initiative

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<sup>24</sup> Personal reflection of another student.

<sup>25</sup> Linda A Mooney and Bob Edwards, 'Experiential Learning in Sociology: Service Learning and other Community-Based Learning Initiatives' (2001) 29(2) TS 188.

<sup>26</sup> David I C Thomson, 'Defining Experiential Legal Education' (2015) 1 JEL 12.

<sup>27</sup> Neil W Hamilton, 'What Legal Employers and Clients Want: The Competence-Model Approach to Legal Success' (2013) 11(1) UTLJ 12.

yields learning outcomes that are ‘relational and virtue-oriented,’ with an invaluable impact on professional and civic responsibilities.<sup>28</sup>

### Results for the beneficiary primary school

There is a graphic description of the results in the words of the one of the law school students.

In two days, we had managed to hack away the floors of two classrooms clear out the rubble with a convoy of wheelbarrows, then further break down the pieces into small stones to pave the muddy pathway to the well from which we were drawing water. We also scraped away the old masking tape and glue from the walls (not as easy as it sounds trust me), planted over 300 trees, nailed up some boards to make hooks for their bags and nailed some in to the walls of the class. We also mixed and spread concrete over the floors of both classrooms, levelled them out and further put a layer of plaster for a smooth durable finish then painted the walls. A large archive filled with papers and other rubbish was emptied and carted some distance away to be burnt in a fire pit. The students, especially the class eight students, received some talks to motivate them as well as to answer questions about university, career path and life in general. By the time we were leaving, a lot had changed. Both in us and outside.<sup>29</sup>

Another student describes the transformation at the school vividly:

I was able to learn how to do various hands-on jobs such as painting, shovelling, drawing water from a well, scraping paper off a wall, and how to light and keep a fire burning in a garbage pit. I was also able to witness firsthand how important teamwork is when performing a task that would generally take so long to do on my own. This was through being able to have cleared a room that was filled with papers and wood together with my fellow classmates and friends within the first day only, a job that alone would probably have taken more than 3 days to complete. Being able to see the transformation of the

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<sup>28</sup> Neil Hamilton and Jerry Organ, ‘Legal Outcomes that Law Schools Have Adopted: Seizing the Opportunity to Help Students, Legal Employers, Clients and Law School’ (2022) 69 *J leg Ed* 5.

<sup>29</sup> A male [is the gender relevant here?] student description of the material improvement of the classrooms.

two classrooms and the storeroom that we were able to do compared to the state they were in when we first got there was a very fulfilling experience, one I am grateful I got to be a part of.

The execution of material tasks became the occasion for the students to observe many more improvements regarding the learning needs of the pupils, the teaching support needed by the teachers, and the general position of inequality the institution and the community suffer. This fact prompted the law school students to suggest other contributions that we could bring to the school. They naturally took up the responsibility to list everything and start a discussion on how to raise more funds for the sustainability of the project.

Since the first edition of the initiative in 2023, 10 classrooms have been refurbished. The performance of the last Class 8 of the primary school in the national examination improved. The Member of Parliament of the area was motivated to complete the refurbishing of 3 more classrooms. This might be the most surprising result of the initiative. To think that a students' initiative catalysed the Member of Parliament's action is encouraging for the students. They are looking forward to a chance to meet with her and discuss the provision of domestic law and international instruments regarding the right to education, the policy on free primary education and the crucial matter of equal opportunity. They are thinking critically about the legal profession in relation to public interest matters as well as the major question of the legal profession and development, especially sustainable development.

### **Scalability of the civic initiative as an experiential learning option**

The effort to introduce an experiential learning option based upon a students' civic engagement endeavour exceeded expectations. It proved correct the experiential learning cycle that includes 'experiencing, reflecting, thinking and acting'. The initiative provides the opportunity to go through the four stages and, in doing so, expands learning in a more flexible manner. The way of learning is quite impactful and more internalised. From it, students are more open to more learning both theoretically and practically.

If we consider that experiential learning is holistic process of adaptation to the world, not just a result of cognition, it implies integrated operative abilities within the unity of the person. This means the person in their thinking, feeling, perceiving and behaving abilities. The civic initiative proved this and



demonstrated how learnt concepts translate into practice and how social knowledge occasioned by experience can enhance the process of building new knowledge. Moreover, the initiative has illustrated how relevant to legal training traits of character are, such as integrity, industriousness, reliability, all of which are necessary conditions for a committed professional performance. Having a first-hand knowledge of societal needs introduces students to developing what some call regulatory competence, defined as the ability to participate in the development of regulations in accordance with one's professional specialisation. It appears that the civic initiative qualifies as an effective experiential learning tool. In one initiative we find a convergence of different dynamics bringing together theory on the principles of justice, experiential education and its place in legal professions, its connection to society, and ultimately to the country. The civic engagement initiative can also attenuate the danger of having the legal profession as a profession accessible only to small elite of legal workers trained to serve mostly powerful corporate interests.

Though no other law schools are involved in the initiative yet, its structure and the process of funding is easy to expand and replicate. It is also sustainable because, the students who participated in the previous workcamps want to stay engaged, as the 2024 edition demonstrated. They want to invite their friends to join in. They think all students in the law school should join the initiative. They also repeatedly insist that the initiative should be open to students at other schools as the experience could help them, not only make sense of what they are learning, but also see exactly where they should orient their profession in the future. That is a scalability option that can happen soon. One of the most impressive illustrations of the project's sustainability is their willingness to continue participating in the fundraising so that we can achieve more on the ground.

From the initial idea of refurbishing dilapidated classrooms, supporting learning, and planting trees, now we are embarked on the next phase of setting up an affordable water and sanitation infrastructure, which will include overhauling the toilet facilities at the school. The law school students are eager to see the school completed so that another school can also be transformed.

A response like this shows how easy it would be to scale up the initiative to other law schools and other faculties, especially in our developing countries, where glaring inequalities require urgent and effective measures. It is about

instilling in students a sense of professional responsibility and public obligation. Indeed, every profession comes with its own responsibility but also with a civic responsibility towards society, not just stakeholders.

The possibility of scaling up the initiative also considers the fact that, now, it is proposed to Strathmore University's Law School students only. However, as we consolidate the project, it can be open also to other law schools, especially the ones based in the Nairobi and Nakuru areas, due to their proximity to Mau, Narok County.

### **Conclusion and potential inquiry prospects**

The world is moving fast. New challenges are defying settled doctrines. Professional standards aim higher and higher. It is natural to seek to teach law and prepare legal professionals in ways that try, as much as possible, to meet the current challenges. It is important, whenever possible, to be ahead of them. On the other hand, in terms of legal knowledge and practice, there are realities that will always underlie both knowledge and practice. They do not change. Hence, the determination, in law schools to be innovative and sustainably address those realities in rapidly changing circumstances. Legal education and training cannot afford to respond to global trends only. They must also respond to local and domestic realities.

The question the paper sought to respond to referred to those unchanging realities that lie beneath the law and call for its application. The main one is the access to justice, which, in itself, entails fundamental human rights. In the case of this paper, it is social justice focused on education. The devised pedagogical case of a civic initiative as an experiential learning tool and opportunity for law school led to some findings. For instance, it brought to light the fact that, in practice, despite the right to education, the reality can be of abysmal inequalities. Specific people, especially children have no way of accessing such rights. Moreover, they completely lack the minimum conditions to claim access to such rights. The initiative gives students, in very practical ways, the skills to analyse the complex problems facing under privileged communities and helps them to reflect and think critically on where the loopholes are and what simple, yet innovative solutions are available.

Students exposed to the initiative want to, on one hand, stay engaged civically to do what is in their own power. On the other hand, they want to scrutinize

policy in a more consistent manner. They raised questions such as the use of online learning under Covid 19 restriction measures. They tried to understand how such measures did not take into consideration the situation of schools like the ones they are helping, deprived of access to the Internet.

The aim of stimulating the students' ability to contribute to the common good was attained. They are so deeply committed to continue and expand the initiative. This is the best assurance in term of sustainability, but also in terms of skills. The more they do, the better their competency and skills become. As they move out of the undergraduate program and into t Bar school, they will carry their dream for contributing to a more just society, but also their professional choices will go in the same direction.

If prepared and executed correctly, the civic initiative can also be an adequate opportunity to do ground work for more effective legal clinics, especially those interested in bringing justice to communities facing extreme inequalities.

The educational, professional and social contexts in which the law school students' civic initiative was conceptualised and tested shows that it is an adequate experiential learning tool, in terms of objectives and methodology. It also showed that it could open many different research options or new inquiry prospects. Potential themes of further investigation are listed below. I would hope to elaborate more on them in my next research project, possibly in collaboration with law school students who pioneered the initiative and are still participating in its sustainability. The most salient potential areas of research around the civic initiative as an experiential learning pedagogy are the following:

- Legal education contextualised in African socio-cultural perspectives
- Centrality of ethics in theoretical and experiential learning
- Legal profession and access to justice
- Critical thinking and action approaches
- Convergent interdisciplinary areas