

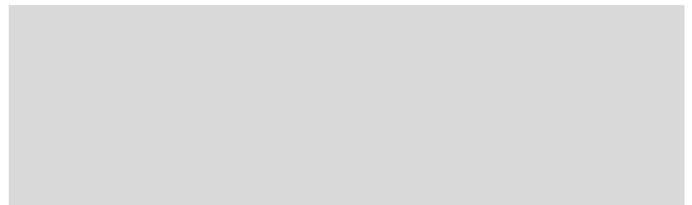


# DECOLONISE THE LAW SCHOOL: RESULTS & RECOMMENDATIONS

**WARWICK LAW SCHOOL**

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“Challenging longstanding biases and omissions that limit how we understand society.” -  
*James Muldoon*



### WHY DECOLONISE?

The *Decolonise the Law School* project is a part of the University of Warwick’s wider *Decolonise the Curriculum* initiative. It is led by Dr Sharifah Sekalala, an associate professor in the School of Law. Sekalala began by recruiting twelve undergraduate Law students from a range of black and minority ethnic backgrounds to lead the project. Sekalala then held two initial group meetings where the students crafted their vision in ideological and practical terms. It was decided that the term decolonise would be retained as opposed to diversify. Diversity requires acknowledging and including those who deviate from the ordinary. While this appears akin to the function of decolonisation, there is a massive ideological divergence. Diversity maintains the othering of those not seen as ordinary by failing to engage with how these standards, of what is deemed ‘ordinary,’ are created. Consequently, racial minorities are unable to achieve true equality in higher education as they must continue to experience racial microaggressions and systemic racism despite attempts to the contrary. Meanwhile, **to decolonise is to radically eradicate the shadow of historic racial violence, in a holistic fashion, to achieve fundamental equality in higher education.** Decolonisation requires a system to “reject [its] internalised norms and taboos that are the products of colonialism.”<sup>1</sup> It is only through this process of rejecting colonial perspectives that true equality for racial minorities may be attained in a post-colonial institution.

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<sup>1</sup> (Albayrak, 2020)

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## HOLISTIC FOCUS

The students then decided on the issues that were to be a priority in the upcoming focus groups they were to lead. In keeping with the ethos of decolonisation, it was decided that issues beyond diverse reading lists, the main demand of the original Rhodes Must Fall campaign, were to be considered. Consequently, the students began to discuss any issues they felt hindered their engagement with their Law degree.

While it was agreed that the current reading lists remain too centered on the narratives of white people, furthering the colonial view that this narrative is what is 'ordinary,' the group indicated that this facilitates a more complex relationship with how racial minorities engage with their Law degree than is commonly perceived. For example, the students discerned a correlation between the excessive focus on white narratives to BAME Law students feeling less confident in exploring their own intellectual interests for fear they may not be credited.

The current structure of the degree was also called into question. Many students discussed the anxiety that is associated with the fact that their personal experiences are not considered either within teaching or module design. This has an impact on the way in which module topics are covered and a

worry that they shouldn't explore any of their personal experiences or interests as they may disadvantage themselves in the exam.

The group had some concerns about module choices and pointed to modules from other Law Schools such as SOAS and Birmingham which both have specific decolonisation modules. They argued that modules teaching students how to decolonise certain aspects of the curriculum should be specifically taught at Warwick's Law School. This was deemed contextually appropriate, considering the UK's imperialism, because when studying an English Law degree to prospective lawyers who may one day implement these laws, an anti-colonial perspective is important for them to understand and adopt. On a smaller scale, such engagement could do much to prevent racial microaggressions in the Law School and protect BAME students from such traumas in the process.

There was also some concern about the standards for academic writing being exclusionary to international students and students of colour. This correlates with the associated issue of subconscious assimilation that BAME Law students experience at an academic level. They felt that if you think like white students and write like them then you can attain academic success. However, this behaviour has implications for students of colour as it acts as a barrier to engagement. There was a lot of feedback about the glamorisation of John Locke and the impact this may have had on students in Black History Month.

Students also interrogated the role Law school staff play as unintentional agents of institutional racism. Some shared anecdotes of racial microaggression during seminars. This began a discussion regarding whether seminars are a safe space for students of colour and whether staff have appropriate training as to how to handle such instances. But mitigation was undoubtedly the issue that caused the most concern in this facet of the discussion. Other anecdotes were shared about how difficult the mitigation process has been for students of colour,

raising concerns that the current policy does not facilitate certain circumstances that are commonplace in minority cultures (e.g. closer familial bonds with extended family). Such omissions leave BAME Law students uniquely disadvantaged.

The final conversation surrounded the personal tutor system as the students expressed a few flaws in the system, including the fact that the students often felt unable to relate to their personal tutors. They also felt that the high turnover of personal tutors was an issue as it hindered any rapport or connection.

### QUESTIONS

Sekalala then evenly split the students into focus group leaders and note takers. The students are listed below:

#### Focus Group Leaders

1. Joshua Lam
2. Tham Newton
3. Shay Runsewe
4. Seneba Jama
5. Oladele Bashirat
6. Eze Blessing

#### Note Takers

1. Gul Ozge
2. Mariam Touray
3. Nantongo Denise
4. Shah Zobiyah
5. Jessica Tinubu
6. Paka Sole Sneidy

The focus group leaders then met separately to develop a standard set of questions that would be asked in each focus group. The questions that were developed are

listed below:

1. Are you able to explore your personal interests/niche within your degree and feel confident that it will be valued by the examiner?
2. What do you think about the current selection of modules?
3. Looking at some of the academic work mentioned in your curriculum, do you feel that your modules have given you the opportunity to criticise issues ?
4. Universities such as SOAS and Birmingham have courses for de-colonisation. Do you think de-colonisation modules/courses should be taught at Warwick?
5. To do well, do you feel like you must adopt the lecturer's opinion as opposed to your own?
6. Do you feel like you received enough guidance on how to write academic pieces/essays?
7. How can we be more sympathetic towards mitigating circumstances for disadvantaged students?
8. How should seminar tutors go about making a seminar a comfortable environment for people to share their views and speak?

The focus group leaders then paired up with a note taker who would transcribe the responses to the questions in the upcoming sessions. The leaders then recruited four other BAME Law students each to respond to the questions. The resulting respondents ranged from first, intermediate and final year undergraduate students. While the respondents discussed their experiences as students of colour, they also discussed issues that are pertinent to all Law undergraduates.

### **Are you able to explore your personal interests/niche within your degree and feel confident that it will be valued by the examiner?**

The respondents largely found it difficult to explore their personal interest in assessments. They extensively discussed being awarded lower marks for talking about topics related to their background, especially when they spoke about equality and discrimination. This was the regular pattern, although some modules (e.g. Transitional Justice, Islamic Law) received praise in this regard.

An interesting aspect of the conversation was highlighted by respondents that were also international students. They raised concerns about the Law School's eurocentric teaching. They highlighted that even though their countries also used common law systems which could more easily be interpolated into modules, there were minimal modules in which they could explore their native legal systems. They said that this created a gap in the skills that they learnt in their degree and their applicability to their native legal systems.

### **What do you think about the current selection of modules?**

The respondents pointed out many issues with the current module selection. One issue was that they felt that the current selection of modules are too eurocentric. They said that even in modules that focused on cultural heritage (e.g. Art and Cultural Heritage Law), there was an overwhelming focus on European culture. They felt this was problematic because the Law School is an international community, yet this is not reflected in the substantive content of the modules. The respondents were clear in the fact that it wasn't whole extra modules they wanted but even comparative aspects with other cultures in the modules that they already have would be satisfactory. They simply wanted the opportunity to speak on other cultures. Students also mentioned it would be interesting to have more international modules in the vein of Japanese Law. They spoke about peers at other universities and felt Warwick is lacking in this regard.

Another issue was that many respondents often found themselves picking modules primarily due to the type of assessment rather than the module's content. They said such pragmatism often prevented them from taking modules that they had a genuine interest in.

### **Looking at some of the academic work mentioned in your curriculum, do you feel that your modules have given you the opportunity to criticise issues ?**

The respondents mentioned that they felt uncomfortable bringing up criticism and expressing their views in fears of being targeted. Some students referenced the John Locke/colonialism debate that often arises during Property Law seminars, with the respondents sharing anecdotes of being subjected to insensitive comments as a result. First year respondents discussed the changes made to the Modern English Legal System (MELS) module. Although they largely enjoyed the course, they shared anecdotes of having to be subjected to culturally insensitive comments as a result of the module's increased emphasis on social issues. They advised that when potentially sensitive topics

were being discussed, it was important for seminar leaders to create a safe space for students of all backgrounds.

Interestingly, respondents who did Law as a joint honours had a more positive experience as they found that their modules outside of Law allowed and encouraged critical discourse. For international students, there were mentions of fears of visas being revoked and just generally being so far away from home that they don't want anything to jeopardise their experiences here. This was their main reason for remaining quiet when things were said, in seminars and other spaces, that they disagreed with.

### **Universities such as SOAS and Birmingham have courses for decolonisation. Do you think decolonisation modules/courses should be taught at Warwick?**

While the respondents agreed that decolonisation should be a compulsory part of the Law degree, they disagreed on how best to implement this. Some felt that it should be a compulsory first year module so that students engaged with their Law degree critically. Others felt that it should be integrated throughout each module, with a few decolonisation academics in their respective disciplines being taught and added to every module reading list. Some students noted the low number of BAME Law professors and argued that having a non-BAME professor teach decolonisation would be uncomfortable and counterintuitive.

### **To do well, do you feel like you must adopt the lecturer's opinion as opposed to your own?**

The respondents overwhelmingly agreed that there was a pressure to academically assimilate to the opinions of their lecturers. They spoke of being forced to accept western or British values and to have a 'western mindset.' The respondents also felt like there was no room for them to explore their own views as there is no discussion about other cultures outside of European ones. One example given was about legal theory module and how the readings were limited in their diversity as well as the fact there was discussion about communism, but no exploration of non-European communist countries (e.g. China). Many respondents felt they would be penalised for disagreeing with the lecturers from their own past experiences and those of their peers.

A few respondents felt differently and stated that they felt encouraged by the law school to be creative and formulate their own arguments. Other respondents discerned between the type of assessment of a given module. They argued that coursework offers the best opportunity to express your own ideas while the pressure to conform was more acute in exams as regurgitating a lecturer's view is the best way to access a 2:1 or a 1st. However, many students noted the pervasive trend of picking 'safe' essay questions which stuck to conventional discourse rather than picking ones they were genuinely interested in. They said that this inherently was conformity, despite the space that coursework supposedly provides to explore authentic academic interests.

## **Do you feel like you received enough guidance on how to write academic pieces/essays?**

Some respondents felt this was not a problem and they felt comfortable using the structures provided. However, most respondents responded negatively and raised a few issues. Most said that the Law school do not teach you how to write or reference properly and they had to learn through experience. This was at the expense of their grades which they felt was unfair. The issue of feedback was also raised with many stating that they often received vague feedback or feedback that did not align with the lecturers proclaimed expectations.

## **How can we be more sympathetic towards mitigating circumstances for disadvantaged students?**

Many respondents were unaware that grades could be appealed and felt there was no transparency in the moderation process. Respondents that were international students were afraid to raise appeals for fear of visa revocation. In the mitigation process, the respondents felt they were not believed or taken seriously. Anecdotes were shared regarding disregard by staff members when undergoing the process (e.g. not showing up to scheduled meetings etc).

Other students raised the issue that requiring medical evidence for mitigating circumstances as often as the Law school does inherently disadvantaged poorer students. This is because this provision often incurred financial expenses that the university does not fully refund.

Moreover, they raised the concern that many issues that prevent students from realising their potential is not medical. Some students often have caring responsibilities at home or undergo familiar changes while at university (e.g. divorce). Many respondents that suffered from mental illness found this difficult to prove and were often not believed. The lack of follow-up after a student submitted mitigating circumstances was also criticised.

## **How should seminar tutors go about making a seminar a comfortable environment for people to share their views and speak?**

The feedback about seminars appeared dependent on seminar tutors. The students spoke about being scared to express their views because they were used to being brushed off. The respondents also talked about how tutors would never remember their names, pick on students of colour and ostracise them from the rest of the group. Some respondents suggested that tutors should undergo anti-bias training and ensure their spaces were safe for BAME students.

## RECOMMENDATIONS

The next part of the report will focus on how the Law School can address the responses of the participants.

The first recommendation seeks to address the negative responses regarding module selection, the limited scope for criticism and the inability to explore genuine/personal intellectual interests. One recommendation is to introduce more comparative elements to all the core modules and appropriate optional modules. This addresses the limited module selection because if a segment of a module is popular then it can be introduced as a full module. These comparative elements would include having considerably more BAME academics on reading lists, but this measure would be deemed performative without more integration into the module's substantive content. For example, in every module there could be a feature where students are encouraged to evaluate the effectiveness of the current governing legal system in comparison to another selected system. This other selected system should be non-Western in nature to address the concerns of the BAME undergraduate community in this regard. Warwick Law School would be quite progressive in this regard as most of your peers have a single comparative law module or an international law module or both. However, these modules tend to be extremely eurocentric and focused on Western legal systems. The report proves that this is an engagement barrier for BAME students. This is both practical, in terms of not introducing full new modules that will need Law School staff to teach them and addresses the concerns of the BAME undergraduate community.

In terms of the prospect of a decolonisation module being taught, the respondents all agreed that it should be taught in some capacity but disagreed on how it should be administered. Therefore, a reasonable suggestion is that decolonisation is integrated into the current MELS module. Integrating decolonisation with MELS is both ideologically and practically sound. On ideological terms, it introduces the idea that decolonisation is fundamental to understanding the foundational elements of English law which is highly beneficial in encouraging students to adopt this lens throughout their undergraduate degree. Moreover, MELS is currently subject to extensive reform anyway so further reform in this regard aligns with the current direction the module is heading in.

To address the concerns of academic conformity, the Law School must train staff to encourage and reward academic exploration rather than penalise students for it. Increased opportunities for students to engage in non-traditional academic discourse, including the perspectives of BAME academics, would do much to further this aim.

The university's policy on appealing grades should be fully outlined to each student at the beginning of their degree and the policy should be streamlined to ensure maximum clarity. The mitigating circumstances guidelines should be revised to be more considerate of the circumstances of the university's disadvantaged students. For example, medical evidence should not be required for minor infractions such as seminar absences but used for more important events (e.g. final exams). The mitigating circumstances guidelines should be revised to place more importance on the impact of other situations (e.g. familial disruption, mental health, racial trauma) and these conditions should be taken as seriously as a medical issue. The mitigating circumstances

policy should also require follow up from personal tutors to provide further assistance to students if necessary.

Finally, seminar tutors should undergo vigorous anti-bias training to ensure they are not committing microaggressions against students of colour. Moreover, the training should enable tutors to recognize when BAME students were subject to microaggressions from their peers and provide them with the tools needed to address these situations.

## **CONCLUSION**

Ultimately, the current composition of the University of Warwick's Law degree is not fit for purpose as there are several barriers to engagement for its black and minority ethnic undergraduates. This report outlines the issues that are both internal and external in nature. There are also several recommendations that the Law School could undertake to address these problems, although this is not exhaustive, and more solutions could be created to address the issues raised.

## **Bibliography**

Albayrak, N., 2020. Diversity Helps But Decolonisation Is The Key To Equality In Higher Education. [online] Contemporary Issues in Teaching and Learning. Available at: <<https://lsepgercirtl.wordpress.com/2018/04/16/diversity-helps-but-decolonisation-is-the-key-to-equality-in-higher-education/>> [Accessed 10 July 2020].