A Decolonial Approach to Education and the Law (with Dr Foluke Adebisi)

Nomfundo Ramalekana (0:11): Welcome to RightsUp, a podcast from the Oxford Human Rights Hub. This episode is part of a four-part series in support of the Black Lives Matter movement. I am Nomfundo Ramalekana and today I'm speaking with Dr Foluke Adebisi, a Senior Lecturer in Law at Bristol University in the United Kingdom.

The Oxford Human Rights Hub is an anti-racist organisation, and we are committed to continuously working to be better allies to communities protesting against deeply entrenched systems of racial domination and oppression. The horrific murder of George Floyd in the United States turned worldwide attention to the scourge of endemic police brutality against Black communities and other communities of colour. It also exposed a complicit cruelty of White indifference. These are not new issues. The struggle for racial equality has been the unforgiving work of generations. The heavy mantel of justice yet to be served has been carried across centuries, by defiant peoples whose only demand is a recognition of their basic humanity, of freedom. We can all do better and we can all do something in our small corners of the world to support this imperative.

In this spirit, this podcast series aims to amplify the voices of Black and Brown scholars, activists and practitioners. We also want to acknowledge a long legacy of work that has collectively, across time and disciplines, built and bolstered the foundations of this present movement. Now is a time to listen, learn, support and amplify. We feel very lucky at the Hub to have such a diverse community of scholarship and practice to call upon to share their expertise. But we also know that we cannot become complacent. And we must constantly ask, "Who is missing?" We hope we can always answer by making space for others to be seen and heard.

Today's episode focuses on decolonising education. It looks particularly at the intersection between human rights and the decolonial approach to education. Dr Adebisi is an expert in an intersection of areas looking at law, race, equality, legal education, and decolonising education. She's also the founder of Forever Africa Conference and Events (FACE), a hub for Pan-Africanist thought and community in the UK. Dr Adebisi, thank you for joining us today.

Dr Foluke Adebisi (2:50): Yeah, it's really nice to meet you as well.

Nomfundo Ramalekana (2:53): So our listeners might be joining us with different degrees of familiarity with the concept of decolonisation. Could you start by explaining what "decolonising" education and knowledge means?

Dr Foluke Adebisi (3:07): Okay, so that's a big question and I'm going to try and sort of summarise that very quickly. I think the first thing to point out is, "decolonisation" as a word goes beyond equality, diversity and inclusion, although I tend to prefer to say, taking a "decolonial approach" than "decolonisation", and I'll try and explain why that is.

I think "decolonisation" puts in mind an end point, that there's something we want to arrive at, there's a goal we want to reach and then everything will be fine. But a "decolonial approach" suggests a way of being rather than a destination.

And I also think it's worthy of note to understand that they are [of] different, sort of, origins, or contexts in which "decolonisation" or the idea of a "decolonial approach" operates, and [they are] sometimes understood, sort of, slightly differently. So in settler colonies, the idea or the concern with returning of land is very important in linking that back to what we're, you know— what's the context of education, what knowledge or knowledge hierarchies are about. In post-colonial states it's very much the after-effects of the colonial occupation — so what power legacies have been left behind and these usually are around economics, but also around epistemology. So where the colonial has become supposedly "universal" and you see this a lot, you know, in the way in which legal practice, for example, occurs or how the structure of legal practice is engaged with.

In Latin America[n] and Caribbean Critical Legal School, and that's where I sort of base my own understanding of decolonisation, they are concerned with de-centring Eurocentric knowledge. So not in destabilising it, not in discounting European knowledge, but in understanding that European— Eurocentric knowledge has a certain trajectory, certain history and certain use. There is a place where knowledge has been and what knowledge has been used for. We have to acknowledge that and also de-centre it, and also understand that there are other knowledges which are relevant, which are pertinent, which are valid, and this knowledge can lead us to thinking about "worlds otherwise". So, I think it's Arturo Escobar who talks about worlds— "ways of being otherwise".[1] So disrupting the continuation of Empire, acknowledging that there is a history to the world that has produced and continues to produce injustice, and trying to use knowledge — so where we stand within the university — to disrupt that reproduction of injustice and arrive at some kind of justice. So that would be my brief summary of what decolonisation is.

Nomfundo Ramalekana (6:15): Okay, thank you for that. I think it covered quite a range of issues that will come up in more questions later. So, in your work, you look at decolonisation within the context of education, in particular, decolonising of education within the neo-liberal university context. Can you elaborate on the links between neo-liberalism and enduring colonisation in the higher education context?

Dr Foluke Adebisi (6:34): Okay, so again, this could turn out to be a three-hour lecture, but I'm going to try and summarise. So when we talk about [the] neo-liberal university, it's the idea of the university as part of— within the structure of free market capitalism. And I think one of the problems we are trying to decolonise within this sort of structure is not acknowledging— you know, going back to what I said in response to the previous question— acknowledging exactly what free market capitalism has, you know, brought about. We're talking about "worlds otherwise", or ways of being otherwise, and we don't acknowledge that the trading of enslaved Africans was mostly based on free market capitalism.

And then we extend that idea of, you know, "let the market decide what is the value", and then you extend it to education or knowledge, then that would mean that we only value knowledge which the market says is right — not knowledge which can achieve justice. So rather than pursuing the ends of justice, we are pursuing the ends of the market, even if the market ends or the market goals result in, let's say, silencing of voices, destructions of ways of knowing, ways of being. And I don't think, at all times, that the ends of decolonisation or decolonial approaches are compatible with the idea of free market capitalism.

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[1] Arturo Escobar. "Worlds and Knowledges Otherwise: The Latin American modernity/coloniality research program" (2007) 21(2-3) *Cultural Studies* 179-210, https://doi.org/10.1080/09502380601162506

Nomfundo Ramalekana (8:19): I guess, coming from that, how do we break apart the relationship between the market and higher education, in the sense of, what would a decolonised curriculum look like? Or what has it looked like in your own practice?

Dr Foluke Adebisi (8:36): Again, I think this is why it's important to think about, rather than a "decolonised" curriculum, a decolonial approach to curriculum design, teaching, learning and research, because I think it's— it would be slightly an impediment to the aims which we are seeking if we think of, "well, once we've decolonised the curriculum, within this world which reproduces injustice, we're just going to, you know, stop and do something else."

So I think I would suggest that we think about decolonial approaches to curriculum design — so not so much what is within the curriculum, but the decolonial processes which bring about the content of the curriculum, which bring about the structure of who's teaching, who's learning, what are we teaching, what are we learning? And then how that— how then do we reproduce the decolonial world, this "worlds otherwise", this de-centred world? So it's not so much the product of the decolonised curriculum that we should be concerned with, but how we can engage in thinking otherwise for the ends of justice for all the world.

Nomfundo Ramalekana (9:48): So just to draw from that, what is the relationship between what is being taught, who does the teaching and who is being taught in a decolonial approach to education. I mean, what are the links between these different spheres?

Dr Foluke Adebisi (10:07): Okay, I think we often forget about, or we often don't talk about, how power is implicated in the reproduction of what we would call a colonised, the colonial curriculum. So there's a certain amount which we don't, sort of, focus on — Who gets to choose what's in the curriculum? Who gets into those spaces where we talk about curriculum design? Or you think about the teaching, learning and research in law, or the fundamental premises of, you know, all the fundamental concepts of what we consider to be law, the building blocks — say, for example, who's understood to be fully human. And when you consider that those sorts of things— so, that's "what" is being taught — and then you try and disrupt them, who has the power to disrupt that?

So of course, there's, you know— the relationship between what has been taught, who does the teaching, and who has been taught is very much implicated in power. And depending on how you understand, and you know, again, because I'm sitting within the field of law— depending on how you define law, and the teaching practice of law, it's very much entangled with power, the question of politics — "Who gets to decide stuff?" So there is an entanglement with power in those three aspects of decolonising higher education.

Nomfundo Ramalekana (11:42): In your work, you critique universities, particularly in the UK, for co-opting the language of decolonisation, while in fact committing to very limited ideals of diversity, incorporation, [and] representation. To a lot of people, these ideals seem like important and valuable strategies. But how are they different from decolonisation, and then how— particularly how are they limited approaches?

Dr Foluke Adebisi (12:13): Okay, I think, going back to, you know, what we said about free market capitalism, I think one of the problems I see with universities co-opting the language of equality, diversity and inclusion, and representation, is that they can be bent to the will of free market capitalism. So you can always say, "Well, we've ticked the box of diversity, therefore we are now more marketable." And I think, in a way, or let's say, I hope (because I am slightly pessimistic)— I hope that decolonial approaches will not reproduce that same sort of agenda.

But that's not to say that equality, diversity, inclusion and representation are not important. I think they're good things, but I understand them more as a process to which we may be possibly able to achieve decolonisation rather than the end. So it's— in some ways it could be a measure. So if we have a diverse workforce, it's more likely to be a decolonial workforce. But it's not the end of, you know, the process or the goal which we seek.

The idea, then, is that equality, diversity and inclusion may bring people who have been marginalised into the structure, but it doesn't seek structural change. It doesn't seek to understand why people are being cast out of the, let's say, university structure. And increasingly we begin to see diversity schemes as something that universities boast about, saying, "Well we've got that diversity scheme, and that other diversity measure", or you know, "We've achieved representation through these sorts of ways", rather than something we should actually regret having to have. So I don't think we should be boasting of equality, diversity and inclusion, or having to have equality, diversity and inclusion programmes — we should actually see them as a failing on our part to adequately represent the population of whichever polis that we stand in — either the State, the region or the world that we live in.

Nomfundo Ramalekana (14:29): So, this is sort of to talk about the relationship between human rights and decolonisation. In an article on decolonising education in Africa, you suggest that international human rights law can be used as an instrument to decolonise education in Africa.[2] Could you elaborate on the role of human rights as a tool in, sort of, the corpus of tools available in the decolonisation process?

Dr Foluke Adebisi (14:57): Okay, I know which article you're talking about, and I should point out that I wrote it about five years ago. So there are some things that I think [about], well, not like oppositional — so not differently in the sense that I now think the opposite — but I think I've become slightly more sceptical. So I do think it is possible to use the tools of international human rights law to decolonise education in Africa, but I think that the tools themselves, or the corpus of law, international human rights law, has to re-question its premises, reconsider, like I mentioned earlier, who exactly is— when we say "human rights law", who exactly is law's ideal "human" that we are trying to give equality to? I mean, within which structure? Are we reproducing a colonial world while we're trying to use international human rights law? Or are we trying to recreate the world?

And I think international human rights law, as a body of law, as a structure in itself, hasn't yet begun to appreciate how much it is actually reproducing an unjust world while trying to create this paradigm of equality. However, I don't think that, you know— I'm not then saying, "Well, let's throw away the entire body of international human rights law". But I think that to use international human rights law as a tool, it has to be refashioned, so it does the thing which we actually expect it to do.

Nomfundo Ramalekana (16:39): Just to draw from that. Some of your colleagues in this field, particularly looking at decolonising the law — for example, your colleague, who you cite in some of your work, Tshepo Madlingozi, has a very strong thesis that the enterprise of equality law itself is something that is contrary to decolonising the law.[3] From what you've just said, I think— do you agree with his assessment? Where do you think his position and yours fit together, or differ?

Dr Foluke Adebisi (17:14): I think Tshepo makes really good points about the inadequacies of the rights to equality. But I think my feeling is that there is a structural problem that the right to equality is not addressing, which, you know, I've mentioned earlier — the fact that the world is reproducing

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[2] Foluke Adebisi. "Decolonising Education in Africa: Implementing the right to education by re-appropriating culture and indigeneity" (2016) 67(4) *The Northern Ireland Legal Quarterly* 433 – 451, http://nilq.qub.ac.uk/index.php/nilq/article/view/129
[3] Tshepo Madlingozi, "Social justice in a time of neo-apartheid constitutionalism: critiquing the anti-black economy of recognition, incorporation and distribution" (2017) *Stellenbosch Law Review* 123-146, https://repository.up.ac.za/handle/2263/64971

injustice. The— you've got, you know, a history of the law being used to do justice, or let's say injustice, and then without refashioning that, without questioning the structure, we're now asking the structure to do something completely different from what it has been doing. And I think that in itself is problematic, and I would, to that extent, agree with Tshepo that it is problematic to try and use a structure which was fashioned based on premises which are almost completely different to the ends which it's alluding to, and now we're trying to achieve different ends. It seems to me that we may only result in quite a lot of confusion.

Nomfundo Ramalekana (18:31): As a Black woman, as a Black lawyer, as a Black lawyer who is a teacher in a UK University, you say, and I quote, "Often lived experiences that indicate the need for decolonisation are not heard, and even when they are, they are not understood because the experience of the speaker is so far removed from the reality of the hearer."[4] So both the law, as an institution, and the rights framework, as we've been talking about, ha[ve] been critiqued on this count. How can we bring these lived experiences into law, and into practice, and more particularly, in how we understand rights and the possible relationship with decolonisation?

Dr Foluke Adebisi (19:16): Okay, I think that's a very interesting question. For my— because, you know, you mentioned me being a teacher, one of the articles or essays I ask my students to read every year (I confuse them with this a lot) is Gayatri Spivak's "Can the Subaltern speak?"[5] I think it's a very important article for everyone to read, to be honest, because I think— because the question you ask is, "How do we bring these lived, these silent lived experiences into the law?" And if you've read Spivak's work on "Can the Subaltern speak?", she's saying, because of the way in which the structure of the world is, it doesn't matter how you address the subaltern[6] — the subaltern cannot speak because the processes through which we're trying to use to hear the subaltern would not lead to any hearing. We have closed off any avenue through which we can actually hear the subaltern.

So if we're trying to bring lived experiences into a structure which is not designed to hear these lived experiences — so, thinking of structures, like you've mentioned, you know, the law, a university institution, a rights framework — where we have presumed the answers, we're speaking for the subaltern, and then we keep on trying to go, "Well, if we do this, then maybe we'll hear them better, or if they do this, we're trying to..." — it's almost a deficit model. We're trying to help someone without realising that we have created a structure which will not help— the structure itself excludes, the structure itself silences. And in Spivak's essay she talks about, you know— she says it in German, which I'm not going to try and attempt, you know, sort of represent— the difference between represent and re-present. And she says, it's not for us to represent — so that it's not for us to speak for the subaltern — it's for us to re-present ourselves — so change ourselves such that the subaltern's voice can actually be heard, and then we re-present the structure itself, we need to change the structures.

So I think if we focus only on bringing marginalised voices into a structure, which automatically silences those marginalised voices, we're not going in the right direction. What we should do is, and this is why I say decolonial approaches, because if you have a decolonised curriculum, I suspect, then you've sort of— the story ends there. But if we continue to restructure, refashion, rethink the structure, then it is possible that we may get to a point or position whereby the subaltern's voice would actually be heard without us speaking for the subaltern or those with— whose lived experiences have been cast outside of the law, outside of institutions, and outside of human rights frameworks.

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[4] Foluke Adebisi. "Decolonisation and the Law School: Initial Thoughts" *African Skies* (22 July 2019), https://folukeafrica.com/decolonisation-the-law-school-initial-thoughts/
[5] Gayatri Chakravorty Spivak. "Can the Subaltern Speak?" (1983), https://jan.ucc.nau.edu/~sj6/Spivak%20CanTheSubalternSpeak.pdf
[6] The term "subaltern" refers to any class of people subject to the hegemony of another more powerful class. In postcolonial studies and in critical theory, "subaltern" designates the colonial populations who are socially, politically, and geographically outside the hierarchy of power of a colony, and of the empire's metropolitan homeland.

Nomfundo Ramalekana (22:23): I guess what comes from that is, is the subaltern speaking, looking at— you live in the city of Bristol and the removal of the Edward Colston statue recently, the Black Lives Matter movement, Rhodes Must Fall, are coming up again in Oxford, as well as inspiring other movements around the world. What are the links between these movements and decolonisation? Is the subaltern speaking through these movements?

Dr Foluke Adebisi (22:50): I don't— Well I think certain sectors that we may designate "subaltern" may be speaking through these movements. But I suspect, if you think about it globally, there's a wide swath of humanity that is not yet speaking through these movements. But I think, you know, Rhodes Must Fall, Black Lives Matter [are] definitely a step in the right direction. The only reason why they happen, if you think about, you know— Let's talk about the removal of the Colston statue.

If you think about that, as a process— This is something that had been going on for, I think, about 11 years. So even before I actually moved to Bristol, there had been petitions. So things had been gone about, if you want to put it that way, "the right way" — there had been petitions, there had been letters to remove the statute, there was almost complete agreement, but you know, the way in which power works dictated that the statute was not removed, and then eventually people stood outside of "the right way" to take the statue down.

So, in a way, I agree with you that this could be indicative of the subaltern speaking in the sense that there was no way for the structure itself— structured processes or techniques to actually hear those calls to action. And this is— You know, the result is something happens outside agreed-upon processes — Agreed upon by whom? Who was there when these processes were agreed upon?

But then, I think it's a continuous process, because I think one of the problems we have, and I think it's Kimberlé Crenshaw who talks about "the basement".[7] The basement analogy is that this— very often because the people placed, let's say, in the middle of a hierarchy, or even near the bottom— we begin to discount people who are placed lower down.

So I think there is that danger that we, because we know some people who may have marginalised voices have been heard, we begin to forget that for, you know, a large portion of the world, the structures do not work, they can never be heard — You know, it would be almost impossible for them to be heard. And I do fear that a lot of the movements are almost inflective, they're inward looking rather than outward looking. Or let's say there's that danger that we look inward, we think, you know, say for example — I, as a university lecturer, I may begin to be more concerned with, let's say, the representation of Black women in the university than I would be concerned with, say, labour rights in what is designated as the Global South. And that to me is the only— is kind of the danger we should be aware of with these movements, that we should look both upward but also outward.

Nomfundo Ramalekana (26:07): So you are the Director of Forever Africa Conference and Events, and one of the core principles is a core commitment between Pan-Africanism and decolonising higher education, particularly creating a space that will allow for decolonial thought and, I guess, a decolonial approach. Can you speak a little bit more about the relationship between Pan-Africanism, decolonising higher education and the work that FACE does?

Dr Foluke Adebisi (26:39): Okay, so this is a massive question. I think this is— this was kind of the focus of one of the webinars we did in the series of webinars we did for FACE 2020 and I probably spoke for about 40 minutes on this particular question, but I'm going to try and summarise it.

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[7] Kimberlé Crenshaw. "Demarginalising the Intersection of Race and Sex: A black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" (1989) 1 *University Of Chicago Legal Forum* 139 – 167, https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf

I think it's important to highlight the divergent understandings of Pan-Africanism within FACE, because there is an idea of Pan-Africanism which has been put forward and has been publicised, or has made more noise, and that's, you know, very much within the African Union setting, so it's very Westphalian, it's very State-centric. But FACE is more concerned with, not to sound a little bit too esoteric, but you know, the masses, the wide array of people who identify as African. And I think, especially with what's been happening over the last few months, years and weeks, I think it's important to identify, in terms of decolonisation, the place— You know, when you say "Black Lives Matter", there's always this, especially within the UK, what does "Black" mean? And I'm not really too bothered with almost a race science idea of argument about that. But I think it's important to understand the history of Africa in relation to the world and what has happened, and how this has been almost aided and abetted by our education structures, and that result in almost silence, or in many cases distortion, of African-centred living knowledges within these higher institutions or educational structures.

So what FACE is trying to achieve, or what FACE's aims are roughly (because it has very broad aims) is understanding that, for us to achieve any sort of decolonisation on a global level, we have to acknowledge the history of Africa, and the history, or the entanglement, of the university in creating that particular history. But I think that there should also be a distinction, a clear understanding of what we are fighting against, and an understanding of what we are fighting for. Because I think there can be a danger with anti-racism, as a structure, to look at, "Well we're fighting against racism", but what is the world that will emerge outside that, beyond the anti— the process of anti-racism, or the world, when you take decolonial approaches, what exactly are we trying to achieve? And I think, for us at FACE, what we're trying to do is envision this world and understand that Africa has to be at the centre of it, and Africa, again, is broadly defined — so it's not geographical only, but also includes the idea of anyone who identifies as African or African descended, is placed in that structure, and the knowledge, the knowledge paradigms or processes that have achieved, or that have resulted in certain aspects of injustice, specific to that African (and African as broadly defined) history, should be acknowledged. It's not, you know, because— I think one of the problems with anti-racism is that you just go, "Well, people who are not-White" And that is problematic because even that is not a very definable aspect or category of people.

Nomfundo Ramalekana (30:58): We have our last question, and this is really about your own practices. As a law teacher, who's committed to a decolonial approach, what practices have been most helpful in increasing the possibility of decolonial thought and knowledge creation in your law classroom?

Dr Foluke Adebisi (31:19): It's been a process, you know, if I want to be brutally honest with myself. I can remember way back, when I had just started teaching, someone said to me that what you need to do is produce not a lifetime of repeating the same teaching every year, but a lifetime of improving every year, and I hope that's what, you know, I've been trying to do with my own teaching.

I think, and you know, this is also a call to action for other people as well, reading materials which are not considered, say for example, court law, but you know, decolonial materials. I often say that lots of people ask me, "Well, how can I be 'decolonial'?" And they— they're not— they don't really want to give the time to do the reading. And it does take quite a lot of time to do lots and lots of decolonial reading and I have been able to— I've been lucky enough to be able to do that over the years, because you begin to re-see the world.

But I think also listening to our students it has always been— has been really helpful to me. I have been lucky to be surrounded by really inspirational students, students who— they will not settle for less and they will be quite clear about the type of things they want to see within their education, and

then, you then also begin to think— rethink the world based on, you're seeing the world through their eyes, you're trying to almost walk in their shoes. I think that has also been important, that has also been really helpful.

Looking beyond the academic, so thinking about beyond the university — Who can you work with? Who can you talk to? Because there is always this danger that we get trapped into the ivory tower. And the danger there, or one of the dangers there, is that we begin to seek out knowledge which only pushes our career forward, rather than knowledge that liberates, and not— trying not to be too esoteric about that. Olivia Rutazibwa said something at a conference I went to, she said, "You have to— you have to be able to imagine the death of the university." I think Achille Mbembe has also mentioned this. Imagine the death of a university for the purposes— for the purpose that others, or all, should live. And I think thinking in that sort of frame of mind is actually very helpful — imagining, if you had to choose between the death of the university and the slow death of the whole world, which would you choose? And I think the way in which we operate often suggests that we have chosen that the university should survive at the expense of the death of the world. We haven't made it a, you know, not really a conscious choice, but we need to think about: Which do we want to save, if we came down to it? Which would we save: the world or the university?

And I think bell hooks has been really, really important to me, her writings about education as freedom, I would say almost a pedagogy of love.[8] There's a profound sort of power to be found, a different source of power to be found in treating education as a product of the deep affection and almost love for the world, for the university, for our students, and I think the only way in which we actually can achieve a "world otherwise" is to actually feel passionately about bringing it about.

Nomfundo Ramalekana (35:21): On that note, thank you so much.

Dr Foluke Adebisi (35:24): It's been so nice meeting you Nomfundo.

Christy Callaway-Gale (35:33): RightUp is brought to you by the Oxford Human Rights Hub. The Executive Producer is Kira Allmann. This episode was co-produced by Gauri Pillai and Christy Callaway-Gale, edited by Christy Callaway-Gale, and hosted by Nomfundo Ramalekana. Music for this series is by Rosemary Allmann and Show Notes for this episode had been written by Sarah Dobbie. Thanks to our Production Team members, Mónica Arango Olaya and Natasha Holcroft-Emmess, for their valuable feedback in putting this episode together. Subscribe to this podcast wherever you like to listen to your favourite podcasts.

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[8] See, for e.g. bell hooks, *Teaching to Transgress* (1994, Routledge); *Teaching Community* (2003, Routledge).