

## A SYSTEMATIC QUANTITATIVE REVIEW OF LITERATURE ON SOCIAL JUSTICE AND CLINICAL LEGAL EDUCATION IN AFRICA

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### **Abstract**

The global spread of clinical legal education programs is punctuated by nuances in clinical practices. These result from the diverse priorities placed on clinic missions, the different legal frameworks and foci of educational curricula as well as variances in political and socio-economic realities among countries and regions. Some aspects of these features are reflected in the few existing systematic reviews of clinical scholarship which focus on clinic sustainability or the European continent. This article is a quantitative systematic review of 61 articles published before 2020 in English language legal journals. It contributes a coherent picture of the development and flow of research on the social justice role of clinical legal education in Africa generally and more specifically, in Kenya and South Africa. The results demonstrate that a small group of authors concentrated in particular countries are driving the publication of studies on particular topics in the continent, with diverse methodological approaches, in journals focused on legal education. They co-authored some publications and were highly prolific in their single-authored works. The results provide researchers exploring this topic with an evidence base to advance global scholarship and inform policy and practice on the social justice and pedagogical roles of clinical legal education.

## **Introduction**

The social justice value of clinical legal education is utilised in promoting access to justice, especially in countries with under-functioning legal aid systems.<sup>1</sup> It positions law schools in the trajectory of the justice needs of disadvantaged persons in society.<sup>2</sup> University clinics participate in these national justice efforts through clinical legal education programs. Clinical legal education is ‘learning by doing,’ a method of teaching law in which students take the place of lawyers in offering legal services to indigent persons under close supervision.<sup>3</sup> The social justice mission is attained in part when students working with indigent clients participate in resolving legal issues they present.<sup>4</sup> This mission also presupposes that clinical engagement instils a sense of social responsibility that may influence law students towards careers in the public interest.<sup>5</sup>

Both the pedagogical and social justice missions confer on clinical legal education a global significance that is manifested in collaboration between clinics in

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<sup>1</sup> David Mcquoid-Mason, Ernest Ojukwu and George Mukundi Wachira, ‘Clinical Legal Education in Africa: Legal Education and Community Service’ in Frank S Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press 2011) 34.

<sup>2</sup> Stephen Wizner, ‘The Law School Clinic: Legal Education in the Interests of Justice’ (2002) 70 *Fordham Law Review* 1929, 1936.

<sup>3</sup> Richard J Wilson, ‘Legal Aid and Clinical Legal Education in Europe and the USA: Are They Compatible?’ in Ole Hammerslev and Olaf Halvorsen Ronning (eds), *Outsourcing Legal Aid in the Nordic Welfare States* (Palgrave Macmillan 2018) 265.

<sup>4</sup> Neil Gold, ‘Legal Education, Law and Justice: The Clinical Experience’ (1979) 44 *Saskatchewan Law Review* 97, 119.

<sup>5</sup> Donald Nicolson, ‘“Our Roots Began in (South) Africa”: Modelling Law Clinics to Maximise Social Justice Ends’ (2016) 23 *International Journal of Clinical Legal Education* 87, 94 <<http://www.northumbriajournals.co.uk/index.php/ijcle/article/download/532/922>>; Frank S Bloch, ‘Access to Justice and the Global Clinical Movement’ (2008) 28 *Washington University Journal of Law and Policy* 111, 112; R Wilson, ‘Training for Justice: The Global Reach of Clinical Legal Education’ (2004) 22 *Penn State International Law Review* 421, 423; Wizner (n 2) 1935.

different countries.<sup>6</sup> The global spread of clinical legal education is punctuated by nuances in clinical practice experiences that are characterised by a diversity of missions, legal frameworks, political and socio-economic differences as well as educational priorities in the different counties and regions.<sup>7</sup> In this context, South Africa is frequently presented as an exemplar of African clinical programs.<sup>8</sup> Literature on the global distribution of clinical legal education primarily discusses African clinics in the context of clinics in South Africa and East Africa.<sup>9</sup> In the instances where the continent is not confronted as a whole, mention is made of clinical legal education in multiple countries in the East, West and Southern regions.<sup>10</sup> Researchers studying any of the latter regions could thereby hypothesise the heterogeneity of clinical experiences as well as the dearth of country-specific research on clinical education in the majority of the countries in the continent. Since this review preceded a study of clinical legal education in Kenya, literature from South Africa was of particular interest. This is because South Africa, with its comparative constitutional provisions on access to justice, has arguably the most robust social justice clinical programs in the continent.

This review complements the existing reviews by minding their thematic and jurisdictional gaps. The systematic review conducted by Dunn in 2017 focused on

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<sup>6</sup> Bloch (n 5) 115–116.

<sup>7</sup> Wilson (n 5) 424.

<sup>8</sup> Wilson (n 5) 425, 428.

<sup>9</sup> Bloch (n 5) 127.

<sup>10</sup> Mcquoid-Mason, Ojukwu and Wachira (n 1) 24; Samuel O Manteaw, 'Legal Education in Africa: What Type of Lawyer Does Africa Need?' (2008) 39 *McGeorge Law Review* 903, 925–930.

clinical legal education literature in Europe.<sup>11</sup> The one conducted by Mkwebu in 2015 examined the development, management and sustainability of law clinics.<sup>12</sup> These reviews were comprehensive in their own right and met the purpose for which they were conducted. Having been developed within a defined scope, they neither highlighted the twin missions of clinical legal education nor examined the literature on clinical education in Africa or Kenya specifically. This article focuses on the quantitative aspects of the literature search since the narrative aspects have been developed, synthesised and reported in a separate publication.<sup>13</sup> It addresses the following specific questions: (i) How often is the social justice role of clinical legal education in Africa covered in literature? (ii) In which countries are studies on the social justice role of clinical legal education in Africa conducted? (iii) In what journals are these studies published? (iv) Which countries are the authors from? (v) What topics do the studies cover? (vi) What methodologies do the studies utilise? The review thereby generates evidence on the development of scholarship about the place of social justice in clinical legal education in African countries.

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<sup>11</sup> Rachel Dunn, 'A Systematic Review of the Literature in Europe Relating to Clinical Legal Education' (2017) 24 *International Journal of Clinical Legal Education* 81.

<sup>12</sup> Tribe Mkwebu, 'A Systematic Review of Literature on Clinical Legal Education: A Tool for Researchers in Responding to an Explosion of Clinical Scholarship' (2015) 22 *International Journal of Clinical Legal Education* 238, 9 <<http://www.northumbriajournals.co.uk/index.php/ijcle/article/view/415/857>>.

<sup>13</sup> Anne Kotonya, 'A Review of the Social Justice Function of Clinical Legal Education in Africa' (2022) 14 *African Journal of Legal Studies* 93.

## **Methodology**

The systematic quantitative review of research on the social justice role of clinical legal education in Africa was utilised because it reveals the trajectory of knowledge areas and gaps in the chosen field of research.<sup>14</sup> This iterative process involves the use and documentation of various pre-identified search concepts to gather literature in answer to a research question.<sup>15</sup> Such reviews are increasingly being employed in the social sciences because they are known to offer lower degrees of bias in the selection of literature by the very fact that the reviewer identifies literature based on pre-determined variables and not merely because the identified material supports the reviewer's position.<sup>16</sup>

Furthermore, the documentation of the search process makes it possible for other parties to verify and update the review by conducting a similar one themselves.<sup>17</sup> Systematic reviews provide the big picture of literature available about a specific research question.<sup>18</sup> These could either be peer-reviewed publications or 'grey literature' such as unpublished reports, theses or conference proceedings. Although

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<sup>14</sup> Catherine Pickering and others, 'Publishing Not Perishing: How Research Students Transition from Novice to Knowledgeable Using Systematic Quantitative Literature Reviews' (2015) 40 *Studies in Higher Education* 1756, 1761.

<sup>15</sup> Mark Newman and David Gough, 'Systematic Reviews in Educational Research: Methodology, Perspectives and Application' in Olaf Zawacki-Richter and others (eds), *Systematic Reviews in Educational Research* (Springer VS 2020) vi.

<sup>16</sup> Mark Petticrew and Helen Roberts, *Systematic Reviews in the Social Sciences: A Practical Guide* (Blackwell Publishing 2006) 9.

<sup>17</sup> Newman and Gough (n 15) vi.

<sup>18</sup> Catherine Pickering and Jason Byrne, 'The Benefits of Publishing Systematic Quantitative Literature Reviews for PhD Candidates and Other Early-Career Researchers' (2014) 33 *Higher Education Research and Development* 534, 538.

they are also the subjects of review, it is noteworthy that the latter are usually unavailable from databases of published materials.<sup>19</sup>

Nonetheless, even systematic reviews sometimes risk leaving out gaps in information, a phenomenon referred to as publication bias. This occurs when searches do not include smaller studies or literature that is not peer-reviewed or not published.<sup>20</sup> Dunn's experience is instructive in this regard because, despite her rigorous development and use of search criteria, it emerged that there was a lot of research about clinical legal education that was not available in the academic databases she had searched.<sup>21</sup>

A preliminary scoping search revealed that the exploratory theme 'the place of social justice in clinical legal education' was too broad. This was narrowed down to three research questions that would guide and identify priorities for the review.<sup>22</sup> These were the three general questions that were formulated to guide the literature search: (1) What is the social justice experience of clinical legal education in South Africa and Kenya? (2) What is the social justice experience of clinical legal education in Africa? (3) What challenges exist in this endeavour and how have African countries overcome them?

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<sup>19</sup> Petticrew and Roberts (n 16) 90.

<sup>20</sup> Petticrew and Roberts (n 16) 235; Newman and Gough (n 15) 8.

<sup>21</sup> Dunn (n 11) 110.

<sup>22</sup> Andrew Booth and others, 'Formulating Questions to Explore Complex Interventions within Qualitative Evidence Synthesis' (2019) 4 *BMJ Global Health* e001107, 2 <[https://gh.bmj.com/content/bmjgh/4/Suppl\\_1/e001107.full.pdf](https://gh.bmj.com/content/bmjgh/4/Suppl_1/e001107.full.pdf)> accessed 30 November 2020.

The questions were developed using the setting-perspective-intervention-comparator-evaluation (SPICE) framework, identified from available question formulation frameworks generated from healthcare research where they are frequently applied.<sup>23</sup> Reliance was placed on the consideration that frameworks based on populations, interventions, settings or contexts are apt for literature searches based on interventions.<sup>24</sup> The more commonly used population-intervention-comparison-outcome (PICO) framework was deemed unsuitable because it does not consider the setting of the phenomena under study, a critical element of this particular systematic review. The SPICE framework was a good fit because its components allow a review to define its setting, the perspective it will take, the intervention under study, the comparator as well the objective that the intervention is being evaluated against.<sup>25</sup> These components rendered it feasible for exploring the social justice interventions of university clinics in the continent generally as well as in Kenya and South Africa.

### *Mapping the concepts*

The three general questions formed the basis for mapping the key concepts for the search terms applied in the literature search. The key concepts for the search as identified from the research questions were social justice, clinical legal education, Africa, Kenya and challenges. These concepts were selected on the strength of their

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<sup>23</sup> Booth and others (n 22) 3.

<sup>24</sup> Booth and others (n 22) 3, 6.

<sup>25</sup> Andrew Booth, 'Clear and Present Questions: Formulating Questions for Evidence Based Practice' (2006) 24 Library Hi Tech 355, 363 <<https://pdfs.semanticscholar.org/4701/0d3847f5cc2901466944717a6c430826317f.pdf>>.

association with the three research questions.<sup>26</sup> The process of making the search more inclusive entailed generating synonyms for the concepts. It was anticipated that the use of synonyms would yield more results because of the use of varying terms by different authors to refer to ideas such as clinical legal education. Therefore, the terms law clinic, legal aid clinic and legal clinic which are often used to refer to clinical legal education programs were also considered for inclusion as search terms. Challenges, problems and difficulties were likewise identified as synonyms. Since access to justice and social justice are sometimes used interchangeably in clinical legal education literature, these terms and their synonyms were considered for inclusion in the search. Ultimately, four key search queries were developed by linking these concepts that had been mapped for the research.

### *Searching clinical legal education databases*

The search queries were applied to multiple databases beginning with Sabinet, a database that offers a wide collection of full-text online journals dating as far back as 1906 originating from or discussing issues about Africa.<sup>27</sup> Sabinet served as the main search database because it promised to yield research on African countries. With over 182 African journals, inclusive of the African Journal Archive, the collection guaranteed wide content available on a single platform.<sup>28</sup> This was germane to the research's focus on African literature on clinical legal education emanating from

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<sup>26</sup> Pickering and Byrne (n 18) 539.

<sup>27</sup> 'Sabinet Website' <<https://www.sabinet.co.za>> accessed 15 October 2020.

<sup>28</sup> 'Sabinet Website' (n 27).



African countries or emphasising clinical legal education in African countries. Furthermore, the availability of dated articles capturing historical contexts of the access to justice role of clinical legal education endeared this database to the review process.

Although surpassing the scope of the review, the selection of this database was reinforced by some of the discourse on African research. This includes arguments that aspects of the research from the continent fails to reach popular legal databases because of prevailing global knowledge hegemonies and that the publication themes and priorities of African research are not often homogenous with those of the journals hosted in these popular databases.<sup>29</sup> Relatedly, there are political arguments made about the rejection and invisibility of articles from the global south whose resolution is presented in the realm of the decolonisation discourse.<sup>30</sup> The database selection acknowledges the controversial evaluations made regarding the probable existence of varying levels of academic rigour in journals from the global north and those from the global south.<sup>31</sup> The recognition of this dynamic debate strengthened the selection of an Afro-centric database in the search for literature on the continent.

The search was then replicated in common databases that house legal journals to capture all pertinent material and ensure the comprehensiveness of the review.<sup>32</sup>

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<sup>29</sup> Eve Gray, 'Access to Africa's Research: Publishing Development Research and Measuring Value' [2010] *African Journal of Information and Communication* 1, 11.

<sup>30</sup> Sumaya Laher, Angelo Fynn and Sherianne Kramer, 'Trends in Social Science Research in Africa: Rigour, Relevance and Responsibility' in Sumaya Laher, Angelo Fynn and Sherianne Kramer (eds), *Transforming Research Methods in the Social Sciences: Case Studies From South Africa* (Wits University Press 2019).

<sup>31</sup> Daniel Bonilla, 'Legal Clinics in the Global North and South: Between Equality and Subordination - An Essay' (2013) 16 *Yale Human Rights and Development Law Journal* 1, 7.

<sup>32</sup> Pickering and Byrne (n 18) 543.

These are reflected as 'other databases' in the Prisma Flow Diagram documenting the search process. The databases were Scopus, HeinOnline and Sage.

Elsevier's Scopus was selected because it boasts 'a comprehensive overview of the world's research output' in the form of scientific journals, books and conference proceedings.<sup>33</sup> This database improved the chances of incorporating books and conference proceedings, which were not available on Sabinet. It allowed for the inclusion of publications about Africa that were available elsewhere. Additionally, it incorporated literature that was published but not limited to peer reviewed journals into the review. Worth noting was the significantly stronger subject area coverage of the sciences, technology and medicine than of the social sciences, arts and humanities.<sup>34</sup> This was considered a drawback that implied a somewhat limited scope of publications on clinical legal education.

The purpose of working with HeinOnline and SAGE was to widen the scope of the search and reduce the chances of omitting relevant articles. Branded 'gateway to world-class research journals,' SAGE avails journals in health science, material science and engineering, life and biomedical sciences as well as social sciences and humanities.<sup>35</sup> With its commitment to the social sciences, SAGE was selected as a persuasive compliment to Scopus. It increased the likelihood of finding recent journal articles, had these not been made available in the other databases.

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<sup>33</sup> 'Elsevier' <<https://www.elsevier.com/en-xm/solutions/scopus>> accessed 15 October 2023.

<sup>34</sup> 'Elsevier' (n 33) 20–21.

<sup>35</sup> 'SAGE Journals' <<https://journals.sagepub.com/>> accessed 15 October 2020.

Since the subject of the systematic review falls within the discipline of law, it was essential to incorporate at least one legal database in the search. HeinOnline is frequently listed among legal research databases and is hailed for presenting an extensive collection of law reviews published by law schools.<sup>36</sup> This earned it a place in the review albeit with the caveat that the database had a more comprehensive coverage of European and American databases.<sup>37</sup>

As previously indicated, a search on Google was conducted to draw in relevant unpublished material. The returns from this general Internet search mirrored what was available in the databases, with insignificant yields of relevant blogs, websites, theses and other grey literature.

The foregoing collection of databases together with the Google searches came with the drawback of multiple and repeated returns as well as the tedium involved in de-duplication and in screening the records to sort out which ones were appropriate based on their titles. Although the internet searches occasioned returns that were de-duplicated manually, de-duplication of the large number of records returned from the databases was facilitated by EndNote's de-duplication functionality.

### ***Search limits***

The types of literature sought were journal articles, theses, conference proceedings and book reviews. Since the language of research and publication in the countries

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<sup>36</sup> Fred R. Shapiro and Michelle Pearse, 'The Most Cited Law Review Article of All Time' (2012) 110 Michigan Law Review 1483, 1486.

<sup>37</sup> 'HeinOnline Databases' <<https://home.heinonline.org/content/databases/>> accessed 13 January 2021.

under research is English, the search was limited to articles that were available in English. Although it was important to have articles as relevant and as current as possible to the year 2020 when the review was conducted, no time limitation was applied to articles. The open-ended start date was retained with the awareness that social justice clinics were the genesis of most pedagogical clinics and therefore often preceded them.<sup>38</sup> In terms of scope, the search was conducted in four databases that house legal journals in Africa and in the world generally, as well as in Google. These searches were limited to the subject area of law. The search queries were applied to the full text of the databases and not to titles or abstracts only. This yielded very many returns some of which were not relevant because the key terms had sometimes been picked out from the reference lists.

### *The search process*

The first search query applied was clinical legal education AND Kenya. This was a search for literature about clinical legal education in Kenya. It sought to yield results that would address the first research question. Unfortunately, the results included literature about medical and health clinics. Therefore, the Boolean operator NOT was introduced to exclude results based on medical and health research. Unlike the previous search query without double quotation marks which yielded results with any of the three words clinical, legal or education, searching for the term “clinical legal

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<sup>38</sup> Willem De Klerk, ‘University Law Clinics in South Africa’ (2005) 122 South African Law Journal 929, 930.

education” yielded results with the entire phrase. Consequently, the use of double quotation marks was also introduced.

The attempt to include the synonyms lengthened the Boolean string and returned results that were not related to the research questions. To avoid this, the search was again refocused on the key search concepts. The simpler the search query applied, the neater and more precise the search returns were. The search query was, therefore, presented as "clinical legal education" NOT (healthcare) AND “social justice” AND Kenya. Use of the Boolean operator NOT for the term healthcare in parenthesis served to lock out any medical or health related searches.

The second search query used was "clinical legal education" NOT (healthcare) AND “social justice” AND "South Africa" It also sought to yield results that would address the first research question.

The third search query applied was "clinical legal education" NOT (healthcare) “social justice” AND Africa. It sought to yield results that would address the second research question. There are fifty-four countries in the continent so it was not feasible to search for articles from individual countries in response to the first research question. However, the third search term was applied to Nigeria, Uganda and Ethiopia where clinical legal education is known to be practised to some degree. This was by modifying the search query in each case by replacing Africa with each of these countries.

The fourth search query was "clinical legal education" NOT (healthcare) AND "Africa" AND “social justice” AND Challeng\*

It sought to yield results that would address the third research question. Truncation of the term challenge was to ensure that results containing varying forms of the term such as challenge, challenges and challenging were included. Owing to the large number of countries in the continent, it was not feasible to search for articles from individual countries in response to the third research question. However, this fourth search term was again applied to Nigeria, Uganda, Ethiopia and Kenya. A summary of the search queries is presented in Table 1.

*Table 1: Summary of search queries*

<b>Search query</b>
1. "clinical legal education" NOT (healthcare) AND "social justice" AND Kenya
2. "clinical legal education" NOT (healthcare) AND "social justice" AND "South Africa"
3. "clinical legal education" NOT (healthcare) "social justice" AND Africa
a. "clinical legal education" NOT (healthcare) "social justice" AND Nigeria
b. "clinical legal education" NOT (healthcare) "social justice" AND Uganda
c. "clinical legal education" NOT (healthcare) "social justice" AND Ethiopia
4. "clinical legal education" NOT (healthcare) AND "Africa" AND "social justice" AND challeng*
a. "clinical legal education" NOT (healthcare) AND "Nigeria" AND "social justice" AND challeng*

- b. "clinical legal education" NOT (healthcare) AND "Uganda" AND "social justice"  
AND challeng\*
- c. "clinical legal education" NOT (healthcare) AND "Ethiopia" AND "social  
justice" AND challeng\*
- d. "clinical legal education" NOT (healthcare) AND "Kenya" AND "social justice"  
AND challeng\*

Sabinet offered the possibility of conducting an advanced search because the database presented a menu that enabled the selection of the relevant Boolean operators and insertion of search terms to complete the search queries. Advanced searches on HeinOnline also presented a table where the relevant Boolean operators were available from the menu. Advanced searches on Sage likewise presented a similar menu. For Sage, there was no need to insert AND since the menu automatically factored this in. The subject area in all databases searched was law, except for Scopus which availed the broad category of social sciences, arts and humanities.

### *Documentation of the search process*

A copy of the Prisma flow diagram was printed out and used alongside the searches to facilitate the documentation of the search process. For each database, each search query was entered individually. The queries included all the search concepts and truncation. The search concepts were blended in the different combinations using Boolean operators such as 'AND' or 'OR' as appropriate, yielding several records. This

was entered in the top right box of the Prisma flow chart for each database and then summed up to complete the total number in the Prisma flow diagram.

Initially, 3968 records were found in the search processes. To avoid reviewing duplicate records, any records that appeared more than once were removed using the Endnote de-duplication functionality to reduce the manual removal of duplicates among the large number of records retrieved. The number of records left after de-duplication was entered in the second box from the top of the Prisma flow diagram. The high number of duplicates is attributed to the use of multiple databases whose objective was to include as many articles as may be relevant. Having excluded duplicates, this screening process left only 61 records for assessment. This number affirmed the appropriateness of the quantitative systematic review, given that the resulting returns fell within the recommended range of 15 and 300 articles.<sup>39</sup> Subsequently, the 61 records were subjected to a three-stage test to assess their eligibility for inclusion in the synthesis. This is a process that is also referred to as screening.<sup>40</sup>

### *Assessment of relevance*

Having applied the search terms to journal articles, theses, book reviews and conference presentations, the resulting 61 records were either retained or rejected

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<sup>39</sup> Pickering and Byrne (n 18) 543.

<sup>40</sup> Newman and Gough (n 15) 11.



based on the inclusion and exclusion criteria explained here. These were generated from the search concepts that had been extracted from the research questions.

The first inclusion criterion comprised articles with a focus on the social justice mission of clinical legal education. The second inclusion criterion focused on articles about the global clinical movement since clinical legal education in African countries is part of this movement. The third inclusion criterion consisted of articles detailing experiences that may include challenges in clinical legal education programs in African countries. The fourth inclusion criterion entailed publications discussing various aspects of university law clinics in South Africa. The fifth criterion sought articles on the role and mission of clinics and the clinician since the literature from the continent almost always bears a social justice component.

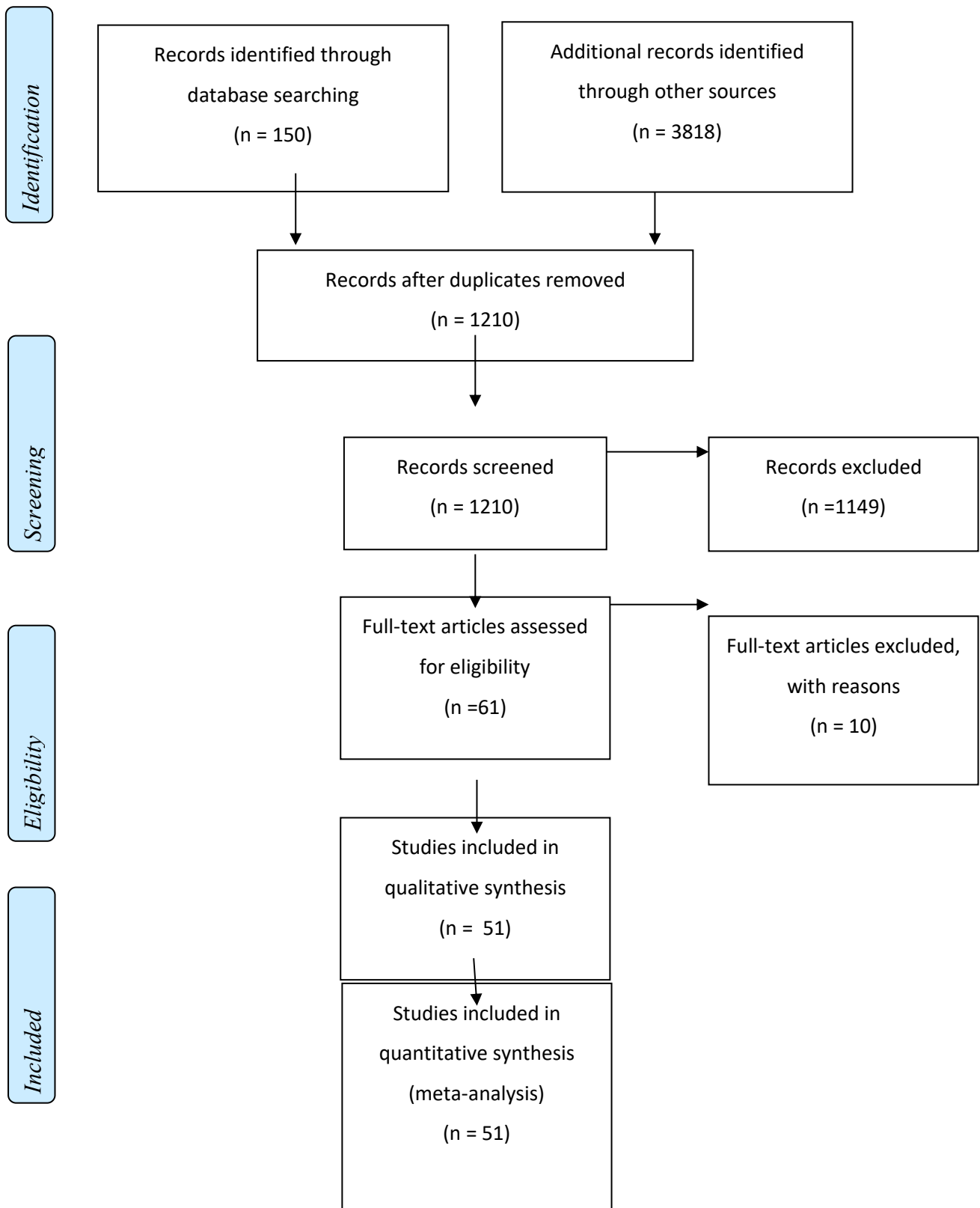
The exclusion criteria consisted of titles that had a particular emphasis on the pedagogical aspects of clinical legal education such as course design, curriculum development and student assessment. Also excluded were articles which concentrated on the training of lawyers for legal practice-unless it was on training lawyers to appreciate social justice in practice, studies of clinical legal education in non-African countries, articles on general aspects of legal education as well as articles in which social justice and clinical legal education was not the subject or focus. Since this systematic literature review of literature was informing a study that would entail an examination of legislative structures supporting social justice clinics, it was more helpful to retain articles based on current and not repealed legislation.

Given that the emphasis of the research was the social justice role of clinics among indigent communities, the number of citations or publication impact of the articles was not prioritised in the inclusion or exclusion criteria.

*Testing the relevance of retrieved records*

The first stage of screening was to examine the titles of the articles to see whether the retrieved records were relevant to the research by subjecting them to the exclusion and inclusion criteria. Titles that had limited information were included for further scrutiny. The second stage was to extract the records and read their abstracts against the inclusion and exclusion criteria. The assessment for eligibility entailed a final analysis of the remaining records. In this screening, 10 records were excluded leaving behind 51 records for critical review. The foregoing search process is summarised and presented in the Prisma Flow Diagram in Figure 1.

Figure 1: Prisma Flow Diagram documenting the search process



### ***Critical review***

The critical review consisted of extracting data, analysing and synthesising it. This entailed extracting data from the final set of literature on the basis of pre-identified themes. This data was evaluated in addressing the research questions and then synthesised in narrative form.<sup>41</sup>

### **Findings of the review**

The findings of the quantitative aspects of the literature on the social justice role of clinical legal education in Africa are presented below. These are categorised into annual publications, authorships, journals, geographical spread of authors and studied countries, and the predominant research designs and topics.

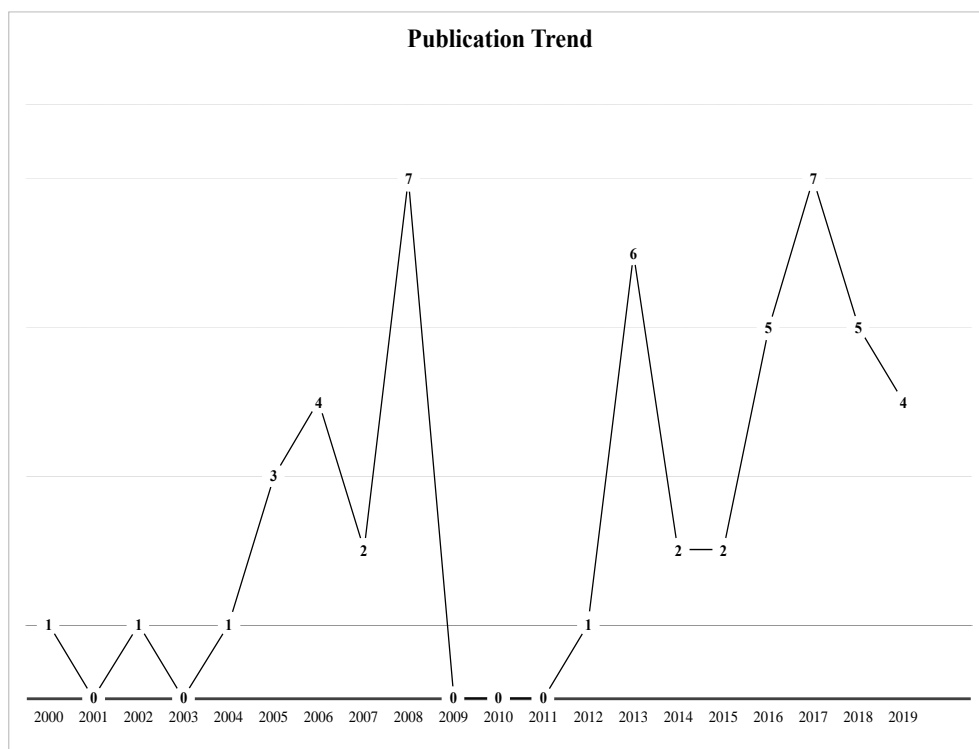
#### ***How often is the social justice role of clinical legal education in Africa covered in literature?***

The trend in annual publications is illustrated in Figure 2. It shows cyclic rises in publications over the years 2000-2019.

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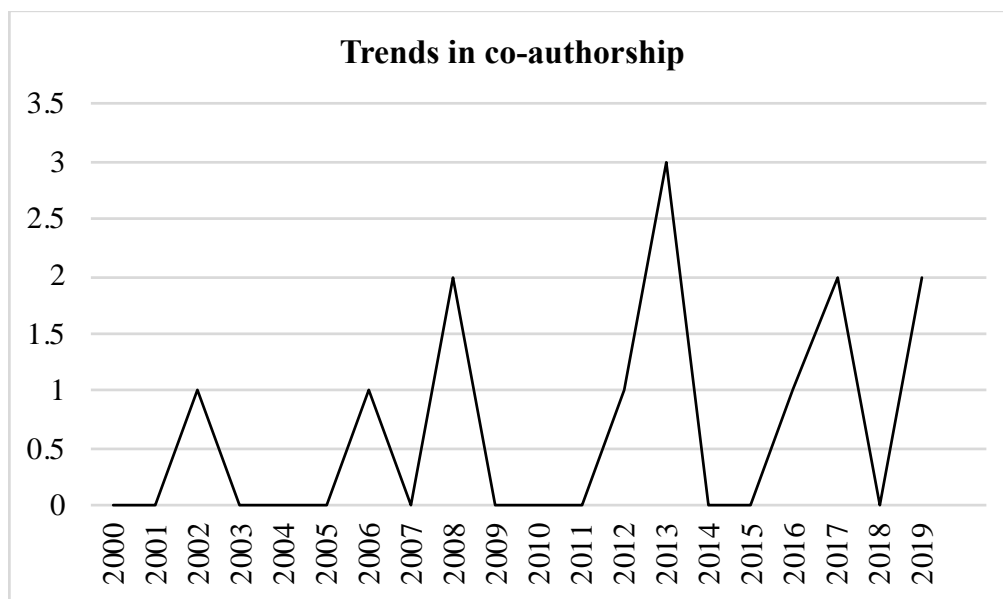
<sup>41</sup> Kotonya (n13).

Figure 2: Publication trend 2000-2019



The trend in co-authorships is presented in Figure 3. The majority of authors published only one article, with single authorships comprising 75 per cent of the articles. Articles published by two authors made up 12 per cent of the articles and only 2 per cent were published by three co-authors.

Figure 3: Trends in co-authorship 2000-2019



***In what journals are these studies published?***

The analysis yielded literature from 21 different publications emanating from all the continents across the globe. The spread of publications in these journals is shown in *Table 2*.

*Table 2: Spread of Publications in Journals*

**Spread of Publications in Journals**

<b>Journal</b>	<b>Frequency</b>	<b>Per cent</b>
African Human Rights Law Journal	2	4%
Asian Journal of Legal Education	7	14%
Beijing Law Review	1	2%
De Jure	7	14%
Fordham International Law Journal	1	2%
Fundamina	1	2%
Griffith Law Review	2	4%
International Journal of Clinical Legal Education	9	18%
Journal for Juridical Science	6	12%
Journal of Ethiopian Law	1	2%
Journal of Legal Education	1	2%
Law Teacher	1	2%
McGeorge Law Review	1	2%
Mizan Law Review	1	2%

### *Reviewed Article*

Nnamdi Azikiwe University Journal of International Law and Jurisprudence	2	4%
Potchefstroom Electronic Law Journal	2	4%
South African Law Journal	2	4%
Strathmore Law Review	1	2%
University of Ghana Law Journal	1	2%
Washington University Journal of Law and Policy	1	2%
Yale Human Rights and Development Law Journal	1	2%
	<b>51</b>	<b>100%</b>

The journal with the highest concentration of these articles was the International Journal of Clinical Legal Education publishing 18 per cent of the total articles. This was followed by De Jure and the Asian Journal of Legal Education both publishing 14 per cent and the Journal for Juridical Science publishing 12 per cent of the total articles.

### *Which countries are the authors from?*

The papers originated from 10 countries. These are South Africa 43 per cent ( $n = 22$ ), Nigeria 29 per cent ( $n = 15$ ), USA 8 per cent ( $n = 4$ ), Ethiopia 4 per cent ( $n = 2$ ), Ghana 4 per cent ( $n = 2$ ), Kenya 4 per cent ( $n = 2$ ), Bangladesh 2 per cent ( $n = 1$ ), UK 2 per cent ( $n = 1$ ) and USA/Botswana 2 per cent ( $n = 1$ ). One paper emanated from the global south although the author's information did not specify the publishing country. South Africa and Nigeria highly dominated the clinical legal education field by contributing

72 per cent of the publications. The remaining 28 per cent consisted of contributions from 8 different countries including Ethiopia, Ghana, Kenya and Botswana.

*In which countries are studies on the social justice role of clinical legal education in Africa conducted?*

The articles depicted the experiences in the publishing countries, with each paper largely studying just one country. Overall, five main countries were studied with some articles studying these and wider regions in the continent. These were South Africa 45 per cent ( $n=23$ ), Nigeria 29 per cent ( $n=15$ ), Ethiopia 6 per cent ( $n=3$ ), Kenya 4 per cent ( $n=2$ ) and Ghana 2 per cent ( $n=1$ ). Multiple countries were the subject of 14 per cent ( $n=7$ ) of the articles.

*What methodologies do the studies utilise?*

There is considerable diversity in methodologies used in clinical legal education research as shown in *Table 3*. Articles documenting the experiences of the authors formed 71 per cent of the publications. These were in rare cases supplemented with some form of empirical research such as reviews of case files or interviews. Articles based exclusively on reviews of academic literature constituted 24 per cent of the publications, while the methodologies in the remaining 2 per cent remained unclear. The predominant methodology in the articles was qualitative research.



Table 3: Methodologies

**Variety and Frequency of Methodology**

<b>Methodology</b>	<b>Frequency</b>	<b>Per cent</b>
Author's Experience	8	16%
Author's Experience and Empirical Research	3	6%
Author's Experience and Interviews	1	2%
Author's Experience and Review of Literature	14	27%
Author's Experience and Review of Literature and Case Files	1	2%
Author's Experience and Review of Case Files	1	2%
Author's Experience and Comparative Study	1	2%
Author's Experience and Review of Literature and Case Files	1	2%
Book Review	1	2%
Case Study	1	2%
Case Study and Unstructured interview	1	2%
Case Study and Author's experience	1	2%
Case Study and Surveys using semi structured questionnaire	1	2%
Questionnaires and Focus Group Discussions	1	2%
Review of Literature	12	24%

Review of Literature and Empirical Research	1	2%
Unclear	2	4%
	<b>51</b>	<b>100%</b>

*What topics do the studies cover?*

The titles of the articles were categorised into the broader topics in which they fell.

These are presented in Table 4.

*Table 4: Geographical Spread of Topics*

Topics	Geographical Spread	Frequency		Per cent
			Total	
Access to justice	Nigeria	4	12	24%
	South Africa	4		
	Ethiopia	2		
	Kenya	1		
	South Africa, Global	1		
Challenges	Nigeria	3	6	12%
	Kenya, Uganda and other regions	1		
	South Africa	1		
	Global North and Global South	1		
		1		
Clinic experiences	Kenya	1	6	12%

	Nigeria	2		
	South Africa	3		
Pedagogy	South Africa	6	6	12%
Social justice	Nigeria	3	5	10%
	South Africa	1		
	USA	1		
Clinic missions	South Africa	3	3	6%
Legal education reform	Nigeria	1	3	6%
	Africa	1		
	Ethiopia	1		
Clinic history	South Africa	2	2	4%
Clinical movement	South Africa	1	2	4%
	South Africa, Global North and Global South	1		
The promise of clinic	Ghana	1	2	4%
	Uganda, South Africa, Tanzania, Botswana, Lesotho and Swaziland	1		
Clinician role	South Africa	1	1	2%
Constitution	South Africa	1	1	2%
Risks and benefits	Nigeria	1	1	2%

Sustainability	Nigeria	1	1	2%
			<b>51</b>	<b>100%</b>

The most prevalent topic was access to justice. This was covered in 24 per cent ( $n=12$ ) of the articles from Nigeria ( $n=4$ ), South Africa ( $n=4$ ), Ethiopia ( $n=2$ ), Kenya ( $n=1$ ) as well as an unconfirmed country ( $n=1$ ). Challenges in clinical legal education constituted 12 per cent of the articles ( $n=6$ ). These were from Nigeria ( $n=3$ ), Kenya/Uganda and others ( $n=1$ ), South Africa ( $n=1$ ) and the rest of the globe ( $n=1$ ). The topic of clinical experiences constituted another 12 per cent ( $n=6$ ) being from South Africa ( $n=3$ ), Nigeria ( $n=2$ ) and Kenya ( $n=1$ ). Social justice followed at 10 per cent ( $n=5$ ) with articles from Nigeria ( $n=3$ ), South Africa ( $n=1$ ) and USA ( $n=1$ ). Clinical pedagogy took up 12 per cent ( $n=6$ ) with papers from South Africa. Legal education reform was considered in 6 per cent ( $n=3$ ) of the articles in papers from Nigeria ( $n=1$ ), Africa generally ( $n=1$ ) and Ethiopia ( $n=1$ ). Papers from South Africa ( $n=1$ ) and the globe ( $n=1$ ) covered the topic of the clinical movement, constituting 4 per cent ( $n=2$ ) of the articles. The promise of clinic was covered in 4 per cent ( $n=2$ ) of the articles, these being from Ghana ( $n=1$ ) and multiple African countries ( $n=1$ ). Clinic sustainability ( $n=1$ ) as well as their risks and benefits ( $n=1$ ) each constituted 2 per cent of the articles all of which emanated from Nigeria. The remainder of the topics were the history of clinical legal education which was covered in 4 per cent ( $n=2$ ) of the articles, the mission of clinics covered in 6 per cent ( $n=3$ ) of the articles, constitutions and clinics in 2 per cent ( $n=1$ ) of the articles and the role of clinicians in another 2 per cent ( $n=1$ ) of the articles. These topics were studied in articles from South Africa. An

examination of the geographical spread of the topics revealed South Africa as the most studied country, having been the subject of 12 out of the 14 topics identified. This was followed by Nigeria, which was the focus of 7 topics.

## **Discussion**

Clinical research and dissemination is beneficial for the entire body of legal scholarship because of its diversity of perspectives, impact on the world and role in stemming the theory-practice divide.<sup>42</sup> This systematic review was conducted to map the development and flow of research on the social justice role of clinical legal education in Africa. The review sought to determine aspects of this theme that are already known, as well as those that are unknown or are under-researched with a view to comparing the clinical legal education experience in Kenya and South Africa. The research interest was clinical legal education in Kenya, thereby making it the country of focus in the review. South Africa was selected for comparison on the strength of scoping reviews. Such scoping reviews are recognised as valuable foundations for broader systematic reviews.<sup>43</sup> These revealed South Africa's clinical education movement as being robust and the most deep-rooted in the continent.<sup>44</sup>

The article contributes to knowledge on the quantitative aspects of the analysis of the status of research on the social justice role of clinical legal education in Africa. It does this when it addresses the thematic and jurisdictional gaps of existing

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<sup>42</sup> Michele Gilman, 'The Future of Clinical Legal Scholarship' (2019) 26 *Clinical Law Review* 189, 186, 198, 201.

<sup>43</sup> Newman and Gough (n 15) 15.

<sup>44</sup> De Klerk (n 38) 932.

reviews.<sup>45</sup> As is expected of systematic reviews, the article also presents an extensive methodological section that may be utilised by future scholars who may wish to reproduce the study. The review contributes to the literature on clinical legal education by presenting an evidence-based representation of the development and flow of research on the social justice role of clinical legal education in Africa, Kenya and South Africa. The result is a quantitative demarcation of gaps and developments for researchers exploring this topic. The synthesis of the content, arguments and findings of the literature under study has been done in a separate article thereby serving to further fulfil the aim of the systematic review by delineating the gaps in knowledge as areas for research.

### *Limited scholarship on Africa*

Being the continent of focus, the setting or context of the review was identified as Africa. Clinical legal education experiences were scrutinised from the perspectives of universities hosting clinical programs, clinic staff and students engaged in law clinics, persons benefiting from university law clinic services as well providers of legal aid to indigent communities. The scope of the setting was varied to the specific country of interest that is Kenya. The intervention or phenomenon of interest was clinical legal education in Africa. While remaining open to developments in other African countries, South Africa was identified for comparative purposes. Evaluation of clinical

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<sup>45</sup> Dunn (n 11); Mkwebu (n 12).

legal education in Africa, South Africa and Kenya in the context of its social justice role showed a dearth of literature from Africa and from the study country Kenya. As shown in the subsequent discussion, South Africa was comparatively more prolific than the other countries and maintained its dominance in terms of authorships, collaborations and research topics.

The findings as depicted in Figure 2 are indicative of rises in annual publications peaking in 2008 and 2017. These show an increasing academic interest in research on the social justice role of clinical legal education in the continent. The cyclic pattern signifies the growing relevance of the topic 'social justice and clinical legal education' in a manner that is neither systematic nor sustained. Nevertheless, the low publication frequencies reveal a limited research interest and scholarship on clinical legal education in Africa.

#### *Narrow spread of authorship*

Three of the most prolific authors are based in South Africa and they are the same ones who prepared co-authored publications. In terms of geographical spread, South Africa generated the majority of the literature followed by Nigeria and these countries together dominated the review. These publications offered various perspectives on clinical legal education in the two countries. The highest frequency of authors also emanated from Nigeria and South Africa. This finding confirms the viability of South Africa for benchmarking clinical practice in the continent and suggests Nigeria as a

country in which clinical legal education is widespread. It is an indicator of the narrow spread of clinical authorship across the continent.

### ***Potential for authorships and collaboration***

The single authorships by Du Plessis, Mc-Quoid Mason, De Klerk and Nwedu contribute to their being the most prolific authors in the review subject. The percentages of the first three authors-Du Plessis, Mc-Quoid Mason and De Klerk are further increased by their co-authorships. The high number of articles authored and co-authored by the three suggests the review subject as their area of specialised research. This field has few published specialists given that there are a small number of authors who are highly prolific in their single authorships. The trends in co-authorship signify a pattern in co-authorships that is interspersed with years of single authorships. This unsteady trend in co-authorships is indicative of little collaborative research on social justice aspects of clinical legal education in the continent. It can also be considered a subject area with great potential for specialisation, authorships and research collaboration.

### ***Few outlets for clinical scholarship***

It is noteworthy that two of the journals with the greatest frequency of publications are legal education journals. That the articles are largely published in legal education journals is consistent with the application of clinical legal education as a pedagogical tool for legal education, rendering it particularly suited to legal education journals.



For instance, the International Journal of Clinical Legal Education having the highest number of publications is an indicator of the value of specialised journals for the spread of clinical scholarship. Since these appear to be the most receptive of manuscripts addressing clinical legal education, such journals would therefore be a priority for prospective authors. As this may be a rather limited publication avenue, this finding also highlights the role that special issues in journals or law reviews could play in availing a platform for the dissemination of clinical research.

*Scarce African representation in social justice scholarship*

Without specifying particular countries, there are articles that have studied Africa, clinical legal education from a global perspective, in the global north and south as well as in listed countries in East and Southern African regions. The widespread practice of clinical legal education in South Africa and Nigeria most likely motivated their selection for these studies, unlike other countries in the continent where clinical legal education was not as prevalent. Although the studies predominantly investigated access to justice and social justice, they also highlighted clinical experiences, challenges and some pedagogical aspects of clinical legal education. Again, the dominant countries studied in the different topics covered were South Africa followed by Nigeria. This finding exposes study gaps in other countries of the continent that operate clinical education programs and identifies them as a viable trajectory for research. Articles relevant to the study emerged from 10 countries only and these studied 5 countries and regions in the continent. This restricted scope was

accompanied by a dearth of publications emanating from the African countries themselves and specifically from the country of research interest that is Kenya. As such the continent can be viewed as under-represented in global clinical scholarship.

### ***Methodological diversity***

There is considerable diversity in methodologies used in clinical legal education research as shown in *Table 3*. It was noted that articles documenting the experiences of the authors formed 71 per cent of the publications. These were in rare cases supplemented with some form of empirical research such as reviews of case files or interviews. Articles based exclusively on reviews of academic literature constituted 24 per cent of the publications, while the methodologies in the remaining 2 per cent remained unclear. The predominant methodology in the articles was qualitative research.

The dominance of articles that are reflective of the authors' experiences confirms the operation of clinics in these countries from the perspectives of the clinicians. This documentation of clinical experiences is bolstered by the percentage of publications based purely on reviews of literature taking second place. It was noted that methodologies involving empirical research are barely applied in clinical legal education research. These methodologies may be helpful in reflecting the clinical experiences of other participants who have not documented their experiences as well as that of the beneficiaries of these clinical programs. They could also be applicable in researching the social justice interventions undertaken by clinics as well as

developments of clinical programs in jurisdictions that have little or no current published literature available.

### ***Dearth of Topics***

The result on topics under study is consistent with the scoping study, which established South Africa as a suitable choice for comparative study because of the abundance of publications about clinical legal education emanating from there. This finding reveals Nigeria as the second most studied country, reflecting that it is perhaps the second most active in clinical legal education in the continent after South Africa. The findings imply some level of clinical activity in Ethiopia, Uganda, Ghana, Uganda, South Africa, Tanzania, Botswana, Lesotho and Swaziland. Additionally, they point to a research gap in the identified topics, in the remainder of the African countries as well. Notable was Kenya, about which only 3 topics were discussed. These were clinics and access to justice, clinical experience and challenges of clinical legal education in the country. This dearth of articles corroborated the viability of Kenya's potential as a research interest in the subject.

### **Strengths, Limitations and Future Directions**

The strengths of the review lie in the compliance with the systematic nature of question formulation, search and analysis of records. This draws the advantages of being both verifiable and replicable. The review provides a foundation for a qualitative synthesis delineating what is known and what is unknown about the social

justice role of clinical legal education in Africa. Synthesis of the resulting articles integrates information therein and addresses the research questions thereby contributing to knowledge.<sup>46</sup> This contribution includes broadening horizons for new research from which all the countries of the continent can benefit.<sup>47</sup>

The systematic review encountered four limitations relating to search terms, alternative sources, English as the language of research and the timeline of articles. Since the search terms were applied to articles in databases, articles that did not contain any of the search terms were omitted. Thus, the thesis 'Critical Evaluation of the Practical Legal Studies Programme at the University of the Witwatersrand' would be omitted although it is about clinical legal education in South Africa. On the face of it, the phrase Practical Legal Studies may not immediately reflect a clinical programme or discussions on the social justice goal of clinical legal education. Thus, other articles or thesis with this phenomenon may have been inadvertently excluded during the screening.

The second limitation is that there is a lot written on clinical legal education that is not being published in the academic databases and some journals do not accept publications on themes relevant to clinical legal education. There are clinics that share them as blogs, brochures and websites. These sources are not captured in the databases searched during the systematic review since there are no methods to

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<sup>46</sup> Newman and Gough (n 15) 14.

<sup>47</sup> Clinton Golding, Sharon Sharmini and Ayelet Lazarovitch, 'What Examiners Do: What Thesis Students Should Know' (2014) 2938 *Assessment and Evaluation in Higher Education* 571.

incorporate these in systematic reviews.<sup>48</sup> Given the technological advancements that are now enabling the sharing of research through more avenues than those previously utilised by researchers, the present systematic review concedes that such research could escape scrutiny for this reason. Additionally, there was an attempt to mitigate publication bias by applying the search queries on Google mainly yielded published articles that had already been obtained from the database search.

The third limitation is that the review focused on articles that were published in English only, leaving out any relevant material that may exist in other languages. The fourth limitation is that the review is limited to publications made before 2020 when the review for the PhD study for which it was conducted was carried out. It therefore does not include literature generated thereafter.

The discussion section underscores future directions in terms of research countries, topics, methodology, and individual and collaborative research. It reveals the returns as being replete with publications from and about both South Africa and Nigeria. Thus, all other countries of the continent that implement clinical programs stand out as rich possibilities for research. The gap in publications about these countries is a compelling factor towards methodologies and research designs that consider clinical experiences, perceptions, observations and documentation in a bid to arrive at holistic knowledge. Furthermore, the complexity, breadth of projects or the appreciation of research synergies may call for more collaborative research, which is

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<sup>48</sup> Dunn (n 11) 114.

currently uncommon in this field. As earlier noted, the systematic nature of this review preserves possibilities of replication and updates in future. Complementary reviews could also be conducted on the second mission of clinical legal education, which is the pedagogical role of clinics.

## **Conclusion**

This systematic review analysed the status of research on the social justice role of clinical legal education in the African continent before the year 2020. It sought literature addressing the social justice experience of clinical legal education in Africa, more specifically South Africa and Kenya, the challenges existing in this endeavour as well as how African countries have overcome them. It reviewed such publications in databases that publish research about African countries, given that their themes and priorities sometimes differ from mainstream databases thereby building on literature about social justice and clinical legal education in African countries. The review thereby generates evidence of the growth of scholarship about the place of social justice in clinical legal education in African countries. It complements systematic reviews that have been made that focus on clinical legal education in Europe and the sustainability of clinics globally. The findings confirm the selection of South Africa as a viable comparator, given that the majority of authorships and journals emanate from there. The review yields a broad research trajectory by highlighting topics for future research and countries where the research could be extended. It maps the need for the development of research within and beyond several topics including the clinical

movement, history of clinics, their mission, sustainability and promise, constitutions and clinics, the risks and benefits of clinics as well as the role of clinicians. The review reveals that the social justice role of clinical legal education is under-researched in the majority of the countries in the continent. It delineates the gaps in knowledge about the social justice aspects of clinical legal education in all countries beyond South Africa as areas for research. The scarcity of co-authored publications points to opportunity for the growth and nurturing of clinical scholars through collaborative research as well as the development of specialised publication outlets such as special issues of journals or law reviews. Since Kenya was identified as the focus country for the impending research, the systematic review confirms this area as a viable research gap. The overall conclusion with respect to the maturity level of research on social justice and clinical legal education is that there remains a broad unexplored field for both individual and collaborative research with respect to methodology, diversity, spread of countries and topics.

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