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This is a criterion that cuts both ways – very UK-orientated (or US-orientated) pieces might have merit but may be so introverted as to lack the international element – other papers might cover something which is of such interest to an international audience as to be worthy of publication. The best papers will often be rooted in a specific local experience – but will be able to draw that into a larger theoretical context that has wide relevance across jurisdictions.

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The Clinical Practice section is intended for more descriptive pieces. It is not peer-refereed. These will generally be shorter articles. They may focus on the general clinical context in a particular country – or describe a particular clinical programme, or a new type of clinical practice or clinical assessment. This section is intended to be less formal than the refereed part of the Journal, enabling clinicians to share experiences. The main criterion for acceptance is that the piece is likely to be of interest to the Journal's readership.

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Clinical Legal Education and Cultural Relativism

– The Realities in the 21st Century

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ABSTRACT

'Ubi jus ibi remedium' is a Latin maxim that means 'where there is a wrong, there is a remedy'. Human rights are expected to be universal and applicable to every human being. In reality not all rights guaranteed in the International Instruments are applicable in some African societies with different culture, religion and norms. Culture shapes the identity of people generally in Africa and elsewhere thus the issue of Cultural Relativism is germane to the very existence of people of African descent.

International Convention and Instruments provide for Women' Rights generally and particularly the Right to life.

The experience in the Women's Law Clinic (the clinic) of the University of Ibaden has shown the imbalance between Clinical Legal Education (CLE) and the realities in practice.

This paper considers the cultural practices in some societies in Nigeria, the techniques of CLE adopted in the clinic and the challenges of the 21st Century.

Key Words – Clinical Legal Education, Cultural Relativism, 21st Century.

Suggested Theme: -What clinical legal education can and cannot achieve

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Introduction

In the case of *Owonyin v. Omotosho*, (1961, SCNLR) Bairamian, FJ, described customary law as “a mirror of accepted usage.” This definition was adopted by the Supreme Court in the case of *Kindey & 11 Ors. v. Military Governor of Gongola State*, (1988) 2 NWLR (Pt.77) 445. The definition in *Owonyin V Omotosho*, (1961, SCNLR) was applied and explained further in the case of *Odoemena Nwaigwe & 2 Ors. V Nze Edwin Okere*, (2008 SC) where it was stated per Niki Tobi JSC that:

“Customary law emerges from the traditional usage and practice of a people in a given community, which, by common adoption and acquiescence on their part, and by long and unvarying habit, has acquired, to some extent, element of compulsion, and force of law with reference to the community. And because of the element of compulsion which it has acquired over the years by constant, consistent and community usage, it attracts sanctions of different kinds and is enforceable”

Culture is usually believed to guide the values of the society. What is considered moral in one society may be considered immoral in another, and since no universal standard of morality exists, no one has the right to judge another society’s customs. The ideology that all beliefs, customs, and ethics are relative to the individual within his own social context is known as Cultural Relativism.

According to Falola (2008), culture shapes the perception of people in Africa and some other places; it also affects the interaction between people and their environment. He reiterated further that culture defines or explains the habits of the people such as respect for old age, giving birth to many children, taking care of the children, hard work, practise of polygyny and the support of patriarchy otherwise known as male dominance. Furthermore, culture is referred to as the way of life of a group of people (Olaoba, 2002). Olaoba defines culture to include the existence of a legal system which is fundamental to the maintenance of peace and harmony so that life will be meaningful and worth living. In essence, law in traditional African society is never defined in a vacuum, it is as matter of necessity clothed with the gown of culture in order to justify its applicability and ensure observance by the people. Thus, in the application of law in the traditional African setting there must always be a recourse to the culture of the people. This is stemmed from the fact that the fundamental feature of African legal culture is the notion of collective responsibility for offences committed by an individual in the society. In addition, African legal culture is embedded in traditional religion because Africans believe in the influence of ancestors on virtually all human activities.

The goals of the Women’s Law Clinic are to train law students in the practice of law, utilizing techniques of clinical legal education; and to provide legal services to the less advantaged women in society. It is a specialized clinic in the sense that it is for women and it started off in the areas of human rights and family law, which are in fact very wide areas and has since expanded to accommodate other areas of law.

For clinical legal education and the practice in the University of Ibadan Women’s Law Clinic; the traditional approach of settling disputes without litigation is adopted. There have been many achievements. However a lot of challenges are still being faced when dealing with certain issues especially those relating to marriage, child custody and inheritance. The major hurdle in the achievement of the objective of the Women’s Law Clinic is the dictates of culture and traditions.

Cultural Relativism

From an anthropological perspective, cultural relativism is the position that all cultures are of equal value and need to be studied from a neutral point of view (Glazer, 1996). Thus this type of study views any culture with a cold and neutral eye and understands the particular culture on its own merits and not another culture's.

The first use of the term as recorded in the Oxford English Dictionary was by the popular philosopher and social theorist Alain Locke in 1924. He adopted the term to describe Robert Lowie's 'Extreme Cultural Relativism' (<http://dictionary.oed.com>, 2009).

Cultural relativism is a system of social beliefs in the modern world.

Whether a culture is good or bad is specific and this cannot be imposed in cultural analysis. Thus what is good in one culture may be categorized as bad in another. This implies that every culture determines its own ethical judgments to regulate the proper behavior of its members.

Cultural relativism maintains that there are differences in ideas, views, values and perception among people of diverse cultures. It is contended that rights and rules about morality depend on cultural context. Culture as employed here goes beyond indigenous and customary practices to include political and religious ideologies and institutional structures. Thus notions of right and wrong necessarily differ throughout the world because the cultures in which they take root themselves differ (www.oppapers.com last accessed on 20/06/11).

It should be noted that the issue of cultural relativism seems to be a well-won debate as the court has laid credence for the issue. In *Igra V Igra* (1950), the court was conscious of Cultural Relativism in its final decision to recognize a German divorce which was obtained during the war at the instance of the Gestapo on what was suspected to be racial grounds. In that case, Pearce J. held that:

“the interests of comity are not served if one country is too eager to criticize the standards of another country or too reluctant to recognize decrees that are valid by the law of domicile”

Furthermore, in the case of *Syndicat North Crest V Amselem* (2004) the Supreme Court of Canada in its critique of freedom of religion and culture made it clear that even where a practice is found to have a religious or cultural essence, courts must still consider how that conduct affects the rights and interests of others.

The acceptance of cultural relativism as an ideology believes that nothing is inherently wrong or right with any cultural expression. However, cultural expression is limited when rights and interests of other people are involved.

According to James Rachels, (<http://www.squidoo.com/culturalrelativism>) cultural relativism while being useful in helping people to keep an open mind to other cultural practices, it should not be held true in its entirety. Thus the practice of cremating the dead as juxtaposed with eating the recently deceased are both correct according to the community involved and each view the other as appalling.

Legal Education in Nigeria

According to Elias (1962) formal legal education was not established in Nigeria until after the country attained independence in 1960. Until 1962, Nigeria had no legal education curriculum of its own as it is known today. Prior to this time, Nigerians received legal training at British institutions having passed through an academic curriculum based largely on English values (Bamgbose, 2010). The effect was that they had no instructions on Nigerian law with its traditional socio-legal milieu and Nigerian customary law. It was then realized that there was the need to indigenize training of legal practitioners in Nigeria, the need to correct defects and lacuna in legal education of British trained lawyers. The Federal government, then set up a committee, called the Unsworth committee (named after the chairman) with the mandate to consider and make recommendations on the future of legal education in Nigeria (Fawehinmi, 1988). The report of the Committee may be said to be the genesis of legal education in Nigeria. The committee recommended in its report that Nigeria should establish its own system of legal education and also recommended the establishment of Faculties of Law in Universities in Nigeria (Elias, 1962).

Legal education is a tiered structure. The academic discipline is conducted by accredited law faculties under the control of the National Universities Commission (NUC), while the professional training is carried out by the Council of Legal Education. The NUC conceives legal education as being purposive, therefore it is expected that the product of the program must be able to use law as a tool for resolution of societal problems and the resolution of various social and legal conflicts.

For many decades, Law Faculties and the Nigerian Law School teaching relied on an education model that focused on theory, providing minimal opportunity for students to learn and apply the practical problem-solving skills critical to becoming a competent lawyer in real world settings. Clinical legal education with its modern approach to learning has provided direction, and the tools for improving the legal education system and students are more prepared for the practice of law.

Clinical Legal Education in Nigeria

There is no doubt that education and educational policies are decisive in the long term development of any society (Bamgbose, 2010). A crucial challenge to successful education is to create interest in new and emerging areas and to tackle new issues. This brings about an improvement of people and their attitude to life (Bamgbose, 2010). It is therefore important that for law to perform its role in the society, legal education must be enriched with emerging concepts to improve the information and knowledge base of law students

Clinical legal education provides and significantly contributes to the continuum of legal education (MacCrate Report, 1992). The importance of clinical legal education in the acquisition of skills and values needed to make a competent and conscientious lawyer from a societal and cultural perspective cannot be overemphasized. Clinical legal education through legal clinics exposes law students to professional and societal responsibilities and the need to meet the legal needs of the poor and underrepresented in the society.

In Nigerian legal education, a new curriculum of clinical legal education was introduced as part of the undergraduate LL.B programme in the 2008/2009 session. The clinical legal education curriculum was developed for Nigerian Universities' Law Faculties/ Clinics by the Network of University Legal Aid Institutions (NULAI). Prior to the introduction of clinical legal education into

the law curriculum in Nigeria, the law faculties continued to function with strict and conservative attitudes towards the training programme (NULAI, 2010). Then, the law faculties taught only the theories of law without imparting practical or applicable skills and the only semblance of practical training to which the Nigeria law student was exposed was at the Nigeria Law School. The position at the law school was very similar to the instruction at the faculties but they did manage to give some practical training through the attachments to courts and chambers; this also was inadequate.

A lot of skill subjects were taught in theory only without exposing the students to practical training. The current law school curriculum has changed significantly with the introduction of the clinical legal education system in the current syllabus. In times past, the faculties and the Law School curriculum did not expose the students to practice skills such as interviewing and counseling. Also the exposure to litigation and oral advocacy skills in moot and mock trials was also limited.

Therefore the foundation of the need for the introduction of clinical legal education stemmed from the realization that there must be a holistic approach to the training process of law students in order to produce a well-rounded professional lawyer. Furthermore, exposure to live cases and practical situations during the five year LL.B programme and the one year programme at the Nigerian Law School will afford the students opportunity to experience the realities of legal practice and understand the context in which laws develop and towards what role and end.

Presently clinical legal education is a priority area for tertiary institutions in Nigeria.

Now there is a general drive to implement clinical legal education and changes in teaching methods in the various law faculties and the Nigerian Law School.

The Women's Law Clinic University of Ibadan

The Women Law Clinic of the University of Ibadan hereinafter referred to as the Clinic, is a law school based in –house clinic located in the law school, University of Ibadan. The Clinic was formally inaugurated on the 18th of July, 2007.

The goals of the Clinic are to train law students in the practice of law, utilizing techniques of clinical legal education; and to provide legal services to the less advantaged women in society. It is a specialized clinic in the sense that it is for women and it started off in the areas of human rights and family law, which are in fact very wide areas and has since expanded to accommodate other areas of law.

The Clinic focuses on the use of interactive teaching methodology, development of practice and practical skills such as interviewing, counseling, negotiating and oral advocacy, while also placing emphasis on the ethical dimensions of legal practice.

With the introduction of clinical legal education, the clinic has been able to demystify law for students. The Clinic embraces training in lawyering skills for the students and provision of access to justice for indigent clients within the community. In addition, the Clinic uses law as an instrument for social change.

Through clinical legal education, student and staff clinicians in the Clinic have been able to educate and promote the ideals of good and well-rounded counseling in rural communities in Ibadan, Oyo State, Nigeria.

The Vision Statement of the Faculty of Law, University of Ibadan is to be a World Class Faculty of Law, dedicated to excellent legal training, research and development aimed at meeting the needs of the society; and the Mission Statements of the Faculty are:-

1. To expand the frontiers of legal knowledge through learning and research.
2. To produce law graduates who are worthy in character, learning and sound judgment.
3. To contribute to the transformation of society through legal creativity, research and clinical legal education.
4. To serve as a dynamic custodian of society's legal rights and values and thus sustain its integrity.
5. To be a center of excellence in research for legal models of cutting edge global issues.
6. To be a focal point and voice for law faculties and legal education in sub Saharan Africa.

In furtherance of the above stated Vision and Mission of the Faculty of Law, the Women's clinic has been involved with several outreaches with focus on access to justice for indigent women.

To achieve its aims and objectives, the Clinic embarks on an ambitious sensitization drive among the women in the various communities. However in doing this, great care has to be taken because the cultures of the various communities have to be taken into consideration. This fact is not only applicable during the outreaches to the communities, but in relating and trying to resolve conflicts during clinic visits. This has posed a lot of problems to clinicians especially where there are conflicts in the carrying on of the function of the Clinic and the cultural values of the people.

Individualistic outreaches have been an uphill task. This is a cultural problem. This is because generally, the culture of the people is such that does not allow for an individualistic campaign aimed directly aimed at women. The campaign or outreach must pass through the community protocol in terms of their leaders and representatives. Community leaders, market leaders, trade groups through the leaders, and religious leaders have played major roles in the successes and failures of works embarked on by the Clinic.

These outreaches are held on a regular basis in various communities, markets, churches, hospitals and schools. Indigent women are the target group of the Clinic and these places have a higher population of this target group. Since its inception, the Clinic has organized clinical legal education workshops for staff and student clinicians. The academic staff have developed the Clinical method of teaching and classes are now more interactive and very lively.

The Clinic makes information about legal rights widely available to all members of the community, male and female, even as it focuses on educating women in particular. Often there are fears expressed when efforts are made to disseminate knowledge to all persons within a community because those with greater advantages might feel threatened. However it is believed that such fears are unfounded. A knowledgeable society with knowledgeable women is an upwardly mobile society.

As women remain the primary caregivers in the society, their greater awareness will be clearly seen and felt in the younger generation. The huge response from the local communities shows that the Clinic is a welcome and positive addition to the communities of Ibadan and ultimately Nigeria.

The students are fully involved in the Clinic's outreach programmes and the client counseling.

In addition, with the introduction of clinical legal education students are exposed to professional values which include provision of competent representation, promotion of justice and fairness and professional self-development. Students are therefore taught how to learn from experience.

A few cases from the clinic are discussed below.

Case Studies

The majority of the issues that come for determination in the Women's Law Clinic of the University of Ibadan relate to marriage and other familial disputes. These include wife battering, child abuse, wife maltreatment, child custody and inheritance. Ordinarily, when one is faced with such problems as these, there is the temptation to have recourse to the law, often seeking formal legal sanctions and/or remedies, in order to deal with the culprit involved. However in most cases, culture dictates how to deal with such circumstances. Clinicians are sometimes in a dilemma when the client reporting the case is reluctant to pursue the case adopting the legal process, because of certain cultural practices known to her or common to her ethnic group. The issue is more complicated when the client in the Clinic wants to proceed with an action in line with her culture, but which the clinician is not familiar with.

Cases on Marriage, Child Abuse and Inheritance

As a social institution, marriage is founded on, and governed by the social and religious norms of any given society. There is no doubt that the sanctity of marriage is a well-accepted principle in the world community. (Nwogugu, 1990).

In Nigeria, there were basically two systems of marriage; Islamic marriage – which is now recognized – is now a third. In times past, Islamic Marriage was categorized as part of Customary Marriage, however looking at the incidences of Islamic marriage; it is now considered as a category that can stand on its own.

Case 1

A case was reported in the Clinic by a woman who was separated from her husband. The children were living with the husband because he was the only person who was economically empowered. A twenty (N20.00) Naira bill (about 1/8 of an American dollar bill) went missing and the man thought it was the daughter that stole it because he saw she had another twenty Naira bill. With this belief, he beat the girl to a stupor. It was the erstwhile wife who reported the matter to the Clinic after rushing the girl to the hospital. In dealing with this issue, it was glaringly obvious that the embittered wife did not want the husband to go to prison for battering the child or even her. According to her, the cordial relationship that existed with her in-laws would be jeopardized. She pleaded that the Clinic should protect her daughter and not report her husband to the police. The Clinic had to counsel the woman, call her husband, educate him on the implication of what he had done, counsel him and also the child. The Clinic had to follow up the case to ensure that there was no repeat of the child abuse. This is just one of the ways in which the culture of the people changes the nature of the solutions offered in the clinic and impacts upon the legal education of the students. Traditionally it is an abomination for a wife to report the husband to the police and it is assumed that only dissident women will go all the way to deal with erring husband.

Case 2

Another case is the one involving a woman who was hitherto happily married to her husband until the husband impregnated another woman and decided to marry her. The first wife was not pleased with this decision. The husband gave her an ultimatum of either accepting the second wife and remaining in the matrimonial home, or rejecting her with the consequence of her husband evicting her from the house she built with him. After educating her on her rights concerning the property, and when asked by the clinicians what she wanted, she stated that she would want to stay in the house with her husband even if it meant staying with the second wife who was the same age as her first daughter, but her interest in the property is protected.

Case 3

This is the case of a young lady who was denied her share of her father's inheritance because she is female and married. The father died intestate and therefore subject to customary law. The Clinic took the case up. The client was advised and educated about the legal position. She was told about the former position in the law as stated in *Nwanya v Nwanya* (1987) where it was held that a female cannot inherit the property of her father under the Ibo customary law. She was also informed about the Court of Appeal decision in *Mojekwu v. Mojekwu* (1997) which marked a turning point in the law and happily held that females can inherit the property of the father. Our client informed us that she wanted what was hers without offending the family and disrupting the custom. It took the intervention of the Clinic, a lot of persuasion and mediation before she was given only a small portion of her entitlement to her father's estate. To our amazement, our client was content with this small portion because according to her, the family "consented" to this small portion for her as against the whole entitlement which the family would not agree to give her. In addition she informed the clinicians that she would not be able to enjoy the whole property even if the court made an order that it should be given to her.

While the law of inheritance and succession under English law is reasonably settled, especially where a will is written, the aspect dealing with customary law is not. It causes a lot of disaffection amongst family members. Certain family members have rights of inheritance and others do not. This causes a lot of discrimination.

Case 4

Similar to this case is the case of a young woman who was driven away from her matrimonial home after the death of her husband. This was based on the cultural argument that she had only female children and also that she could not inherit her late husband's property because she is not related to them by blood. This is the position under customary law as stated in *Shogunro Davis v. Shogunro* (1929) and *Nezianya v. Okagbue & Ors* (1963). In both cases, it was held that the widow could not inherit the property of the husband under customary law. In this case the late husband of our client made a will. During the visit to the Clinic, the woman was educated and counseled that she was entitled to the property given to her by her husband in his will. The brother-in-law who had taken over some properties of the deceased was shocked and furious at the action of the widow. He then decided, with the deceased's family in full support, to send the woman and the children from the matrimonial home. With the intervention of the Clinic, the woman was given the property by the law. Our client however expressed her fears as to whether she may be able to take full possession or enjoy that property taking into consideration the cultural milieu and the

location of the property.

The above cases are just few of the cases dealt with on an everyday basis and the conclusion is always tilting towards culture and traditions. There is definitely a conflict between culture and clinical legal education.

In developing practical skills and training for students, student clinicians are confronted with actual problems, the real people involved in it and cultural realities. During sensitization outreaches, such realities are brought to light. Two of such outreaches were held at Shasha Community, in Ibadan, Oyo State, Nigeria and Oje Market, also in Ibadan, Oyo State, Nigeria. The two communities are local suburbs in Ibadan metropolis with very large numbers of indigent populace. The Clinic could not invite the women together as a group to sensitize and educate them because of the nature of their businesses which is predominantly petty trading and selling of perishable food items. The Clinic had to take this into consideration in its access to justice program for the communities. The clinicians organized themselves into groups, designed the methodology of effectively communicating to them while at the same time not disrupting their daily routine. This was done by staging short play-lets in the market place while the women were attending to their wares but at the same time listening. This was very effective. Without leaving their business location, the clinic was able to effectively communicate to the women. This is in conformity with Street Law initiatives around the globe and a direct example is the model in Georgetown Law Center where the first Street Law programme started in 1972. (*D.C. Street Law Program* in <http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/DC-Street-Law-Program/index.cfm> retrieved on 1 July 2013).

During outreaches in rural communities, where the Clinic is able to obtain the permission of community leaders and relevant leaders, and the women are gathered together in one place, it is not uncommon to give some incentives during the meeting. This depends on the type of group being addressed and it ranges from light refreshment to small household utensils. All these have cultural relevance as it has been observed that the outreaches have more participants in attendance when such incentives are sighted.

Having looked at the process of legal education in Nigeria and the functioning of the Clinic, it is important to consider the realities of the 21st Century.

The Realities of the 21st Century

The education of the lawyer never ends because they must constantly be abreast of information which may be of use to the client.

Our world in the 21st century is changing rapidly. Populations are more mobile. Economic markets are becoming global. Transactions demand cultural understanding. The internet and other communication technologies bridge time zones and distances to form new communities not bound by territory. The law, too, is changing to reflect and adapt to these new conditions and circumstances.

In the light of advances in technology and globalization, the 21st century lawyer is one who ethically delivers legal services more efficiently, effectively, and in a manner that helps ensure the continued success of the legal profession.

It has been easy to measure success as a lawyer. This may include attending a law school, obtaining

a good grade, getting employment at any of the popular firms, and becoming a partner. A lawyer uses legal skills to get work from (and develop relationships with) the firm's longstanding institutional clients. In the corporate world, the guarantee of uninterrupted employment with a stable and growing company fostered avenues of career diversification.

With the onset of economic growth, this has changed. The shift is now towards individual professional reputations rather than law firm affiliations. Specialized expertise is now in demand, and the 21st century lawyer must now identify and market to clients the transferability and relevance of his/her experience rather than rest on the accomplishments of his/her firm. This means that he needs to approach his career development as a special enterprise, an effort nurtured by him, but created and directed by him individually.

The 21st century lawyer is more self-reliant as he seeks new skill-building assignments and client interactions. This requires active initiative in mastering necessary skills and taking control of one's own professional development. The 21st century lawyer must proactively identify and offer a skill set tailored to fit each client's individual needs. Personal and professional accountability to clients and one's professional growth is a feature of the 21st century legal practice (Sisson and McCormack, 2010).

Law faculties and law schools, lawyers, firms, and corporate counsel who demonstrate flexibility and innovation will be the ones considered "successful" in the 21st century (Manman, 2010).

Lawyers serve the people and organizations they represent through a blend of practical and intellectual activities, with their mind and heart. Effective lawyers need to understand people and organizations to handle the human aspects of resolving legal problems. Lawyers who excel at problem solving become fulfilled leaders – serving their clients and communities by promoting fair processes and just outcomes.

The last century of the last millennium was characterized by improvement and development in the field of science and technology including communication and information technology and law. In that century we witnessed the emergence of new technologies and globalization which have simultaneously on the one hand generated opportunities for expanded world commerce, communication, and cultural interchange. On the other hand, they have also generated world-wide concern over environmental, financial, commercial, and human rights issues accompanied by the creation of regional and global political and economic organizations, and a plethora of public and private transnational legal issues, treaties, legal guidelines, standard form contracts, alternative dispute mechanisms and domestic legislation attempting to respond to new problems and new opportunities for their creative resolution.

Globalization has changed the dynamism of the entire polity and society (www.legalservice.india.com on 10th May, 2010). In this changing scene of the world order, the law and legal practice play an important facilitative role. The law provides a framework which guides the global system. This necessarily means the availability of legal services to provide for the legal needs of these entities and activities - requiring significant adjustment in the nature of legal practice and legal education and training that feeds it (Manman, 2009).

The realities with the introduction of clinical legal education in tertiary institutions in Nigeria in the 21st century are that law students learn by experience; there is proactive participation of students in the learning process; students are motivated; the students are more involved with the local community and more relevant to the community and the students acquire the necessary skills

to be better practitioners.

The importance of clinical legal education in the acquisition of skills and values needed to make a competent and conscientious lawyer from a societal perspective cannot be overemphasized. Clinical legal education through legal clinics – Street Law – also exposes law students to professional and societal responsibilities such as community or public interest lawyering to meet the legal needs of the poor and underrepresented in the society, particularly in communities with indigent persons where the standard of living is generally low. Through the Street Law programme, law students are trained to be relevant in the society. The lawyering strategy of Street Law helps to meet the legal needs of the poor and illiterate in the society, particularly in communities with low literacy level and where the standard of living is generally low. Legal education in Nigeria is not exempted from the influence of cultural relativism because; any law that affects the traditional moral order would be ineffective. With the advent of Street Law, the society is beginning to understand the implication of the formal Legal system. The original and traditional mode of instruction in the Faculties of law was not effective because it did not take into consideration the legal needs on the street.

Conclusion

The realities of clinical legal education and culture in practice are multifaceted. This is in view of the techniques adopted to settle disputes in the clinic. The techniques are mainly mediation and reconciliation and the clinic strives to settle disputes without necessarily offending the norms and culture of the people except when it is extremely important to do so. The practice in the Clinic is to avoid litigation as much as possible because of the cultural belief that once people go to court they can never be reconciled again. There is a Yoruba adage that says that “*A kiiti kootu de ka sore*” which means *you do not come back from the court after a dispute and remain friends*.

Thus Cultural Relativism appears to serve as an impediment in realizing the goals of clinical legal education.

It is worthy of note that in as much as every individual has the right to choose their own culture, which includes the right to enjoy and develop cultural life and identity, this right should not be used as a weapon of oppression and punishment against other people. In other words, using Cultural Relativism as a defense in violating human rights is an abuse of the right to culture itself.

In many parts of Africa, Nigeria included, a clear distinction is not made between the past and the present whilst recent changes are taking place (Cobbah, 1987). Patriarchy (a social system where male dominance is established and practiced) is an accepted practice which has long been established in Nigeria. The manifestations of this practice are clearly shown in various aspects of gender relations (Falola, 2008). It is important to mention that even when the male leaders of communities and groups are invited, their first reaction when they see a female clinician is to disregard her. This is mainly because in patriarchy, a woman is supposed to be quiet and remain in the background always. It takes a lot to win the confidence of the men in such matters. In essence the challenges being faced by the Clinic are two-fold; firstly the issue of culture and the personality of the clinician, secondly, the issue of culture and the subject matter of the case.

It has been argued that in calling for total abolition of an entrenched cultural practice it may be desirable to find acceptable substitutes (Falola, 2008). In other words some compromises may be accepted with a future hope of total abolition of oppressive customs.

Conclusively, as the United Nations Human Rights Committee observed:

“Inequality in the enjoyment of rights of women throughout the world is deeply embedded in tradition, history, culture, including religious attitudes...States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women’s right to equality before the law and to equal enjoyment of all covenant (ICCPR) rights (Human Rights Committee (HRC) General Comment 28).

From the discussions above, it is glaringly obvious that Cultural Relativism is one major clog in the wheel of protecting women’s rights generally; however with effective clinical legal education techniques this obstacle is surmountable. In conclusion, techniques of clinical legal education are good and laudable however its practice must take into cognizance the culture of the environment so that its purpose can be achievable.

End Notes

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