

Foreword

Kenya's 2010 Constitution has placed law and justice on the front row of our social theatre. The 2010 Constitution is slowly giving birth to a new social order we cannot ignore. It is reshaping the way the Government deals with its people, the way we understand law, and the way we deal with each other.

Most law schools curricula have been reluctant to accept this new reality; it seems as if intellectual inquiry is frozen in the past. Most teachers continue to employ the same old teaching methods. The advancement of quality legal writing has been painfully slow. In addition, there is still an unusually large part of the student population that seems uninterested in bringing this new Kenya to fruition; they simply remain in the pursuit of their own happiness, forgetting that personal happiness can never be really attained in the midst of an unhappy society.

Kenya's legal and political order needs to find itself. Kenya did not fight secession wars or a French Revolution. Yet those are the systems that have informed the creation of our modern democratic structures, which now cry for contextualisation. Indeed, Africa was illumined by accidental means – slave trade and the colonial scramble for lands. History, whether we like it or not, marks deeply a country's constitutional development.

This new generation of law students and young graduates are called to actualize this contextualisation. They are called to a deeper understanding of their legal institutions and their social and political realities. In order to accelerate this change in our young, brilliant and active law students we decided to publish a special edition of the Strathmore Law Review. This volume brings to light seven of the best papers written by the graduating class of 2016. A class that will always remain special in the hearts and minds of the teachers and mentors who made the impossible dream of Strathmore Law School possible. A class that did not fear love, adventure, challenge and mercy. I told them many a time to fear only the selfish pursuit of their own happiness, for they will never achieve happiness alone.

I am pleased to present in this special edition, seven engaging academic papers. Space constrains did not allow us to publish more than seven; the choice was hard. These research papers are a sample of a brilliant class for whom vic-

tory is assured, provided they keep alive their inner struggle and their core ideals. Then, one day, as they get closer to the dawn of life, they will be able to say, together with Ernest Henley:

“Beyond this place of wrath and tears
Looms but the horror of the shade,
And yet the menace of the years
Finds, and shall find, me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll.
I am the master of my fate:
I am the captain of my soul.”

Luis Franceschi, LLB, LLM, LL.D
Dean, Strathmore Law School