

Teaching Law and Development at the University of Antwerp: Sustainable Development and Global Justice

By *Wouter Vandenhole**

Abstract: This paper offers a snapshot of the way law and development is taught in the ‘Sustainable Development and Global Justice’ module taught at the Law Faculty of the University of Antwerp, Belgium. The first section highlights four interrelated dimensions, that is programme design, learning outcomes, staff profiles and teaching methods, and student body. The second section is an exploratory attempt at self-reflection along two lines of inquiry: intercultural (communication) competence and decolonisation. The latter is the most challenging, and also the most fundamental one. The two topics have been at the forefront of debates within the module, the Faculty and University, and society more generally. Perhaps not surprisingly, the outcome of this self-reflection is mixed: the module has taken important steps in the right direction and is intuitively on the right track, but would benefit from a more explicit vision and policy, in particular with regard to decolonisation. Challenges ahead include in particular decolonisation of assessment criteria and academia.

A. Introduction

This paper looks into the way law and development is taught in the ‘Sustainable Development and Global Justice’ module taught at the Law Faculty of the University of Antwerp in Flanders (Belgium). The first section primarily seeks to document how that is done: it offers a snapshot of the programme, and covers the programme design, learning outcomes, staff profiles and teaching methods, and student body, all of which are of course interrelated. The emphasis is first and foremost on sharing information on these

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elements, while offering also some insight into the reasons why certain choices were made.¹ Some references to literature notwithstanding, is it beyond the scope of this contribution to fully contextualise this account within the academic literature on teaching law (and development).² The second section is self-reflexive; it focuses on two key topics of debate in the module, the Faculty and University, and society and scholarly debate more generally in recent years: intercultural (communication) competence and decolonisation.

Since I was closely involved in the design and implementation of the module, this is inevitably a subjective and possibly biased presentation and self-reflection. An attempt is nonetheless made to maintain the highest academic standards and to avoid self-congratulation. To some extent, it can be seen as an autoethnographic account as defined by Brock-Utne, that is, “an approach to research and writing that seeks to describe and systematically analyse (*graphy*) personal experience (*auto*) in order to understand cultural experience (*ethno*)”.³

B. A snapshot of the ‘Sustainable Development and Global Justice’ module

I. Module design

At the Law Faculty of the University of Antwerp (Belgium), Law and Development is taught as a one semester module in a two-year Master of Laws programme taught in English. The module is entitled ‘Sustainable Development and Global Justice’. It was piloted in 2016 as a stand-alone programme and has since been organized five times as part of the LLM.

Initially, the module was called ‘Sustainable Development and Human Rights’. ‘Sustainable Development’ was chosen to indicate the move away from an exclusive focus on the economic dimensions of development.⁴ Undeniably, sustainable development is a challengeable and problematic notion as well,⁵ but we decided to keep it for reasons of recognisability for students. After some years, the second leg of the module’s name was

- 1 Compare Robert B. Seidman, *On Teaching Law and Development, Third World Legal Studies*, 5 (1986).
- 2 For an introduction to legal education and pedagogy, see *Sam Banks, Pedagogy and Ideology: Teaching Law as If It Matters, Legal Studies* 19 (1999), p. 448 and references provided there.
- 3 *Birgit Brock-Utne, Models of Co-Operation between a University in Norway and Two Universities in Africa: An Autoethnographic Report*, in: Tor Halvorsen/Kristin Skare Orgeret/Roy Krøvel (eds.), *Sharing Knowledge, Transforming Societies: the Norhed Programme 2013-2020*, Cape Town 2019, pp. 379-400.
- 4 That focus on economic development stills prevails in a lot of the field, see e.g. *Michael J. Trebilcock /Mariana Mota Prado, Advanced Introduction to Law and Development*, Cheltenham 2014; *Yong-Shik Lee, General Theory of Law and Development, Cornell International Law Journal* 50 (2017), pp. 415-471.
- 5 See, e.g., *Sam Adelman, The Sustainable Development Goals, Anthropocentrism and Neoliberalism*, in: Duncan French/Louis Kotzé (eds.), *Sustainable Development Goals: Law, Theory and Implementation*, Cheltenham 2018, p. 15-40.

changed from ‘Human Rights’ to ‘Global Justice’ to better reflect the law-in-context/law-in-action approach adopted in the module. The initial reference to human rights had created the expectation with students that the main focus of the module was on human rights law. In order to emphasize how the law, including human rights law, is not an end in itself, but just a vehicle, the module was renamed in 2019. The underlying idea is to embed the study of the law firmly into sustainable development and global justice concerns that transcend the law. By juxtaposing global justice to sustainable development, critical engagement with the notion of sustainable development is emphasized (see also section C. II below).

The ‘Sustainable Development and Global Justice’ module consists of four courses: international law and sustainable development (ILSD); human rights and global justice (HRGJ); local perspectives on law and development (LPLD); and law and the global economic governance of development (LGEGD). The choice for these four courses was informed by at least three different logics: an institutional, a substantive, and a pragmatic one. Institutionally, the embeddedness in the Master of Laws programme required the module to have four courses: two advanced courses of 45 hours each, and two 30 hour courses (one comparative and one specialized). Advanced courses build on core courses that are offered earlier on in the curriculum, in our case, public international law and human rights law. Pragmatically, the only two full-time tenured staff members with a research interest in law and development hold the chairs in public international law and human rights law. LPLD, initially called ‘law in developing countries’ was the comparative course. LGEGD, initially called ‘external actors in aid, trade and investment’, was the specialized course. The substantive logic was explained as follows:

The two advanced courses provide a solid basis for a critical understanding of the relationships between international (human rights) law, sustainable development, poverty alleviation and global justice. The course “External Actors in Trade, Aid and Investment” explores and assesses the involvement of a wide range of ‘external’ actors in development, whereas the course “Law in Developing Countries” adopts the ‘internal’ perspective of developing countries, ascertaining the impact of international law on domestic and local settings as well as the influence of domestic issues in the international legal arena.⁶

The name changes to LPLD and LGEGD in 2020 had to do with the expertise and interest of the lecturers involved, and sought to reflect what was actually taught. They necessitated a different explanatory narrative on the coherence of the module. This reads now as follows: Each course addresses the three pillars of sustainable development: profit, planet and people, or in other words the economic, ecological and social dimension,⁷

6 PEM (Program English Master) Commission 11 January 2015 (on file with author).

7 For an introduction to the notion of sustainable development and its pillars, see *Vincent Bellinkx/Wouter Vandenhoele*, Normative Guidance for Energy Governance: Sustainable Development and Human Rights, *Journal of Human Rights and the Environment* 8 (2017), pp. 258–59.

albeit in varying degrees. LGEGD focuses in particular on the economic dimension of sustainable development, and HRGJ on the social one. ILSD covers all three in a fairly balanced way. LPLD takes a bottom-up perspective, whereas ILSD, LGEGD and HRGJ adopt more of a top-down perspective, taking international law as their starting point. The focus on sustainable development and its three pillars is fairly obvious given the name of the module. On a critical note, and notwithstanding the primary focus on the three pillars of sustainable development, the environmental pillar may remain less visible in the module than one would expect: no course has been dedicated to it. This too can be attributed to pragmatic reasons, that is, the (initial) absence of an environmental lawyer in the team.

There are also some common themes running through the four courses, such as business and human rights; environmental issues and climate change; gender;⁸ collective rights; and decolonisation. The latter has become more prominent and explicit in recent years, due to a more vocal community from Congolese descent in Belgian public opinion, discussions in the Law and Development Research Network (LDRn), the *Rhodes Must Fall* student movement and the *Black Lives Matter* movement, amongst others. After an initial stage in which each individual lecturer had become more sensitive to the decolonisation debate, the module's organising committee decided in 2019 to integrate the theme in each course and to also address it in some of the joint activities that transcend the individual courses. Students and academic partners (see further below section B. III) have welcomed the move. Decolonisation is introduced in the module's opening week, and the idea is to take students on a decolonisation tour through Antwerp, and to the Royal Museum for Central Africa in Tervuren which portrays itself as a colonial museum that is "undergoing a process of decolonisation".⁹ The second section contains an in-depth reflection on decolonisation (see C. II).

II. Objectives and learning outcomes

The 'Sustainable Development and Global Justice' module's overall objective is to overcome the lack of critical reflection on what global justice and sustainable development mean in a development (cooperation) context and to further enrich legal thinking with inter-

8 The anonymous reviewer's comments made me acutely aware of the lack of an explicit and comprehensive account in this paper of how gender perspectives are integrated into the module. Substantively, an introduction to gender studies and a gender perspective is offered. Also, the gendered nature of some of the issues, policies and laws is covered in all four courses and in the project week assignment. A gender balance is pursued as to the composition of teaching staff. But the gender perspectives could and should be strengthened. For inspiring examples of engendering legal education, see *Patricia Kameri-Mbote et al.*, Engendering and Decolonising Legal Education: South-South and South-North Co-Operation, in: Tor Halvorsen/Kristin Skare Orgeret/Roy Krøvel (eds.), *Sharing Knowledge, Transforming Societies: the Norhed Programme 2013-2020*, Cape Town 2019, pp. 474-99.

9 Africa Museum, Viewpoints, https://www.africamuseum.be/en/discover/myths_taboos (last accessed on 26 April 2022).

disciplinary insights. No strict dogmatic common stance has been taken on what a critical approach entails. Common elements may include: the attention paid to Northern political dominance in international standard-setting; the attention drawn to the fact that the law is not content-neutral but “a specifically structured oppressive means”¹⁰ with detrimental impact on vulnerable groups and the environment; and agnosticism about the role of law in bringing about global justice (see also further below).

The critical approach adopted by the module reflects some of the tenets of Critical Legal Studies (CLS), which has been described as “a movement mostly of law teachers [...] which started [...] out of a sense of extreme dissatisfaction with our own legal education”¹¹ and who seek “to help in modest ways to realize the potential [...] to transform the practices of the legal system to help make this a more decent, equal, solidary society – less intensively ordered by hierarchies of class, status, ‘merit’, race and gender [...]”¹² Our module and CLS share the attempt to “dredge up and give content to [...] suppressed alternative visions [of social life].”¹³ But the module’s approach differs in at least one fundamental respect from CLS: it seeks to go beyond mere deconstruction and “demolition work”,¹⁴ albeit while keeping a firm distance from the naïve “social engineering through law” of the 1960s Law and Development Movement (LADR, also referred to as the mainstream law and development movement).¹⁵ LADR embraced ‘leading’ law reform (as opposed to ‘tinkering and ‘following’), i.e. it sought to use law to change society and saw law as an instrument of development.¹⁶ The module, rather than viewing lawyers as “omnicompetent problem solvers”¹⁷ and providers of technical assistance, trains students to be or become aware of the limited capacity of lawyers and law to bring about social change that furthers the aims of sustainable development and global justice.¹⁸ It strives for a fine balance between critical

10 *Banks*, note 2, p. 452 and references provided there in note 18.

11 *Robert W Gordon*, *Unfreezing Legal Reality: Critical Approaches to Law*, Florida State University Law Review 15 (1987), pp. 196–97.

12 *Ibid.*, p. 197.

13 *Ibid.*, p. 200. For a short account of the rise of movements for law and society and critical legal studies in the United Kingdom and new universities in the Global South, see *John Harrington/Ambreena Manji*, *The Limits of Socio-Legal Radicalism: Social and Legal Studies and Third World Scholarship*, *Social & Legal Studies* 26 (2017), p. 703.

14 *Gordon*, note 11, p. 197.

15 *John Henry Merryman*, *Comparative Law and Social Change: On the Origins, Style, Decline & Revival of the Law and Development Movement*, *The American Journal of Comparative Law* 25 (1977), p. 461 and 465. For a more extensive discussion of the differences with LADR, see also *Wouter Vandenhole*, *Towards a Fourth Moment in Law and Development?*, *Law and Development Review* 12 (2019), pp. 265–283.

16 *Merryman*, note 15, p. 462–463.

17 *Ibid.* 466.

18 This is very much in line with what Anghie has called ‘TWAAIL 1’ scholarship, that is the political project of understanding how law (in the case of TWAAIL, international law) can “be used to further the interests of the peoples of the Third World” and how particular rules or legal regimes

reflection and inquiry on one hand and action on the other, and seeks to transcend “the action-inquiry dichotomy”.¹⁹ The module’s critical approach is clearly indebted to “Third World socio-legal studies”, which “examine law in Third World societies and includes sociological, historical and anthropological approaches as well as policy studies and impact analysis”²⁰ and which “problematize the interface between law and society”, as well as both law and society.²¹ Clearly, we should take seriously the criticism voiced by D’Souza that there is a theoretical and methodological weakness in the continued use of “concepts and methods from different philosophical strands in the Greco-Roman-Christian intellectual traditions”,²² rather than concepts developed in the geo-historical context of the Global South. If D’Souza is right in stating that this is “particularly problematic for global solidarity movements that are motivated by the desire to overcome the impasse of Eurocentrism in theory and promote law as a transformative tool for global justice in the widest possible sense”,²³ the module is yet to take significant steps to address this challenge. In a sense, this speaks to the formidable task of decolonisation that law and development as a field still faces.

The concern with introducing critical reflection on sustainable development and global justice ties in with the vision of the Law and Development Research Group (LDRG), which is in fact the institutional home of the ‘Sustainable Development and Global Justice’ module. LDRG is one of the five research groups at the Faculty of Law,²⁴ and takes quite a unique position. The four others tend to be more grounded in a branch of law (constitutional law; private law; economic law; procedural law). Also, whereas the Faculty of Law as a whole values social commitment, “takes social perspectives into account” and “puts its expertise at the service of society”²⁵, LDRG most explicitly engages with the role of law in enhancing human dignity and justice. It is also the only research group with an explicit and fairly exclusive focus on the Global South.²⁶ LDRG “studies whether and how law can enhance human dignity and global justice, in particular for those adversely

empower or disempower these peoples, see *Antony Anghie*, *TWAIL: Past and Future*, *International Community Law Review* 10 (2008), p. 480.

- 19 *Merryman*, note 15, p. 473. For an introduction to the debate on liberal and vocational models of (legal) education, see *Banks*, note 2, p. 447, in particular also note 3.
- 20 *Radha D’Souza*, *Imperial Agendas, Global Solidarities, and Third World Socio-Legal Studies: Methodological Reflections*, *Osgoode Hall Law Journal* 49 (2011), 410, note 1.
- 21 *D’Souza*, *The Third World and Socio-Legal Studies: Neo-Liberalism and Lessons from India’s Legal Innovations*, *Social & Legal Studies* 14 (2005), p. 489.
- 22 *D’Souza*, note 21, p. 411.
- 23 *Ibid.*, p. 413.
- 24 See University of Antwerp, Research Groups, <https://www.uantwerpen.be/en/about-uantwerpen/faculties/faculty-of-law/research/groups/> (last accessed on 26 April 2022).
- 25 University of Antwerp, Law Faculty, Mission, <https://medialibrary.uantwerpen.be/online/facrec/Faculty-of-Law/2/> (last accessed on 26 April 2022).
- 26 I use the reference to ‘the Global South’ rather than to ‘the South’ in order to emphasize the political rather than the geographic meaning.

affected by economic and other forms of globalisation.” It “takes a critical approach to law, and seeks to investigate what law actually ‘does’ in society, amongst others through interdisciplinary and empirical research.”²⁷ In a way, the LDRG oscillates between agnosticism if not cynicism about the law and hope that it does have a role to play in global justice, quite similar to Critical Race Theory scholars who, ‘dedicated to racial liberation but still faithful to their profession, struggled to find a balance between their cynicism about the law and their hopes for it.’²⁸ Embedded in third-world scholarship, the module is not just about understanding the world but also about changing it.²⁹ This hope draws on the many examples that can be found of modest successes in standards-setting and legal strategies to counter injustice, albeit in full acknowledgement of the partial nature of such successes, of the risks of backlashes and of eventually reinforcing hegemonic ideologies and approaches.³⁰

The module pursues six learning outcomes, which were jointly identified by the lecturers, partly in line with Faculty-wide generic learning outcomes, partly in response to the priorities of the funder (see section B. IV). The learning outcomes relate to building knowledge and awareness, enhancing critical reflection, developing skills, and building networks. The six learning outcomes are that students will

1. have a solid knowledge of the theories and concepts underpinning the fields of human rights and global justice, international law and sustainable development, and of the ways these are applied in practice;
2. be able to engage critically and creatively with the potential and limits of sustainable development law and human rights law;
3. have an advanced and complex understanding of the actors and processes involved in law and development, from both an external and an internal perspective, with particular attention to the challenges of gender, environmental sustainability and contextualisation;
4. be able to analyse a situation from multiple perspectives, including a gender perspective, apply knowledge to new cases and present work fluently and convincingly;
5. be able to navigate an intercultural and interdisciplinary working environment, and to engage successfully in intercultural communication;
6. have built a rich and diverse network with fellow students and experts.

The first three learning outcomes reflect primarily legal technical skills (at the levels of knowledge, understanding and application) and academic qualities, the latter three are

- 27 University of Antwerp, Law and Development, Mission, <https://www.uantwerpen.be/en/research-groups/law-and-development/mission> (last accessed on 26 August 2022).
- 28 *Angela P. Harris*, *Racing Law: Legal Scholarship and the Critical Race Revolution*, *Equity & Excellence in Education* 52 (2019), p. 17.
- 29 *Ibid.*, p. 18.
- 30 For a discussion, see also *Wouter Vandenhoele*, *The Limits of Human Rights Law in Human Development*, in: Bert Keirsbilck/Wouter Devroe/Eric Claes (eds.), *Facing the Limits of the Law*, Berlin/Heidelberg 2009, pp. 355-374.

so-called soft or transferable skills.³¹ That emphasis on soft skills is more outspoken than in other modules offered in the Master of Laws programme. Although included more intuitively and in response to the funder's expectations of a *training* programme (see section C. IV), these transferable skills are closely linked to change and adaptability.³² Given the rapid change in legal education, legal practice and the real world alike, adaptability is of key importance.

III. *Staff and teaching methods*

As Banks has aptly remarked, “[t]eaching is not the value free transmission of ready-made knowledge; [...] it is imbued with the teacher’s own experiences, perspectives and understandings [...]”³³ The same goes for the choices made with regard to materials and methods.³⁴ Since our own “ideological and pedagogic influences and assumptions”³⁵ impact what we teach and the way we teach, it is important to look into staff profiles and teaching methods.³⁶

Each of the courses is taught by a different lecturer who all belong to the Law and Development Research Group. Two lecturers are female, two male. The male ones are full-time, senior tenured staff members. One female lecturer is part-time and on renewable contracts. The other female lecturer was initially a postdoctoral researcher funded by the national research foundation who has recently been hired by the university as a tenure track research professor. Two lecturers are of Belgian origin, one is of Columbian and one of Turkish origin.

Gamze Erdem Türkelli holds Master’s degrees from Sorbonne and Yale, and received her PhD at the University of Antwerp. She has a mixed background in political science and law. She has a particular interest in the new and old economic actors in development financing and governance. Liliana Lizarazo Rodriguez holds degrees from Colombia, Spain and Belgium. She has a mixed background in law and in development studies and public administration and management. She has a particular interest in business and human rights, judicial activism and interdisciplinary legal research methods. Koen De Feyter holds a PhD in law and an LLM in International and Comparative Law. He undertakes socio-legal research in human rights and sustainable development, in both academic and policy-oriented contexts. Wouter Vandenhole received a PhD in law (Leuven) and obtained a master’s

31 These correspond by and large to the three categories that Twining has identified: “know what (knowledge), know why (understanding) and know how (intellectual and other skills)”, see *William Twining, Rethinking Legal Education, The Law Teacher* 52 (2018), p. 246.

32 *Ibid.*, p. 250.

33 *Banks*, note 2, p. 457.

34 *Ibid.*, p. 458.

35 *Ibid.*, p. 467.

36 For a comparable approach in which attention is paid to the editors’ biographies of a journal, see *Harrington/Manji*, note 13, pp. 702–703.

degree in law in development (University of Warwick). His research interest focuses on the role of human rights law in bringing about global justice, in particular by bringing in new duty-bearers and through an enhanced concept of transformative equality. This diversity in backgrounds, including along disciplinary and geographical lines as well as teaching traditions, has had a marked influence on the conceptualisation and actual teaching of the courses. Exposure to Anglo-American teaching traditions has led to more emphasis on preparatory reading and less on frontal teaching (for the focus on the learner, see also further below). Mixed disciplinary backgrounds allow for a more grounded meta-analysis of the role of law in enhancing global justice. And lived experience in the Global South helps to better grasp realities on the ground and the living conditions of the people.

A deliberate choice has been made to engage in collaborative team teaching. This allows for a more integrated approach of the subject-matter, stimulates more discussion among the lecturers, and also helps to convey the message to students that the different perspectives offered all need to be integrated for a better grasp of the complexity. Collaborative team teaching is pursued in different ways. First of all, course content is clearly coordinated so that it is aligned with other courses and with the learning objectives pursued in the module as mentioned in section B. II. Second, in the opening week and in the final week, the formal four-course structure dissolves and courses merge into each other. In these two weeks, cross-cutting topics that transcend the separate courses are addressed in an explicit and thematic way.

In the first week, cross-cutting themes are introduced, such as the field of law and development; ongoing research in the Law and Development Research Group; the decolonisation debate and so on. Students are also taken on a fieldtrip to a small village nearby Antwerp, Doel, where the situation is illustrative of the (sometimes irreconcilable) tensions between the economic, environmental and social dimensions of sustainable development. For decades, there were plans to extend the Port of Antwerp into Doel, so that the village would disappear. Most inhabitants have left, and many houses, farms and buildings have been demolished. This fieldtrip makes the tensions between the three pillars of sustainable development much more tangible and concrete than course work in class can ever achieve. It shows moreover how sustainable development is a challenge in both the Global North and the Global South, and illustrates how much or how little law, whatever its sophistication, can achieve. As a positive side-effect, students also leave easier the comfort zone of their own sub-group and engage more easily with students from other sub-groups during the fieldtrip (see also below in section C.I on intercultural communication competence).

The final project week brings together the learning from the four courses and focuses on further developing the writing, presentation and argument skills of the students as well as their intercultural communication skills (see also section C. I). The project week is intended to help students in synthesizing and integrating the knowledge they have acquired through the four courses and in applying this knowledge to simulated real-life situations. Students are confronted with a fictitious case, are assigned a role per group, and must negotiate about it before a panel of internal and external examiners. With this project week, we

seek in particular to achieve learning outcome number four that was mentioned above, that is, to enable students to analyse a situation from multiple perspectives, including a gender perspective, apply knowledge to new cases and present work fluently and convincingly, as well as learning outcome number five of working in an intercultural and international environment. Since our main funder funds the module as an international *training* programme (see also section B. IV below), we want to train students also as practitioners who are able to undertake a critical and complex analysis, and as effective negotiators.

Within each course, part of the teaching is done in close collaboration with one or more guest lecturers. Some colleagues from the Global South are also brought in as external examiners for the project week. The idea is to ensure strong input from voices from the Global South, *inter alia* to counterbalance the overrepresentation of the Global North in the regular teaching staff (see also section C.II on decolonisation). That input has so far mainly been on substance, far less so on legal pedagogy.³⁷ The module prioritizes lecturers from its privileged partner universities in the Global South, which are located in Africa (South Africa), Asia (India) and South-America (Peru). In addition, there is also a privileged partner in Europe (Italy), and a number of partners across the globe, with a strong emphasis on Africa.

More junior staff is also involved. An academic coordinator takes care of the students from the Global South who come to Antwerp to only follow this module (and not the full LL.M). The academic coordinator has often been from the Global South, again in an effort to decolonise academia (see section C. II.). All PhD researchers of the Law and Development Research Group can and are to a different extent involved in the programme too: some present their research in the opening week or give a guest lecture, others lend their expertise in particular matters such as sustainability, yet others join in for study trips and social events.

The programme is based on dialogue between teachers and students rather than on frontal teaching.³⁸ Hence, it moves beyond conventional hierarchical teaching methods and adopts teaching methods based on interaction and collaboration not only between the lecturers, the academic coordinator and the students, but also amongst students. The teaching features a learner-centred³⁹ ‘flipped classroom’ approach whereby background reading materials that are provided to the students are studied outside of the classroom (and prior to class), and the classes serve to really engage with issues through discussion, debate or case

37 It would require much more research to validate Harrington and Manji’s claim that in the 1990s, “Third World law schools were no longer the venue for lively struggles over the form and substance of legal pedagogy”, see *Harrington/Manji*, note 13, pp. 709–10.

38 Compare on how academic mobility of young British scholars in the 1950s and early 1960s to newly founded universities in former British colonies led to a rejection of the “insular doctrinal focus and magisterial lecturing style of English law schools” and a reformed law school curriculum and different teaching styles, see *Ibid.*, pp. 702–703.

39 On the importance of focusing on learning “as much as or even rather than on teaching”, see *Twining*, note 31, p. 250.

studies. Overall, there is a manageable tension between coverage and depth,⁴⁰ although at times students feel overwhelmed and are of the opinion that the module is overloaded.

IV. Student body

The ‘Sustainable Development and Global Justice’ module brings together a diverse student body of about 60 to 70 students. In addition to the LLM students proper, students from the Master’s programme in Dutch, and (Erasmus) exchange students, it is considered of crucial importance to bring in students from the Global South (there are on average 12 ITP participants).

The LLM students come partly from Belgium (both Dutch and French speaking), partly from Europe and EU neighbourhood countries, and to a lesser extent from outside Europe. Students from the Faculty’s Master’s programme in Dutch are typically Belgian and Dutch speaking. The exchange students come primarily from Europe, with a good deal coming from Central and Eastern Europe. The 12 students from the Global South come on a full scholarship for this single module. The ITP participants are young professionals who are selected out of a large group of applicants.⁴¹ Given the fierce competition for these scholarships, the selection process for these 12 students is far more meticulous than for other student groups. Whereas there are good and legal reasons for the fairly limited selection options for regular students (broad access to higher education), it leads to a difference in approach that raises questions of decolonisation.

For the ITP scholarships as well as for program activities, funding has been sought from the Flemish Interuniversity Council – Development Cooperation (VLIR-UOS). VLIR-UOS is the administration that manages Flemish academic development cooperation. It seeks to “support partnerships between universities and university colleges, in Flanders and in the South, looking for innovative responses to global and local challenges. [It] stimulate[s] cooperative projects between professors, researchers and lecturers and award grants to students and professionals in Flanders and the South. Finally, [it] help[s] to reinforce higher education in the South and the development-relevant internationalisation of higher education in Flanders.”⁴² VLIR-UOS has a number of funding schemes, among which also the International Training Programmes (ITP). The ‘Sustainable Development and Global Justice’ module has been recognized as such an ITP, and hence benefits from this funding.

The programme values very much the presence of these 12 students from the South, because they bring a range of Global South and Southern perspectives into the classroom, they further contribute to the already rich composition of the student body and often bring

40 Ibid., p. 246, footnote 28.

41 VLIR-UOS works with a list of 32 scholarship countries, the majority of which is in Africa (19), and most of them are least development or low middle income countries.

42 VLIR-UOS, https://www.vliuos.be/en/about_vlir_uos/2 (last accessed on 26 April 2022).

with them also some professional experience, as an academic, an activist or a civil servant. Whereas we are grateful for the generous and sustained financial support, one cannot but wonder why the regular student body is primarily or exclusively from the Global North, and why development cooperation money is needed to ensure a more diverse classroom. This too is a matter that cannot be ignored in the reflection on decolonisation (see section C. II below).

The diversity of the student body also brings its challenges, in terms of backgrounds in different teaching traditions, academic standards, group work and social interaction. Here too, issues of decolonisation may be at stake. Over the years, the programme has come to take the interaction and mutual learning less for granted, and it now pays more explicit attention to intercultural (communication) competence (see section C. I below).

C. Some challenges: a self-reflection

In what follows, two challenges are explored and discussed: intercultural (communication) competence and decolonisation. These topics were repeatedly raised by students in evaluation and feedback sessions, and by the lecturers themselves. They have been topical also in society and academia. As the previous section has shown, decolonisation runs like a thread through many of the more fundamental challenges that the module is facing.

I. Intercultural (communication) competence

The ‘Sustainable Development and Global Justice’ module seeks to foster so-called soft or transferable skills: in addition to legal technical ones, it seeks to further writing and presentation skills, but also very much intercultural (communication) competence (see section B. II. above on learning outcomes). Intercultural (communication) competence typically implies that communicators bring into the interaction linguistic and cultural differences.⁴³ Intercultural competence may be defined as “appropriate and effective communication and behaviour in intercultural situations”.⁴⁴ Four components of intercultural competence have been proposed: the knowledge component, the affective component, the psychomotor component and the situational component: they refer to the level of cultural knowledge one has about another person, the emotional aspects in a communication, “the ability to use verbal and nonverbal codes to communicate in a culturally appropriate way” and the context in which the communication takes place.⁴⁵

There are at least two dimensions to intercultural communication competence. One concerns the relationship between the teacher and the students/learners. Given the diversity of the student-body, as teachers “we need to integrate differing legal and cultural perspec-

43 *Shuang Liu*, Rethinking Intercultural Competence: Global and Local Nexus, *Journal of Multicultural Discourses* 7 (2012), p. 270.

44 *Ibid.*, p. 270.

45 *Ibid.*, p. 272.

tives into and across the [...] curriculum”⁴⁶ if we want to engage with the diversity in the classroom. Likewise, implicit biases play a role. So far, little if any reflection on this has taken place in the module. The second dimension is that of the relationship among students. In the initial editions of the module, the organisers took more or less for granted that by bringing students with different backgrounds together in class, by making them work together on group assignments and by bringing them together in some social activities, they would really meet, exchange, learn from each other and bond. That assumption proved wrong – quite predictably with hindsight: most students showed a tendency to stay most of the time within their comfort zone: LLM students mainly interacted with other LLM students, ITP participants with other ITP participants. Racial and gender biases manifested themselves in class discussion or in social interaction.

The organisers realised that interaction between students from different backgrounds had to be stimulated much more actively, also to avoid that the module would reinforce rather than address and dispel stereotyping. This realisation echoes findings in the literature that exposure to diversity through an international experience in higher education does not lead automatically to (increase in) intercultural competence.⁴⁷ It was therefore felt that expertise in intercultural communication had to be brought in. In 2020, a workshop on intercultural communication was facilitated by the University Foundation for Development Cooperation, which organizes among others immersion trips to countries in the South.⁴⁸ Intercultural communication competence is likely to be strengthened further in the module, given its centrality in the transferable skills set that the organisers want to develop and foster with the students, in order to overcome ethnocentrism and increase the ability to work in other or diverse cultural contexts. It may also contribute to, and be informed by, the next challenge, that of decolonisation.

II. Decolonizing the module and the curriculum

A second and currently the most forceful theme of debate is decolonisation. In this sub-section, the focus is on decolonizing the module and the curriculum; the next sub-section deals with decolonizing academia.

Decolonisation in this context is not about the process of becoming an independent nation, but about removing further traces of the colonial enterprise (neo-colonialism). Post-colonial theories have been said to analyse the discourses that accompanied colonial expansion, to investigate the “construction of identities under conditions of colonial inequality”, to study the self-perception of the colonial centre and to pay attention to the “guise in which

46 Banks, note 2, p. 461.

47 Jeanine Gregersen-Hermans, The Impact of Exposure to Diversity in the International University Environment and the Development of Intercultural Competence in Students, in: *Adrian Curaj et al.* (eds.), *The European Higher Education Area: Between Critical Reflections and Future Policies*, Cham 2015, p. 73-92.

48 <https://www.uantwerpen.be/en/centres/usos/what-is-usos/> (last accessed on 26 April 2022).

elements of colonial discourse and structures have outlived the formal end of colonial rule and continue to exert strong influence today.”⁴⁹ For some, decolonisation has to address coloniality, a concept coined by Quijano, which refers to “instruments of social domination that survived and continued to shape Eurocentric forms of rationality and modernity”.⁵⁰

It has been argued that “[a]s resurgent white nationalism sweeps the globe, the decolonial project is more urgent than ever.”⁵¹ What is the decolonial project about, and how does it affect (legal) education? It touches on a wide array of aspects of the academic field⁵² and education more in particular, including statues and buildings (see the *#RhodesMustFall* movement at the University of Cape Town and the *Rhodes Must Fall*, Oxford),⁵³ financial accessibility (see the *#FeesMustFall* movement in South Africa and pleas to go beyond the national boundaries of South Africa),⁵⁴ outsourcing (see the *Outsourcing Must Fall Campaign*)⁵⁵ and curriculum (see, e.g. the *Why is My Curriculum White campaign* at University College London; the Kaleidoscope Network at Kent Law School).⁵⁶ At its core is the “dismantling of white supremacy in the academy”,⁵⁷ which leads inter alia to framing “global events, especially those that have taken place in the Third World, as being of lesser intellectual value.” [footnote omitted].⁵⁸ This dismantling can be done inter alia by offering a diversity of perspectives from scholars of colour and the Global South, but also

- 49 Philipp Dann/Felix Hanschmann, Editorial. Post-Colonial Theories and Law, *Verfassung und Recht in Übersee* 45 (2012); Louis Eslava/Pahuja Sundhya, Beyond the (Post)Colonial: Trawl and the Everyday Life of International Law, *Verfassung und Recht in Übersee. Law and Politics in Africa, Asia and Latin America* 45 (2012).
- 50 Santa Arias, Coloniality and Its Preoccupations, *Latin American Research Review* 48 (2013), p. 214.
- 51 Harris, note 28, p. 19.
- 52 E.g. academic publishing, see Zainab Batul Naqvi et al., Back at the Kitchen Table: Reflections on Decolonising and Internationalising with the Global South Socio-Legal Writing Workshops, *Feminist Legal Studies* 27 (2019).
- 53 Priyamvada Gopal, On Decolonisation and the University, *Textual Practice* 35 (2021), pp. 874–875.
- 54 Parvati Raghuram/Markus Roos Breines/Ashley Gunter, Beyond #Feesmustfall: International Students, Fees and Everyday Agency in the Era of Decolonisation, *Geoforum* 109 (2020), p. 96.
- 55 Mondli Hlatshwayo, Solidarity During the “Outsourcing Must Fall” Campaign: The Role of Different Players in Ending Outsourcing at South African Universities, *Politikon* 47 (2020), pp. 305–320.
- 56 Marie Charles, Effective Teaching and Learning: Decolonizing the Curriculum, *Journal of Black Studies* 50 (2019).
- 57 <https://counterpress.org.uk/publications/towards-decolonising-the-university/> (last accessed on 26 April 2022).
- 58 Binaya Subedi, Decolonizing the Curriculum for Global Perspectives, *Educational Theory* 63 (2013), p. 621.

by promoting and supporting a sense of belonging for students of colour.⁵⁹ Anti-racism is central to any effort at decolonisation.

Decolonisation of the curriculum is a complex and challenging undertaking. For some, decolonizing knowledge “involves a deep sense of recognition of and challenge to colonial forms of knowledge, pedagogical strategies and research methodologies.” It also requires “recognition of colonial hegemony and forms of domination within academic institutions.”⁶⁰ For Gopal, decolonisation of universities in the Global North requires not only “a material gauging of debt”, but also the “intellectual and cultural work towards ‘decolonising the (Western) mind’”, in particular the narrative of being “a ‘giver’ and a ‘teacher’ while others were ‘takers’ and ‘taught’.”⁶¹ It “entails re-examining the definition of knowledge itself”, since “‘Europe’ in its colonial incarnation laid sole claim to sole epistemological authority; legitimate knowledge could only emerge from within its remit.”⁶² Not surprisingly, calls for decolonisation have proven controversial and been met with resistance. E.g., Lindsay dismissively submits that decolonizing the curriculum “is a project to turn education away from learning according to that which has methodological success and toward seeing methodological success merely as an unjust application of political power – specifically, “colonialism” of knowledge, epistemology, and pedagogy’ ... [It] is about dismantling the values conveyed in the “hidden curriculum”, which include methodological rigor, rationality, and liberal civics and ethics”.⁶³ I will return to questions of epistemological authority and legitimate knowledge when discussing decolonisation of assessment criteria in particular.

In what follows, I present four areas and explore which “decolonising techniques”⁶⁴ could be used by the module organisers to take steps in the decolonisation process.

A first area in which decolonisation and postcoloniality may be at stake is that of the terminology we use. Do we continue to use the language of (sustainable) development (see also section B. I.), third world, ‘law and development’, all expressions that are part of the othering exercise,⁶⁵ or do we change our language to notions of global justice and the (Global) South? Elsewhere, I have argued that there is a threefold added value in global justice as a complement to the notion of (sustainable) development:

59 See, e.g., the Manifesto produced at Kent Law School, Decolonising the Curriculum Project: Through the Kaleidoscope, <https://decoloniseukc.files.wordpress.com/2019/03/decolonising-the-curriculum-manifesto-final-2.pdf> (last accessed on 26 April 2022).

60 *Juliana McLaughlin/Susan Whatman*, The Potential of Critical Race Theory in Decolonizing University Curricula, *Asia Pacific Journal of Education* 31 (2011), p. 367.

61 *Gopal*, note 53, p. 879.

62 *Ibid.*, p. 880.

63 *James Lindsay*, Decolonizing the Curriculum, *Academic Questions* 33 (2020).

64 I borrow this notion from *Naqvi et al.*, note 52, p. 126.

65 *Dann/Hanschmann*, "Editorial. Post-Colonial Theories and Law, note 50, p. 124. *Louis Eslava/Sundhya Pahuja*, note 50, p. 196.

*it allows us to raise questions such as whether an environmental dimension is also included; whether the historical and structural inequalities are taken into account; whether resisting radical inequality rather than poverty alleviation is the primary aim; and what kind of governance is required to realize global justice. Thus, global justice may be able to capture not only inequality between North and South, but also within and between countries of the global South, and it may further remind human rights law of its fundamental calling to contribute to justice regardless of citizenship.*⁶⁶

The language of the Global South, although trapped in the binary of North and South, has not so much a geographical meaning, but highlights inequalities of power and insubordination.

A second area has to do with the geographical location of the module, i.e. in Antwerp, in the Global North. Does this geographical location not reflect the knowledge imbalances and the white supremacy that characterizes still much of academia? It goes without saying that taking the module provides an opportunity to students from the Global South to be at the University of Antwerp, have access to library resources, and to network with experts. It is also a reality that many universities in the Global South struggle to offer their students (and staff) access to library resources and the like. But do the organisers not perpetuate these knowledge and power imbalances by continuing to offer the module in Antwerp? Should the module organizers not invest much more in the creation of this kind of programmes in collaboration with partner universities in the Global South? Some initial steps have been taken to that effect. Lecturers on the module are involved in teaching ‘law and development’ at partner institutions in South Africa and India. Options are explored by the module and its four privileged partners to intensify collaboration and possibly develop joint classes in an international classroom setting. By jointly discussing the content of joint classes, the privileged partners can determine what to teach and which themes to prioritize, for example.

A related debate is that about the figure of the privileged international student who goes off to study at a prestigious university in the Global North to “seek distinction and the reproduction of advantage through international study”.⁶⁷ Do the module organisers reproduce this model in the way they select the 12 ITP participants (see section B. IV. above), or do they seek to challenge it? Admittedly, some selection criteria may reproduce the model, by shortlisting candidates with an excellent academic track record and a good command of English. On the other hand, other criteria may somewhat mitigate this trap. E.g., only applicants who hereby secure a first experience to study in the Global North are selected. Of course, the latter criterion may reinforce the other dualities, the image of

66 *Wouter Vandenhole*, Transnational Human Rights Obligations as Vehicles for Global Justice, in Sam Adelman/Abdul Paliwala (eds.), *Beyond Law and Development. Resistance, Empowerment and Social Justice*, Abingdon 2022, p. 142.

67 *Raghuram/Breines/Gunter*, note 54.

the Global South as developing, backward, poor, and the ‘giver’ and ‘taker’ narrative that Gopal rightly criticizes.

A third area relates to the perspectives, content, themes and the reading materials that are selected. Subedi has suggested an interesting typology of deficit, accommodation and decolonisation to include the global in teaching, that may work for our purposes too. The deficit approach emphasizes problems in the world and by doing so paints “a picture of bleak or hopeless conditions in Third World Societies, while describing Western industrialized societies as (always) being progressive and democratic and having a geography that is largely free of social problems.”⁶⁸ It tends to reinforce ethnocentrism and racial superiority. The accommodation approach advocates an inclusive curriculum:⁶⁹ it encourages the inclusion of “perspectives that have historically been marginalized”. However, it fails “to recognize the larger politics of why certain texts are considered more appealing to the Western (white) audience, specifically, the dominant desire to hear or read narratives that reinforce the view of the Other being helpless, naïve, and inferior.”⁷⁰ What the accommodation approach lacks is an attentiveness to the political dimension: it “does not address larger questions of race and capitalism.”⁷¹ The third approach, that of decolonisation, foregrounds critical approaches. It “embraces three critical curriculum approaches: anti-essentialism, contrapuntal readings, and ethical solidarity.”⁷² Anti-essentialism avoids any generalisation of cultural practices, but critically challenges “sharp binaries between ‘Western’ and various ‘non-Western’ cultures.”⁷³; it focuses on heterogeneity. Contrapuntal readings “explicitly [focus] on questions of colonization and imperialism.” For example, it examines “how the exploitation of Third World capital and labor allowed Europeans to maintain a privileged lifestyle.”⁷⁴ In other words, they “reveal the value of rereading, reformulating, and readdressing events from the perspective of marginalized subjects. This approach puts the historical context of global knowledge production under scrutiny [...]”⁷⁵ Finally, a decolonisation approach “frames solidarity not as a charity or a mandate but as a responsible and accountable act that serves radical social change.”⁷⁶

The ‘Sustainable Development and Global Justice’ module clearly contains elements of anti-essentialism, contrapuntal readings, and ethical solidarity, although it may have to develop a more explicit and coherent narrative on it, and it may also have to cover

68 *Subedi*, note 58, p. 623.

69 As Gopal points out, an inclusive curriculum is not only a matter of intellectual justice, as the accommodation approach suggests, but also of intellectual soundness *Gopal*, note 54, p. 877.

70 *Subedi*, note 58, p. 629.

71 *Ibid.*, p. 631.

72 *Ibid.*, p. 632.

73 *Ibid.*, p. 632.

74 *Ibid.*, p. 633.

75 *Ibid.*, p. 634.

76 *Ibid.*, p. 635.

these issues even better in student feedback sessions. It acknowledges heterogeneity and avoids sharp binaries between Western and non-Western, as well as suggestions of cultural superiority or inferiority. It offers contrapunctual readings, in particular also through its decolonisation activities, and draws attention to the perspective of marginalized or invisible groups. In the human rights and global justice course, for example, attention is paid to human rights from below, localisation of human rights and how the poor and oppressed are the real authors of human rights. It also raises explicitly the question whether and how human rights may contribute to global justice, given the structural inequalities that persist. This can be achieved in part by including a good share of scholarship from the Global South in the reading materials. Teaching should also reflect on the neo-colonial nature of international law, including international human rights law. Taking my own subject of human rights again as an example, there is a wealth of scholarship from the Global South on human rights law and its postcolonial traits (see e.g. Baxi; Shivji; Ghai, and more generally TWAAIL scholars including Mutua).⁷⁷ There is also an emerging new⁷⁸ human rights historiography in which the relationship between human rights and colonisation, decolonisation, and postcolonial policies is being researched, in which the role of many (not just Western actors and voices) is insisted on (though not necessarily well researched, see e.g. Jensen's argument that "mid-twentieth century decolonization is the black box for understanding human rights"),⁷⁹ and in which the "optimistic and well-settled narratives of human rights, characterized by a deep chronology, inclusive definition, and evolutionary progress" have been decentred and replaced by a historiography in which the "collapse of empire and the place of anti-colonial nationalism" is foregrounded.⁸⁰ This new historiography also moves beyond human rights as a "gift from the West to the rest",⁸¹ in an attempt to "[globalize] the history of human rights in the age of decolonization."⁸² Their findings bear out that "[h]uman rights became a perennial aspect of anti-imperial and postcolonial phraseology not for its conceptual clarity, but for its versatility as a language with all-purpose emancipatory potential. In other words, human rights were appealing as a maximal utopia across imperial and postcolonial worlds."⁸³ The module does include some

77 See e.g. *Makau Mutua*, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, Harvard International Law Journal (2001); *Upendra Baxi*, *The Future of Human Rights*, Oxford, 2002.

78 Sometimes called 'revisionist', see *Roland Burke/Marco Duranti/Dirk A. Moses*, Introduction: Human Rights, Empire, and After, in: *Dirk A. Moses/Marco Duranti/Roland Burke* (eds.), *Decolonization, Self-Determination, and the Rise of Global Human Rights Politics*, Cambridge 2020, p. 4.

79 *Steven L. B. Jensen*, *Decolonization: The Black Box of Human Rights?*, *Human Rights Quarterly* 41 (2019), p. 202. See further *Meredith Terretta*, *Anti-Colonial Lawyering, Postwar Human Rights, and Decolonization across Imperial Boundaries in Africa*, *Canadian Journal of History* 53 (2017).

80 *Burke/Duranti/Moses*, note 78, p. 1.

81 *Baxi*, note 77.

82 *Burke/Duranti/Moses*, note 78, p. 5.

83 *Ibid.*, p. 6.

of these reading materials, and a couple of classes are dedicated to the topic of coloniality and decolonisation. Part of what is taught has also to do with the underlying issue of who and what gets published.⁸⁴ The more challenging question is what these insights mean for the overall conceptualisation of the module and the four courses, for the way it is taught and by whom. In all honesty, the module organizers are rather at the beginning than at the end of that reflexive exercise. Finally, the engagement with solidarity as an accountable act for radical social change is intuitively informing the module, but it may be the least thematised, and most in need of more explicit elaboration. In sum, the module organizers still have a long way to go in understanding better how the module can and should be further decolonised, and in assessing whether the module can ever be fully decolonised, and what that would mean exactly.

A fourth and final area that I would merely like to flag here is that of assignments and assessment methods and standards. In the literature on decolonizing academic publishing, one of the topics is “what is deemed to be ‘rigorous’ or ‘universal’ knowledge and scholarship”.⁸⁵ What is at stake here is the kind of epistemologies that are valued (see above section B. II.). This is a hugely relevant, but also a terribly challenging topic. On the one hand, the module is offered at a European institution, which applies a particular set of assessment standards and is part and parcel of a Eurocentric form of rationality. On the other hand, the ultimate consequence of acknowledging different epistemologies without normative judgments of superiority or inferiority seems to be that in a global classroom, these epistemologies are valued without prejudice in the context of assessment. This is a huge and complex task. How to make the normative whiteness and racial hierarchy of performance standards and assessment criteria first visible, and how then to overcome them? Inclusion of assessors from the Global South may only do that much, since they may have been trained in a similar tradition of normative whiteness. Certainly, this is an issue that requires more research, expert input and debate.

A related point is the decolonisation of academia. The composition of academia matters, as was e.g. convincingly shown with regard to legal scholarship on race.⁸⁶ So any successful attempt at decolonizing the curriculum necessitates also a reconsideration of staff composition and recruitment. In the ‘Sustainable Development and Global Justice’ module, some initial steps have been set. As explained earlier on, some diversity in teaching staff has been achieved, albeit that the tenured positions are held by white males, including the author. Another step in the right direction may be found in the emerging reciprocity in teacher exchange with partner institutions in the Global South. Staff recruitment policy is highly dependent on the Faculty of Law’s policy. In a recently adopted internationalisation policy, the Faculty of Law has expressed the ambition to open up new positions equally

84 *Naqvi et al.*, note 52.

85 *Ibid.*, pp. 127-128.

86 *Harris*, note 28.

to Dutch and English speaking applicants. This is a first enabling but modest step towards internationalisation, and possibly, decolonization of academia within our module.

D. Conclusions

This autoethnographic paper has first presented the main traits of the ‘Sustainable Development and Global Justice’ module at the Faculty of Law of the University of Antwerp, Belgium. Upon reflection, a lot of the decisions on the module have been taken fairly implicitly and intuitively, without much theoretical grounding in analogous fields. In that sense, the criticism that the law and development movement was (and is) isolationist⁸⁷ could also be extended to this module. Notwithstanding that rather intuitive and implicit approach, the module seems to have captured some of the key issues and debates.

In a second part, I have identified and discussed two challenges for the module: intercultural (communication) competence and decolonisation. The latter is without doubt the most fundamental one. It interrogates the module on what it teaches, how and by whom. The outcome of this self-evaluation is mixed: the module has taken important steps in the right direction and is intuitively on the right track, but would benefit from a more explicit vision and policy, in particular with regard to decolonisation. For sure, decolonisation is not a one-off exercise. It is bound to remain ‘work in progress’. It continues to invite us to self-reflexivity on whom we are, how we teach, what we teach and to whom.

87 *Merryman*, note 15, p. 472.