



Responsive Pedagogical Approaches to LLB Teaching and Learning

Siphokazi Qikani*

[1] – Attorney of the High Court of South Africa

[2] – Lecturer, School of Law, Walter Sisulu University,
Mthatha, South Africa

ORCID: <https://orcid.org/0009-0009-4647-7393>

[*Corresponding author]

Zwelijongile Gaylard Baleni

Directorate of Learning & Teaching, Walter Sisulu University,
Mthatha, South Africa

ORCID: <https://orcid.org/0000-0002-4389-023X>

Abstract

To produce locally competent and globally employable graduates, higher education institutions must transform their pedagogical practices to adapt to contemporary demands continuously. Teaching and learning in the Bachelor of Laws (LLB) programme demands carefully considered pedagogical practices that are appropriately aligned with the objectives of the discipline. Responsive pedagogical approaches in teaching law involve creating an inclusive, interactive, and adaptive learning environment that addresses law students' diverse needs and experiences. Therefore, the transformation of the LLB pedagogical practices needs not be a one-time event but an ongoing process to achieve excellence. Continuous training of law teachers on innovative pedagogies and legal aspects needs high consideration. Legal practice is also crucial for some teachers to keep them on par with what happens in courts. Higher education teachers must develop curricula that transcend context and be responsive to local and global issues. This is crucial for ensuring the production of competent and employable graduates. This paper was produced through desktop research by reviewing literature such as books, journal articles, and other sources, such as government reports.

Keywords

Responsive pedagogical practices, Higher education, Transformation, Disciplinary knowledge, Curriculum

INTRODUCTION

The Bachelor of Laws (LLB) program is research-intensive and requires discipline-specific specialised knowledge. This knowledge includes constitutional and legal principles, statutory interpretation, and judicial precedents. The law discipline presents both unique challenges and opportunities. On one hand, students need to interact with an abundance of literature to be appropriately inducted into the disciplinary knowledge. On the other hand, this intensive research requirement fosters a deep understanding of the discipline and prepares students for the rigors of the legal profession. The unique language used in the law discipline needs to be introduced to the students at the commencement of their studies. The learning must be scaffolded; scaffolding learning is a method to support student development within their Zone of Proximal Development (Taber et al., (2018). If this is missed, it may render teaching and learning difficult. Ultimately, students must strive to attain specific skills and competencies. These include legal and interdisciplinary research, critical thinking, ethical knowledge production, drafting court documents, and trial advocacy skills. These learning outcomes must, among others, inform LLB curriculum practices. Law students must, at least, master these skills to succeed in the legal profession. The evolution of teaching and learning requires every higher education practitioner to acquaint themselves with pedagogies that improve higher education practices. These pedagogies include developing a curriculum responsive to contemporary demands, such as transformation, infusion of technology in teaching and learning, socio-economic challenges, and various contextual factors influencing higher education pedagogical practices. In law teaching, these practices must be balanced with disciplinary knowledge underpinned by transformative constitutional principles as envisaged in the Constitution of the Republic of South Africa, 1996.

MATERIALS AND METHODS

This paper was produced through desktop research by reviewing literature such as books, journal articles, and other sources, such as government reports.

DISCUSSIONS

Pedagogical practices must surpass contexts and ensure that the students are adequately inducted into the disciplinary knowledge and ways of being. Many pedagogical approaches exist that higher education practitioners can adopt to transform the space of higher education teaching and learning. In the law context, these may include student-centered approaches such as problem-based learning with real-world scenarios, experiential learning through clinical legal education, and moot courts. These practices form part of the responsive pedagogical approaches that can be adopted to transform the teaching and learning process in the LLB programme.

Student-centered approaches include problem-based learning, peer teaching and learning, and inclusive and culturally responsive approaches. These transformative measures ensure that diverse perspectives, experiences, and materials that reflect the backgrounds and identities of students are incorporated into the teaching and learning practices. Problem-Based Learning engages students in real-world problem-solving, fostering teamwork, communication, and critical thinking. This approach enhances student-led research, promoting positive attitudes toward learning and better long-term retention of knowledge and skills (Rehmat et al., 2018). It is an educational framework that prioritises the practical application of knowledge and fosters interdisciplinary cooperation to augment and transform student competencies by aligning pedagogical practices with contemporary societal challenges (Paresh et al., 2022). The best common practice employed in the LLB programmes as a form of problem-based learning is simulation through moot court or mock trials. The mooting or mock trials are believed to have originated in 1292 and arose out of the fictitious legal problems contested between students as adversaries (Fletcher, 2024). This practice promotes the practical application of the theory to solve real-world problems. It also inducts students into the art of trial advocacy, which prepares them for litigation skills that are much needed for the legal profession.

Technology-enhanced approaches encompass online, flipped classroom, and blended learning, where technology delivers and facilitates teaching and learning, collaboration, and feedback; simulations and interactive games are used to teach legal concepts, develop critical thinking, and enhance engagement. Students create virtual courts, law firms, or other legal settings to provide experiential learning opportunities. In pursuit of adaptive technology, institutions of higher learning should procure and maintain digital learning platforms or learning management systems (LMS) to facilitate digital teaching and learning. Learning Management System is a tool to promote academic inclusion and learning agency, providing resources like electronic materials, computer labs, and free internet to enhance distance learning in South Africa (Nkambule et al, 2023). It enhances online interaction, course material dissemination, assessments, and grading (Badaru & Adu, 2022). The LMS facilitates flipped classrooms for pre-recorded lectures, digital discussion forums, interactive learning, collaborative learning through group work, peer assessment, and multimedia content. It is also great for sharing educational material and tracking teaching and learning activities. Technology infusion in pedagogical practices is not only responsive to higher education teaching and learning needs. It goes beyond this; if students can be adequately inducted into the digital environment, this can advance the transformation of the legal profession into technology adaptation.

Assessment and Feedback Approaches consist of formative assessments, self-assessment, discussion forums, and reflection by encouraging students to reflect on their learning, set goals, and develop a growth mindset; students engage in peer review and feedback processes to develop critical thinking, writing, and communication skills.

Interdisciplinary and Experiential Approaches: There is a growing need for interdisciplinary courses from various disciplines, such as business, psychology, or sociology; clinical and experiential learning to be integrated with law, where students get opportunities to engage in hands-on learning experiences, such as clinics, internships, or pro bono projects; service-learning where the lecturer integrates community service with academic learning, promoting civic engagement, social responsibility, and reflective practice. By incorporating these responsive pedagogical approaches, law teachers can create an engaging, inclusive, and effective learning environment that prepares students holistically for success in the legal profession. Furthermore, higher education institutions must plan a curriculum responsive to discipline, economy, and transformation to prepare these future-ready law graduates.

Curriculum Development

Curriculum may be defined as the process of engagement of students and staff with knowledge, behaviour, and identity in different disciplinary contexts (Lange, 2017). Curriculum is a contested concept (Mamdani, 2017; Muller, 2009; Maton, 2014) and is used in various ways in the literature (Boughey & McKenna, 2021). Curriculum provides access to powerful knowledge, which must be specialised; specialised knowledge that can transcend contexts and provide principled informative value (Boughey & McKenna, 2021). A curriculum should, at least, outline knowledge within a specific disciplinary context aligned with learning objectives and outcomes, assessment criteria, and teaching methods. The law

curriculum is subject to constant review and improvement due to the evolution and transformation of the South African legal system and other international developments. This evolution and transformation could include changes in legislation, landmark court decisions, and shifts in societal attitudes toward the law. Consequently, curriculum needs constant revision and contextual alignment to remain effective. Higher education practitioners such as curriculum developers and teachers have their respective teaching philosophies, which can be influenced by their beliefs, values, disciplinary backgrounds, and related factors. Notwithstanding their teaching philosophies, law teachers must transform by, among other things, seeking interdisciplinary knowledge and integrating technology into curriculum development to achieve the best teaching practices. This must be accompanied by consideration of other contextual factors, such as socio-economic factors likely to affect students' learning, institutional cultures, and government conduct.

Curriculum Responsiveness

Curriculum responsiveness emphasizes the need for educational practices to adapt to changing societal and economic demands. It aims to address historical challenges diverse students face, such as equity and access to education, particularly for marginalized groups. This requires a delicate balance of economic, cultural, disciplinary, and learning-related factors (Moll et al, 2004). Educators are responsible for ensuring that curriculum design is responsive, comprehensive, and inclusive. A responsive LLB curriculum ought to incorporate contextually informed pedagogical approaches and collective accountability for developing skills and tackling current societal challenges through the practical application of knowledge and interdisciplinary collaboration (Biggs & Hurter, 2014). Both local and global societies are moving towards interdisciplinary solutions for common issues. Therefore, higher education practitioners must develop curricula responsive to local and global issues, irrespective of context.

Disciplinary Factors

In law teaching and learning, there is a need to evaluate knowledge valued in the discipline. The valued knowledge in law includes the disciplinary threshold concepts, the canon text such as legislation, case law, common law principles, and the Constitution. Therefore, law teachers must teach students how to conduct legal research, write, and produce knowledge in law ethically. This aspect is the cornerstone of the induction of students into the discipline. Enhanced legal writing skills within the South African LLB curriculum are needed (Louw & Broodryk, 2016), and a dissertation module in the LLB curriculum is vital. It should demand that students engage critically with the principles of transformative constitutionalism to facilitate thinking beyond traditional and conservative constructions of the South African legal system and its purpose (Bauling, (2017). For the benefit of the students who might also pursue legal practice, formal legal writing courses must be incorporated into legal education to address the skills gap in legal advocacy and practical writing abilities (Snyman-Van Deventer & Swanepoel, 2013). This further demands that, besides formal legal writing, a practical aspect must be integrated into the LLB curricula, such as clinical legal education (CLE), to ensure adequate student induction into the legal profession. This entails the induction of students into knowing, being, and acting within the discipline, thus the ethics of the legal profession. The legal profession in South Africa is regulated by the Legal Practice Council (LPC or 'the Council') in terms of the Legal Practice Act 28 of 2014. The LPC is the external stakeholder that regulates the industry of legal practitioners, which is the practical market for most LLB graduates. It sets the standards for legal education and practice; therefore, whatever the universities decide to teach or include in their curriculum must align with industry demands, such as those of the Legal Practice Council. These demands include specific course requirements and ethical guidelines and are vital when deciding what to include in the curriculum. An adequate commitment to this by institutions of higher learning can be a valuable contribution to transforming legal education and the entire South African legal profession. This attribute can never be overstated.

Economic Factors

The law discipline is an integral part of the market. Institutions of higher learning must produce competent graduates who will do justice to the legal fraternity. The discipline is very influential in the country's governance in that it is instrumental in jurisprudential development, legislating, and influencing government policies. This demands that institutions of higher learning employ all the resources they can to train lawyers or legal experts who are competent locally and globally. This should be accompanied by adopting the best pedagogical approaches toward facilitating effective teaching and learning or, at least, its continuous pursuit. The government and employers in general, need higher education to produce employable graduates who possess the attributes, capabilities, and dispositions to work successfully; the notion of skills may need to be redefined within the context of a changing world of work (Griesel & Parker, 2009). The legal service market in South Africa must strive to transform to address global challenges (Quinot & Van Tonder, 2014), and this must, at least, commence at higher education institutions. Graduate employability skills are crucial for employers, and curriculum improvements must be prioritised to enhance these skills (Jonck, 2014). The labour market is a crucial global role player, and employability is a conditioning requirement for graduates.

Transformation

Transformation is a form of change that shares intentions similar to decolonisation: It is defined as the dissolution of existing social relations and institutions, policies and practices, and their re-creation and consolidation into something substantially new, and decolonization can be seen happening only after transformation (Luqman *et al.* (2024). A

responsive curriculum underscores the significance of a dynamic curriculum that caters to a diverse student body, emphasizing its function in fostering inclusive educational practices and confronting educational disempowerment through identity politics (Lumadi, (2013). In this context of higher education, transformation is viewed as a call for positive change for the benefit of the marginalised students and to claim their relevance and identity in the curriculum. Transformation must be balanced with other learning-related factors, such as the disciplinary demands and labour market; this entails contextually responsive curriculum development. There is a growing need for a vision of education, teamwork, stakeholder involvement, and a conducive environment to develop a responsive law curriculum effectively (Vreuls et al, (2023). It is common knowledge that South Africa is one of the African countries once colonised by European countries such as Britain, culminating in some European legacies. Consequently, South African education is inherently Eurocentric. The LLB program and the legal profession are Eurocentric in that our common law is grounded on Roman-Dutch and English law principles. The literature is, to a greater extent, developed through the European lens. The legal jargon is predominantly Latin and Dutch. African literature is scarce; this may be attributed to the neglect and lack of willingness to invest in developing African law literature, where students may locate themselves and find relevance in the curriculum. Therefore, the LLB program is Eurocentric, and there needs to be more room for recognising the African identity in law curricula.

Socio-Economic Factors

At the very least, the Constitution is the fountainhead to the approach that the law is an active agent of social and economic change in a society that was, until 1994, premised on institutionalised inequality (CHE report on LLB 2018). The LLB program faces a skills gap in legal writing, particularly among students from disadvantaged educational backgrounds, necessitating targeted interventions like the integrated skills in context programme (Crocker, 2018). This may be an issue of neglected cultural competencies and a deficit in pedagogical practices to address bias and foster diversity education. Cultural competence within the context of higher education necessitates the acknowledgment and appreciation of varied cultural legacies, the execution of pedagogical approaches that are culturally responsive, the continuous professional development of educators, active participation within the community, and a steadfast institutional dedication to diversity. Implementing these methodologies cultivates inclusive atmospheres that enable all students to thrive academically and socially (Mitchell, 2023). Work Integrated Learning (WIL) is one initiative that facilitates the transfer of skills and knowledge across classroom and workplace contexts, emphasizing the importance of industry engagement and curriculum design (Jackson et al, (2019). This WIL approach promotes contextually inclusive learning, which, among other things, seeks to address practical disciplinary induction and vocational education to enhance graduate employability. Committing to fulfilling an inclusive teaching and learning environment in higher education institutions is necessary. This requires an institutional dedication to fostering social justice, such as reasonable accessibility to learning materials and empowering an inclusive environment for learning.

CONCLUSION

The teaching and learning process does not exist in a vacuum; many contextual factors influence it, and so does curriculum design. It is, therefore, always best to adopt the best pedagogical practices to deliver effective teaching and learning. These include adopting inclusive pedagogical practices and developing transformative, technology-infused curricula responsive to discipline, economy, and socio-economic realities. By incorporating these approaches, law teachers can create an engaging, inclusive, and effective learning environment that prepares students for success in the legal profession and beyond. The factors reflected in this paper can significantly influence curriculum practices, and higher education practitioners must develop holistic curriculum practices to produce career-ready graduates. LLB teachers and curriculum developers must incorporate effective and responsive pedagogical approaches into curricula design. Curriculum design may be the genesis for the induction of students into their respective disciplines. There is a growing need for interdisciplinary collaboration in institutions of higher learning to develop pedagogical practices that transcend context and ultimately produce holistic legal experts. Therefore, institutions of higher learning must strive towards developing pedagogical practices that transform LLB teaching and learning.

Law plays a crucial universal role, and its curricula demand constant review, which must ensure adherence to transformative pedagogical practices. These practices must strive to solve the challenges in the LLB programs and ultimately transform the entire legal profession.

Declaration of Conflict

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

REFERENCES

1. Badaru, K. A., & Adu, E. O. (2022). Platformisation of Education: An Analysis of South African Universities' Learning Management Systems. *Research in Social Sciences and Technology*, 7(2), 66-86.
2. Bauling, A. (2017). *Towards a sound pedagogy in law: A constitutionally informed dissertation as capstone course in the LLB degree programme*. Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad, 20(1).

3. Biggs, L., & Hurter, K. (2014). *Rethinking legal skills education in an LLB curriculum*. Journal of Juridical Science.
4. Boughey, C., & McKenna, S. (2021). *Understanding higher education: Alternative perspectives*. African Minds.
5. Crocker, A. D. (2018). *Facing the challenge of improving the legal writing skills of educationally disadvantaged law students in a South African law school*. Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad, 21(1).
6. Fletcher, R. (2024) Understanding law through simulated learning—A study of student perceptions of mootings. *Journal of Applied Learning and Teaching*, 6(Sp. Iss. 1).
7. Jackson, D., Fleming, J., & Rowe, A. (2019). Enabling the transfer of skills and knowledge across classroom and work contexts. *Vocations and learning*, 12(3), 459-478.
8. Jonck, P. (2014). *A human capital evaluation of graduates from the Faculty of Management Sciences employability skills in South Africa*. Academic Journal of Interdisciplinary Studies, 3.
9. The State of the Provision of the Bachelor of Laws (LLB) Qualification In South Africa/ The Council on Higher Education (CHE LLB report 2018).
10. Lange, L. (2017). *20 Years of Higher Education Curriculum Policy in South Africa*. Journal of Education.
11. Louw, C. H., & Broodryk, T. (2016). *Teaching legal writing skills in the South African LLB curriculum: The role of the writing consultant*. Stellenbosch Law Review, 27(3), 535-553.
12. Luqman, M., Toshe-Mlambo Y., Cingo, S., (2024). South African Higher Education: Transformation or/and Decolonisation?
13. Mitchell, L. M. (2023). Intercultural competence: Higher education internationalisation at the crossroads of neoliberal, cultural and religious social imaginaries. *Religions*, 14(6), 801.
14. Moll, I. (2004). Curriculum responsiveness: The anatomy of a concept. *Curriculum responsiveness: Case studies in higher education*, 1.
15. Nkambule, B., Ngubane, S., & Mncube, S. (2023). Learning Management System (LMS) for Academic Inclusion and Learning Agency: An Interpretive Review of Technoproggressivism in ODL Instructional Technology Policy. *Journal of Education, Society & Multiculturalism*, 4(2), 48-84.
16. Paresh, T., Lathigara, A., Bhatt, N., (2022). 9. Implementation of Problem-Based Learning to Solve Real-Life Problems. *Journal of Engineering Education Transformations*, doi: 10.16920/jeet/2022/v35is1/22015.
17. Quinot, G., & Van Tonder, S. P. (2014). The potential of capstone learning experiences in addressing perceived shortcomings in LLB training in South Africa. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 17(4), 1350-1390.
18. Rehmat, A. P., Glazewski, K., & Hmelo-Silver, C. E. (2018). Contextualizing problem-based learning: An overview of research and practice.
19. Snyman-Van Deventer, E., & Swanepoel, C. F. (2013). *Teaching South African law students (legal) writing skills*. Stellenbosch Law Review, 24(3), 510-527.
20. Taber, Brock. (2018). *Scaffolding Learning: Principles for Effective Teaching and the Design of Classroom Resources*.
21. Vreuls, J., van der Klink, M., Koeslag-Kreunen, M., Stoyanov, S., Boshuizen, H., & Nieuwenhuis, L. (2023). *Responsive curriculum development: which factors support breaking through institutional barriers?* Journal of Vocational Education & Training, 1-29.