

Using Feedback from Students to Remedy a Pedagogy of the Historically Disadvantaged: A Case Study of Law Teaching

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ABSTRACT This study focused on specific methodologies employed in teaching law at a South African university. The research used the descriptive survey design and a semi-structured open-ended questionnaire for data collection. Through the questionnaire, 110 students out of a possible 150 who turned up for the lecture that day were asked to critique teaching methods employed by lecturers. For data analysis, emerging themes were identified from the student responses through content analysis and textual analysis. The conclusion of the study points at the abuse of the lecture method and a deliberate ploy by some lecturers to suppress debate and interaction in the interest of completing the syllabus. The paper recommends that law teachers undergo professional training in teaching law and that the law undergraduate (LLB) curriculum be trimmed into a more manageable curriculum capable of being taught interactively.

INTRODUCTION

This study was conducted at a university in South Africa categorised as a historically disadvantaged institution. Such institutions are characterized by inadequate infrastructure for teaching and learning against a backdrop of ever-increasing student numbers. At these institutions, the lecturer – student ratios are very high and students admitted to study are generally not adequately prepared for tertiary education. The throughput rate for the LLB degree is very low since a sizable majority of students does not complete the degree within the specified four-year period and some even leave university without a degree (Kok 2007). Various reports have been produced on the issue of low throughput, (for example Dawes et al. 1999; Huysamen 2001; Pretorius 2002) but it is not easy to point out the

exact causes of low throughput from these reports.

In the context of the above concerns, the researchers undertook to conduct a study into the teaching and learning problems law students faced at a ‘historically disadvantaged university’ (HDU) referred to in this article as the HDU (to protect its identity) and to propose possible solutions. The other thrust of the study was to find out, to the greatest extent possible, if the students would suggest how they preferred to be taught. Recent studies in legal education have emphasized the importance of using appropriate methods to teach legal skills (Lam 2011; Niedwiecki 2012). The ranges of suggested teaching methods have been wide spanning and include the Socratic Method (Lam 2011), Cooperative Learning (Henderson and Martin 2002), Varied Straight Lecture (Roosare 2007) and Therapeutic Jurisprudence (Fourie and Koetsee 2012).

The first part of the paper focuses on the theoretical framework, unravels some selected educational theories that attempt to explain the art of teaching and learning, and seeks to demonstrate that these theories are relevant to improving teaching and learning in law. The second part outlines the research methodology while part three of the paper briefly presents the results of the empirical study carried and links the findings to the specific issues raised in the first paragraph of this introduction. Part four discusses the re-

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sults, aided by theoretical propositions outlined in part one. In its conclusion, the paper reiterates that there is a need to revolutionize the teaching of law in the context of HDUs to make learning easier, enjoyable and contemporaneous.

Theoretical Framework

In this section of the paper, the researchers discuss some of the theories that attempt to explain the art of teaching and learning. Frame (2003) identifies three curriculum paradigms that have a bearing on the methodologies usually employed by educators in the delivery of instruction. These are identified as the technical, (analytical empirical) the practical (historical hermeneutic) and the critical (emancipatory) paradigms. This study is underpinned by the critical emancipatory paradigm which is discussed in some detail below but the other two paradigms are briefly described first to place the critical paradigm in proper context.

The Analytical – Empirical Paradigm

Understandings of the curriculum within the technical or analytical-empirical paradigm according to Frame (2003), are derived from an understanding of reality as an ordered set of interacting systems operating according to discernible and universal patterns or laws. This conservative approach views knowledge as certain, factual and objective, rather than contentious and subject to change and interpretation. This means that in their delivery, lecturers stress knowledge or subject matter rather than the learner; no critical engagement with material by the students is contemplated and this leads to a hierarchy of those that know (the lecturer) and those that do not know (the students) (Pratt 1999; Frame 2003; Biggs 2003; Felder 2000).

In law teaching, lecturers are likely to be tempted to use this method because of the nature of the law as a rules-based subject with doctrinal concepts. One can think of examples where there is only a common law position and no statutory provision on a legal concept such as the '*subtraction from the dominium*' concept in the Law of Property. The subtraction from the dominium test has traditionally been used by South African courts to determine whether certain rights are real (enforceable against the whole world) or personal (enforceable against a specific person,

for example, debt) (Badenhost et al. 2005: 55-65). Due to the abstract nature of the topic and the paucity of legal authority on the subject aggravated by the disparate views expressed in the case law on '*subtraction from the dominium*', an imprudent lecturer may find himself/herself victim to this discredited methodology. This paradigm, in the researchers' view, relegates the student to an empty container that needs to be filled with knowledge and therefore stifles initiative on the part of students. In order not to rely heavily on this method, the researchers propose the critical paradigm as a plausible alternative that allows students to participate in lectures and express their opinions on the continued relevance and efficacy of the '*subtraction from the dominium test*'. Assignments and other forms of assessment work given to students may also have to be couched in language that elicits independent thinking on this strictly rules-based aspect, so that students can have the opportunity to feel they have changed roles with the lecturer and now occupy the position of 'those that know'.

The Practical Paradigm

The practical paradigm is also known as the constructivist hermeneutic paradigm. In contrast to the technical paradigm, according to Frame (2003), the practical paradigm assumes that knowledge is socially constructed and involves agreement among human agents about what constitutes reality. Knowledge is not seen as free of the interests, beliefs and values of agents who create it, but instead the process for deciding what is true requires that these agents reach some form of consensus. According to this paradigm, during delivery of instruction students cannot be passive recipients because they are important stakeholders.

The practical paradigm may be regarded as an improvement to the analytical one discussed above since it further incorporates the social aspect of learning while emphasizing student activity and participation. While one may not point out right away relevant examples of legal topics that are more amenable to this paradigm, its emphasis on non passivity on the part of the student alludes to the importance of role – playing, mock trials and moots in law teaching. During the execution of these activities, students get the opportunity to create their own rules,

receive exposure to practical reality and review existing practice (McQuoid-Mason 2007). As an improvement on the technical paradigm, the researchers feel the practical paradigm does have a place in remedying the pedagogy of the historically disadvantaged. Courses like Criminal Law, Criminal Procedure, Legal Practice, Legal Drafting and Wills in the Law of Succession may be effectively taught in a practical way.

The Critical Paradigm

The critical paradigm is also referred to as the neo-Marxist or emancipatory paradigm. While acknowledging the socially constructed nature of knowledge like the practical paradigm, as shown by Schubert (1986), this paradigm differs from both the technical and the practical paradigm in that it views the curriculum as a political process. Critical theory is directed in the interest of emancipation.

Carl (1995) suggests that in this paradigm, the curriculum should enable students to do more than simply adapt to the social order, enabling them to transform the social order in the interest of justice, equality and the development of a socialist democracy. In the South African context, it is no longer the development of a socialist democracy that is a priority but rather the establishment of a pluralist society that respects human rights and is based on constitutional imperatives of human dignity, equality and freedom, as espoused in the constitution (South African Constitution 1996: s36).

While the researchers acknowledge the fact that students ought to be critical in their approach to the law to some extent, they submit that expecting the students to critically reflect on the law in the context of social justice and transformational imperatives is a tall order at undergraduate level. However, the critical paradigm may be used extensively in clinical law, where students learn about the art of lawyering in a social context and in Jurisprudence/Legal philosophy undergraduate classes (Mcquoid-Mason 2006).

The foregoing paradigm is associated with the radical views over schooling propounded by Freire (1970), who underscores the need to conscientise the learner to develop critical abilities. Freire (1970:19) defines the term conscientization as follows: "The term conscientization in this instance refers to learning to perceive social, political and economic contradictions and to take

action against the oppressive elements of reality." Critical education means involving students in their own learning and interpretation of the world through dialogue, participation and discussion. This closely links with clinical legal education and street law-type courses (Mcquoid-Mason 2006).

Freire's (1970), social pedagogy defines education as one place where the individual and society are constructed, a social action that can either empower or domesticate them. Freire criticizes traditional educational practices that are aligned to the technical or analytical paradigm, which he refers to as the banking method for stifling creative and critical thought. He writes that in the banking method, "Education thus becomes an act of depositing in which the students are the depositories and the teacher is the depositor. Instead of communication the teacher issues communiqués and makes deposits which the students patiently receive, memorize and repeat" (Freire 1970:58-60). In such an education, the students are reduced to passivity and encouraged to adapt to the world as it is, rather than question it.

In opposing the banking method, Freire (1996), proposes problem-posing education. In problem-posing education, people develop their power to perceive critically the way they exist in the world with which and in which they find themselves. At the core of Freire's pedagogy is critical literacy, which is defined by Shor (1993:25-35) as:

Analytic habits of thinking, reading, writing, speaking or discussing which go beneath surface impressions, traditional myths, mere opinions...understanding the social contexts and consequences of any subject matter, discovering the deep meaning of any event, text, technique, process, object, image or situation, applying that meaning to your own context.

This methodology emphasizes critical thinking and democratization of the lecture room, hence Shor (1993), stresses that the critical teacher must also be a democratic one. He further adds that if such a teacher criticises inequality and lack of democracy in society and then teaches in an authoritarian way, he/she compromises his/her credibility.

Briefly, Freirean critical education invites students to question the system they live in and the knowledge being offered them; to discuss what kind of future they want including the right to

remake the society and school they find. Shor (1993: 25-35) lucidly spells out the features of critical pedagogy below.

In this pedagogy students experience education as something they do, not as something done to them. They are not empty vessels to be filled with facts or sponges to be saturated with official information or vacant bank accounts to be filled with deposits from the required syllabus.

The above theoretical perspectives give a fresh insight into how learners perceive the art of teaching and learning in general and may be of immense assistance to the reflective law teacher. A critical reading of the theories shows that they can easily be adaptable and applicable across many law modules. The theories go a long way towards interrogating what is taught in law (curriculum) and how it is taught (pedagogy). The common thread running through the three paradigms seems to be that all of them are in use in law lecture halls and variants of each are obtainable across the globe, depending on where one is operating from.

The emancipatory pedagogy and its attendant variants – social pedagogy, problem posing education, humanizing pedagogy and critical literacy, therapeutic jurisprudence (Fourie and Coetzee 2012), emerges as the most attractive and most likely to be easily adaptable to law lectures that cry for democratization. The average contemporary law students want to determine their destiny through participating in class, making meaningful contributions and passing critical and sometimes controversial remarks here and there without any apprehension of being ‘put in their rightful place’ by the ‘knowledgeable lecturer’ (Frame 2003; Fitzsimmons et al. 2006). At least the results from this study at the HDU confirm this remark.

The Study

This study was motivated by the researchers’ intrinsic quest for information on how to improve their teaching skills at the University. It all started when one of the authors who had been appointed as a junior lecturer in private law, asked his students to make an impromptu evaluation of the modules ‘Law of Contract’ and ‘Law of Succession’. When the results were revealed, the junior lecturer shared the findings with the other author of this paper, himself a seasoned

educationist. During a discussion of the results, it was agreed that a Faculty-wide study was necessary.

Hypothesis

Law lecturers teach a lot of substantive/docrinal law thus rendering the practical and socio-economic aspects of the law insignificant. This is due to the lecturer-centred methods of teaching that do not allow for practical exercises and active participation by students. Students, therefore, find the lectures boring and not worth attending, and, to some extent irrelevant. The need was felt to come up with a teaching methodology that keeps students in the lecture hall and also the need to make the average law teacher aware of the fact that, despite having been teaching law using the same method for a number of years with no visible signs of student disapproval, there is empirical evidence showing that the law teacher may have been doing their job wrongly all this time.

Objectives of the Study

This study focuses on the following pertinent objectives which are to:

- ♦ Identify the common recurrent problems students encounter in the teaching and learning of selected law modules;
- ♦ Set out the educational theoretical framework upon which effective teaching and learning is premised;
- ♦ Apply the theoretical framework to the teaching of a variety of law modules; and
- ♦ Propose solutions that could, if effected result in interactive teaching and learning in law.

RESEARCH METHODOLOGY

Research Design

Designed within the qualitative research paradigm (Denzin and Lincoln 2005), this study adopted the descriptive survey design and used a questionnaire with semi-structured open-ended questions to collect data and examine the perceptions and experiences of students on methodology used to teach law at a historically disadvantaged South African university. Typically surveys gather data at a particular point in time with the intention of describing the nature of existing conditions or identifying standards against which existing conditions can be com-

pared or determining the relationships that exist between specific events. Mathers et al. (2009) justify the use of the survey as a flexible research approach used to investigate a wide range of topics and that surveys are particularly useful for non-experimental descriptive designs that seek to describe reality. As this study sought to describe existing phenomena, that is, teaching methods used in a law school, the descriptive survey was found to be the most appropriate.

Sampling

The 110 respondents were selected from 150-second year students thus constituting about 26% of the law school student body. The law modules involved were those that belong to the field of private law, namely contracts, succession, law of persons, law of property and family law. Second year students were specifically targeted because more than 50% of the law lecturers were teaching at least one module to second years. Convenience sampling was used where all the students who attended class on the day of administration of the questionnaire became part of the sample.

Data Collection

The predominant data collection tool used was the questionnaire. After obtaining the necessary ethical clearance, a questionnaire was used to collect anonymous data from a voluntary student sample which was 110. The questionnaire consisted of open-ended questions canvassing specific items relating to: the good aspects of the course, the lecturer's disposition towards the learners, the teaching methods, the lecturer's knowledge and preparedness and how the delivery of the course could be improved. Their reliance on the questionnaire did not mean that the researchers were not aware of some of the criticisms levelled against its use when students evaluate lecturers. Some authorities like Caltabiano and Caltabiano (2004), criticise the involvement of students in the evaluation of lecturers' ability to teach. Some of the reasons they advance are that students are not 'qualified' to assess the competence of the lecturer, students are likely to rank popular lecturers highly and that rankings may be influenced by the grades the student received in the course in question or the strictness of the lecturer's marking with lenient markers ranked highly. The above criticism

notwithstanding, the researchers still employed the questionnaire because it was the most appropriate for soliciting the views they sought.

The other technique that the researchers heavily relied upon was text analysis. This involved looking at most critical literature on the theory and practice of teaching in general and law practice in particular. Some of the theoretical submissions by authorities on the theory and practice of education were quite radical and eye-opening and it is heartening to report that the findings in this study resonate with some of the submissions by the theorists whose paradigms were used.

RESULTS

While the researchers' questions were open ended, some responses tended to converge resulting in the researchers adopting a thematic approach and in some cases quantifying the open ended responses.

Question 1: *What aspects of the teaching / learning in the above module did you find unattractive / boring/worthless?*

Table 1: Aspects of the module found boring (N=110)

Response	N	N%
No comments	10	9
All courses were interesting	52	47
Sometimes too much is delivered in one lecture	16	15
Calculations in succession too difficult	2	2
Too much lecture talk is boring	4	4
Many foreign expressions (Dutch and Latin)	3	3
Afternoon slots boring and tiresome	4	4
Other responses	18	16

While the question was unstructured, the responses from students tended to converge, leading to quantification as shown on Table 1. A reasonable number of the respondents (47%) found the learning interesting. However, the other 53% had some reservations, indicating the need for a review of the teaching learning process in law. 15% of the students, for example, felt that too much material was being delivered per lecture. One interesting response, going to the heart of this paper, was the issue of lecturer talk, cited by 4% of the respondents. These respondents felt there was too much lecturer talk in class with very little allowance for student participation. The

following four excerpts from the questionnaires will serve to illustrate the extent of the students' frustration. The researchers reproduce the excerpts verbatim and unedited here in an attempt to preserve their originality.

Student 1: 'The lecturer is taking too much time talking in front to such an extent that other students fall asleep and the reason for that is that they lack participation in class.'

Student 2: 'Standing in front of the class the whole lecture, just like a preacher! I think that makes other students sleep.'

Student 3: 'Sometimes you see students sleeping because of the lecturer's haste to deliver too much and finish the syllabus at one go.'

Student 4: 'The lecturer talks all the time and the lecture becomes boring at the end of the day.'

Other complaints not appearing on the table are the boredom because of the repetition of material from a module previously done, the defensive nature of the lecturer, causing students to be afraid to ask questions, and the use of old law cases (some of which were not available in the library) for illustration. The most important issue raised by the findings in this section of the paper is the tendency to abuse the lecture method by lecturers. This abuse has been identified in recent literature by for example, Fourie and Coetzee (2012: 370), who correctly observe that if the lecture method is used in moderation, the learning experience will become therapeutic to students and move from 'learning about' (content) to 'learning to be' (skills).

Question 2: *Did you gain anything from attending lectures in the above modules? Please elaborate.*

Despite the mention of boredom by students in the previous question, the majority of the students (93%) went on to acknowledge that they had gained from the lectures. Students, for example, argued that subsequent to lectures they could draft wills and were able to enter into contracts (whatever this means!). Others acknowledged that they were able to cite cases appropriately in assignments. From the 4% that did not gain from lectures, the reasons were that the examinations set were more difficult than the content delivered. One student wrote, "Slow down your pace in class, we are not computers" while another quipped "There are too many assignments as if we are doing a Bachelor of Assignments Degree." This aspect of gaining from a

lecture implies the acquisition of skills that are perceived by students to be very important and relevant in becoming a lawyer (Kowalski 2010). It has been observed that students can benefit from seeing the kinds of transferable knowledge and active learning skills that are emphasized in the transfer method of learning (Kowalski 2010: 64).

Question 3: *Comment on the lectures ability to deliver/teach his/her subject matter. Is there any personal complaint you would like to address to the lecturer?*

Table 2: Lecturer's ability to deliver (N=110)

Response	N	N%
Lecturer is good	45	41
Lecturer knows his stuff	22	20
No complaints	15	14
We fall asleep	5	4
Other negative responses	23	21

On the third question, while 75% were satisfied with the lecture's delivery modes, 25% had some reservations. 4% of the respondents argued that they fell asleep in class (Table 2). The following were the other complaints leveled against the lecturer.

- ♦ The lecturer has noted swings in attitude;
- ♦ he/she attacks your personality when you ask questions;
- ♦ too much humiliation;
- ♦ tends to make jokes out of people who ask questions;
- ♦ too much talk;
- ♦ his/her voice is a bit low he/she should at least try to be active in class; and
- ♦ disrespects students.

It has been recommended by Stuckey (2009: 312-313) that Law Schools should try to achieve congruence in the program of instruction, progressively develop knowledge, skills and values, integrate the teaching of theory, doctrine and practice, and provide pervasive professionalism instruction and role modeling throughout all the years of Law School. This may go a long way towards reducing or eliminating complaints similar to those identified above.

Question 4: *Suggest ways in which the teaching/ learning of the module could be improved*

While some of the students were quite happy with the teaching/learning methods used, numerous recommendations were advanced by others on how they felt learning could be con-

ducted, and these are listed below. The researchers record a sample of the recurring responses verbatim below because of the usefulness and practicality of some of the suggestions from the students.

- ♦ a short test after the completion of every study unit will do;
- ♦ motivate students so that they have interest
- ♦ the students should be encouraged to participate in class, "I think giving us things/ topics to present in class would improve the way we learn. Us doing our own work we learn better /faster (sic)";
- ♦ more practical work and not just doing theory, provide homework which we can present in class the following day;
- ♦ consider the use of teaching aids to make the lessons more practical;
- ♦ more participation by students, there should be class presentations to make sure that students understand. Let the lecturer hear the students' views and suggestions;
- ♦ tutorials are just a waste of time;
- ♦ no need for tutors because they don't prepare thoroughly;
- ♦ faculty of law should fairly/ satisfactorily employ tutors;
- ♦ We need to get more group assignments and presentations so that there is interaction and everyone gets to participate because a good lawyer has to know how to conduct good arguments and think strategically and this has to start in lectures';
- ♦ students should sort of enter into these contracts to have a feel of how it is done 'more practical ways of teaching for example students should be put in a position where they are able to negotiate personally contracts and visiting court sessions in progress so that they are able to comprehend through experience'

Although the survey had been limited to specific modules, some students took the chance to air their views and 'took a swipe' at other lecturers as well, even mentioning names of lecturers they found boring in their presentations. One student wrote: "Something should be done for other courses as well because they are not delivered satisfactorily." Another lamented, 'Encourage participation but do not force students like some lecturers (names supplied) do.'

An analysis of the student responses and recommendations shows the need for research

into methods that will be more effective in the teaching of law, pointing to the significance of this paper as an attempt to contribute to this debate.

DISCUSSION

In the analysis below, the researchers go back to the results of the fieldwork and critically analyze some selected responses against the backdrop of what the researchers discussed under the theoretical framework. To some extent, the results from this study confirm the research findings of a similar study conducted in the early 1990s on law students at the University of Queensland in Australia, where one of the findings was that more than 90% perceived that there was a marked influence (either positive or negative) of teaching method on how they learned. This is because the findings in this paper generally established that there is a link between how students learn and their perceptual attitudes towards what is learned (subject matter).

Positive Aspects

Despite the fact that students who participated in the study were not happy with the way law is taught, it is heartening to point out that there were positive things that the students identified about law teaching at the HDU.

In response to the first question in the questionnaire, 47% of the respondents indicated that they had found learning interesting, since they acquired new knowledge. In the second question, 93% of the respondents said they had gained something from the lectures. Examples of such gains were cited as the ability to cite legal sources correctly and some limited ability on the drafting of wills. Further, on a slightly different note, a sizeable majority of the respondents was of the opinion that the lecturers did prepare for lectures and were knowledgeable about the subject matter.

There is not much to read into the results about gaining something from lectures and finding the course interesting beyond the two examples cited above. The fact that students said they had gained skills in proper citation of legal sources and limited drafting skills with respect to the subject matter of wills does not point at whether such positive outcomes were a result of a teaching methodology the students appreciated. It

may be possible to conclude that the 'skills' and the 'gains' mentioned above may still be acquired, even if the methodology used is the least desirable on the part of the students. For most legal education in major Law Schools of the world, there is no consensus as to who ought to be responsible for Lawyer training between the Law Societies and academic institutions (Wegner 2009) and changes proposed by both students and interested stakeholders alone may not result in enduring improvements in legal education (Wegner 2009 : 870).

Impugned Teaching Methods

As far as the methodology and the taught content are concerned, the respondents did indicate that the lecture method was the most widely used. This also ties in with the previous positive observation, that the respondents thought the lecturers were knowledgeable and well prepared. If reference is made to the theoretical framework, most lecturers in this context are strong adherents to the technical/analytical paradigm, where there is a lot of emphasis on knowledge in its substantial form.

The lecturer who is a strict adherent to order, elaborate lecture preparation and substantive law will inevitably use the lecture method, which one respondent characterized as 'a sleeping tablet'. It would seem that a sizeable majority of lecturers use the Lecture Method to cover the syllabus, which is indeed substantial. This may have led another respondent to observe that there is too much lecture material to contend with. Some of the above observations do point to the fact that the Bachelor of Laws (LLB) Curriculum currently is overloaded with subjects/modules to learn. Maybe it is now time to relook at it and consider a possible revamping (McQuoid-Mason 2006). It could then perhaps be argued that one of the reasons why law students regard the study of law as demotivating is the failure to expose them to interactive and illuminating teaching methods (Krieger 2002).

Suggestions from Students on Methodology

Apart from criticizing the teaching methods administered to them by the lecturers, the students did come up with useful suggestions pertaining to how they ought to be taught. From the responses elicited by the questionnaires, it is

apparent that students are yearning for more participation in the lecture room and a more practical approach to what is learned. This resonates with the famous work on the same subject by Sullivan et al. (2007: 12-13) which clearly points out that today's Law Schools are looking for ways that they can better teach students to be lawyers. In their suggestive responses, the respondents pointed out that they would prefer to participate more in class and do exercises that are more practical. They further requested to be exposed to the use of more teaching/learning aids (such as pictorials, power point presentations etc.) and be involved in class presentations that require a lot of prior planning and advance preparation. Additionally, they were keen to contribute to the group learning goals by expressing their views during lectures, while at the same time being exposed to more group work by doing group assignments in class, presentations and take-home assignments.

From the above suggestions put forward by the respondents, it becomes apparent that students are aware of how they want to be taught and what remains is for the lecturer to listen to the students and act accordingly. These findings are in agreement with the views of educational psychologists and other authorities who argue that the lecture method is a very ineffective way of imparting knowledge to students, since they will not recall much after the lecture (Macquoid – Mason 2006). There is, therefore, a need to plan lectures that are activity driven and put the students at the centre of the learning process. It is also important to point out that most of the meaningful learning that students desire, does not necessarily always come from the lecturer; it comes from peers during group and pair work and through personal study and reflection by the learner.

On the subject of peer-assisted learning, in one of the responses, it was pointed out that tutorials were useless and tantamount to wasting one's time. This observation goes against the conventional academic view that students learn a lot from their peers (Fritzmmons et al. 2006) and that tutorials are indeed important (McGlone 1996). Peer-to-peer small group tutoring is indeed a highly effective way of building a community of critically active participants. The main reason for this may be that tutors occupy an informal position compared to the lecturer and students are likely to open up to a tutor and ask all possi-

ble questions. Furthermore, the informality is likely to lead to more participation and interaction among the students so that the goal of employing an interactive pedagogy may be achieved. However, it is possible that some tutors may come to a tutorial and start behaving like their lecturers and this will certainly evoke negative sentiments from fellow students (Fritzmmons et al. 2006). Tutorials, if effectively used, may be a tool of promoting active and effective learning in Law Schools hence can be considered an indispensable aspect of an interactive pedagogy.

One disturbing observation to be noted about this specific aspect of the study is that at no point in the study did students suggest that computers and information technology be used to aid teaching and learning. This was despite the university having many dedicated computer laboratories dotted across the main campus and other external mini-campuses. Hess and Friedland (1999:34) correctly observe that information technology and computers can be used as an effective teaching and learning tool to break down difficult legal concepts, illustrate some of them graphically and provide useful feedback through blogs and e-mail correspondence.

Other Considerations

The respondents also had the opportunity to comment on other issues that did not have a direct bearing on teaching methodology, but were nonetheless still reflective of the methodology. For example, some of the respondents urged that more resources in the form of computers and textbooks could be made available, so that they (respondents) could, execute the assignments given to them. Some lecturers may in some limited circumstances consider the paucity of resources as the main reason why they adhere to the lecture method. The explanation is simple. A lecturer teaching in an environment constrained by the paucity of resources may be pardoned for thinking that adhering to the lecture method is the most effective way of sharing the limited resources with the students. On the contrary, it can be argued that such a lecturer could collect all the required materials and compile them into a course pack which each student may reproduce thus obviating the problem allied to lack of resources. This would be tantamount to killing two birds with one stone. Firstly, the problem of limited resources would not arise, and secondly,

the lecturer could then be in a position to introduce interactive teaching methods and make learning an interesting and meaningful activity for the students.

The other unintended result of this study was that the students went further than suggesting improvements to the teaching methods and scrutinized the lecturers' personalities and general disposition towards students. The researchers submit that complaints of this nature are also important in solving the methodology problem, because the success of interactive law teaching will to a large extent be dependent on the lecturer's attitude towards his/her students. In a situation where a lecturer is defensive, humiliates students, disrespects students or discourages them from asking questions, it is fair to conclude that such a situation is not conducive to interactive learning and indeed there is no room for a humanizing pedagogy in this context.

The findings reaffirm the position that the teaching of law must be dynamic and the students, as the immediate consumers of the curriculum, should be guided in driving this dynamism. This position resonates with the general observation that when introducing a new teaching method to students who are used to a straight lecture, there is a need for flexibility on the part of the lecturer who must tolerate students' resistance and immaturity when something new is being introduced (Roosare 2012).

As a conclusive remark on the impact of the research findings, the researchers reiterate that the results are a revelation and should be shared with the university community for further debate. Notwithstanding an earlier cautionary commentary on the generalisability of the results of this study, the researchers affirm that the results are crucial and have a strong transformative potential for future legal education at the HDU and beyond.

CONCLUSION

This paper has established that while a lot of teaching goes on at the HDU with little or no evidence of dissatisfaction on the part of the students, there are indeed some latent traces of dissatisfaction, which have been exposed by this study. The dissatisfaction with the methodology of teaching is premised on the fact that a sizeable majority of law lecturers heavily rely on the lecture method to the almost total exclusion of

other interactive teaching methods. Where methods other than the lecture approach are used, such usage is not deliberate and/or systematic, but is instead accidental or attributable to providence. The three paradigms that are discussed in the first part of this paper do go a long way towards explaining the different approaches to teaching and the researchers submit that the paradigm allowing for more active student participation and democratization of the lecture room should be preferred. Such a submission is in line with the student views and recommendations as outlined in the results of the study. The message is loud and clear. Students do not prefer being lectured to. Rather, they prefer to be active participants in the learning process. They are totally against a scenario where they are passive recipients of knowledge from an all-informed lecturer who professes to be the fountain of all legal knowledge. In light of the foregoing remarks, the researchers make two recommendations.

RECOMMENDATIONS

In the light of the conclusions above, the following recommendations are advanced. Firstly, all law lecturers should undergo compulsory training in the theory and practice of teaching that is specific to the discipline of law. This would eliminate the problem of lecturers who teach like their past professors at Law School. If lecturers underwent this training, the gap between the quality of the educator at high school and that at university would be bridged largely. Most teachers in high schools are professionally trained and it is to these professionally trained individuals that students have been immediately exposed before coming to university. Therefore, being subjected to the lecture method at university does indeed amount to some kind of anti-climax.

Secondly, it is now time to look critically at the content of the South African LLB degree and check if there is nothing that may require some pruning. Where the current curriculum is too loaded, some superfluous courses ought to be removed, and the core ones retained. This would ensure that there is less competition for space on the timetable and the obsession with completion of the syllabus would not arise. A thinner LLB curriculum would ensure room for creativity and innovativeness on the part of the lecturer who is willing to introduce interactive teaching methods. It is quite unfortunate that a report into

the suitability of the four-year LLB degree, commissioned by South Africa's Department of Higher Education and Training between 2009 and 2011 has been shelved and has not been acted upon. Only time, the magician will tell.

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