

Assessing the effectiveness of modularisation in the teaching of clinical legal education in the Faculty of Law at Midlands State University

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1 Introduction

The higher education landscape in Zimbabwe has experienced significant changes, which have an important bearing on legal education in the country. The rationale is that universities, as the highest level of learning, must be able to proffer solutions to the country's developmental challenges.¹ Higher Education in Zimbabwe was founded upon the policy approach termed 'Education 3.0', which focused on the three pillars of research, teaching, and community service.² However, this approach to tertiary education was not able to address the country's developmental needs. It resulted in a growing disconnect between the knowledge acquired by students in tertiary institutions and the local environment.³ Students, upon completing their studies could not secure employment. This, coupled with the economic challenges Zimbabwe is experiencing

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- 1 NM Zain, V Aspah, N Abdullah & M Ebrahimi 'Challenges and evolution of higher education in Malaysia' (2017) *UMRAN International Journal of Islamic and Civilizational Studies* 86.
 - 2 D Muzira & B Bondai 'Perceptions of educators towards the adoption of Education 5.0: A case of a State University in Zimbabwe'(2020) *East African Journal of Education and Social Sciences* 44.
 - 3 Muzira(n 2) 46.

has resulted in high levels of unemployment.⁴ In an endeavour to address the developmental challenges that the country is facing, the Ministry of Higher and Tertiary Education, Science and Technology Development (MHTESTD) has reconfigured teaching and learning in higher and tertiary education from Education 3.0 to Education 5.0.⁵

'Education 5.0' as a policy introduces the two extra pillars of innovation and industrialisation in teaching and learning at tertiary institutions.⁶ This approach places emphasis on the blending of theory with practice in teaching, to address the realities of the local environment. The thrust of Education 5.0 is that education must facilitate the country's policy goal of Vision 2030, which is the attainment of a prosperous and empowered upper middle income society by 2030.⁷ This is done through the development of graduates equipped with the relevant skills, critical thinking, problem solving and innovative ability to contribute towards industrialising the economy. In other countries, it can be seen that higher education has been harnessed to address economic and developmental challenges.⁸ Vision 2030 is informed by the African Union Agenda 2063 and the United Nations Sustainable Development Goals.⁹ This has an important bearing on Education 5.0, as it infuses the aspect of higher education which is implemented in such a way as to attain sustainable development.¹⁰

4 Muzira (n 2) 46.

5 Education 5.0 and Vision 3.0 ... Reconfiguring Zimbabwe University Degrees' *The Patriot* 28 March 2019 <https://www.thepatriot.co.zw/education/education-5-0-and-vision-2030-re-configuring-zim-university-degrees/> (accessed 30 January 2025).

6 Ministry of Higher and Tertiary Education, Science and Technology Development Doctrine Booklet: 'Doctrine for the Modernisation and Industrialisation of Zimbabwe through Education, Science and Technology Development to achieve Vision 2030' (2018) 6-7. <https://mhtestd.gov.zw/download/doctrine-booklet/> (accessed 30 January 2025).

7 Republic of Zimbabwe 'Vision 2030' September 2018 <https://www.zim.gov.zw/index.php/en/government-documents/category/1-vision-2030?download=1:vision-2030> (accessed 30 January 2025).

8 NM Zain and others (n 1) 85. Authors discuss how the higher education sector in Malaysia was reconstructed to address the employability of Malaysian graduates

9 Republic of Zimbabwe 'Vision 2030' 3.

10 M Togo & CP Gandidzanwa 'The role of Education 5.0 in accelerating the implementation of SDGs and challenges encountered at the University of Zimbabwe' (2021) *International Journal of Sustainability in Higher Education* 1521.

The transition towards Education 5.0 has significant implications for legal education in Zimbabwe. In aligning legal education with this framework, the primary focus should be on developing law graduates with the relevant skills and innovative ability to contribute to Vision 2030. In this context, clinical legal education assumes critical importance. Clinical legal education is essentially a teaching methodology that employs diverse learning methods, which aim to impart professional legal skills through active, hands-on learning.¹¹ Moreover, it has the potential to advance the achievement of the Sustainable Development Goals,¹² which are key drivers of Education 5.0.

The implementation of Education 5.0 has been accompanied by the policy of modularisation.¹³ The MHTESTD, and Zimbabwe Council for Higher Education (ZIMCHE), have endorsed and mandated the modular approach to teaching and learning in all state universities.¹⁴ Modularisation refers to the division of the curriculum into smaller, autonomous units - known as modules - that are independent, non-sequential and are shorter in duration.¹⁵ The underlying philosophy is that learning can be broken down into measurable, quantifiable units of knowledge.¹⁶

A module has been defined as a ‘...self-contained, independent unit of a planned series of learning activities designed to help the student accomplish certain well-defined objectives.’¹⁷ Following the modularisation approach, a course or curriculum is broken down into smaller, autonomous units of learning with defined topics, an

11 J Bodenstein (ed) *Law clinics and the clinical law movement in South Africa* (2018) 37.

12 P McKeown, U Stege & M Tomoszek ‘Clinical legal education in Europe and implementation of Sustainable Development Goals’ in *SDGs in the European Region* (2022) 3. See also N Salameh ‘Essential or supportive? Legal education, legal aid and the Sustainable Development Goals’ (2023) *Cogent Social Sciences* 10-12.

13 N Makashakure, C Pedzisai & E Munhuwa ‘Perceptions of educators on simultaneous implementation of Education 5.0 and modularisation in the higher education sector’ (2024) *International Journal of Social Science Humanity and Management Research* 1323.

14 Makashakure and others (n 13) 1325.

15 S French ‘The benefits and challenges of modular higher education curricula’ (2015) *Issues and Ideas Paper. Melbourne: Melbourne Centre for the Study of Higher Education* 1.

16 French (n 15) 2.

17 B Goldschmid & M Goldschmid. ‘Modular instruction in higher education: A review’ (1973) *Higher education* 16.

identification of the skills that will be acquired, learning outcomes, and assessment modes and resources which will be used.¹⁸ The modularisation of higher education has gained traction around the world. It is a common practice in American institutions of higher learning.¹⁹ The Bologna Process introduced the concept of modularisation in most institutions of higher learning in Europe.²⁰ In Australia, the modularisation was introduced in 2012.²¹

A key feature of modularised learning is that it allows students to develop self-direction, autonomy, and exercise greater responsibility over their education.²² Modularisation endeavours to make education available to a large number of students, whilst at the same time, exposing students to individualised learning.²³ The drive of modularisation has been facilitated by the modern economy, and the demands of the present job market.²⁴ A modularised approach, when coupled with a competency-based approach to teaching and learning, places emphasis on specific outcomes in relation to each and every aspect of the degree. This makes it more appealing to industry, as opposed to the more broadly set courses, where it would be difficult to identify the skills and competencies that a student has developed.

Besides promoting flexibility, modularisation encourages student mobility, enhances student choice and self-management.²⁵ As opposed to the traditional linear degree, a modularised degree allows flexibility

18 M Brekke and others *Flexible learning and teaching: Thematic Peer Group Report* (2024) (accessed 30 January 2025).

19 TR Nodine 'How did we get here? A brief history of competency-based higher education in the United States' (2016) *The Journal of Competency-Based Education* 6.

20 K Brøgger 'How education standards gain hegemonic power and become international: The case of higher education and the Bologna Process' (2019) *European Educational Research Journal* 160.

21 French (n 15) 3.

22 Brekke and others (n 18) 5.

23 S Reinhard, S Serth, T Staubitz & C Meinel *From one-size-fits-all to individualisation: Redefining MOOCs through flexible learning paths* (2024) Proceedings of the Eleventh ACM Conference on Learning.

24 W Dejene 'The practice of modularized curriculum in higher education institutions: Active learning and continuous assessment in focus' (2019) *Cogent Education* 2.

25 SO Decker and others *QAA Shared Modules Collaborative Enhancement Project: Shared modules literature review* (2023) 5. https://gala.gre.ac.uk/id/eprint/46043/7/46043_DECKER_QAA_Shared_Modules_Collaborative_Enhancement_Project_Shared_modules_literature_review.pdf (accessed 10 January 2025).

and mobility as modules are stand-alone and independent, they can be undertaken in different sequences and learnt at different paces. This approach takes into account the individual circumstances of the learner. It provides the suitable framework for the teaching of transferable skills, which are now seen as essential skills a graduate should possess.²⁶ It encourages the development of interdisciplinary curricula which are more responsive to the needs of industry.²⁷ When coupled with the use of online learning platforms, modularisation can help in reducing the cost of learning and encourage the efficient use of resources.²⁸ However, despite the numerous benefits of modularisation, it is not without its challenges and pitfalls. The hallmark of modularisation is the intensification of learning within shorter periods of times, and this may not be compatible in achieving learning in other fields of study.

1.1 Research gap

Modularisation is a government policy that has been imposed on state universities in Zimbabwe. State universities have no choice but to comply with this policy directive. With the current drive of Zimbabwe's tertiary education system under Education 5.0 being that of developing practical industry skills, questions arise as to whether teaching and learning in a modularised setup will achieve this objective. This study seeks to assess the approach that is being taken to modularisation in Zimbabwe. The study specifically seeks to assess the effectiveness of using this modular based approach to teaching clinical legal education. The experiences of both staff and students in the teaching and learning of the criminal procedure, which employs clinical methods, were elicited. The focus of the study is on the teaching of the criminal procedure module at Midlands State University, Faculty of Law.

26 D Abera 'Appropriateness, practice and challenges of student self-assessment in the context of modularized instruction in Addis Ababa University: Perspectives of stakeholders' (2021) *The Ethiopian Journal of Education* 120.

27 FY Mpofu & D Chasokela 'Curriculum design and innovation: Higher education context' In *Navigating Quality Assurance and Accreditation in Global Higher Education* 275.

28 YN Chong & F Said 'Sustainability in the development of learning management system with modularisation and reusable learning objects' (2023) *Asia Pacific Journal of Business, Humanities and Education* 7.

1.2 Significance and outline of the study

In Zimbabwe, a modularised approach to teaching and learning in state tertiary institutions is here to stay. It is a policy that has been imposed on state institutions of higher learning by the MHTESTD and ZIMCHE. This study is topical in that it endeavours to address the teaching of clinical legal education in the context of modularisation. The findings of this study can assist in tailoring the modularisation experience to maximise its benefits in the teaching and learning of clinical legal education.

The study will proceed to discuss the modularisation experience in Zimbabwe, zeroing in to what is being implemented at Midlands State University. This will provide the relevant context for the assessment of the teaching and learning of the Criminal Procedure module in a modular setup. Clinical legal education as a tool for teaching the law will be examined in greater detail. A review of various approaches to teaching clinical legal education in a modularised context will also be critically reviewed. Thereafter, the findings from the in-depth interviews will be presented and discussed. Based on the findings, recommendations will be proffered to improve the teaching and learning of clinical legal education in a modularised set up at Midlands State University, Faculty of Law.

2 The modularisation experience in Zimbabwe

Modularisation as a policy in the MHTESTD is not well documented.²⁹ The rolling out of this policy approach was implemented through workshops and online training sessions for academic staff at the various tertiary institutions in the country.³⁰ Insight can be gleaned from the practice of universities in the country. At Chinhoyi University of Technology and the University of Zimbabwe, each module is assigned three weeks of intensive teaching and learning. Students are given one week to study and prepare for the exam, thereafter examinations are written. Using this approach, students sit for exams four times each

29 Makashakure and others (n 13).

30 An example of such training was an online Webinar series which was organised by ZIMCHE on 6 June 2023 for academics. See 'Modular teaching for academics' <http://www.zimche.ac.zw/blog/modular-teaching-for-academics/> (accessed 29 January 2025).

semester.³¹ At Midlands State University, Zimbabwe Ezekiel Guti University and Great Zimbabwe University, modularisation has resulted in the compartmentalisation of learning in the semester. Law students on average have four to six modules every semester. Following the modularisation approach, the semester has been broken into quarters of six weeks each, with learning periods of five weeks.³² The modules normally undertaken over the course of the semester are divided in two, with two to three modules being taught in each quarter. At the end of each quarter, students are examined on modules they were learning in that quarter. Figure 1 below illustrates how Great Zimbabwe University, a state institution, provided guidelines through website notices on the implementation of modularisation.

*Figure 1: Notice on implementation of modularisation at Great Zimbabwe University*³³

GREAT ZIMBABWE UNIVERSITY

NOTICE TO ALL STUDENTS

Inception of the Modularisation Teaching and Learning system

GZU is introducing the modularization system of teaching and learning. Semester modules shall no longer be taught for the entire duration of the semester but shall rather be taught and examined in about 6 weeks of every semester.

The aspects of the modular system

- An academic year shall be divided into 4 quarters, meaning a semester will be divided into 2 quarters.
- Half of the semester modules will be taught and examined in a quarter of the semester.
- Students will be required to register for all modules taken in a semester at the beginning of each semester.
- Results will be published quarterly and decisions will be given at the end of the semester.

31 A Munjanga 'Wakadzidzei, Wakadzidzezi, Wakadzidziswa Nani? Reconceptualising 21st Century University Education in Zimbabwe through Modular Learning Approach' (2023) *Kuweza neKuumba: The Zimbabwe Ezekiel Guti University Journal of Design, Innovative Thinking and Practice* 124-125.

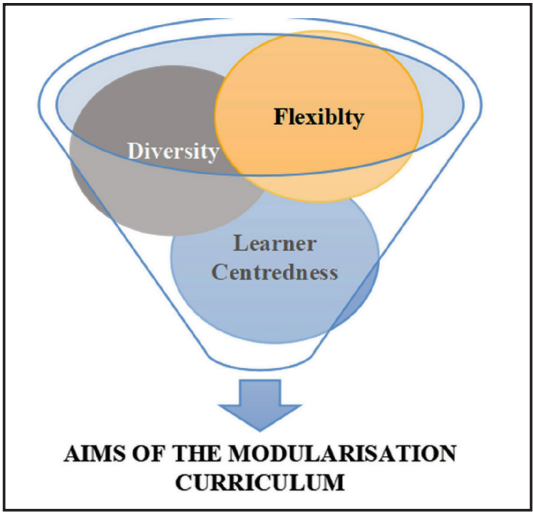
32 Makashakure and others (n 13)1335.

33 Notice uploaded to Great Zimbabwe University Facebook page in 2023.

This notice was meant to acquaint the students with adequate information and guidance on the requirements of this modular strategy upon its adoption and implementation. The modularisation approach in Zimbabwe focuses on intensifying the time in which a course is taught and learnt. This is consistent with approaches to modularisation in other countries.³⁴

It can be seen that the key elements that have attracted ZIMCHE and MHTESTD to mandate the implementation of modularisation within state institutions are that it provides flexibility and learner-centeredness pathways to higher education. It also encourages diversity in higher education. However, it remains to be seen if these attractions have been translated into reality in the implementation of modularisation.

*Figure 2: The key tenets that attracted the attention of ZIMCHE and MHTESTD to mandate the implementation of modularisation within state institutions.*³⁵



34 EN Stebek 'Legal education reform pursuits in Ethiopia: attainments and challenges (2006-2019)' (2019) *Mizan Law Review* 233-283.

35 Source: field data. The diagram is structured as a funnel, symbolizing how various elements converge towards a unified goal of enhancing educational practices. By integrating flexibility, diversity, and learner-centred approaches, higher education can produce graduates equipped with the necessary skills and innovative capabilities to contribute to national goals, such as Vision 2030. Flexibility

3 Clinical legal education as a tool to teach the law

The theoretical underpinnings of clinical legal education is informed by the experiential learning theory.³⁶ The experiential learning theory was first put forward by John Dewey and subsequently popularised by David Kolb.³⁷ This theory emphasises learning by doing, advocating for the use of practical teaching methods.³⁸ In the context of legal education, this entails that doctrine should be learnt in the context of practice, and students should be exposed to real life situations in which they can learn how to apply legal rules.³⁹ Clinical legal education has been endorsed by several studies as the best way to incorporate an experiential learning approach to the learning of the law.⁴⁰ Clinical legal education has been defined as

...experiential learning whereby students gain practical skills and deliver legal services...it enables law students to play an active role in the learning process and to see how the law operates in real life situations.⁴¹

Clinical legal education can be used to teach various areas of the law, as it is a teaching methodology.⁴² Hence, it can be seen that under the wide

emphasises the importance of adaptable learning pathways that allow students to manage their education in a way that suits their individual needs. This aligns with the modularisation approach, which enables students to select modules based on their interests and schedules. Diversity refers to the variety of student backgrounds and learning styles. Modularisation seeks to accommodate these differences by offering a range of modules that cater to various educational needs and preferences, promoting inclusivity in higher education. Learner-centredness focuses on placing students at the heart of the educational process. It advocates for teaching methods that engage students actively, fostering a more personalized and effective learning experience. The elements depicted in Figure 2 are not merely theoretical, they are foundational to the operationalization of modularisation in enhancing higher education and ensuring it meets contemporary societal and economic challenges.

36 R Grimes 'Experiential learning and legal education – the role of the clinic in UK law schools 1' in *Key Directions in Legal Education* (2020). See also J Bodenstein 43.

37 DA Kolb *Experiential learning: Experience as the source of learning and development* (1984) 22.

38 Kolb (n 37) 28-30.

39 DIC Thomson 'Defining experiential legal education' (2014) *University of Denver Sturm College of Law Legal Research Paper Series* 409.

40 Thomson (n 39) 406. He makes reference to the MacCrate Report, The Carnegie Report, The Best Practices Report, and the American Bar Association's law school Accreditation Committee which all point to the value of clinical legal education as an experiential learning tool.

41 R Palmer & D McQuoid-Mason *African Law Clinicians' Manual* (2013) 1.

42 Bodenstein (n 11) 43.

umbrella of clinical legal education, there are a variety of models which can be used. These include but are not limited to live client Clinics and street law clinics.⁴³

Live client clinics are clinical legal education programmes which involve students, under supervision, dealing with real life cases, giving advice, and drafting court process for real clients. Live client clinics are modelled in the similar set up of a law firm, and they receive clients on a walk-in basis. In the setup of the clinic, students are able to see how the law applies practically in real life situations.⁴⁴ They are also able to develop professional skills which are essential for legal practice. In addition to developing the student's lawyering skills, live client clinics play an important role in furthering access to justice in a social justice setting.⁴⁵ Live client clinics serve to further access to justice as the target clientele of the clinics are persons who cannot afford the services of a lawyer. Students develop a strong sense of social justice as they are exposed to cases in the clinic. They are conscientised of the role they can play as lawyers, to make society a better place.⁴⁶

At Midlands State University, the Legal Aid Clinic was established in 2012. It had the primary focus of furthering the rights of persons with disabilities. Student participation in the clinic was voluntary, and their work in the clinic was not assessed. Over the years, there has been an evolution of the functioning of the Legal Aid Clinic, specifically on the aspect of student participation in the clinic, and the assessment of the work done by students in the clinic. The Legal Aid Clinic has now become the primary vehicle which is used in the faculty to facilitate experiential learning. Law students undertaking their second year are now required to participate in the Legal Aid Clinic on a compulsory basis, while undertaking the Criminal Procedure module. Their work in the clinic is assessed, and contributes 10 marks of their final coursework mark. The Faculty of Law is currently undertaking a curriculum review,

43 Palmer & McQuoid-Mason (n 41). They discuss the different types of law clinics from 20-39.

44 C Hamadziripi 'Foundational components of the clinical pedagogy' in D Dass (ed) *Zimbabwean Law Clinician's Manual* (2022) 34.

45 H Fanz 'Clinical legal education as an instrument to address access to justice: A critical analysis of the clinical movement in Germany' (2023) *International Journal of Clinical Legal Education* 140.

46 J Giddings 'Embedding effective practices in clinical legal education' in J Giddings (ed) *Global Clinical Legal Education* (2025).

to incorporate a compulsory component of clinical work for law students undertaking the Clinical and Practical Skills module. Students also participate in the Clinic's Street law programme on a voluntary basis. The street law programme is open for participation to third year and final year students.

3.1 Clinical legal education and education 5.0

The key tenets of Education 5.0 are the production of graduates who can contribute to the industrialisation of the economy through innovation. Clinical legal education has the potential to contribute to the successful implementation of Education 5.0 in legal education in Zimbabwe. The American Bar Association Section of Legal Education and Admissions to the Bar report of 1992 identifies more than ten essential lawyers' skills which can be developed through clinical legal education.⁴⁷ Clinical legal education further exposes students to transformational experiences,⁴⁸ which have the potential to ignite creative and innovative ideas in students. Law clinics are also well positioned to carry out action-based research which can provide relevant solutions to address the legal problems which may specifically arise in a community.

3.2 Teaching clinical legal education in a modular framework

The benefits of a modular approach to teaching and learning vary depending on the subject matter which is being taught.⁴⁹ It can be noted that there is a dearth of information as to teaching of clinical legal education in a modular setup. Hennessey et al⁵⁰ address teaching

47 Thomson (n 39) 406- 408. He discusses the American Bar Association Section of Legal Education and Admissions to the Bar *Legal Education and Professional Development – An Educational Continuum Report* (1992). These skills include 1) Problem solving; 2) Legal analysis and reasoning; 3) Legal research; 4) Factual investigation; 5) Communications (in writing, and orally); 6) Counselling (a client); 7) Negotiation (with opposing counsel); 8) Litigation and alternative dispute-resolution procedures; 9) Organization and management of legal work; 10) Recognizing and resolving ethical dilemmas.

48 J Giddings 'Clinical legal education across the globe' in J Giddings (ed) *Global Clinical Legal Education* (2025) 1.

49 C Giles & Y Ang 'What qualifies a law degree: surveying elective module provision in undergraduate legal education across England, Wales and Northern Ireland in 2023–2024' (Jan 2025) *The Law Teacher* 2.

50 E Hennessey, R Hernandez, P Kieran & H MacLoughlin 'Teaching and learning across disciplines: student and staff experiences in a newly modularised system'

and learning across disciplines, focusing specifically on student and staff experience in a newly modularised system. Their study demonstrates that it is important to study the effectiveness of a modular approach to learning. This can be done by assessing students and staff's experiences. This study focuses on modularisation across disciplines in a tertiary education, and does not specifically address the aspect of teaching and learning clinical legal education in a modular set-up.

Stebek⁵¹ discusses legal reform in Ethiopia, where Ethiopia transitioned to a modularised approach to legal education. He notes the advantages of transitioning to a modular approach to legal education. It facilitates the shift from a teacher-centred class sessions, to a student centred approach to learning. This view is supported by Dejene⁵² who also carried out a study on modularisation in Ethiopia's system of higher education. Dejene stresses that the hallmark of a modularised approach to learning is that it must be student-centred. Dejene notes that the classroom set-up and the manner in which lectures are conducted must actively engage the student. He also notes that modularisation requires the lecture to provide frequent and consistent feedback to students, to properly facilitate the learning process. Students must receive feedback about their learning, coupled with advice and strategies on what they can do to improve.

Stebek⁵³ notes that in a modular approach, the primary focus is on student learning hours. By implementing a modular approach, Ethiopia was able to implement the shift from teacher-centred class sessions, which are credit hours, to student centred learning. Student learning such as self-study, assignments and group work was credited to the overall teaching and learning time required for each module. Stebek draws attention to the important fact that for a modular approach to learning to be effective, it must be implemented using robust student-centred approaches to learning.

Stebek⁵⁴ observes that in implementing the modular approach to teaching in Ethiopia, modules were taught in a block method approach, with the time spent teaching a module being reduced from 16 weeks to

(2010) *Teaching in Higher Education* 675-689.

51 Stebek (n 34) 233-283.

52 Dejene (n 24) 3.

53 Stebek (n 34) 245.

54 Stebek (n 34) 257.

3 weeks. This is similar to the approach that is being taken in Zimbabwe, where the time for teaching has been reduced to 5 weeks. However, he notes that in order for this approach to be effective, the modular curricular must give proper attention to the learning outcomes and the correlating learning domains in each module. He notes the positives of following a blocking approach to learning in a modularised set-up. One main advantage is that students are able to focus on fewer modules in each block. He however notes that to be effective, class must not be overcrowded, to facilitate proper student interaction. He also notes that the reading materials given to students should be comprehensive and detailed, to ensure students are able to engage in guided self-study. He further notes that the modularised curriculum of legal education in Ethiopia envisioned robust student centred learning, where students were supported by the adequate materials and infrastructure. He however notes the reality on the ground is inconsistent with this vision. This is attributed to high student intake and inadequate infrastructure to support learning.⁵⁵

Referring to the Ethiopian Education Development Roadmap (2018), Stebek⁵⁶ argues that a modular approach demands changing the curriculum from knowledge-based, to competency-based. A competency-based curriculum emphasises the identification and development of professional and vocational skills and transferable skills which are valuable in the job market. He also notes that a modular curriculum must be carefully tailored to the needs of students to ensure that they are equipped to be self-directed, autonomous learners. This is also supported by Dejene who notes that modular learning is effective when it is coupled with a competency-based approach to learning.⁵⁷

Stebek in his study makes reference to the use of law clinics to facilitate clinical legal education. He notes law clinics are an important vehicle for the development of practical skills. He notes that students have the choice regarding which clinical activities they may participate in. In his study, he does not however specifically address the teaching and learning of clinical legal education in the context of modularisation.

55 Stebek (n 34) 255.

56 Stebek (n 34) 235.

57 Dejene (n 24) 12.

4 Research results presentation, analysis and discussion

This section discusses the research findings. Using a qualitative research methodology, data was obtained from in-depth interviews conducted with students who had experienced the teaching of the Criminal Procedure module in a modular set up, coupled with a compulsory practical component in the Legal Aid Clinic. In depth interviews were also conducted with the lecturers who were tasked with the supervision of students in the Legal Aid Clinic. The following questions were posed to students: Explain your experience in learning Criminal Procedure in 5 weeks? What was your experience on being allocated cases in the Legal Aid Clinic? What are the advantages and disadvantages of assigning practical work to students in the Legal Aid Clinic in a modularised set up to teaching and learning? What recommendations/strategies would you give to improve the teaching of clinical legal education in a modularised set-up?

The following questions were posed to lecturers: Explain your experience teaching Criminal Procedure in 5 weeks? What was your experience supervising cases in the Legal Aid Clinic? What are the advantages and disadvantages of assigning cases to students in the Legal Aid Clinic in the context of modularisation? What are your views on teaching clinical legal education in a modularised set-up? What recommendations/strategies would you give to improve the teaching of clinical legal education in a modularised set-up?

The presentation of findings shall be discussed under the following themes: Teaching and learning criminal procedure under modularisation; incorporation of practical aspects in the teaching and learning of criminal procedure; addressing the advantages and disadvantages of modularisation in teaching clinical legal education; and strategies to improve the teaching of clinical legal education in a modular set-up.

4.1 Teaching and learning criminal procedure under modularisation

On average most students found the experience quite gruelling. Student 'A' commented that the experience was challenging because of the limited time available for instruction. They note that 'Criminal Procedure is already a very complex module, the time constraints made it particularly demanding to cover all the necessary topics comprehensively'.

Student B remarked 'It was difficult. Six weeks is not enough time, there was too much work.' However, contrary to the sentiments of most students, some students did not encounter any difficulties. For example, Student C was of the view that the learning Criminal Procedure in a modularised set-up was very good, as it pushed them to work very hard. 'I engaged in extensive self-study, reading in advance for lectures, and reading everything that was on the model outline as I did not want to fail'. Another student noted that learning Criminal Procedure in a modularised set up required students to strictly comply with instructions given by the lecturer. They noted that 'If you strictly comply with the lecturer, attending to assigned readings and completing assigned tasks you learnt a lot.'

On the side of the lecturers, the sentiments were the same, there is not enough time to teach the module in a modularised set up. Lecturer A was of the view that 'Procedural aspects cannot be fully canvassed in a space of 6 weeks – 5 weeks in fact, taking into account that students write exams in the 6th week. Criminal Procedure requires teaching substantive and procedural aspects of criminal law, and there was not enough time to do that. Furthermore, it's a practical module, and there was limited time for the practical aspects of the module.

Lecturer B was of the opinion that, 'The current module outline of the Criminal Procedure module is too content-heavy, and is very difficult to teach in such a way that students critically engage given the time constraints.' They also expressed the view that it was very difficult to organise coursework, to mark assignments, tests and give feedback to the students in the space of 5 weeks – 'It is very difficult, it is asking too much of us as lecturers. We are required to submit coursework marks to the Chairperson of the department a week before students write. That means you have only 4 weeks in which you must mark and give feedback to a class of about 100 students. It is very difficult.'

4.2 Incorporation of practical (clinical) aspects in the teaching and learning of criminal procedure

All of the students enjoyed the experience of having to deal with real-life cases, and having to apply their knowledge in solving a real case. Student E remarks 'I felt like a real lawyer, handling a case which was actually before the courts.' Some of the students participated in the mobile law clinic outreach to Hwahwa prison. Student B remarks 'Going

to Hwahwa was a vivid experience. I still vividly remember up to now.' Student F remarks 'It was an amazing experience, it helped me to marry theory with practice, what I was learning in class, I was able to apply in the clinic.' However, all the students lamented the time constraints in which they had to deal with cases in the Legal Aid Clinic. Student D remarks 'We had to make time over and above to work on the cases which we were allocated in the clinic. There was no specific time allocation on the timetable. In addition, we had to attend lectures for the same course, it was just too much work.'

Another student notes that because time for working on cases was limited, the focus was completing assigned work in order to get coursework. They note that 'In dealing with cases in the clinic, we were put into groups. However, I learnt very little from the group interactions, as the people I had been grouped with were not serious about the case we had been assigned.'

Lecturers who supervised students in the clinic had mixed experiences. One lecturer notes that 'Organising students into groups, allocating cases, supervising student work, coordinating with the relevant stakeholders – National Prosecuting Authority (NPA), Zimbabwe Prisons and Correctional Services (ZPCS), was very taxing because of the limited time period.' Another lecturer notes that the experience was fine, however because of the shortened time period of the quarter, the students could not see the case through to completion. 'This meant that I would have to finish off working on the case when students had now completed the quarter and were now writing exams, or now on vacation – in addition, I could not focus on other cases in the clinic.' Another lecturer notes that their experience in the clinic was fine as they did not have any other teaching obligations that quarter, apart from supervising students in the clinic.

4.3 Advantages of modularisation in clinical legal education

Some students were of the view that the modularisation of clinical legal education teaches students to learn under pressure, as they have a short period of time in which they have to marry practice and theory. One student notes 'It's challenging but necessary as it teaches you to work under pressure, just like we have to do when we are now practising lawyers'.

Another student notes that 'learning clinical legal education in a modularised set-up allows us to get practical application and immediate relevance. We get to learn the legal procedures and then simultaneously apply them.' However, most students did not have anything positive to say about learning clinical legal education in a modularised set up.

The major advantage which came through on the part of lecturers is that where they had been allocated to supervise students where they do not have any other modules, they could concentrate wholeheartedly on supervising and teaching students who are working on cases in the clinic. One lecturer notes that 'Because I did not have any other teaching load in that quarter, I was able to focus my energy on supervising students, guiding them through the case, and providing them with prompt feedback on the tasks that they had done on the cases in the clinic.' However, where lectures had other lecturing duties assigned to them in that quarter, it was very difficult for them to manage the workload.

4.4 Disadvantages of modularisation in clinical legal education

Students noted that a major disadvantage of modularising clinical legal education is that they could not deal with more cases in the clinic and develop the skills further. Student A notes, 'I only dealt with drafting a bail application in the clinic. If time has permitted, I would have also liked to deal with a pro deo (murder) case. Some of my colleagues were in a group that was allocated a pro deo, and I feel they had a lot more to do than what we did in our group. They benefited more.'

Another student notes that 'Modularisation limits the potential knowledge and experience which students can gain from participating in the clinic.' Another student remarks that modularisation is not conducive for law students. They noted 'We have a lot of content that we have to get through as law students. Now incorporating the practical aspect of having to do work on a real case in 6 weeks is not practical. It is burdensome on us as law students. I have friends who are doing other programmes in the university, but they are managing quite well because their modules don't have a lot of content that they need to get through.' Another student noted that it is hard to balance the practical and theory considering that the time is limited. They noted 'You cannot give equal attention to both the theory and the practical aspect.'

Another student noted that because of the time constraints 'Modularisation does not provide a sufficient opportunity to delve deeply

into complex cases.’ Another student notes that it was very hard juggling the demands brought on by modular learning – the practical work, the intensive teaching and then having to prepare for exams. Another student was of the view that the way in which modularisation is being done is making students resort to a ‘cram, pass and forget’ approach to learning. Another student pointed out that modularisation does not leave time for students to work together, and collaborate on cases. They bemoaned that they had limited contact with their supervisor because of time constraints.

Some lecturers are of the opinion that it leads to the fragmentation of the learning process, as students do not have enough time in the clinic to see through the cases they are working on to the end. One lecturer commented that ‘Students are exposed to parts of a court process or pleading instead of the full process so this is not a holistic approach.’ Another lecturer pointed out that teaching clinical legal education in a modular set-up, led to students focusing more on the outcome of the case, at the expense of paying proper attention to the learning process, and endeavouring to try to understand the proper application of the law.

4.5 Strategies to improve the teaching and learning of clinical legal education in a modular set-up

Almost all the students are in agreement with extending the time in which clinical legal education is taught. One student is of the opinion that ‘More time will help us to really learn and appreciate the learning experience in the clinic, rather than doing it for the sake of marks.’ Another student suggested that clinical legal education should revert back to students participating on a voluntary basis, as opposed to a compulsory basis. They remark that ‘Voluntary student participation in the clinic will make the learning experience more meaningful to the students who participate, because they would have done so wholeheartedly.’

Lecturers are of the opinion that it is more ideal to conduct clinical work in the semesterised set-up to teaching and learning, as compared to modularisation. Another lecturer pointed out that the course should be broken up to maybe 2 to 3 parts, with the first part addressing theory and the foundational principles. Thereafter students can come into the clinic to consolidate and build on the knowledge that they would have acquired. Another lecturer was of the opinion that the practical component should not be introduced to students in the early years of

their study. Another was of the opinion it should be a capstone course, undertaken in the last year of the student's study. In addition to that, the timetable should be structured to allow students to participate in the cases in the Clinic. Another lecturer suggested that student participation in the clinic should be on a voluntary basis.

4.6 Discussion and interpretation of the findings

Phenomenological research methodology was used to understand the lived experiences of staff and students regarding teaching and learning in a modular set up. Both lecturers and students understand the process of modularisation to be the practice of dividing the semester into four quarters, with each quarter dedicated to the teaching and learning of specific modules. This is in line with the approach taken in Ethiopia to modularisation, as noted by Stebek⁵⁸ and Dejene.⁵⁹ However the process of modularisation in the context of Midlands State University does not entail students being given the liberty to construct their own pathways to learning, through getting to choose the modules they want to study. This is in contrast to the practice of modularisation as is implemented in American, British and Australian universities.

Students found the experience of learning Criminal Procedure in a modularised learning to be very difficult, as they were under a lot of pressure. It is only one student who rose up to the challenge, and engaged in extensive self-study. As a result of this, they enjoyed the course. Dejene⁶⁰ notes that the process of modularisation requires students who have a mature approach to learning, who are autonomous and are able to engage in self-directed learning. Another student noted that to ensure that they learnt well, they had to comply with what the lecturer told them to do, and read extensively in advance for the lecture. This is supported by the fact that learning in a modularised set-up requires mature learners, who possess the characteristics of the adult learner who has an orientation to learn, and is also ready to learn. Even where students may not as yet necessarily possess these characteristics, it is important for

58 Stebek (n 34) 255.

59 Dejene (24) 13.

60 Dejene (24) 6.

the lecturer to engage the students in such a way that they develop these important skills.

Students enjoyed the clinical aspect that was incorporated into the course, of being allocated cases to work on in the Legal Aid Clinic. This is in line with the experiential learning theory which provides that students are more inclined to learn when they have to practically apply the information they are learning. However, the students' joy at working on cases in the clinic was clearly overshadowed by the limited time in which they had to do the work. Students were of the opinion that the modularised setup did not assist them in consolidating the principles they had learned as it was a very hurried experience. One student is of the opinion that the manner in which clinical legal education is being taught has encouraged a situation of 'cram-pass-forget'. These findings show that the manner in which clinical legal education is being taught is against the principles of a student-centred approach to learning, these findings are consistent with the study which was undertaken by Cadman et al,⁶¹ on the effectiveness of modularisation in teaching the important skill of reflection that is essential in nursing and midwifery. Their study reveals that the practice of modularisation has not been effective in developing reflective skills in nursing students. It is evident that even within the context of clinical legal education, modularisation may also not be effective in facilitating deeper understanding, and reflection on the part of the students.

On addressing the advantages of modularisation, some students noted that it helped them to work under pressure, similar to what will be required of them in the workplace. Another student noted that modularisation helped them to learn theory and then apply the theory to real life situations instantaneously. However, they note that they were not able to deal with a variety of cases as their time in the Clinic was limited.

Both lecturers and students state that modularisation has resulted in the compartmentalisation and fragmentation of learning. This goes against the principles of integration and interconnectedness which underpin experiential learning. These findings are consistent with

61 K Cadman and others 'Reflection: a casualty of modularisation? Enquiry Based Reflection Research Group' (2003) *Nurse Education Today* 16.

the findings of Gass et al,⁶² who carried out a study assessing whether learning in a modularised set-up is really effective in preparing nursing students in their professional development. They conclude that in the context of teaching and training nursing, the practice of modularisation may not be very effective as it leads to the compartmentalisation or the fragmentation of information. They note that modularisation may result in a ‘ticking off’ approach to learning. It is evident that these are also the sentiments of both staff and students.

Students were of the opinion that modularisation results in them not being able to collaborate effectively because of the time constraints. This is not in line with a student-centred approach which emphasises the importance of collaborative learning and interaction amongst students to facilitate the learning process.⁶³

Lecturers are of the view that Criminal Procedure is a content heavy, complex course which requires more time to ensure that students grasp the important concepts. These sentiments reveal the point that the modules which were being taught before modularisation, are the same modules being taught after modularisation. It’s the same content, only that now it is being taught in a short- period of time. Stebek,⁶⁴ commenting on the implementation of modularisation in Ethiopia notes that it is important to implement modularisation in conjunction with a competency-based approach to learning. Hence, this entails that the curriculum must be realigned, and modules must be taught with the specific aim of developing specific competencies or skills. The skills and competencies to be developed must be SMART (Specific, Measurable, Achievable, Realistic and Time-bound) within the context of modular learning. It is evident that this process was not done when the Midlands State University transitioned to a modular approach to learning. The incorporation of clinical legal education into the criminal procedure course led to excess workload on both the staff and students. This is against the principles of effective assessment.⁶⁵

62 J Gass, D Banks & AJ Wilson ‘Modularisation—flexible or restrictive professional education’ (2004) *Nurse Education Today* 340.

63 T Doyle *Helping students learn in a learner-centered environment: A guide to facilitating learning in higher education* (2023) 20.

64 Stebek (n 34) 245.

65 TW Banta, EA Jones & KE Black *Designing effective assessment: Principles and profiles of good practice* (2009) 8-9.

5 Conclusion

Based on the findings of the research investigation, the following conclusions were made. Informed by the theoretical framework and the data gathered, it was concluded that clinical legal education is not well suited to be taught in a modular-based approach. As the courses which employ clinical methods are essentially experiential, it requires students to be exposed to the application of concepts, repeatedly, thereby consolidating knowledge through learning by doing. A key essential factor of experiential learning is the reflective process. Staff and students must have time to be able to critically reflect on the teaching and learning process. The current way in which modularisation is being implemented is not well suited for the effective teaching of the law using clinical methods. The study revealed that shift to modular teaching had also not been complemented by the restructuring of the curriculum, to ensure that curricula was restructured along a competency-based approach which has SMART goals in light of the shift to modularisation. The study also revealed that students are put into groups to work on the cases in the clinic. While this collaborative approach to learning is commendable, it is overshadowed by the lack of time students have to work as a team due to the limited time constraints.

To enhance the teaching and learning of clinical legal education in Zimbabwe, the following recommendations are proposed:

- (a) Curriculum Reform: Modularisation should be accompanied by extensive curriculum reform to align all modules with a competency-based approach.⁶⁶
- (b) Breaking down Modules: Modules can be subdivided into smaller parts and distributed over more quarters to prevent overwhelming both staff and students.⁶⁷
- (c) Focus on Deeper Learning: This approach will facilitate deeper learning and incorporate reflection, which is a critical component of clinical legal education.⁶⁸

⁶⁶ Stebek (n 34) 235.

⁶⁷ This suggestion was raised during the in-depth interviews by both students and lecturers.

⁶⁸ R Spencer & SL Brooks 'Reflecting on reflection: a dialogue across the hemispheres on teaching and assessing reflective practice in clinical legal education' (2019) *The Law Teacher* 463.

- (d) Increased Faculty Support: More lecturers should be assigned to supervise students in the Legal Aid Clinic. Those without other teaching responsibilities in a given quarter should focus on supervising in the clinic, allowing for timely feedback.⁶⁹
- (e) Student-Centred Teaching: The implementation of a robust, student-centred teaching approach that encourages active learning methodologies will assist to actively engage students in the learning process.⁷⁰
- (f) Capstone Courses: Modules which employ clinical methods could be structured as capstone courses taught throughout the semester, or the academic year, rather than being confined to a modular format. This practice mirrors that of many South African universities, where clinical legal education is taught as a comprehensive, year-long course, free from modularisation constraints. For example, at the University of the Witwatersrand, Practical Legal Studies (course code LAWS 4003A) is taught in the final year of law school. It is a yearlong course.⁷¹

69 This suggestion was raised during the in-depth interview with lecturers who supervise students in the Legal Aid Clinic.

70 D Sandomierski & B Stephanie 'Modular legal learning: revitalizing the law classroom' (2022) *Dalhousie Law Journal* 591. The author notes that the use of student-centred approaches to legal education '... can unlock the spirit of experimentation, innovation and engagement.' See also C Zintgraff & H Atsusi 'Aligning learner-centred design philosophy, theory, research, and practice' in *Learning, design, and technology: An international compendium of theory, research, practice, and policy* (2023) 33-73.

71 Reference is made to the module outline for the Practical Legal Studies course (Code LAWS 4003A) which was provided by one the course's module convenor, Mr Daven Dass.