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Decolonising legal curricula: Strategies, challenges, and opportunities for inclusivity

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1   Introduction

1.1   Context and importance of decolonising legal curricula

The call to decolonise legal curricula reflects a growing demand to have education systems that are cognisant and respectful of diverse histories, perspectives, and lived experiences.[1] The call to decolonise legal curricula is a call to redress that enduring legacy of colonialism, shaping legal institutions, frameworks, and systems in ways that entrench Eurocentric norms and relegate indigenous and other non-Western legal traditions to the fringes, as in the case of South Africa.[2]

Colonial legal education largely discounted the rich traditions of the traditional systems of customary law, indigenous mechanisms of dispute resolution, and community-based justice systems that pre-existed colonisation.[3] The implication today is that these restricted curricula are still reproduced in post-colonial contexts where privileged Western thought remains unchallenged by local consciousness to question the orientations toward the law.[4] This, in turn, has consequences not only

1   L Ward 'A tribalcrit sensibility toward critical conscious legal literacy: Engaging ACPA's Framework for Racial Justice and Decolonization' (2020) 61 *Journal of college student development* 797-813.
2   A Geduld 'Decoloniality, ubuntu and human rights in South Africa: a bridge to social justice' (2020) 7 *KAS African Law Study Library - Librairie Africaine d'Etudes Juridiques* 381-390.
3   J Fenrich 'The future of African customary law' 2011 Cambridge University Press.
4   AH Hudson 'Multicultural education and the postcolonial turn' (2003) 1 *Policy Futures in Education* 381-401.

for limiting the relevance of such educations but also hindering their capacity to relate to the socio-legal realities of diverse populations.[5]

The Fees Must Fall protests, born out of South Africa, demonstrated the grave need for decolonisation in education as an overall justice issue.[6] Protestors declared how higher educational institutions needed to advance into the transformation of curricula to reflect African epistemologies and histories toward a more representative, fair, and relative higher education in and to student experiences and that of communities they serve.[7] Legal education, for one, will have to transcend the traditional Western paradigm by opening itself toward a pluralistic approach, including indigenous knowledge systems and global South perspectives on power in law.[8]

Decolonising legal curricula will have the effect of enabling institutions to better prepare tomorrow's lawyers for the challenges brought about by a globalised, yet deeply unequal, world.[9] It equips them with the necessary skills and cultural competencies to navigate a range of different legal landscapes while cultivating a greater commitment to justice and accountability.[10] This transformation is in conformity not only with the claims of social inclusion but also with the wider brief for legal education: to advance justice and equality in all forms.[11]

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5   N Kornet 'Future-minded legal education in Europe: The European Law School' (2014) 3 China-EU Law Journal 23-41.
6   S Ndelu and Others 'Womxn's and nonbinary activists' contribution to the RhodesMustFall and FeesMustFall student movements: 2015 and 2016' (2017) 31 *Agenda* 1-4.
7   LC Jaarsveldt 'South African students call to decolonize science: Implications for international standards, curriculum development and public administration education' (2018) 37 *Teaching Public Administration* 12-30.
8   Kornet (n 5).
9   A Diala 'Curriculum decolonisation and revisionist pedagogy of African customary law' (2019) *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad* 1-37.
10   CM Fombad 'Africanisation of legal education programmes: The need for comparative African legal studies' (2013) *Journal of Asian and African Studies* 383-398.
11   A Pandey 'Social justice, the raison d'etre of clinical legal education' (2020) *Jindal Global Law Review* 201-207.

1.2   Legacy of colonialism in legal education

Legal education in most post-colonial societies, like South Africa, has been embedded in the colonial systems of governance and jurisprudence.[12] During colonial rule, legal systems were imposed to serve the economic and political interests of colonizing powers, often disregarding or suppressing existing indigenous legal traditions.[13] The education systems established during this era reflected and reinforced these colonial priorities, with legal curricula designed to train professionals to administer and uphold colonial laws.[14]

For instance, the South African legal system and its respective frameworks of learning were mainly based on Roman-Dutch and English common law.[15] Such a Eurocentric basis had marginalised the rich and diverse customary laws and practices so inherent in African societies.[16] Most indigenous legal systems were thought to be "inferior" or "primitive," and the study thereof relegated to peripheral or optional topics, if they were taught at all.[17]

In many post-colonial states, long after the formal end of colonial rule, the structure of legal education has not changed much.[18] The curricula remain loaded with Western legal theories and frameworks, which present themselves as universal, while the legal traditions and epistemologies of indigenous communities are relegated to a subsidiary position.[19] This is the reason for the disconnect between the provided legal education and the socio-legal realities of the very populations these systems are supposed to serve.[20]

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12   Geduld (n 2).
13   L Benton '"The laws of this country": Foreigners and the legal construction of sovereignty in Uruguay, 1830–1875' (2001) *Law and History Review* 479-511.
14   Benton (n 13).
15   Geduld (n 2).
16   Geduld (n 2).
17   D Dennison 'The resonance of colonial era customary codes in contemporary Uganda' (2019) *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad* 1-25.
18   Benton (n 13).
19   'M Attar 'Decolonising the curriculum in international law: Entrapments in praxis and critical thought' (2021) 31 *Law and Critique* 41-62.
20   J Borrows 'Outsider education: Indigenous law and land-based learning' (2017) 33 *Windsor Yearbook of Access to Justice* 1-27.

1.3   Ongoing impacts on contemporary curricula

The colonial legacy is not solely a question of legal education history; it underpins how law is conceptualised and applied today.[21] Contemporary legal curricula in large parts of the world are replete with an implicit bias towards Western legal systems, often paying too little attention to the pluralistic nature of law as exists in post-colonial societies.[22]

1.4   Marginalisation of indigenous legal systems

Indigenised legal systems often have subsidiary or secondary status vis-à-vis the Western framework.[23] In South African legal education, customary law is often treated as an add-on rather than a core part of the curriculum, despite its constitutional recognition. It's usually limited to standalone modules and not fully integrated into key subjects like family, property, or constitutional law, making it seem secondary to civil and common law.[24] Such marginalisation perpetuates the perception that customary law is less sophisticated or less applicable than its Western counterparts.[25]

1.5   Lack of contextual relevance

This continuous dominance of Western legal frameworks in education creates a gap between the legal training students receive and the realities they encounter in practice.[26] Lawyers educated in these systems may be ill-equipped to address the needs of marginalised communities or to navigate legal disputes rooted in indigenous or hybrid legal traditions.[27]

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21   S Farran 'The "age of empire": again?' (2013) *The Law Teacher* 345-367.
22   Farran (n 21).
23   Benton (n 13).
24   S Ngubane 'Critical investigation of challenges in the recognition of customary law in the democratic South Africa' (2019) *International Journal of Law and Society* 26-26.
25   Ngubane (n 24).
26   R Bhargava 'Overcoming the epistemic injustice of colonialism' (2013) *Global Policy* 413-417.
27   Borrows (n 20).

1.6 Epistemic injustice

This exclusion itself is part of a deeper epistemic injustice, in which the knowledge systems of colonised peoples have been devalued or ignored, reinforcing unequal power relations.[28] This deprives students of more diverse and enriching experiences in learning about law and justice.[29]

1.7 Decolonisation theoretical frameworks

Several approaches theoretically endorse the decolonial movement in legal curricula; most of them emphasise the issue of inclusivity, representation, and justice.[30] Among the key theoretical underpinnings are the following:

1.8 Post-colonial theory

Post-colonial theory examines the long-term effects of colonialism on societies, cultures, and institutions.[31] In the context of legal studies, it challenges the hegemony of Eurocentric frameworks and advocates for the recognition and inclusion of indigenous knowledge systems.[32]

1.9 Critical legal studies (CLS)

CLS critiques the power dynamics inhabited within legal systems by arguing that law is not neutral but shaped by social, political, and historical contexts.[33] This perspective is decolonial as it exposes how legal education serves in the perpetuation of structural inequalities.[34]

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28   Bhargava (n 26) .
29   N Berenstain 'Epistemic oppression, resistance, and resurgence' (2021) *Contemporary Political Theory* 283-314.
30   L Meda 'Decolonising the curriculum: Students' Perspectives' (2019) *Africa Education Review* 88-103.
31   Attar (n 19).
32   Attar (n 19).
33   Attar (n 19).
34   F Adebisi 'Decolonising education in Africa: implementing the right to education by re-appropriating culture and indigeneity' (2016) 64 *Northern Ireland Legal Quarterly* 433-451.

1.10 African legal philosophy

African legal philosophy asserts the centrality of community, interconnectedness, and restorative justice in African legal traditions.[35] It contests the said individualism and the adversary nature of Western legal systems in that it maintains their own holistic and inclusive conception of law.[36]

1.11 Epistemic decolonisation

This framework attempts to break the monopoly of Western epistemologies in education, creating space for diversity in ways of knowing.[37] In legal education, this translates into the incorporation of indigenous legal traditions and other subjugated knowledges into curricula.[38]

2   Strategies for decolonising legal curricula

Decolonising the legal curriculum requires an overt and sustained approach to incorporating divergent perspectives, dismantling Eurocentric hegemony, and creating an inclusive environment of learning in legal education.[39] This chapter identifies some concrete approaches to the transformation of curricula, making them more representative and relevant to diverse contexts that legal educators and institutions can take.[40]

2.1   Incorporation of diverse perspectives

A critical first step in decolonising legal curricula is the inclusion of underrepresented legal traditions, perspectives, and knowledge systems.[41]

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35   Fombad (n 10).
36   Fombad (n 10).
37   Attar (n 19).
38   Attar (n 19).
39   Attar (n 19).
40   Attar (n 19).
41   Attar (n 19).

1.2   Incorporation of indigenous legal knowledge[42]

(a)   Integrate customary law and indigenous dispute resolution mechanisms into core courses, treating them as equal to Western legal traditions.[43]

(b)   Offer specialised courses on indigenous legal systems, with case studies illustrating their practical application in modern legal contexts.[44]

(c)   Collaborate with indigenous communities to accurately and authentically represent their experiences in curriculum content.[45]

2.3   Global south perspectives

(a)   The emphasis is on legal theories, frameworks, and practices that come from the Global South, which capture post-colonial realities.[46]

(b)   Include comparative studies showing the successes and challenges of countries with pluralistic legal systems.[47]

(c)   Deconstruct the notion of "universal" law through critiques of the limitations and biases of Western legal theories.[48]

2.4   Critical examination of colonial frameworks

(a)   Promotes critical thinking into the colonial legal systems' effect on justice, governance, and social equity.[49]

(b)   Provide modules that shall probe how colonial legacies have fashioned modern-day legal systems in ways that continue to entrench systemic inequalities.[50]

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42   Attar (n 19).
43   Diala (n 9).
44   Diala (n 9).
45   Diala (n 9).
46   Diala (n 9).
47   Attar (n 19).
48   Attar (n 19).
49   Farran (n 21).
50   Farran (n 21).

2.5   Faculty development and training

The faculty members constitute the fulcrum for implementing decolonised curricula.[51] Such training and faculty professional development should be made available to ensure effectiveness of such initiatives.[52]

2.5.1 *Sensitisation and awareness training*

(a)   Workshops on decolonisation principles and the need for inclusive pedagogy: Organise regular workshops for faculty.[53]

(b)   Organise training sessions to raise awareness of implicit biases that inform pedagogical approaches and curricula design.[54]

2.6   Collaborative curriculum design

(a)   Involve faculty, students, and community representatives in curriculum development.[55]

(b)   Encourage interdisciplinary approaches that bring together insights from Anthropology, Sociology, and History.[56]

2.7   Recruitment of diverse faculty

(a)   Emphasise the recruitment of faculty with expertise in indigenous legal systems and Global South perspectives.[57]

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51   Attar (n 19).
52   Attar (n 19).
53   O Koopman 'A Curriculum of Inclusivity: Towards a "Lived-Body" and "Lived-Experience" Curriculum in South Africa' (2018) *Indo-Pacific Journal of Phenomenology* 167-178.
54   Attar (n 19).
55   AU Hali 'A collaborative teacher training approach in different cultures in the era of technology' (2021) 14 *International Journal of Instruction* 21-32.'
56   Hali (n 55).
57   Diala (n 9).

(b)   Mentorship programs to facilitate the entry of emerging scholars from underrepresented backgrounds.[58]

2.8   Innovative teaching methods

Equally important to changing how the law is taught is changing what is taught. Innovative pedagogies can make the decolonised curricula engaging and effective.[59]

2.8.1   Case-based learning

(a)   Use case studies that reflect the diversity of legal traditions and, as far as possible, emanate from local or indigenous contexts.[60]

(b)   Analyse landmark cases in various legal systems to create a comparative understanding of law.[61]

2.8.2   Active and experiential learning

(a)   Introduce moot courts, mock trials, and role-playing exercises which will inculcate customary laws and other forms of alternative legal traditions.[62]

(b)   Engage with community organisations and provide students with practical work experience in using and applying indigenous and hybrid legal principles.[63]

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58   P Barber 'Re-Envisioning Undergraduate Research Experiences to Increase Diversity, Equity, and Inclusion, and Harness the Power of Diversity in Ocean Sciences' (2023) *Oceanography* 22-34.
59   Attar (n 17).
60   Attar (n 17).
61   Kornet (n 5).
62   J Macfarlane 'Look before You Leap: Knowledge and Learning in Legal Skills Education' (1992) 19 *Journal of Law and Society* 293-293.
63   Macfarlane (n 62).

2.8.3   *Technology and multimedia resources*

(a)   Access legal materials across numerous jurisdictions through online repositories.[64]

(b)   Documentaries, podcasts, and interviews depicting the stories and experiences of indigenous peoples and other marginalised groups.[65]

2.9   Community organisations collaboration

The communities themselves must be involved in the development of decolonised curricula to make these relevant to the experiences and realities of everyday life.[66]

2.9.1   *Community-led curriculum input*

(a)   The course content on customary and indigenous law shall be developed with input from traditional authorities and leaders of the community.[67]

(b)   Host consultations with hosts to identify gaps in the current curriculum and prioritise areas for transformation.[68]

2.9.2   *Practical learning opportunities*

(a)   Establish partnerships with community organisations to provide opportunities for students to take internships, fieldwork, and research.[69]

(b)   Create community legal education programs that allow students to apply their learning in service of local needs.[70]

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64   A Gainsford 'Yarning shares knowledge: Wiradyuri storytelling, cultural immersion and video reflection' (2019) 53 *The Law Teacher* 500-512.

65   K Anker 'Teaching indigenous peoples and the law' (2008) 33 *Alternative Law Journal* 132-136.

66   Diala (n 9).

67   Diala (n 9).

68   Diala (n 9).

69   M Scott 'Preparing for practice: how internships and other practice-based learning exchanges benefit students, industry hosts and universities' (2011) *AICCM Bulletin* 73-79.

70   DR Deskin and other 'Direct Observation as a Learning Strategy in Geography: Pedestrian Density and Functional Areas in Atlanta' (1973) *Southeastern geographer* 105-126.

2.9.3   *Reciprocal knowledge exchange*

  (a)   Foster dialogue between academic institutions and communities to facilitate mutual learning and respect.[71]

  (b)   Recognise and affirm the role of community knowledge systems in informing legal education.[72]

3   Challenges in implementing decolonised legal curricula

While decolonising the legal curriculum is very relevant and important for inclusiveness, its application does not go without challenges.[73] Some of these challenges include resistance to change, deeply entrenched institutional practices, and the complexity of incorporating diversity into existing legal frameworks.[74] The following section will critically discuss in detail the major impediments confronting the decolonisation process.[75]

3.1   Institutional resistance

3.1.1   *Legacy of colonial structures*

  (a)   Many institutions still retain these colonial frameworks in their policies, governance, and curricula. For this reason, there is resistance to transformative changes since these structures have been designed to maintain the status quo.[76]

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71   G Zhou and others 'What They Learned Won't Go Away: The Impacts of an International Exchange Program on Chinese Teacher Candidates' Understanding of and Practice in Science Education' (2020) *ECNU Review of Education* 404-424.
72   Macfarlane (n 62).
73   Diala (n 9).
74   O Chiramba 'Towards transforming teaching and learning in higher education: interrogating poverty through a decolonial perspective' (2023) *Curriculum Perspectives* 11-21.
75   Chiramba (n 74).
76   DZ Belluigi "Why mouth all the pieties?' Black and women academics' revelations about discourses of 'tran sformation' at an historically white South African university' (2019) *Higher Education* 947-963.

(b)   The persistence of Eurocentric standards of accreditation and academic benchmarks limits flexibility for curricular reform.[77]

3.1.2   *Resistance from faculty and leadership*

(a)   Some faculty may resist decolonisation out of fear of change or attachment to traditional methods of teaching.[78]

(b)   Institutional leadership might be very cautious in prioritising decolonisation due to concerns about resource utilisation, controversy, or perceived interruptions of academic excellence.[79]

4   Complexity of integrating diverse legal traditions

4.1   Epistemological differences

(a)   It is a process related to the reconciliation of fundamentally different epistemologies when it comes to integrating indigenous and non-Western legal traditions into curricula.[80] For instance, Western legal systems depend on codified laws and adversarial processes, whereas many indigenous systems are based on oral traditions and restorative justice.[81]

(b)   The absence of standardised resources and teaching materials on indigenous legal systems puts them at an even greater disadvantage in their integration into formal education.[82]

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77   RL Green 'In Search of Nurturing Schools: Creating Effective Learning Conditions' (1997) *NASSP Bulletin* 17-26.

78   Wimpenny (above).

79   Wimpenny (above).

80   Attar (n 19).

81   Attar (n 19).

82   A Melville 'Educational disadvantages and indigenous law students: Barriers and potential solutions' (2017) Asian Journal of Legal Education 95 -115.

4.2   Curriculum overload

(a)   Legal curricula are already full. Introducing new contents on indigenous and global South legal traditions may create challenges in managing breadth and depth.[83]

(b)   Faculty might struggle to accommodate decolonised content alongside what is often considered core subjects such as contract law, criminal law, and constitutional law.[84]

5   Faculty development and expertise

5.1   Knowledge gaps

(a)   Many faculty members lack expertise in indigenous legal systems, global South perspectives, and the theoretical underpinnings of decolonisation.[85]

(b)   Limited access to professional development programs exacerbates this knowledge gap, leaving educators ill-equipped to teach decolonised curricula.[86]

5.2   Resistance to pedagogical change

(a)   Transitioning to new teaching methods, such as experiential learning or case-based approaches, may be met with resistance from faculty accustomed to traditional lecture-based formats.[87]

(b)   Academic staff are uncomfortable or unprepared for the sensitive discussion of colonialism, systemic inequity, and cultural differences.[88]

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83   Melville (n 82).
84   Attar (n 19).
85   Attar (n 19).
86   Attar (n 19).
87   Wimpenny (above).
88   J Halevy 'Shame as a Barrier to Cultural Sensitivity and Competent Practice' (2007) *Journal of Feminist Family Therapy* 17-39.

6   Resource constraints

6.1   Financial

(a)   There is a need for heavy investment in new materials toward decolonising the curricula, training the faculties, and making institutional changes.[89] Most of the institutions in resource-poor regions cannot afford such costs.[90]

(b)   Indigenous legal texts, multimedia resources, and other teaching aids are very limited or inaccessible and unaffordable.[91]

32 6 2 Infrastructure

(c)   Some institutions may not have the technological wherewithal to capture and incorporate diverse legal information from distant or underrepresented groups.[92]

7   Opportunities for advancing inclusivity

Whereas challenges to the decolonisation of legal curricula are significant, they may also be accompanied by moments of innovation, collaboration, and even transformational change.[93] Taking advantage of these moments, by harnessing opportunities, ensures that legal education becomes more representative of, inclusive of, and responsive to diverse societies.[94] This section discusses some key opportunities for advancing inclusivity in legal curricula.[95]

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89   L Moosavi 'The decolonial bandwagon and the dangers of intellectual decolonisation' (2020) 30 *International Review of Sociology* 332-354.
90   Moosavi (n 89).
91   Diala (n 9).
92   Melville (n 82).
93   Wimpenny (above).
94   O Madhloom 'Clinical Legal Education and Human Rights Values: A Universal Pro Forma for Law Clinics' (2021) Asian Journal of Legal Education 23-35.
95   Melville (n 82).

7.1   Partnerships with community organisations

This partnership with community organisations serves as an invaluable opportunity during the integration of indigenous knowledge and lived experience into legal education.[96]

7.1.1   Knowledge sharing and co-creation

(a)   Community leaders, traditional authorities, and legal practitioners can collaborate in helping co-create curriculum content representative of the local realities and the laws that exist within an indigenous setting.[97]

(b)   Community-led workshops, seminars, and guest lectures may provide students with a deeper understanding of how indigenous laws and hybrid legal systems work in practice.[98]

7.1.2   Experiential learning opportunities

(a)   Students can be afforded internships, fieldwork, or pro bono legal clinics that have specific focus on serving marginalised communities.[99]

(b)   These experiences allow students to put legal principles into practice in realistic settings while simultaneously cultivating a more sophisticated sensitivity to the complexities of pluralistic legal systems.[100]

8   Interdisciplinary approaches

Interdisciplinary approaches can give added dimensions to legal education by taking wider views of the relationship between law and society.[101]

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96   Melville (n 82).
97   Anker (n 65).
98   Melville (n 82).
99   Melville (n 82).
100   Madhloom (n 94).
101   S Vermeylen 'Law as a Narrative: Legal Pluralism and Resisting Euro-American (Intellectual) Property Law Through Stories' (2010) *The Journal of Legal Pluralism and Unofficial Law* 53-78.

8.1   Integration of law with humanities and social sciences

(a)   History, sociology, anthropology, and cultural studies in courses help the students to gain insight into socio-political as well as cultural contexts of legal regimes.[102]

(b)   Interdisciplinary approaches allow students to think critically and question the universality of Western legal principles.[103]

8.2   Collaborative research

(a)   Joint research between legal scholars and other experts from different disciplines can result in fresh insights into the intersections of law, culture, and society.[104]

(b)   Interdisciplinary research may provide valuable input into curriculum development, better equipping students to address complex legal issues in a comprehensive manner.[105]

9   Innovative pedagogical practices

Advances in pedagogy present opportunities to make legal education more engaging and inclusive.[106]

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102   J Kadowaki 'Teaching Law and Society in the Sociology Classroom: Writing Assignments for Engaging the Sociolegal Imagination' (2020) *Teaching Sociology* 85-95.
103   HM Levin 'Educational Policy and the Law' (1983) Journal of Policy Analysis and Management 644-644.
104   Z Priambudi 'Optimizing Omnibus Law in Indonesia: A Legal Enquiry on the Use of Artificial Intelligence for Legislative Drafting' (2021) *Indonesian Journal of Law and Society* 81-81.
105   S Reich 'Cultural Competence in Interdisciplinary Collaborations: A Method for Respecting Diversity in Research Partnerships' (2006) *American Journal of Community Psychology* 1-7.
106   S Menis 'Non-traditional students and critical pedagogy: transformative practice and the teaching of criminal law' (2016) *Teaching in Higher Education* 193-206.

9.1   Case-based learning with diverse examples

(a)   Introducing case studies from indigenous and Global South legal systems enables students to explore alternative approaches to justice and governance.[107]

(b)   Comparative case analysis fosters a more nuanced understanding of law's plurality and its application in different contexts.[108]

9.2   Technology-enhanced learning

(a)   Access to various legal materials, such as indigenous legal texts, multimedia resources, and interactive simulations, can be provided through different online platforms and digital tools.[109]

(b)   Virtual exchange programs with students and teachers from other jurisdictions will help present the global position on law.[110]

9.3   Participatory teaching methods

(a)   The encouragement of active student participation through debates, role-playing, and problem-solving exercises enhances learning decolonised content.[111]

(b)   Inclusive classroom practices, for example, the acknowledgment of various perspectives and a space for conversation, are all elements that improve learning.[112]

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107   S Gurpur 'Revisiting legal education for human development: Best practices in South Asia' (2014) 157 *Procedia - Social and Behavioral Sciences* 254-265.

108   J Gilbert 'Litigating indigenous peoples' rights in africa: Potentials, challenges and limitations' (2017) *International and Comparative Law Quarterly* 657-686.

109   P Becirzi 'Accessing Legal Information in Turkey' (2010) *International Journal of Legal Information* 165-176.

110   H Whalen-Bridge 'We don't need another IRAC: identifying global legal skills' (2014) *International Journal of Law in Context* 315-337.

111   Attar (n 19).

112   A Gagne and Others 'Building bridges and breaking barriers: OER and active learning in mathematics' (2021) *The Open/Technology in Education Society and Scholarship Association Journal* 1-20.

10 Recommendations for advancing decolonised legal curricula

Drawing on the challenges and opportunities outlined in the preceding sections, this part of the chapter presents actionable recommendations for legal educators, institutions, and policymakers.[113] These recommendations aim to foster the development of inclusive and decolonised legal curricula while addressing institutional, pedagogical, and sociopolitical barriers.[114]

10.1 Institutional-level recommendations

10.1.1 *Establishment of decolonisation committees*

(a)   There should be the establishment of specific committees within institutions of learning to take up the decolonisation of legal curricula.[115] The committees must include a diverse range of stakeholders such as faculty, students, alumni, and community representatives.[116]

(b)   There is a need to develop clear mandates, timelines, and quantifiable goals on decolonisation regarding initiatives.[117]

10.1.2 *Funding decolonisation*

(a)   Funds should be made available for curriculum revision, training of staff, and teaching materials about indigenous and non-Western legal traditions.[118]

(b)   Seek additional institutional funding from governmental bodies, non-governmental organisations, and international agencies to augment institutional budgets.[119]

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113 Diala (n 9).
114 Melville (n 82).
115 Diala (n 9).
116 Attar (n 19)
117 Wimpenny (above).
118 Koopman (n 53).
119 Melville (n 82).

10.1.3   Policy and governance reform

(a)   Update institutional policies to include formal recognition of decolonised and inclusive curricula.[120]

(b)   Include accountability mechanisms that ensure ongoing commitment to curriculum transformation.[121]

10.2 Curriculum design and content

10.2.1   Integration of indigenous and non-western legal systems

(a)   Position customary and indigenous legal traditions within core courses in constitutional law, criminal law, and jurisprudence.[122]

(b)   Design elective courses that focus exclusively on comparative legal systems, indigenous dispute resolution mechanisms, and post-colonial legal theories.[123]

10.2.2   Add the voices of the margins

(a)   Add readings, case studies, and materials authored by scholars and practitioners from historically marginalised communities.[124]

(b)   Highlight the contributions of women, LGBTQ+ individuals, and other underrepresented groups in shaping legal systems and jurisprudence.[125]

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120   MW Kpessa 'The Politics and Challenge of Institutional Transformation in Sub-Saharan Africa' (2014) *Ghana Journal of Development Studies* 1-1.
121   Wimpenny (above).
122   Anker (n 65).
123   Anker (n 65).
124   Anker (n 65).
125   MT Gonzalez and others 'Latina and Latino Critical Legal Theory: LatCrit Theory, Praxis and Community.' (2021) *Revista Direito e Práxis* 1316-1341.

10.2.3   Create modular and flexible curricula

(a)   Modular curriculum structures allow the exploration of diverse legal traditions and interdisciplinary perspectives that cannot be incorporated into the core without overload.[126]

(b)   Flexibility for students to pursue interests in decolonised legal studies through electives, independent research, and experiential learning.[127]

11 Faculty training and development

11.2 Expand professional development opportunities

(a)   Workshops; seminars; certification programs on teaching decolonised and inclusive curricula.[128]

(b)   Provide resources and training for faculty in indigenous knowledge systems, critical pedagogy, and culturally responsive teaching.[129]

11.2 romote research and scholarship on decolonisation

(a)   Incentivise faculty research into decolonised legal regimes through grants, fellowships, and publication opportunities.[130]

(b)   Facilitate effective scholarship with academic institutions and community organisations that will help shape better practices.[131]

11.3 Hire and retain diverse faculty

(a)   Highlight the hiring of faculty experts in indigenous laws, post-colonial studies, and critical legal studies.[132]

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126 Melville (n 82).
127 Melville (n 82).
128 Attar (n 19).
129 JM Good 'Creating learning communities to meet teachers' needs in professional development' (2003) Journal of In-service Education 439-450.
130 Attar (n 19).
131 Attar (n 19).
132 Melville (n 82).

(b)   Establish mentorship programs to support early-career academics from underrepresented backgrounds in professional development.[133]

12 Pedagogical Innovation

12.1 Adopt experiential learning

(a)   Adoption of experiential learning modes such as internships, legal clinics, and community-based projects that give students hands-on experience with diverse legal systems.[134]

(b)   Adoption of moot courts and mock trials that integrate customary law and other alternative legal regimes.[135]

12.2 Utilise technology and digital resources

(a)   Include online portals for indigenous textual resources, multimedia, and global legal resources.[136]

(b)   Utilise virtual learning and case-based learning tools to expose students to real scenarios in the field of law.[137]

13 Conclusion and summary of insights

Decolonising legal curricula is more than just academic discourse; it is a revolutionary effort to build a more inclusive, just, and representative legal education system.[138] This chapter critically explores colonial impacts on legal education, proposes practical improvements, and emphasises the broader consequences of such transformation.[139]

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133 Melville (n 82).
134 S Herrick 'Teaching Legal Research Online' (2009) Legal Reference Services Quarterly 239-270.
135 ACO Siqueria 'Responsible management education: active learning approaches emphasising sustainability and social entrepreneurship' (2015) *International Journal of Innovation and Sustainable Development* 188-188.
136 Melville (n 82).
137 Melville (n 82).
138 Attar (n 19).
139 Attar (n 19).

13.1 Legacy of colonialism

(a)   Eurocentric paradigms dominate legal education, marginalising indigenous and non-Western legal traditions.[140]

(b)   These prejudices contribute to structural injustices.[141]

13.2 Need for decolonisation

(a)   Decolonisation resolves historical injustices and integrates multiple legal systems.[142]

(b)   Movements such as #FeesMustFall emphasise the need for reform and prepare graduates to negotiate many legal systems.[143]

13.3 Challenges

(a)   Community partnerships, interdisciplinarity, and pedagogical innovation can promote transformation.[144]

(b)   Institutions that embrace these opportunities can lead to inclusive legal education.[145]

13.4 Opportunities

(a)   Strategies include faculty training, resource allocation, inclusive curriculum design, and community engagement.[146]

(b)   A holistic approach that integrates policy reform, pedagogy, and stakeholder collaboration is necessary.[147]

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140 Attar (above)
141 Attar (above)
142 Attar (above)
143 Diala (above)
144 Fombad (above)
145 Kornet (above)
146 Melville (above)
147 Melville (above)

14 Practical recommendations

Faculty training, resource allocation, inclusive curriculum design, and community participation are some of the strategies.[148]

It is crucial to take a comprehensive strategy that incorporates pedagogy, policy reform, and stakeholder collaboration.[149]

14.1 Broader impact

Decolonised legal curriculum encourage critical thinking, cultural competence, and the ability to confront structural injustices.[150] They train graduates to connect formal legal institutions with vulnerable communities, fostering innovation and equal justice.[151]

14.2 Call to action

Educators, institutions, and policymakers must challenge the current quo, value diversity, and work together across disciplines.[152] Collective efforts can ensure that legal education adapts to suit the needs of a diverse, globalised environment.[153]

15 Conclusion

This chapter has unpacked the importance of decolonising legal curricula and highlighted how this conversation fits into broader efforts to transform legal education in South Africa. The Southern African Law Teachers' Colloquium provides an important platform to continue these discussions and to work together towards a more inclusive and socially relevant legal system.

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148 E Santana 'A Model for Engaging Students, Faculty, and Communities in Social Action through a Community-Based Curriculum and Admissions Process—A Case Study of the Honors Living-Learning Community at Rutgers University—Newark' (2022) *Social Sciences* 162-162.

149 R Chireshe 'The State of Inclusive Education in Zimbabwe: Bachelor of Education (Special Needs Education) Students' Perceptions' (2013) *Journal of Social Sciences* 223-228.

150 Attar (n 19).

151 Attar (n 19).

152 Madhloom (n 94).

153 Gurpur (n 107).

The chapter began by tracing how colonial influences have shaped the structure and content of legal education, and how these legacies still affect what is taught in our classrooms today. The chapter showed how indigenous knowledge systems, especially customary law, are often treated as add-ons rather than being properly integrated into core subjects even though they are part of South Africa's recognised legal framework.

The chapter then discussed some of the key challenges facing curriculum transformation, including resistance to change, lack of support for lecturers, and limited understanding of African legal traditions. Despite these obstacles, it also pointed to the many opportunities we must drive change such as drawing on values like ubuntu, involving communities in the learning process, and using teaching methods that reflect real-life experiences.

Throughout the chapter, practical strategies for shifting both the content and approach to legal teaching through curriculum review, inclusive policies, and a stronger focus on African and global South perspectives were shown. These changes are necessary to ensure that future legal professionals are better equipped to understand and serve the diverse society they are part of.

Ultimately, this chapter calls for a legal curriculum that is reflective, inclusive, and grounded in the context we live in. It encourages ongoing dialogue and action both within institutions and through platforms like the colloquium to build a more equitable and transformative legal education system.