

INTRODUCTION

Legal pedagogy, practice, and curriculum transformation: What does the future hold and appear like?

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1 Introduction

South Africa is a pluralistic and diverse country with a painful history of colonialism and apartheid, which not only violated the human rights of ordinary people in the street, but extended to its educational offering and access to justice, among others. As part of the restoration, redress and affirmation of the supremacy of the Constitution as the supreme law of the country,¹ different measures or transformative efforts had to be put in place. This called for access to basic education for all in terms of the Constitution, irrespective of one's race, gender or creed. Furthermore, a person has to enjoy access to quality education in the language of their choice, bearing in mind that South Africa boasts diverse languages,² although it is important to note that there is a monopoly of English as language of instruction. Previously, Afrikaans was the medium of instruction at the exclusion of other languages, especially the indigenous languages of South Africa. This changed with the dawn of democracy in 1994, which affirmed the supremacy of the Constitution as highlighted above.

Universities as social organs must form part of communities where they are located in order to make the necessary impact and forge collaboration with communities for their survival. Thus, universities are not an island or an ivory tower, but are part of communities. This means that the teaching, learning and research at universities must

1 Sec 2 Constitution of the Republic of South Africa, 1996.

2 Sec 29(2) Constitution of the Republic of South Africa, 1996.

align to the needs and interests of communities. Hence, there is a call for a transformed and inclusive curriculum and, for the purpose of this book, a transformed legal education in the emancipation of humanity and the realisation of basic human rights. The recent catalysts in South Africa for a transformed curriculum that embrace diversity despite the painful history were the #FeesMustFall movement and the COVID-19 pandemic. Both had one objective in mind: to incorporate and embrace technological innovations in the teaching, learning and research agenda. Both disruptions – though tragic due to the loss of life – can be seen as necessary. They tested the resilience of universities in maintaining quality education and, more significantly, prompted a renewed examination of the commitment made in 1994 to build an inclusive and diverse society. This commitment must go beyond rhetoric and be reflected in the actual practices of teaching, learning, and research. Hence, the call for a transformed curriculum that is diverse, speaks to the realities of people on the ground and offers solutions. Progress has been made with respect to curriculum transformation by South African universities, even though it remains a challenging exercise to fully implement and realise due to various reasons. These include financial resources; institutional resistance; ignorance; the debate on whether curriculum transformation and Africanisation are the same or something different. While technological innovations associated with the Fourth Industrial Revolution (4IR) have improved access to quality education, some scholars argue that they have also undermined efforts to develop a truly transformed and inclusive curriculum. However, there is another school of thought, arguing that the use of technological innovations forms part of a transformed curriculum transformation. The debate is ongoing.

A report was recently published by the Council of Higher Education (CHE) through Universities South Africa (USAf), whereby the CHE assesses the state of universities in addressing a transformed curriculum that embraces diversity. This followed the institutional reviews that the CHE conducted of universities in 2021-2023 respectively. Some of the points raised above as well as points of contention are addressed in the report.³ A key takeaway from this report is that curriculum transformation is a complex subject that needs a holistic understanding

3 K Kenon and others 'Reflecting, renewing and realigning: A baseline study of conceptions of curriculum transformation in South African universities' 3-5 CHE (2025 Report in collaboration with USAf).

of teaching, learning and research but, most importantly, it must represent the diversity of the South African landscape in order to make societal impact and find societal solutions.

This book project brings to the fore a very important yet interesting dynamic to this pivotal subject and champions for a transformed legal curricular that is centred on collaboration between the academy, legal practice and the judiciary. The contributions in the book argue that curriculum transformation, in particular legal and inclusive transformation, starts in the classroom and ultimately reaches legal practice and the judiciary through the graduates that are produced. Thus, a collaborative rather than a critical or cynical approach to the training of the legal practitioner of the future is a joint venture. Furthermore, some of the challenges highlighted in the CHE report on the state of universities where curriculum transformation is concerned are highlighted in the book, offering possible solutions. Hence, I consider this book timely and necessary. Various universities can rely on its own internal staff members, some of which are contributors to this book, in order to identify potential solutions to the challenges that serve as hindrances to achieving a transformed curriculum.

2 Chapter layout: Diversity of the themes covered towards a transformed curriculum

This book project received overwhelming support, with quality papers both presented and subsequently developed as full papers published in the book. The book comprises a total of 44 chapters from 10 institutions across the Southern African region. The chapters published also saw colleagues from different institutions taking the opportunity to collaborate and share their perspectives and those of their respective institutions in order to grow the legal jurisprudence in the area of legal pedagogy, curriculum transformation and legal practice, among others. This book project is an epitome of collaboration and embracing of diversity in the form of the various topics covered. The chapters were written by academics and practitioners at different levels, including senior academics, emerging academics and legal practitioners. This speaks to the quality of the work and the contribution it makes to the overall teaching, learning, research and practice of law in the region.

3 Conclusion

This book sets the tone for the future of legal pedagogy, curriculum transformation and legal practice. The various chapters in the book speak to the proactive and agile approach adopted by legal academics and practitioners in order to make a meaningful contribution to the offering of quality legal education 30 years into a democratic dispensation in South Africa. The contributors to the book affirm that change starts with the self, and advocate that, as legal academics and practitioners, they are the change makers, but as they work to incorporate a transformed and inclusive curriculum that embraces diversity, they will inevitably encounter policy directives and the bureaucracy often associated with universities. The plea of these legal academics and practitioners is to be provided with the institutional support and enabling environment to work optimally because they see an opportunity for change amidst the challenges already highlighted.