

**LEARNING SOCIAL JUSTICE THROUGH A TRANSFORMATIVE AND
EMANCIPATORY FRAMED LLB INTERNSHIP PROGRAMME**

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DECLARATION

I, Ebenhaezer van der Merwe, declare that

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E. van der Merwe

26 February 2023

Date

ABSTRACT

Debates and discontent regarding the South African LLB programme culminated in a qualification standards document compiled by the Council on Higher Education. Dated May 2015, the LLB Standards qualification document set benchmarks for all South African law schools. An abbreviated extract from the qualification standards relevant to this study is that an LLB graduate must be able to critically reflect on his/her work and the work of others, transfer legal knowledge, apply social justice imperatives, promote social justice goals and understand the profession's responsibilities of service to the community. Therefore, it is required to explore whether South African law graduates sufficiently understand social justice imperatives in the law context as required by the LLB standards document. Moreover, constant calls for legal education reform emerged from academia, the legal fraternity, and the judiciary. The study sought to address the calls for reform and the LLB standards by designing and implementing an internship programme framed by a transformative and emancipatory pedagogy and social justice orientation in a clinical law setting within the University of KwaZulu-Natal Howard College Campus Law Clinic. There is a dearth of local South African legal literature on legal internships, and international literature indicates that most legal internship programmes focus on teaching law students legal skills. The internship programme under study focuses on learning about social justice as its primary aim while also acquiring legal skills. It explores how a final year LLB student can best learn to critically reflect on his/her work and the work of others, transfer legal knowledge, apply social justice imperatives, promote social justice goals and understand the profession's service responsibilities to the community.

The facets of social justice the study participants encountered relate to vulnerable groupings in the community. The internship consisted of an 84-hour contact programme. Data were collected from eight final-year clinical Law LLB students before, during, and after the internship programme's implementation during the July 2015 University term break. The data production strategy included a pre-internship self-administered questionnaire to explore the interns' understanding of social justice—daily reflective journal entries reflecting on the day's activities and post-internship interviews. Data collection analysis followed the themes identified in the literature and the theoretical framing of the study. The study results relate to the perspective

transformation of the intern participants on a personal level, how the intern participants relate to society, and the perspective transformation of the intern participants from a legal and educational perspective. The study adds to the knowledge on legal internships, particularly those emphasizing social justice concerning vulnerable groupings in society.

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LIST OF ABBREVIATIONS

ADR – Alternative Dispute Resolution
CC – Constitutional Court
CC – critical consciousness
CE – community engagement
CHE – Council for Higher Education
CLE – clinical legal education
CR – critical reflection
CT – critical thinking
DHE – Department of Higher Education
DoE – Department of Education
EE – emancipatory education
EL – experiential learning
ELE – experiential learning experience
ELT – experiential learning theory
HE – holistic education
HEI – Higher Educational Institutions
LE – legal education
LLB – Bachelor of Laws
PIF – professional identity formation
PLE – public legal education
RL – reflective learning
SALDA – South African Law Deans' Association
SALTSA – Society of Law Teachers in South Africa
SAQA – The South African Qualifications Authority
SJ – social justice
SJE – Social Justice Education
SJP – socially just pedagogy
SL – Street Law
SLSJ – Students for Law and Social Justice
TA – transformative approach
TBL – team-based learning
TC – transformative constitutionalism

TLE – Transformative Legal Education

TLO – threshold learning outcomes

TLT – Transformative Learning Theory

TP – transformative pedagogies

UBUNTU – a person is a person because of people

UKZN – University of KwaZulu-Natal

WIL – work-integrated learning

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CHAPTER ONE

INTRODUCING THE STUDY

1.1 Introduction

At the dawn of democracy in South Africa in 1994, it was described as the most divided country worldwide - politically, racially, and socio-economically (Mnyongani, 2012). The South African government faced severe challenges concerning issues of social justice that persist today. Material and economic aspects of social justice include housing, basic sanitation, healthcare, electricity, communication services, potable water, and education (Badat & Sayed, 2014). The most visible features of South African society are economic inequality and income disparity (Besada, 2007). Of particular concern is the high rate of unemployment in South Africa. It is generally accepted that the socio-economic inequalities in South Africa today have resulted from a racially discriminatory legal and political system (Badat, 2010), with racial inequality being at the core of apartheid (Mnyongani, 2012).

Even those who advocate for social justice (Bettez & Hytten, 2013) do not necessarily specify their understanding of the concept (Gil, 2004; Hytten & Bettez, 2011; North, 2008; Smith, 2005) as social justice perspectives are varied and complex. Social justice is usually undefined (Bankston, 2010; Evans et al., 2017; Novak, 2009) and has no uniform definition (Lawton, 2016; Martin & Ngcobo, 2015; McKeown, 2018; North, 2006). McKeown concludes, "there is no consensus as to what we mean by social justice, and thus it has an individual meaning to each person formed by their own life experiences" (McKeown, 2018, p. 110), and "the meaning of social justice has become increasingly obscured" (Reisch, 2014, p. 1). The challenges and issues of social justice that South Africa faces are more complex than those faced in other countries, with the problems we face today remaining as complex (Govender, 2016b) as they were at the dawn of democracy in this country (Fook, 2014).

The demonstration of a deep understanding of social justice is required of law students by the Bachelor of Law (LLB) standards document. It is, therefore, imperative that social justice learning by law students be examined. This study explores the

understanding of final-year LLB students of the concept of social justice, how they learn facets of social justice, and why they learned social justice in the way they did. Their understanding of social justice is analyzed in paragraphs 5.3 and 5.4 of chapter 5. The study focuses on how students undertaking an LLB internship programme internalized social justice. The design of the internship programme was deliberate (Huggins et al., 2011) and based on a transformative (Taylor & Cranton, 2013) and emancipatory curriculum framework (Morrow & Torres, 2002; Nouri & Sajjadi, 2014). The internship programme created a transformational learning experience, immersing the participants in an intensive, transformative learning environment (White & Nitkin, 2014). The programme aimed to incorporate all the tenets of social justice and, in the process, to constitute a socially just pedagogy (Osman & Hornsby, 2017; Osman & Hornsby, 2018) for the teaching of law in South Africa and suggest ways to measure its impact (Bliss et al., 2017; Du Plessis, 2011; Perdue & Wallace, 2020).

Thus far, no university in South Africa offers such an internship programme as part of the LLB programme. This Ph.D. study provides an opportunity to understand students' experiences of learning social justice through such an internship programme, clarifying and adding to the debate on the purpose¹ of the LLB programme in South Africa. In this way, the study will contribute to the knowledge of socially just pedagogies, curriculum design, and implementing internship programmes that facilitate social justice learning. Chapter 8 will expressly reflect on these contributions.

In conclusion, social justice is a complex and multifaceted concept that is particularly important in South Africa due to the country's history of racial segregation and discrimination. This Ph.D. study aims to explore the understanding of final-year law students in South Africa of social justice and how they learn about and internalize it through an internship programme.

1.2 Chapter overview

This introductory chapter sets out the context of the current LLB curriculum in South

¹ A discussion on the purpose of the LLB appears in paragraph 1.4.4 below.

Africa, highlighting the need for curriculum reformation and transformation to serve social justice imperatives as set out in the standards. The LLB standards were introduced in May 2015 by the Council on Higher Education (Council for Higher Education, 2015) (CHE)². In response to these standards, the University of KwaZulu-Natal (UKZN) Howard College (HC) Campus Law Clinic situated at the Howard College Campus in Durban³ implemented an internship programme in July 2015. The rationale for developing such an internship was to offer an opportunity for students to explore the meaning of social justice in South African and international contexts since the LLB standards document did not provide a clear definition. Therefore, providing no guidance on measuring how legal educators should teach from a social justice perspective.

This chapter sets out the rationale for the study. It then articulates the research problem, the purpose of the study, objectives, and research questions, followed by an overview of the internship programme. The background of the study includes a discussion of the composition, purpose, and constitution of the HC Campus Law Clinic and how it complements the LLB degree programme offered by the School of Law at the University of KwaZulu-Natal. It is essential to highlight that the internship programme did not form part of the normal functions of the HC Campus Law Clinic and was implemented as an extra-curricular educational activity. The HC Campus Law Clinic is a separate legal entity recognized in South African law, and its management consists of the attorneys in the Law Clinic. Its mandate and its link to legal education through Clinical Legal Education (CLE) demonstrate how one law clinic in South Africa operates as not all operate similarly (Du Plessis, 2019; McQuoid-Mason, 2008a).

The challenges for South African law schools concerning the purpose of an LLB degree will be examined, followed by a description of the qualification standards for the LLB programme in South Africa. Purposefully selected aspects of the LLB standards document relevant to this study will be examined. A discussion of the broad

² The Council on Higher Education is an independent statutory body established by the Higher Education Act, no 101 of 1997 (amended).

³ The University of KwaZulu-Natal has two Law Clinics, one situated at the Pietermaritzburg Campus and one at the Howard College Campus situated at Durban (hereinafter referred to as the HC Campus Law Clinic).

pedagogical guiding principles of the internship programme is provided concerning final-year LLB students transitioning from the university to the world of work (Butler et al., 2017). This discussion informs the basis of the internship programme as a capstone experience (Quinot & Van Tonder, 2014) which will assist in the formation of a professional legal identity (Fourie, 2016a). The context of the internship programme is discussed in light of the purpose of the HC Campus Law Clinic and the link between social justice and law clinics in general (Byron, 2014a). The composition of the HC Campus Law Clinic and the link to the Clinical Law LLB module will be discussed.

A snapshot of the internship programme (upon which the study is based) follows. An account of how the study's data sources were generated is introduced here and discussed further in Chapter 4. The justification of such a study on social justice in the South African legal and educational context is provided, followed by an exploration of the study's limitations. A consideration of the link between legal education and transformative constitutionalism in South Africa follows the discussion on the transformative nature of the Constitution of South Africa. The concept of social justice education as a tool for transformation is explored, followed by a discussion on the development of policy concerning legal education and the challenges in implementing policy regarding legal education in South Africa.

Following a brief discussion on developing the necessary practical skills for law practice through the internship programme, the focus of the study, the objectives, and the research questions are presented. The theoretical framing of the study is also introduced. Concluding this chapter is a discussion of the organization of the thesis.

1.3 Challenges for law schools in South Africa regarding the quality, goals, and purpose of the LLB degree

The overall quality, goals, and purpose of the LLB degree in South Africa is a highly contested notion with divergent views emanating from the academe, the legal profession, and the judiciary (Dicker, 2013). Specific inquiries include studies examining whether the LLB degree fits its purpose and whether transformative learning occurs (Greenbaum, 2010b). One such view, supported by the LLB standards, is that South African law schools aspire to produce well-rounded students with a critical appreciation

of social justice and the role of law in society and the ability to appreciate the values enshrined in the Constitution of South Africa, particularly dignity, equality, and human rights. Thus, the hope is to produce law graduates with specific attributes (Smith & Bauling, 2013) and a critical appreciation of social justice who will be empowered to transform South African society (Bauling, 2017; Pieterse, 2005).

Among other factors hampering the achievement of this aspiration is the fact that the current four-year LLB curriculum has been taught chiefly unaltered since its inception in 1998 (McQuoid-Mason, 2006b). The traditional approaches have focused on teaching the technical side of the law (Modiri, 2016), with human rights and social justice components as an “add-on” activity (Mubangizi & McQuoid-Mason, 2020, p. 110). Law schools face challenges with large student numbers and the articulation gap (Campbell, 2014; Frith, 2012) between school leavers and first-year students (Du Plessis, 2013). Legal academics and legal practitioners in South Africa have expressed varying degrees of discontent regarding the content and design of the LLB curriculum and how it is taught (Pickett, 2010). The finding of appropriate pedagogy and the choosing of underlying ideological and theoretical frameworks to guide such a pedagogy are similarly highly contested and ongoing (Bauling, 2017; Campbell, 2014; Du Plessis, 2011; Gravet, 2018; Greenbaum, 2009, 2010a, 2010b, 2012a, 2012b; Modiri, 2013; Modiri, 2014, 2016; Modiri, 2017; Quinot, 2011, 2012; Quinot & Greenbaum, 2015; Quinot & Van Tonder, 2014; Smith & Bauling, 2013; Van Marle, 2014a, 2014b; Van Marle & Modiri, 2012; Zitzke, 2014). The views expressed in the literature mentioned above differ widely and are further complicated by calls to decolonize the law curriculum (Sindane, 2021; Tshivhase et al., 2019), with Campbell highlighting “there is no agreement as to the meaning of the decolonisation of education, which seems to differ from one discipline to another, and which appears to be as much a political as a curriculum issue” (Campbell, 2019, p. 47). Henrico notes, “There is no settled or universal definition of decolonisation” (Henrico, 2019, p. 24).

The debates and discontent relating to legal education in South Africa before 2015 culminated in a qualification standards document for the LLB programme⁴ compiled by

⁴ Hereafter referred to as the LLB Standards Document.

the Council on Higher Education (CHE)⁵. The standards document is dated May 2015. Relevant to this study, it may be noted that an LLB graduate must be able to: critically reflect on his/her work and the work of others; transfer legal knowledge; apply social justice imperatives; promote social justice goals, and understand the profession's responsibilities of service to the community. Law Schools were required to compile a self-evaluation report responding to, among other things, responsiveness to social justice and inculcating student awareness of constitutional imperatives. However, no empirical research was required as a basis for these responses. The aspirational attributes in the standards document required for law graduates provide part of this study's motivation, influencing its core focus, aim, objectives, and justification. The discussion of the LLB standards document below highlights the lack of guidance on fostering the required attributes in a law graduate.

1.4 Qualification standard for the LLB programme in South Africa

The LLB standards document played an essential role in planning, designing, and creating the learning environment of the internship programme, and it is necessary to expand on the most salient features of the document relevant to the study.

1.4.1 The introduction to the LLB standards document

The introduction to the LLB standards document⁶ outlines its focus, which is followed by an account of the relationship between the purpose of the qualification and the graduate attributes that manifest the purpose⁷. It concludes by outlining the contexts and conditions for assessing those attributes. The standards document indicates that a standard establishes a threshold⁸. However, it qualifies the statement, elaborating that a standard also plays a developmental role. The standard may include, where appropriate, elaboration of terms specific to the statement, guidelines for achieving the

⁵ The drafting of the standards document is the work of a group of academic experts in the field of study.

⁶ The introduction to the document commences on page three of the document.

⁷ On page four of the standards document.

⁸ The document does not elaborate further on the term, so the ordinary grammatical interpretation of the term will be used.

graduate attributes, and recommendations for the threshold.

1.4.2 The general characteristics and purpose statement⁹

The document states broadly that the primary purpose of both the general and professional bachelor's degree¹⁰ is to provide a well-rounded, broad education that equips graduates with the knowledge base, theory, and methodology of disciplines and fields of study as well as to enable these graduates to demonstrate initiative and responsibility in an academic and professional context. More valuable for this study is the comment that a professional bachelor's degree prepares students for professional training, postgraduate studies, or professional practice in various careers. While the professional bachelor's degree programme may contain a work-integrated learning component, work-integrated learning (WIL) is not a required degree characteristic¹¹. Chapter 2 of this thesis will discuss the link between the internship and WIL and professional identity formation (PIF). This way, it will demonstrate some of the links between Chapters 1 and 2.

1.4.3 The preamble of the document¹²

The preamble of the standards document is helpful for this study, with the most salient points being highlighted below. The preamble emphasizes that, in light of South Africa's history and the material conditions of its citizens, the law is fundamental to consolidating South African constitutional democracy. It recognizes that the law played a critical role in the country's transition to democracy and remains key to entrenching and consolidating the South African constitutional democratic project. It notes that the law is central to creating a cohesive and prosperous society and that the South African constitution is transformative¹³. The most emphatic statements in the preamble of the standards document are that legal education cannot be divorced from transformative

⁹ On page six of the document.

¹⁰ The LLB degree is described as a professional bachelor's degree.

¹¹ Whether WIL should form a peremptory characteristic of the undergraduate LLB degree in South Africa will be debated in chapter eight of the thesis.

¹² On page seven of the document.

¹³ Transformation is a theme that permeates the study as a whole.

constitutionalism and that a conservative and formalist approach to law is inconsistent with a transformative constitution. It emphasizes that a commitment to substantive reasoning is at the heart of a transformative constitution; however, it is impossible without appropriate legal education as the foundation for fostering the ideals of transformative constitutionalism. The preamble concludes with a peremptory set of statements that the LLB must produce skilled graduates who are critical thinkers and enlightened citizens with a profound understanding of the impact of the Constitution on the development of the law and who are committed to advancing the cause of social justice in South Africa.

1.4.4 The purpose of the LLB¹⁴

The document states that the purpose of the LLB degree is to prepare students for entry into legal practice. By implication, these are not "practice-ready" graduates. The reference to an LLB graduate being practice-ready and the debates surrounding the concept of producing such graduates is one of the most highly contested debates permeating the discourses on legal education and its purpose (Greenbaum, 2010a, 2010b; Quinot & Greenbaum, 2015; C Van Niekerk, 2013). This debate is featured in both South African and international legal literature (Batt, 2015).

1.4.5 Knowledge required of a South African law graduate¹⁵

An LLB graduate is required to demonstrate a comprehensive and sound knowledge and understanding of the South African Constitution and the "basic areas or fields of law." Moreover, the graduate must know a discipline other than law and specialize in one or more law areas or clinical legal education (CLE). The most important aspect relevant to this study is the reference to CLE. The internship was embedded in the HC Campus Law Clinic¹⁶ and linked with CLE, as with most other clinics (Du Plessis, 2015). A more thorough examination of CLE appears in Chapter 2 of this thesis.

¹⁴ On page eight of the document.

¹⁵ On page eight of the document.

¹⁶ A discussion on the HC Campus Law Clinic as the context for the internship programme is set out further in this chapter.

1.4.6 The skills required of a law graduate¹⁷

An LLB graduate requires critical thinking skills that allow for recognition and reflection on the role and place of law in South African society and beyond. Pertinent to this study is how such skills can be acquired. The internship programme was designed to enable the intern participants to acquire such skills through planned activities, such as court visits, observing legal practitioners in criminal and civil courts, interacting with legal practitioners such as magistrates and attorneys in private practice, and reflecting on their experiences. A closer examination of the link between critical thinking skills and the role and place of law in South African society appears in paragraph 2.3.7 of Chapter 2.

1.4.7 Applied competencies required of law graduates¹⁸

The LLB standards document requires graduates to be competent in ethics and integrity. It requires that the graduates grasp relevant ethical considerations in law and can conduct themselves ethically and with integrity in their relations with the university, clients, courts, other lawyers, and the public in general (McKeown & Hall, 2018). The link between the internship programme and the HC Campus Law Clinic is relevant to this study as it provided an ethical environment within a fully functional law firm. The literature review in paragraph 2.2.12.1 of Chapter 2 elaborates on these aspects.

1.4.8 Self-management and collaboration¹⁹

The LLB standards document stipulates that the graduate must function effectively in independent and collaborative settings and contribute to work efforts in a group context, including problem-solving. The graduate must be able to address a particular aspect of a problem or project, integrate these efforts into a collaborative effort, critically reflect on and assess the work and critique the work of others in a reasoned and formative manner. Part of the pedagogy of the internship was for the participants

¹⁷ On page nine of the document.

¹⁸ On page 10 of the document.

¹⁹ On page eleven of the document.

to work collaboratively in small groups. This pedagogical strategy allowed the interns to reflect on their work and that of others while collaboratively presenting legal knowledge to laypersons.

1.4.9 Transfer of acquired knowledge²⁰

The guideline in the LLB standards document requires the graduate to be able to transfer legal knowledge to others, including laypersons, colleagues, clients, and members of the public and community members who have had very little exposure to the law. By engaging in public legal education (PLE) outreach workshops, the participants were given the opportunity to transfer acquired knowledge to others using a “Street Law” interactive teaching methodology (Bracken, 2021; Johnston & McCarthy, 2019; McQuoid-Mason, 2017; Palmer & McQuoid-Mason, 2013). A more comprehensive examination of the pedagogical advantages of an interactive teaching methodology appears in paragraph 2.3.6.3 of Chapter 2 of this thesis.

Relevant to the study also is the requirement of the LLB standards document that a graduate must be able to apply knowledge to different, new, and unfamiliar fields of law. A discussion on this aspect appears in paragraph 2.2.6 of Chapter 2.

1.4.10 Agency, accountability, and service to the community²¹

The document stipulates that the graduate must be able to recognize, reflect and apply social justice imperatives by acknowledging the capacity, agency, and accountability of the legal practitioner in shaping and transforming the legal system, promoting social justice goals of fairness, legitimacy, efficacy, and equity in the legal system. The graduate must also be able to understand the professional responsibilities of the legal practitioner in service to the community. The internship provided the opportunity to interact at the coalface of the legal system through court visits, exposure to aspects of the legal system and the working environment of the HC Campus Law Clinic, and

²⁰ On page eleven of the document.

²¹ On page eleven of the document.

interaction with attorneys in private practice.

The most important aspect is that social justice is not defined in the standards document. This is despite the term social justice “appearing in numerous public texts and discourses throughout the field of education” (North, 2006, p. 507) and “there are clear links between university education and better health, more innovative societies and a deeper commitment to social justice” (Osman & Hornsby, 2017, p. 393). This situation, therefore, calls for an exploration of the term in legal education, that is, how social justice can be learned and why it should be learned in a specific way. Other questions to be explored in this study are what it means to be a social justice educator, how best to create an environment in which social justice is learned, and how social justice can permeate the LLB curriculum. The sections below will consider the guiding principles of the internship and provide the reasoning behind the decision to implement the internship in the final year of study.

1.5 The guiding pedagogical principles of the internship programme

The absence of critical and transformative community engagement teaching methods obscures law students’ understanding of the agenda of law in the South African social context (Mubangizi & Mubangizi, 2005), how the law operates, and the practice of law in South Africa. In order to address this lack, the internship programme under study aimed to create a critical environment (Bain, 2011) within a clinical law setting to explore the graduate attributes required by the LLB standards document as set out above. The aim of creating this critical environment and utilizing critical pedagogy (Bliss, 2014) is the elaborate body of practical information concerning the merits of experiential education (Batt, 2015) and community engagement for justice education (Askamovic & Genty, 2014; Barry et al., 2011; Bliss, 2014; Bloch, 2008; Kosuri, 2012) as well as the impact of such programmes on the social and personal transformation of students and instructors alike (Pavlovich, 2007; Sullivan, 2013; Wilson, 2008). However, the focus of the study in respect of personal transformation will be on the intern participants. An analysis of the data collected concerning the personal transformation of the intern participants appears in Chapter 6, and I will reflect on those findings in the concluding chapter 8 of this thesis.

1.6 A final year LLB student in transition from university to the world of practice

The thesis explores learning social justice during an internship programme with a social justice orientation during the final year of study. Implementing the internship programme in the fourth and final year of the LLB degree had a specific purpose, as a final-year law student is transitioning from law school to the legal profession (Butler et al., 2017; Schreiner et al., 2020). This study did not aim to support a first-year law student in transition to law school, as the following literature indicates (Bess, 2022; Field et al., 2013; Leiman et al., 2015; McQuoid-Mason, 2002; Schreiner et al., 2020). Instead, the internship programme can be construed as a capstone experience to consolidate what the student has learned in the preceding years of the LLB programme (Bauling, 2017). This notion of the capstone experience is discussed further in paragraph 2.3.9 of Chapter 2, where I will also examine the formation of professional identity in paragraph 2.3.8 of Chapter 2 and the link with social justice (Francis & Le Roux, 2011). In the concluding chapter, in paragraph 8.2 of Chapter 8, I will reflect on the implications for law pedagogy of producing students advocating for social justice (Karin & Runge, 2010).

1.7 The UKZN HC Law Clinic as context for the internship: social justice and law clinics

Teaching effectively from a clear social justice perspective that empowers and encourages students to think critically (Van Marle & Modiri, 2012), as well as providing a model for social change, has been challenging for decades for those educators motivated to incorporate social justice issues in teaching (Francis & Le Roux, 2011; Hackman, 2005). One way of utilizing a social justice pedagogical lens while delivering content to empower students is provided by CLE (Ojukwu et al., 2013). Law clinics in South Africa have been linked with social justice (Palmer & McQuoid-Mason, 2013) since their inception in South Africa (De Klerk, 2005; Maisel, 2006; Maisel et al., 2015; McQuoid-Mason, 2000; Nicholson, 2016; Van Der Merwe, 2020). The UKZN HC Law Clinic is no exception, and in the sections below, I will situate the clinical law module within the broader LLB curriculum at the University of KwaZulu-Natal. These discussions will highlight and provide a context for an understanding of teaching legal

ethics (Whitear-Nel & Freedman, 2015) and the legal skills required in a social justice setting, as well as the skills required from a practicing social justice lawyer and social justice educator (Rice, 2021). One understanding of social justice focused on by the UKZN HC Campus Law Clinic is access to justice (Holness, 2013). The UKZN HC Law Clinic is a live client clinic (McQuoid-Mason, 2008a; Palmer & McQuoid-Mason, 2013), dealing with the legal problems of indigent community members. It also serves as a laboratory for teaching legal skills to final-year law students (De Klerk, 2005; Du Plessis, 2015). The HC Campus Law Clinic has a dual purpose: access to justice in providing legal services to indigent community members who cannot afford it and teaching lawyering skills to final-year law students. To some extent, all law clinics in South Africa share these characteristics, although Du Plessis has recently argued that the original focus on access to a justice-driven perspective has shifted to an emphasis on teaching lawyering skills to students (Du Plessis, 2019). In the next section, I will outline the composition of the HC Campus Law Clinic.

1.7.1 The composition of the UKZN HC Law Clinic

The HC Campus Law Clinic comprises the following staff:

- The Director of the UKZN HC Law Clinic - has general oversight of the clinic and is responsible for coordinating and teaching the Clinical Law module in the fourth year of the LLB degree. The position is a full-time academic position funded by the UKZN School of Law.
- The Principal Attorney – I was the Principal Attorney in the clinic, responsible for all legal work and the clinic clients. I was assisted by a supervising attorney, who helped supervise the candidate attorneys and whose position was funded by Legal Aid South Africa (LASA), an independent body funded by the government to provide legal services to indigent members of the South African community. Initially, the body focused on assisting indigent members in criminal matters but expanded the services to civil cases.
- LASA funds the administrative assistant.
- Four candidate attorneys served their contract of service in the clinic with me as

their principal during the implementation of the internship.²²

1.7.2 The link between the HC Campus Law Clinic and the Clinical Law module

Final-year LLB students may elect to do the Clinical Law module or the Street Law module as the public legal education component of the LLB programme. Clinical Law is a full-year module taken in the final year of the LLB. When an indigent member of the community²³ approaches the Law Clinic for legal assistance, an appointment is made for the client to meet with the students who take instructions from the client in groups of three or four students under the supervision of the professional staff. The students are then required to compile a statement from the client setting out the legal problem and collect the documentation relevant to the legal problem. The group compiles the “client statement” and submits it as a group effort to be assessed formally by the clinic's professional staff and contribute to the year mark for the module²⁴. In this way, the Clinical Law module allows final-year LLB students to consult with an actual client with a real legal problem. The students do not provide legal advice to potential clients during the consultation. Due to high student numbers, each student has an opportunity to consult only three or four times over the final year of this study²⁵. There is also a classroom component to supplement this opportunity of interacting with a client with an actual legal problem. The Law Clinic Director is responsible for the classroom component, which aims to teach legal skills relevant to the clinic's work, such as interviewing skills.

1.7.3 The HC Campus Law Clinic is a legal entity and law firm

The HC Law Clinic is recognized in South African law as a separate legal entity with its own constitution and can therefore sue and be sued in that capacity. It is a fully-

²² Hence the description of my designation and title as the Principal Attorney of the HC Campus Law Clinic. At the time of the implementation of the internship, I had twenty-three years of experience as a legal practitioner.

²³ The community member has to qualify in terms of a financial means test before legal services can be provided.

²⁴ The group are allocated a mark and forms part of the formative assessment of the module.

²⁵ At the time of the implementation of the internship, very little emphasis was placed on reflecting on the experience by Clinical Law students. The Street law module requires the students to reflect on their experiences.

fledged law firm and adheres to all the characteristics of a law firm. The attorneys in the Law Clinic are both practicing legal professionals and law teachers, and at times, the attorneys in law clinics in South Africa are referred to as clinicians (Dass & Du Plessis, 2013).

1.7.4 Management of the Law Clinic

The Law Clinic's overall management comprises a management committee staffed by full-time legal academics employed by the School of Law.

1.7.5 Concluding comments

To conclude this discussion of the HC Campus Law Clinic as the context of the internship programme, it is essential to reiterate that the internship programme designed for this thesis and described below did not form part of the formal clinical law module. The internship was a separate programme devised in response to the LLB standards document described above. A “snapshot” of the internship programme is provided later in this chapter. Details of the internship programme activities are described in Chapter 4.

1.8 The Constitution of South Africa

In 1996, South Africa adopted the final Constitution as the supreme law of the land. Various forums have described the Constitution of South Africa as transformative and progressive (Fourie, 2016a; Klare, 1998; Langa, 2006). The transformative nature of the Constitution necessitates that this study pays careful attention to the link between the Constitution and legal education in South Africa (Davis, 2015). In order to achieve the aspirational goal of linking legal education with the transformative nature of the Constitution (Bauling, 2017; Brickhill & Van Leeve, 2015; Smith & Bauling, 2013), invites us to consider the most effective way to transform legal education (Kaas & Bliss, 2013; Stuckey, 2007) and to use the best teaching methods (Bain, 2011; Schwartz, 2001). The following section provides a closer examination of the link between legal education and transformative constitutionalism.

1.9 Legal education and transformative constitutionalism in South Africa

Lawyers played an important role in South Africa's peaceful transition to democracy²⁶ (McQuoid-Mason, 2005; Whitear-Nel & Freedman, 2015). While some lawyers served to protect the rule of law in the country before 1994, lawyers and those educating future lawyers in the new dispensation have an even greater responsibility to instill democratic values (McQuoid-Mason, 2000) in those who will enter the legal profession and ensure that justice is served and the people of South Africa receive justice (Mnyongani, 2009). To this end, a code of conduct for all legal practitioners has been adopted, regulating professional conduct and safeguarding the public (Carter, 2017). One of the applied competencies stipulated in the LLB standards document is that South African law students are taught the ethical aspects of legal practice (Robertson & Kruuse, 2016) to ensure their future ethical conduct and integrity. Equally, law schools are called on to promote constitutional values in legal education and engage critically with these values (Fourie, 2016a).

According to the former Chief Justice of the Constitutional Court of South Africa, Pius Langa:

No longer can we responsibly turn out law graduates who are unable to engage with the values of the Constitution critically and who are unwilling to implement those values in all corners of their practices. A truly transformative South Africa requires a new approach that places the Constitutional dream at the very heart of legal education. It requires that we regard law as part of the social fabric and teach law students to see it as such (Langa, 2006, p. 356).

1.10 Social justice education as a tool for transformation

As the study's title suggests, transformation and emancipation (Nouri & Sajjadi, 2014) are central to this study. Nouri & Sajjadi provide definitions and understandings of these concepts that are relevant to the exploration of learning social justice by law

²⁶ This assertion is also noted in the preamble of the LLB standards document.

students. The idea of a “toolkit” for talking about social justice stems from the work of others (Adams & Bell, 2016; Davis & Harrison, 2013). The list of concepts that have been devised provides a common language for use when discussing social justice issues²⁷.

A consistent challenge for law educators, not only in South Africa but also internationally (Hackman, 2005), has been these questions: how social justice education can be effected (North, 2006); and how to teach²⁸ from a social justice perspective (Bettez & Hytten, 2013) in such a way as to empower and encourage critical thinking²⁹ and to strengthen constitutional democracy. The role of lawyers, alternative dispute resolution (ADR), and legal education in addressing social justice are all in flux, to one degree or another, in many countries of the world. Such countries include India, South Africa, and the United States (Bloch, 2010). Bettez & Hytten comment that social justice education involves facilitation that promotes critical thinking and is essential to social justice education³⁰.

There must be a belief that a change toward social justice is indeed not only possible (Smith, 2005) but also necessary (Bettez & Hytten, 2013). For a law educator committed to social justice, the realization that reform and the demand for a change in legal education are possible should come from within (Critchlow et al., 2015).

Decades after Felix Frankfurter remarked that the law and lawyers are what the law schools make them (Wizner, 2001), the reform of legal syllabi to produce well-rounded³¹, socially conscious graduates with high regard for social justice has remained elusive (Campbell, 2014) and challenging (Hackman, 2005), both globally

²⁷ As set out above, the term social justice is usually undefined, despite numerous references to the term social justice that appear in the literature.

²⁸ The focus of the study is on the learning of social justice by the intern participants, but necessitates a discussion of how to teach social justice.

²⁹ The LLB standards explicitly make mention of critical thinking skills.

³⁰ The link between social justice and critical thinking will be explored further in the theoretical framing of the study in chapter three.

³¹ The LLB standards describe the general purpose of the LLB degree is to provide a well-rounded broad education that equips graduates with the knowledge base, theory and methodology of disciplines and fields of study, and to enable them to demonstrate initiative and responsibility in an academic and professional context.

and nationally. Nevertheless, educators have the remarkable power to transform ineffective schools and teaching methodologies into sites and practices of increased equity, nobility, and excellence, resulting in a step toward social justice (Cochran-Smith et al., 2010; Giroux, 2001).

1.11 Development of policy concerning legal education

Before 1994, apartheid ideology strongly influenced higher education. Legal education was no exception (Dlamini, 1992a), and it could be, and was, used as an instrument of oppression. In the democratic era, legal education can play a vital role in redressing inequality by transforming legal education (Greenbaum, 2014). The Council on Higher Education (CHE) undertook several reviews of the Higher Education sector post-1994, culminating in a national plan for higher education. This plan pointed to the need to reduce the number of higher education institutions and prioritize increased efficiency and graduate outputs. In 2009, the South African Law Deans' Association (SALDA) and the Society of Law Teachers in South Africa (SALTSA) stressed the importance of legal education for the legal system's proper functioning (Quinot & Greenbaum, 2015). One of the themes that emerged at the LLB summit on 29 May 2013 emphasized that the legal profession was not fulfilling its proper role in society and that legal education was a significant part of the problem (Whitear-Nel & Freedman, 2015).

In 2010, the Department of Higher Education and Training invited stakeholders to participate in a summit to re-examine the role of higher education in societal development and transformation. The views expressed included the need to increase efforts to transform the sector by rendering it more responsive to society's needs, although it had limited success. Indeed, Greenbaum concluded that transformation was superficial (Greenbaum, 2010a, 2010b).

1.12 Educational theory and pedagogical considerations for LLB curriculum reform

The debate on the lack of educational theory (Burch et al., 2016) and sound pedagogical considerations in legal education reform appears in both South African and international literature (Quinot, 2012; Quinot & Greenbaum, 2015). Grimes, in his

foreword to *Re-thinking Legal Education Under the Civil and Common Law*, has the following to say:

Whilst educational theory has developed significantly in recent years, much of the law curriculum remains content-driven and traditionally delivered, predominantly through the lecture format. Students are, in the main, treated as empty vessels to be filled by the eminent academics of the day... Little attention has, historically, been paid to the importance of the application of theory, the role of reflective learning, the understanding and acquisition of lawyering skills, and the development of professional responsibility and wider ethical values (Grimes, 2017, p. 1).

This thesis aims to contribute to these debates on the lack of theory and sound pedagogical considerations in legal education reform in South Africa. This aspect will be discussed in more detail in Chapter 2.

1.13 The lack of promotion of ethical values and a critical and holistic approach to legal education

Apart from the LLB standards document, views have been expressed both locally and internationally that the LLB curriculum should actively promote ethical values in students (Cody, 2015; Whitear-Nel & Freedman, 2015) and also a critical approach to legal education (Modiri, 2013b). These aspects would promote social justice values (Hackman, 2005). Such an intention requires a holistic approach to legal education and law practice (Quinot & Van Tonder, 2014) and an appreciation of the law's role in the context of society (Quinot, 2012). One of the four outcomes set by the South African Qualifications Authority (SAQA) for an LLB degree is that it enables the holder to participate as a responsible citizen in promoting a just society in a democratic and constitutional state under the rule of law. Chapter 2 will elaborate on the notion of a law graduate being able to demonstrate an appreciation of the role of law in context.

1.14 Developing the necessary practical skills through the internship programme

The internship programme was not designed explicitly to develop practical legal skills for law practice, despite calls for South African law schools to offer “competent legal education” (O'Regan, 2002, p. 244) and to produce graduates with practical skills (Dednam, 2012; Du Plessis, 2015). Similar calls have been made internationally (Batt, 2015). Batt sums the debate up as follows:

Although the term “practice-ready” is at best elusive and at worst impossible, law schools continue to grapple with the most fundamental question: how to educate law students so that they can enter the legal market as competent, ethical lawyers. Some argue the traditional law school curriculum teaches law students how to find the law and analyze the law. Others state that it exposes students to legal skills and may provide opportunities for immersion in real practice. However, what the traditional law school curriculum generally does not do is integrate doctrine, skills, and practice in a way that allows students to understand their simultaneous integration to serve clients’ needs (Batt, 2015, p. 119)

Nevertheless, the study participants had opportunities to develop such skills because they engaged in specific practical activities during the internship. Furthermore, the internship was located in the working environment of the HC Campus Law Clinic as a fully-fledged law firm and, in that sense, the internship was a form of work-integrated learning (WIL) (Kibble, 1998; McNamara, 2009a, 2009b; McNamara et al., 2009b; Nduna, 2012; Trede, 2012). Accordingly, it is not the study’s primary focus to explore whether the current LLB degree develops necessary practical legal skills in students. Instead, this study aims to assess whether the current LLB promotes social justice values sufficiently and whether these values can be learned through transformative and emancipatory learning enabled through the structure of the internship programme. In the process, the interns acquired legal skills in a transformative learning environment (Babacan & Babacan, 2015b). International literature refers to such law graduates as being justice-ready (Aiken, 2012; Cody, 2020).

1.15 Motivation for the study

1.15.1 Searching for a signature pedagogy for the teaching of law

This study explores the potential of promoting social justice values in final-year LLB students, considering and incorporating transformative and emancipatory learning theories into the pedagogy of the final-year curriculum in South African law schools. The sound pedagogical principle relied on is that empirical research rather than anecdotal observations (Greenbaum, 2010b) should guide legal education reform. Therefore, this study aims to provide evidence-based, empirical research to address some concerns regarding legal education in South Africa. The notion that policy (Wiseman, 2010) and reform must be evidence-based is well documented (Biesta, 2010; Bliss et al., 2017; Bryant et al., 2014). Calls for legal and educational research have also culminated in recent authoritative works in the field (Leighton, 2020). With this in mind, the internship programme was designed and implemented to understand how this kind of pedagogy promotes social justice values in the participants. The aspiration was to explore how an internship programme grounded in theory and guided by evidence (Bebeau & Monson, 2008) can contribute to the search for a signature pedagogy for teaching law in South Africa.

1.15.2 The focus of the study

The focus of the study was to explore how fourth-year clinical law LLB students learned the facets of social justice through a transformative and emancipatory internship programme. Clinical legal education has expanded and translated into global clinical movements focusing on educating lawyers for social justice (Bloch, 2010; Giddings, 2013; Sarker, 2016). However, few studies measure the impact of social justice teaching (Bliss et al., 2017). This study critically explores how the facets of social justice relating to vulnerable groupings of the community were learned through a programme that took the form of an internship designed explicitly with a transformative and emancipatory framing and implemented at the UKZN HC Campus Law Clinic, in partnership with the UKZN HC Street Law programme and with the approval of the UKZN School of Law. This programme was implemented once in 2015.

1.16 A snapshot of the internship programme

The internship programme explored learning facets of social justice³² by fourth-year Clinical Law LLB students³³ at the University of KwaZulu-Natal. The study centered around an 84-hour contact internship programme at the UKZN HC Campus Law Clinic in Durban in 2015³⁴. The internship participants were four candidate attorneys³⁵ who served their service contract within the UKZN Law Clinic under my tutelage³⁶ and eight final-year Clinical Law LLB students. The candidate attorneys acted as mentors³⁷ during the internship programme, and the eight law students served as interns³⁸. The internship aimed to foster a professional relationship³⁹ between the interns and their mentors and provide an ethical⁴⁰ environment (Hamilton & Brabbit, 2007; Hamilton & Monson, 2011; Joy, 2003; Pittaway et al., 2010). During the internship, the participants were under the direct supervision of the UKZN HC Campus Law Clinic's Supervising Attorney and me. One candidate attorney was paired with two interns to form a small group/team⁴¹ guided by team-based learning principles (TBL). The well-documented pedagogical advantages of TBL were used to deepen student learning (Eksteen et al., 2018; Haidet et al., 2014) and simultaneously facilitate dialogue between the study participants (Bartlett, 2005; Jones, 2009; Snyder, 2014).

I planned various activities to create a transformative (Babacan & Babacan, 2015b) and emancipatory (or liberatory) learning environment (Nouri & Sajjadi, 2014). The events exposed the participants to facets of social justice related to vulnerable

³² The facets of social justice relate to vulnerable groupings of the South African society.

³³ Clinical law is an elective in the final year of LLB at the University of KwaZulu-Natal. Final year students have the choice to either enroll for Clinical Law or Street Law.

³⁴ The internship was implemented as an educational activity and did not form part of the formal curriculum of the LLB programme.

³⁵ In South Africa, Candidate Attorneys in a Law Clinic are required to complete either a one-year or two-year contract of service before they can be admitted as an Attorney of the High Court of South Africa depending on whether the Candidate Attorney attended the School for Legal Practice prior to their contract of service in the Law Clinic.

³⁶ In terms of the contract of service that I entered into with the Candidate Attorney, I was appointed as their Principal. At the end of the contract of service, I am required to attest to an affidavit that, in my opinion, they are "fit and proper" persons to be admitted as an Attorney of the High Court of South Africa.

³⁷ A section on mentoring will be included in the literature review chapter of this thesis.

³⁸ Exploration of the experiences of the interns will be the focus of this PhD study.

³⁹ Exploring the formation of a professional identity of the interns through mentorship form part of the pedagogy of the internship.

⁴⁰ The interns had to sign a confidentiality agreement prior to participating in the internship.

⁴¹ Thus creating an environment of collaboration between the interns and their mentors and with other teams.

groupings in society. Such vulnerable groups included: the aged⁴², who form a highly vulnerable group in society (Geffen et al., 2019); children and parties involved in divorce litigation⁴³, who also constitute a vulnerable group in society (Bojuwoye & Akpan, 2009; De Jong, 2005; Du Plessis, 2008); accused persons and witnesses in criminal courts in South Africa, also considered to be a vulnerable group of a society (Ahn-Redding et al., 2013; Hughes, 2008); parties involved in labour dispute matters⁴⁴; refugees⁴⁵, not only in the South African context but also worldwide (Pittaway et al., 2010; Woolsey & Narruhn, 2018); needy members of communities (Mubangizi & Mubangizi, 2005); and indigent clients with legal case files at the UKZN HC Law Clinic⁴⁶. The UKZN HC Law Clinic is a live client clinic (Chavkin, 2009; Evans & Hyams, 2015), serving the legal needs of needy community members in the Ethekeweni area around Durban.

1.17 Generating the study's data sources

In order to allow for the exploration of their understanding of social justice at a later stage, the interns were required to complete a pre-internship self-administered questionnaire before implementing the internship programme. They were also required to complete a reflective journal during the twelve days of the internship programme. Attached hereto, as Annexure F, is their written guidance. The guidance provided to the interns prior to the implementation of the internship programme was based, among other things⁴⁷, on work by Ash and Clayton (Ash & Clayton, 2004; Ash & Clayton, 2009), Kleinhesselink (Kleinhesselink et al., 2015), and Campbell (Campbell, 2013). For the reflective journals to be as rich in detail as possible, the participants completed their journals on the same day as the scheduled activities. An extensive body of knowledge exists on reflective practice and the pedagogical advantages of reflecting on experience (Anzalone, 2000; Bolton, 2010; Boud et al., 2013; Toole & Toole, 1995).

⁴² By presenting a public legal education workshop to the aged on the protection of their legal rights.

⁴³ By observing divorce proceedings in court and by attending to the Office of the Family Advocate.

⁴⁴ By observing proceedings in the Labour court.

⁴⁵ By attending to a presentation on refugees in South Africa by Lawyers for Human Rights.

⁴⁶ The interns were allocated legal case files pertaining to existing clients of the Clinic. The interns therefore were provided with the opportunity to individually work on a client file for the first time.

⁴⁷ Professor Robin Palmer at the University of Canterbury provided me with assistance to compile the written guidance provided to the internship participants based upon the University of Canterbury legal internship course handbook.

This aspect will be presented in more detail in paragraph 2.3.7 of Chapter 2.

The design of the internship programme was intentional (Huggins et al., 2011) and explicitly provided a disorienting dilemma consisting of “disorienting moments” (F. Quigley, 1995, p. 38) for the interns, for example, their visits to court (Hughes, 2008). The theoretical foundation of this aspect of the programme design is described in more detail in Chapter 3. After obtaining ethical clearance, I scheduled semi-structured interviews with the interns and transcribed the interviews to facilitate thematic analysis of the data collected. The three data sources, self-administered questionnaires, reflective journal entries, and interviews, were triangulated (Golafshani, 2003; Oliver-Hoyo & Allen, 2006).

Although all the mentors completed the self-administered pre-internship questionnaire, compiled reflective journals, and were interviewed, only the data collected from the interns formed part of the data analysis. The volume informed this decision to limit the analysis of data collected. Moreover, it was taken into account that the mentors had worked in a social justice environment in the UKZN HC Campus Law Clinic for a considerable period and brought substantially different life experiences to the programme. The mentors provided valuable insights after the end of the internship as they remained candidate attorneys within the clinic and provided a measure of member checking (Creswell & Miller, 2000; Goldblatt et al., 2011; Whittemore et al., 2001; Yin, 2016) in respect of the data collected from the interns. Each mentor provided me with their insights and observations and provided input during the analysis of the data in response to my interpretation of the data collected from the interns. The mentors participated in all the activities the interns encountered during the internship programme.

A more comprehensive examination of the pedagogical advantages of critical reflection appears in Chapter 2 of the thesis. Transformative legal education (TLE), Transformative learning theory (TLT), constructivism, and emancipatory pedagogy theory formed the basis of the study’s theoretical framing, and in chapter three below, a more thorough examination of these concepts appears.

1.18 Limiting the scope of the study on social justice

The scope of the social justice problems in South Africa and the nature of this study necessitated limiting the range of issues addressed. Hence, the study was constrained to leave highly pertinent topics relating to social justice unaddressed, which constitutes a study limitation. From the outset, it needs to be clarified that this study focuses only on facets of social justice concerning vulnerable people's groupings in society. For instance, the aspects of social justice related to economic inequalities will not be the focus of the study. The study focuses on learning social justice related to education, particularly in higher education and legal education. Much discussion on the transformation of higher education and the changing landscape of higher education in South Africa has appeared in the literature and in reports on social justice in education and through education (Badat, 2010; Commission, 2016; Leibowitz & Bozalek, 2012; Waghid, 2002). However, few empirical studies have addressed social justice learning by law students in South Africa. This is the gap in the literature that this study aims to fill.

Similarly, the transformation of legal education has been vigorously debated in South Africa and elsewhere (Sullivan, 2013; Zitzke, 2014). Chapter 4 presents a detailed description of the facets of social justice the participants encountered.

1.18.1 Objectives of the study

The study objectives were to:

1. determine what the fourth-year LLB students' understanding of social justice was before undertaking the transformative and emancipatory framed internship programme;
2. explore critically the fourth-year LLB students' experiences of learning social justice through the transformative and emancipatory framed internship programme;
3. understand why the fourth-year LLB students experienced learning social justice through the transformative and emancipatory internship programme in the way that they did.

1.18.2 Research questions

The study's primary research question is: How can fourth-year clinical law LLB students learn social justice through a transformative and emancipatory framed internship programme?

Answering this question, it calls for an examination of the following sub-questions:

1. What was the fourth-year LLB students' understanding of social justice before implementing the transformative and emancipatory framed internship programme?
2. How did the fourth-year LLB students experience learning social justice through the transformative and emancipatory framed internship programme?
3. Why did the fourth-year LLB students experience learning social justice through the transformative and emancipatory framed internship programme in the way that they did?

1.18.3 Research methodology

An inductive explorative case study (Zainal, 2007) was employed to understand the structure and essence of law students' experiences of learning social justice during an internship programme with a community engagement (CE) component (Bender, 2008; Bringle & Hatcher, 2002; Hlengwa, 2010), public legal education (PLE) (Grimes, 2021) and social justice orientation (Nicolson, 2006). The aim was to gain insight into the implications of community engagement for social justice outcomes. A qualitative approach was adopted (Castro et al., 2010). A pre-internship questionnaire, reflective journals, and post-internship interviews with eight fourth-year LLB students who participated in the internship programme served as data production strategies. A detailed discussion of the research methodology appears in Chapter 4.

1.18.4 Delimitations of the study

The study was limited to one case study at one South African law clinic, the UKZN HC Campus Law Clinic. Furthermore, the study participants were selected only from the

Clinical Law programme, a fourth-year LLB module. The internship programme was made available to eight voluntary participants. The focus was on the personal transformation of the study participants and not on the impact that the programme may have had on the broader society. Although data were collected from the candidate attorneys in the Law Clinic who acted as mentors during the internship programme, I decided to limit the data analysis to the intern participants due to the volume of the data collected.

1.19 Introducing the theoretical framing of the study

1.19.1 Transformative legal education

In response to the debate concerning a lack of theory underpinning legal education, as noted above, (Quinot, 2012) argues that this should be addressed throughout law schools in South Africa. Furthermore, the introduction of the Constitution of the Republic of South Africa in 1996 (the South African Constitution) has brought about a fundamental change to our legal culture; ideally, such a change must be reflected in the legal education curriculum. Quinot states that transformative legal education is what “law teachers can and must do in order to achieve the aims of transformative constitutionalism” (Quinot, 2012, p. 412). He thus proposes a theoretical framework to serve as a basis for teaching law in South Africa (Quinot, 2012). The following section provides a brief account of transformative learning theory.

1.19.2 Transformative learning theory

Jack Mezirow developed transformative learning theory (TLT) in 1975 (Mezirow, 1990; Mezirow, 1997; Mezirow, 2003b). It became the dominant philosophy in adult education (Kitchenham, 2008). Transformative learning is the idea that people see the world through meaning schemes (Mezirow, 1997). These meaning schemes are sets of paradigms, principles, and belief systems that individuals interpret, making meaning of the world around them. Adding these meaning schemes forms meaning perspectives, which act as a lens to see the world. When transformative learning occurs, people's meaning schemes shift, and their former assumptions about the world no longer hold up within their framework.

The emancipatory pedagogy of the internship is underpinned by the theoretical and philosophical assumptions of transformative learning, supported by the theoretical and philosophical underpinnings of emancipation. Through transformation, the interns on the programme create an entirely new meaning scheme. Such transformation is different from the conventional learning the interns had encountered at that stage of their degree. Conventional learning adds new knowledge into an existing meaning scheme, integrating the learning into the existing framework. Thus, beliefs, interpretations, and feelings remain unchanged. In the transformative learning process during the internship, the interns used critical reflection and rational discourse to delve deeper into their experiences and critically evaluate why they view them in the way they do. A more comprehensive discussion of transformative learning theory appears in paragraph 3.6 of Chapter 3 of this thesis.

1.19.3 Emancipatory pedagogy

Emancipatory or liberatory pedagogy (Au, 2007) is founded on the notion that education should fundamentally create a just and democratic society (Nouri & Sajjadi, 2014). Furthermore, emancipatory pedagogy invites students and teachers to critically analyze political and social issues and the consequences of social inequity. It also requires a negotiated curriculum based on genuine dialogue (Au & Apple, 2007) that values social interaction, collaboration, authentic democracy, and self-actualization. Emancipatory pedagogy comprises humanization, critical conscientization, and problem-solving approaches. Humanization requires students to understand their relationship with the world and its position. Critical conscientization entails not merely possessing knowledge but also an understanding and ability to implement it to effect change concerning social justice. A problem-solving approach to learning is considered the opposite of the banking learning model. Learning is not a unilateral process but recognizes the value of students' experiences and perspectives. Students and educators actively engage in the learning process by engaging in dialogues instead of traditional lectures, asking questions, and critically analyzing each other's viewpoints (Aliakbari & Faraji, 2011). Emancipatory pedagogy is based on fundamental principles: education broadens the student's view of reality; education is transformative; education is political; and education is empowering and based on

genuine dialogue. Chapter 3 of this thesis presents a more comprehensive discussion of these concepts.

1.20 Chapter summary and conclusions

This introductory chapter provided an overview of the context and rationale for the study, as well as the research problem, purpose, and objectives. It has also outlined the composition and mandate of the University of KwaZulu-Natal's HC Campus Law Clinic and how the internship programme operated within the broader context of legal education at the UKZN School of Law, highlighting that the internship programme was implemented as an educational activity and did not form part of the formal LLB curriculum.

The chapter highlighted that law schools in South Africa face several challenges related to the LLB degree's quality, goals, and purpose. These challenges include the traditional focus on technical aspects of the law, large student numbers, the articulation gap, and ongoing debates about pedagogy and theoretical frameworks. Despite these challenges, law schools are expected to produce graduates who can critically reflect on their work, apply social justice principles, and understand their responsibilities to the community.

The chapter highlighted that the LLB programme in South Africa is a professional degree that aims to prepare students for entry into legal practice while promoting critical thinking, social justice, and the ideals of transformative constitutionalism. The LLB programme is designed to provide students with a broad education in the knowledge base, theory, and methodology of legal disciplines and the skills to demonstrate initiative and responsibility in an academic and professional context.

The chapter informed the reader that the internship programme under study aimed to provide law students with a critical and transformative learning experience through experiential education and community engagement to prepare them to understand and contribute to the legal system meaningfully and responsibly. Furthermore, the thesis focuses on the role of internships in helping final-year LLB students transition from university to the legal profession. Specifically on how internships focusing on social

justice can help students develop their professional identities and advocacy for social justice. The chapter emphasized that the internship programme can be viewed as a capstone experience, a culminating experience that helps students apply and integrate the knowledge and skills they have gained over their studies. The reader is informed that the thesis will discuss forming a professional identity and its link with social justice and reflections on the implications of producing students who advocate for social justice for law pedagogy.

The chapter highlighted that Law Clinics serve as models for social justice and legal education in South Africa, focusing on providing access to justice and teaching legal skills to law students. It also stressed that the Constitution of South Africa is the driving force for transformation and progress in the country. Legal education is an integral part of this process, with a responsibility on legal educators to instill democratic values and ensure that justice is served through the ethical conduct of future legal professionals.

The chapter introduced the concept of social justice education as a tool for transformation and emancipation that has been widely discussed among law educators, particularly in countries such as India, South Africa, and the United States. The chapter highlighted the belief that change toward social justice is necessary and possible and that legal education can empower students and encourage critical thinking to strengthen constitutional democracy. However, reforming legal syllabi to produce socially conscious and justice-oriented graduates has remained challenging. Also, the reform of the LLB curriculum should prioritize incorporating educational theory, sound pedagogical considerations, and the promotion of ethical values and a critical and holistic approach to legal education to serve the needs of law students better and promote social justice values in the legal profession. The chapter highlights that legal education in South Africa has a complicated history, with past influences of apartheid and ongoing efforts to transform and make it more responsive to societal needs.

The purpose of the study is discussed in this chapter. That is to assess whether the LLB degree programme in South Africa promotes social justice values and whether these values can be learned through the internship programme's transformative and emancipatory learning experiences. An internship programme is a form of work-

integrated learning involving combining academic study with practical experience in a real-world work environment. While the development of practical legal skills is not the main focus of the study, it is mentioned that the interns participating in the programme had the opportunity to develop such skills through their participation in specific practical activities during the internship. The study also references the concept of law graduates being "justice-ready," which suggests a focus on developing values and skills related to promoting justice and fairness in the legal profession. Overall, the study aims to determine whether the LLB degree programme in South Africa effectively promotes social justice values and whether these values can be learned through transformative and emancipatory learning experiences provided by the internship programme while also allowing for the development of practical legal skills through real-world work experience.

The chapter highlighted that the study investigates the effectiveness of incorporating transformative and emancipatory learning theories into the final year law curriculum pedagogy in South African law schools in promoting social justice values in students. Also, the study will use empirical research to provide evidence-based guidance for legal education reform in South Africa. The study will also explore the potential for an internship programme, grounded in theory and guided by evidence, to contribute to developing a signature pedagogy for teaching law in South Africa. Overall, this study aims to contribute to the ongoing efforts to improve legal education in South Africa by providing evidence-based insights on the potential of promoting social justice values through transformative and emancipatory learning theories in the law curriculum and by exploring the potential of an internship programme in developing a signature pedagogy for teaching law.

The internship programme, implemented in 2015, was designed to provide students with some practical experience in legal work but was mainly intended to be transformative and emancipatory. The study aimed to measure the impact of this programme on students' understanding of social justice and how it relates to vulnerable groupings in the community. Overall, the findings of this study suggest that clinical legal education programmes, like the one described, can effectively promote an understanding of social justice and the legal system among law students, mainly when designed to be transformative and emancipatory.

The chapter describes a snapshot of the internship programme for Clinical Law LLB students at the University of KwaZulu-Natal in Durban, South Africa. The programme involved a group of four candidate attorneys serving as mentors and eight law students serving as interns, who were supervised by the UKZN HC Campus Law Clinic's Supervising Attorney and me. The internship aimed to foster a professional relationship between the mentors and interns and provide an ethical learning environment. The programme included activities that exposed the participants to various aspects of social justice related to vulnerable groups in society, including the elderly, children and parties involved in divorce litigation, accused persons and witnesses in criminal courts, parties involved in labor disputes, refugees, needy members of communities, and indigent clients with legal case files at the UKZN HC Law Clinic. The clinic serves the legal needs of needy community members in the Ethekeweni area around Durban.

The chapter sets out the internship programme's structure, highlighting that it aims to provide participants with a transformative and emancipatory learning experience. By exposing them to various aspects of social justice related to vulnerable groups, the programme likely contributed to the participant's understanding of these issues and their ability to provide legal assistance to these groups in the future.

The chapter briefly describes data collection from interns participating in the internship programme through self-administered questionnaires, reflective journal entries, and semi-structured interviews. The reader is alerted that the data collected from the mentors were not included in the analysis due to the large volume of data and the fact that the mentors had more experience working in a social justice environment. The chapter introduced the theoretical framing of the study based on transformative legal education, transformative learning theory, constructivism, and emancipatory pedagogy theory, which will be discussed in more detail in Chapter Three. The internship programme was designed to provide disorienting moments for the interns through the activities encountered. It highlighted that the programme emphasized reflective practice, and the mentors provided member-checking for the data collected from the interns.

The reader is informed that this study on social justice in South Africa focuses on education and legal education. It aims to explore social justice learning by law students.

The scope of the study is limited to certain aspects of social justice and does not include economic inequalities. The study fills a gap in the literature by providing an empirical examination of this topic, and Chapter 4 provides a detailed description of the facets of social justice that the participants encountered.

The chapter highlighted that transformative legal education is an approach to teaching law that aims to reflect the fundamental changes brought about by the South African Constitution and promote transformative constitutionalism. Transformative learning theory, developed by Jack Mezirow, suggests that individuals interpret the world through meaning schemes: sets of paradigms, principles, and belief systems. Transformative learning occurs when these meaning schemes shift, causing individuals to reevaluate their former assumptions about the world. Emancipatory pedagogy is an approach to education that seeks to create a just and democratic society and encourages students and teachers to critically analyze social and political issues and the consequences of social inequality. It values social interaction, collaboration, authentic democracy, and self-actualization and involves humanization, critical conscientization, and problem-solving approaches. It is based on the principles that education should broaden a student's view of reality, be transformative, be political, be empowering, and be based on genuine dialogue. Emancipatory pedagogy is often used with transformative learning theory to promote transformative legal education.

In conclusion, transformative legal education is an approach to teaching law that aims to reflect the changes brought about by the South African Constitution and promote transformative constitutionalism. It is grounded in transformative learning theory and emancipatory pedagogy, which encourage critical analysis, collaboration, and self-actualization to create a just and democratic society.

1.21 Organization of the thesis

This thesis consists of eight chapters. The contents of Chapter 1 are outlined above. Chapter 2 reviews the literature on the LLB in South Africa, clinical legal education, interactive teaching methodology, internships, and reflective practice. Chapter 3 discusses the theoretical and conceptual frameworks that have underpinned this study.

Chapter 4 presents the study's methodology, including the research approach (an exploratory case study), the rationale, ethical considerations, validity, sampling, and data collection and analysis. Chapter 5 presents the participants' transformation at a personal level. The following themes have been identified from the literature, and the theoretical framework in analyzing these themes set out: relating to peers and working in small groups; self-examination and critical reflection; experimenting with new roles and learning new skills; building confidence in new ways and overcoming anxiety; taking action and changing behaviour; identity; and understanding and incorporating new styles of learning. Chapter 6 presents the analysis of the transformation of how participants relate to society on issues of social justice. The following themes have been identified from the literature and the theoretical framework: inequality and vulnerable groups; the role of the attorney in society; the transfer of legal knowledge; and perspectives on social justice. Chapter 7 presents the transformative learning theory from an educator's perspective. The themes that have been identified to analyze this topic are the following: the effect of mentorship; interactive teaching methods; creating opportunities for transformational learning; and teaching technical skills. Chapter 8 discusses the study's findings concerning the research questions, the literature review, and the theoretical framing. It makes suggestions for further research and presents final reflections.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This study is rooted in discussions on the need for South African law students to value social justice imperatives. The argument advanced in the thesis is based on the threshold and benchmark requirements established in the LLB standards document and the transformative nature of the Constitution as set out in paragraphs 1.8 and 1.9 of Chapter 1. Studies exploring how best to teach from a social justice perspective and learn about aspects of social justice are germane to the argument, as are studies concerning teaching for social justice, discussions around social justice pedagogy, critical pedagogy, and the best way to inculcate social justice.

This chapter aims to demonstrate a critical engagement with the works of other writers in these fields. It aims to demonstrate how this study contributes to knowledge on issues of learning social justice and indicates how and to what extent it contributes new knowledge in social justice learning by South African law students. I have divided this chapter into two parts. Part 1 reviews the literature concerning the South African LLB degree from a macro perspective. Part 2 takes a micro perspective, focusing more narrowly on the legal and educational literature relevant to the internship programme under study.

The review in Part 1 explores the state of legal education in South Africa in general and what gave rise to the view that legal education in South Africa is in crisis, indicating how the crisis may be addressed from a broad educational perspective. Part 2 reviews the literature concerning internship programmes, including work-integrated learning, mentoring in legal education, team-based learning, public legal education (PLE) and the pedagogy of PLE, forming a professional identity, and the link to reflective practice. The chapter concludes by reviewing the internship programme as a capstone experience.

Clinical legal education (CLE) is universally related to learning social justice, and references to CLE are frequent in both parts of the chapter. CLE is an interactive

teaching methodology that links experiential learning, the learning of social justice, reflective practice, legal skills, internships, and work-integrated learning (Aiken, 2012). CLE has been described as a critical pedagogy (Bliss, 2014; Evans, 2013; Ho, 2016; Ledesma, 2014) that provides a link to learning social justice and legal skills simultaneously (Evans et al., 2017; Evans & Hyams, 2008; Lopez, 2000; Van der Merwe, 2017).

Overall, this chapter highlights the need for South African law students to value and learn about social justice and explores various approaches and methods. By reviewing the literature on legal education and internship programmes, this study aims to contribute to understanding how best to teach and learn about social justice in the South African context.

2.2 Part 1

2.2.1 Legal education in South Africa

2.2.1.1 Legal education in crisis: A broad perspective

An LLB summit initiated by the South African Law Deans Association (SALDA) was held on 29 May 2013. The stakeholders included the Law Society of South Africa (LSSA) and the General Council of the Bar (GCB). The summit's purpose was to address the challenges related to the LLB degree programme. "The root causes of the crises" were examined, and recommendations were made to improve the degree (Dicker, 2013, p. 15). It was noted that in 1998 the length of the LLB degree had been seen to impede those who did not have the financial resources to enroll in a postgraduate LLB programme; it was then decided that the period for degree studies should be shortened to four years in order to open the doors for students from previously disadvantaged communities. However, the summit in 2013 aimed to evaluate the four-year degree to determine if it was achieving the goals set when it was introduced (Van Niekerk, 2013). This section examines the debate more closely.

Legal education in South Africa has undergone two major transformations, the first being the introduction of the four-year LLB degree in 1998. The second major

transformation in thinking took place in 2015, with the #feesmustfall and the #rhodesmustfall student protests. These protests entailed demands for the decolonization of higher education curricula, a break from a Eurocentric heritage, and the epistemological viewpoints of legal systems (Batchelor et al., 2021; Campbell, 2019; Coleman, 2021; Makore & Lubisi, 2021; Mitchell, 2020). In response, the literature again called for a transformative LLB curriculum (Greenbaum, 2020), highlighting the need for a continuous renewable programme and a shift to a more critical pedagogy and approach to legal education in South Africa (Bauling, 2017; Fourie, 2016b; Modiri, 2013; Modiri, 2014, 2016; Quinot & Van Tonder, 2014; Robertson & Kruuse, 2016; Smith & Bauling, 2013). It also emphasized the need for the LLB curriculum to adapt to a changing social and political landscape, which included globalization and the needs of a new generation of students (Quinot & Greenbaum, 2015).

Quinot (2012) suggests the following changes in the approach to legal education (Quinot, 2012, p. 432):

If we are serious about societal change grounded in law in South Africa, law teachers must consciously assume their role in the transformative project. We must acknowledge that the way we go about teaching law will shape the next generation's perception of law and its role in this country... Seventeen years into our democracy, I think it is high time that we as law teachers start to ask critically what we are doing in our classes to further the cause of the Constitution's 'enterprise of inducing large-scale social change through nonviolent political processes grounded in law' towards a 'society based on democratic values, social justice and fundamental human rights'.

Since legal education relies heavily on the exposition of the law in textbooks, Davis (2015) examines how textbook authors have taken the Constitution's transformative nature into account when setting out the law (Davis, 2015). He concludes that little attention was paid to the influence of the Constitution in core areas of the law. Davis further comments that the Constitution, particularly the Bill of Rights, should radically alter the primary manner of teaching the law, especially for the law of delict and the law of contract. Other scholars have expressed similar sentiments, including Zitzke

(2014), writing on the teaching of delict in South Africa (Zitzke, 2014), and Coleman, who wrote more recently on the law of contract and the concept of contractual freedom in South Africa (Coleman, 2021) and the teaching of human rights in South Africa (Mubangizi & McQuoid-Mason, 2020).

As early as 1998, the South African legal culture prevailing in South Africa had been described as conservative (Klare, 1998), and the need for a critical approach to legal education had been called for (Van Marle & Modiri, 2012). The legal culture was described as comprising professionalism, sensibilities, habits of mind, and intellectual reflexes. Legal education was considered to remain firmly in the grip of restricted jurisprudence (Klare, 1998), focusing on black letter law (J. Modiri, 2013) with little or no reference to the broader historical and social context in which the law operates (Modiri, 2014). These scholars found that most law courses focused exclusively on the law as an exercise in technical rule application structured around current legal principles. When teaching law students what the law or legal principle ought to be, there was less focus on the broader normative considerations. It was suggested that philosophical questioning of the law should be fostered, including doctrinal critiques of court judgments or procedural flaws in the letter of the law.

The conservative approach reasserts and maintains law and legal rules as coherent, determinate, and predictable; the argument is that legal education focuses primarily on how legal education serves the needs of the legal profession and the judiciary rather than contributing to a jurisprudence suited to the legal, social and political transformation of South Africa (Smith & Bauling, 2013). While social-legal (law in context or law as policy), comparative, and traditional legal historical approaches have begun to circulate in law schools, these are often used to supplement and strengthen a doctrine-based or formalist approach. Law courses with a broader approach to social and political transformation remain marginal to the law schools' broader traditional and formalist culture and orientation (Greenbaum, 2012a).

There is a connection between how students are assessed and examined in a pervasive legal formalist culture. The tests, assignments, and examinations that students frequently have to complete not only correlate with the rote learning to which they are exposed in the classroom but also perform the ideological function of making

students believe that only one of the many legal choices and interpretive possibilities available in any legal scenario takes precedence. Therefore, legal education in South Africa conforms to a black letter teaching model, focusing mainly on the law as rules and procedures. This formalistic legal education, as it stands, highlights two areas of concern. Firstly, legal education requires students to memorize and learn by rote and does not take the necessary steps to foster practical skills and training. Secondly, formalistic legal education treats the law as a neutral entity without a political perspective (Modiri, 2014).

Teaching legal education in a vacuum creates the impression that the legal system is a set of coherent legal principles and that issues outside this scope do not have a place in a legal argument. Where teaching consists of presentations by an expert in the law for students to absorb the information passively, this relationship between expert and amateur entrenches hierarchy. The lack of open engagement with substantive values in justifying legal outcomes highlights the disconnect between the prevailing legal culture in South Africa and the Constitution's commitment to social change (Henrico, 2016). The legal profession is still highly conservative, despite our Constitution's "substantively post-liberal and transformative aspirations". By implication, it means that South African lawyers instinctively rely on a legal methodology that places "relatively strong faith in the precision, determinacy, and self-revealings of words and texts" and that the interpretation of the text is "highly structured, technicist, literal and rule-bound" with little emphasis on values and policy (Klare, 1998, p. 168).

In more recent legal and educational literature, more calls are increasingly being made for inculcating critical thinking skills in degree programmes (Snyman-Van Deventer, 2019b; Van der Merwe, 2017; Van Marle & Modiri, 2012). The lack of critical thinking skills has been highlighted in the following manner by the CHE report (Council for Higher Education, 2018) on the state of legal education in South Africa in 2018⁴⁸:

Half of all faculties/schools of law inculcating critical thinking skills are found to be, in one way or another, deficient in this regard. The deficiencies recorded

⁴⁸ South African Council on Higher Education 2018:35-36

include:

- Lecturers not encouraging students to participate in critical class discussions.
- Unresolved issues of students struggling to adapt to robust class participation.
- Examinations and other assessments being weighted toward rote learning - rather than independent thinking, and the critical analysis of legal knowledge.
- Modules that are focused exclusively on content at the expense of a critical examination of the law.
- The efficacy of inculcating these skills cannot depend solely on special initiatives and modules (although such measures can play a valuable role) - but on critical thinking being imbricated in the fibre of every module.

The essence of the LLB degree is so closely interwoven with independent and critical thinking that remedying lacuna in this respect must be given priority. Even those law schools which were found to pay sufficient attention to this skill show room for improvement.

2.2.2 Introduction of the uniform four-year LLB degree in 1998 in South Africa

This section focuses almost exclusively on the issue of the length of the four-year LLB degree offered by South African law schools. One important ongoing debate in legal education in South Africa since 1997 surrounds the question of whether the undergraduate four-year law curriculum serves its purpose in preparing law graduates for the legal profession (Dicker, 2013; Dlamini, 1992b; Greenbaum, 2010a, 2010b; McQuoid-Mason, 2006b; Quinot & Van Tonder, 2014; Quinot & Van Tonder, 2014; Sedutla, 2013; Smith, 1997; Van Niekerk, 2013). This debate was introduced in paragraph 1.4.4 of Chapter 1, where the divergent views on the purpose of the LLB degree were highlighted.

The decision to implement the four-year LLB programme in all law schools in 1998 was based on the following principles:

South African law exists in and applies to a pluralistic society; students should acquire skills appropriate to the practice of law during their degree, and law faculties should strive to promote ethical values in their students (McQuoid-Mason, 2013, p. 166).

However, some scholars listed below believed that the four-year LLB was not based on sound pedagogical principles and that no proper research on the curriculum had been undertaken before introducing the new degree. As early as 1997, one author advanced the argument that there were no convincing arguments for implementation (Smith, 1997). Smith expressed the view that more time is needed to complete the LLB in South Africa, as our sophisticated constitution requires additional interpretive skills to be developed, especially given the failure of the primary education system in South Africa (Smith, 1997). Some authors in legal education (Greenbaum, 2010a, 2010b; C Van Niekerk, 2013) reconsidered the four-year degree structure. It was argued that while law students should have extensive knowledge of legal principles, critical thinking, and research skills, they should also be able to engage with constitutional values critically (Greenbaum, 2014). They should thus have knowledge and appreciation of the values enshrined in the Constitution, and whether these competencies can be developed within four years was questioned (Fourie, 2016a).

2.2.3 The sufficiency of the four-year first-degree LLB programme according to the CHE⁴⁹

In 2018 the CHE conducted a review of the four-year first-degree LLB programme and found that it was not fit for purpose to substantively meet the requirements set for legal education in the LLB Standards. The following factors, based on evidence in the Self-Evaluation Reports (SERs) and indicated by the review panels, support this view:

⁴⁹ South African Council on Higher Education 2018:50.

- the sheer amount of work that needs to be covered in a modern law curriculum
- the complexity of the work
- the bias found in some curricula toward one or more areas of law at the expense of others due to lack of curriculum space
- the need for the constant and substantive inculcation of the graduate attributes listed in the LLB Standard
- the lack of curriculum space for discipline-based (rather than skills-based) non-law modules, a concern all the more serious in the post-1996 constitutional era in South Africa, because of the crucial need for students to appreciate the social, economic and political realities within which law and its underlying constitutional jurisprudence is embedded
- evidence that students who register for the LLB degree after having completed a first degree are more successful than those who register for the LLB degree as a first-time entering student.

A factor that plays a role in the debate as to whether the four-year LLB sufficiently prepares graduate law students to enter the world of legal practice is the low percentage of students who complete the degree in four years (Dzedze, 2017). Increasingly more calls have been made to return to the LLB degree as a post-graduate degree (Maphosa & Nhlapo, 2020).

2.2.4 Providing context in legal education

2.2.4.1 Context

The lack of critical and transformative methods of teaching community engagement to law students (Greenbaum, 2012a) obscures their understanding of the agenda of law and the social context in which law is practiced and operates (Robertson & Kruuse, 2016). In other words, law students do not see the law in its broader context (Steel, 2013). Understanding social justice issues is vital to appreciate the national or societal context (Watson, 2010). Matambanadzo (2006), expressing the view that the culture and practice of legal education dehumanize and potentially render law students one-dimensional, calls for Freirean reforms and mandatory clinical education to ensure that

legal education is a multidimensional orientation to law and social justice (Matambanadzo, 2006). Similar calls have been made with regard to teacher-student relationships (Bartlett, 2005; Freire, 2000).

Cody and Gibson sum it up as follows:

There is an ongoing debate in law schools as to whether the focus of teaching law in clinical mode should be to produce students with highly developed technical skills who can do well in the legal profession/industry or whether the resources allocated to teaching should be directed to social justice outcomes (Cody & Gibson, 2018, p. 24).

2.2.5 A change in legal culture reflected in legal education: A paradigm shift

2.2.5.1 Ways to implement a paradigm shift

The South African Constitution has brought about a fundamental change to our legal culture, and this change must be reflected in legal education, focusing on constitutional principles such as human rights and fundamental social justice. Quinot argues that incorporating fundamental principles of justice into the legal curriculum could be part of a specific module or a curriculum component, reflecting a paradigm shift related to constitutional norms and principles related to the Constitution (Quinot, 2012). Without such a paradigm shift, law students will not be sufficiently aware of the need for social justice principles and will view law only as a tool to maintain the status quo. Analysis of the participants' views on when and how to introduce social justice into the LLB curriculum appears in paragraph 5.7.4 of chapter 5.

A paradigm shift brings about new ways of approaching and thinking about a particular problem irrespective of its scale (Applefield et al., 2000; Barr & Tagg, 1995). For example, the constitutional principles in respect of property rights (including current issues of expropriation of land without compensation) call for property law modules to be presented not merely as black letter law but also concerning social, political, and legal debates surrounding the law of property. Ignoring context is fatal to transformation, as the curriculum will maintain the status quo (Quinot, 2012). Law

educators need to focus on the context in which the topic is taught and highlight the connections between different modules within the LLB curriculum, making connections between law and other disciplines, including but not limited to political science, sociology, and social work. Emphasizing the context is vital for transformative constitutionalism as it will allow the students to consider factors that fall outside the ambit of black-letter law and, of necessity, allow them to consider the legal system within a broader South African social context.

This study aims to provide one way of providing context in legal education. As stated previously, a final-year law student is transitioning to law practice, and an internship programme is well-positioned to provide a capstone experience that can consolidate and provide context to previous learning. These discussions form part of the justification of the study. In paragraph 2.3.9 below, the internship programme under study is discussed as a capstone experience. The programme demonstrates that a paradigm shift is indeed possible in South African legal education.

2.2.6 Law modules in isolation: Transfer of legal knowledge

It is pedagogically unsound to consider law modules as distinct parts in isolation. When encountering new legal knowledge in a particular module in the LLB, students should be able to connect them with other areas of law they have covered before (Kowalski, 2010). Making connections with new knowledge will enable students to acquire the knowledge in a broader context, and they will, of necessity, move towards a culture of justification and a move away from the culture of authority and precedent (Quinot & Greenbaum, 2015). Thus, the validity of an argument will be based on a normative justification and not merely on precedent and authority. The internship programme facilitated connections between different law areas in the legal system (Maranville et al., 2015). It is linked to the LLB standards document under the heading “transfer of acquired knowledge” (Council for Higher Education, 2015, p. 14).

Furthermore, the law should be taught as a single flowing whole, not in distinct elements independent of each other. Achieving such an integrated approach emphasizes the links between different parts of the curriculum. Ideally, this integrated

approach requires a teaching method to break down the walls created by teaching content in separate modules (Van der Merwe, 2017).

The law curriculum should also be taught with the whole of the curriculum in mind. It should be borne in mind how the law curriculum modules relate to and connect with other modules to form part of the social context of the law. Collaborating and communicating with other staff members is necessary to present material in a non-atomized way (Barr & Tagg, 1995). From a student perspective, enabling small group discussion and rigorous opinion testing helps foster forming and defending opinions and thoughts.

2.2.7 Practice-ready law graduates internationally and in South Africa

There is tension between various forces steering South African legal education in different directions, and this emphasizes the point that the curriculum is a contested issue. This tension has been discussed in the international legal literature for years (Edwards, 1992). There is tension between, on the one hand, a university seeking to educate students holistically as critical-thinking students (Cody & Gibson, 2018) and, on the other, the demands of the legal profession, which expects law students to be immediately ready for on entering the profession (Biggs & Hurter, 2014; Dzedze, 2017; Van Niekerk, 2013). Different styles of content require different teaching methods. Dednam (2012) pays particular attention to contextual challenges and the factors that might influence how the content is taught (Dednam, 2012). The suggestion is that we can only sketch the contours of pedagogy (Quinot & Greenbaum, 2015), not prescribe methods that might be entirely unsuitable (Shulman, 2005). This approach implies that educators must think about what they teach and then justify how they teach it. Transformative legal education demands a transformation of legal pedagogy (Quinot & Greenbaum, 2015).

2.2.8 Challenges in the implementation of transformative legal education

While there would be many benefits in transformative legal education pedagogy in South Africa, it is apparent that it is challenging to implement such a pedagogy. This type of teaching will require more human resources, which is difficult in a context

strapped for funding. Such an approach would ideally involve having smaller groups of students, an even more problematic requirement given the current focus on facilitating access to higher education by admitting more students and producing under-skilled graduates (Dednam & Dednam, 2012).

2.2.9 Factors I considered when developing the teaching philosophy and pedagogy to underpin the internship

The balance of this chapter will deal with the factors I considered when planning the internship programme. The account includes a discussion of the philosophical, theoretical, and practical approach that could best explore the critical research questions in paragraph 1.18.2 of Chapter 1 and ties in with the purpose of Part 1 of this chapter as set out above.

2.2.9.1 Implementing a paradigm shift in legal education

I base the teaching rationale of the internship programme on the aspiration of moving from legal education to social justice education to align with a critical pedagogy (Klare, 2011) and critical theory (Johnson, 2005). Moving from a teaching perspective to a learning perspective (Barr & Tagg, 1995) calls for a paradigm shift in legal education. Another way to describe the paradigm shift is from legal education to legal education in the interests of justice (Wizner, 2001) or forming lawyers for justice (Cody, 2020).

Quinot proposes a new theoretical framework to teach law in South Africa, as mentioned in the previous chapter. He argues that teaching law in South Africa has been devoid of educational theory and proposes a theoretical framework that he calls “Transformative Legal Education.” This new theoretical framework, coupled with the impressions I formed during a Social Work internship I participated in in 1983, formed the genesis of an internship programme within the UKZN HC Campus Law Clinic. A closer examination of this aspect appears in the section on my positionality in paragraph 4.2 of Chapter 4. However, using transformative learning theory to produce justice-ready law graduates is not unique to the South African legal education landscape nor internationally (Aiken, 2012),

with the most recent international literature focusing on the formation of lawyers for justice (Cody, 2020) and the role of supporting social justice through student supervision practices (Giddings, 2018). Chapter 8 addresses whether implementing a social justice orientation internship can make a paradigm shift possible in South African legal education.

2.2.10 Balancing competing interests in legal education at a transforming law school in South Africa

Quinot summarises TLE in three points. First, he highlights the culture of constitutionalism that we should be embracing, which was discussed in more detail earlier in paragraph 1.9 of Chapter 1. By implication, embracing this culture requires a paradigm shift. Legal culture remains a traditional authority culture, a hallmark, and a relic of the apartheid era. The predominant legal philosophy of positivism that has permeated the legal system in South Africa is discussed further in paragraph 3.2.1 of Chapter 3 and in the section on my positionality in paragraph 4.2 of Chapter 4.

However, the law can no longer be seen as a wholly independent science (Modiri, 2013) under the Constitution. Legal reasoning can no longer only focus on textual interpretation seeking an objective meaning. Instead, the focus of reasoning must be justification for assertions made. No point can stand on its own without justification. This justification necessarily focuses on the context of the law (Quinot & Greenbaum, 2015).

Context is the second leg of TLE, which is about learning philosophy and what Quinot suggests is the best philosophy for legal education reform, namely, “constructivism.” Quinot summarises this: “Constructivism tells us that we learn by assimilating new experiences into our existing knowledge framework” (Quinot & Greenbaum, 2015, p. 35). This idea is that new knowledge is produced by drawing connections between existing knowledge and new experiences. When encountering a new experience, the student engages with it, which reshapes their knowledge (Kerka, 1997). This approach is also in line with the sentiment expressed in the LLB standards document that an LLB graduate must be able to transfer legal knowledge, as discussed in Chapter 1. In a learning community, the experiences gained are experiences in the community,

providing a richer experience. Teaching then becomes a matter of facilitating knowledge construction rather than imparting knowledge by an expert to amateurs (Al-Huneidi & Schreurs, 2011; James et al., 2018; Jones & Brader-Araje, 2002; Schwartz, 2001; Taber, 2011; Yilmaz, 2008).

The last aspect of TLE is how the construction of knowledge is changing and how teaching should be done (Quinot & Greenbaum, 2015). Because of the influence of digital technologies, new knowledge is more fluid and can be received more quickly than in the traditional, more formalistic, structured way. A TLE approach implies that teachers must think about teaching and then justify how they teach. They need to introduce the students to new knowledge and experiences. TLE demands a transformation of pedagogy. This approach ties in with the culture of justification ushered in by the Constitution. The internship programme provides a model for incorporating this approach into teaching law in South Africa.

2.2.10.1 Authentic learning

During authentic learning, a student is no longer the passive recipient of knowledge but an active doer, confronting a complex real-world problem from multiple perspectives and considering many possible solutions (Kam et al., 2012). Authentic learning is thus experience-based rather than facts-based: authenticity refers to the authenticity of the experiences. Authentic learning is the idea that students learn best when put into a complex problem-solving environment (Bain, 2004) and forced to draw on their knowledge to find a solution (Struyven et al., 2006). In line with this, the internship aimed to provide authentic learning experiences (Schwartz, 2013) for the study participants and to foster a commitment to engage deeply (Kift, 2008; Snyman-Van Deventer, 2019a) with the activities and tasks they encountered during the implementation of the internship programme (James, 2004).

2.2.11 Meeting the pedagogical challenge of a “crisis” in legal education in South Africa

In order to address the concerns raised under the heading “Challenges for law schools in South Africa regarding the quality, goals purpose of the LLB degree” in paragraph 1.3

of Chapter 1, the following suggestions may provide some answers. All courses should include a more practical component (e.g., contract students should see real contracts; succession students should see actual wills, civil procedure students should draft pleadings). Clinical law interactive teaching methods should be used instead of the popular but mostly ineffective lecture method (Struyven et al., 2006). Classes should include a description of the legal content and a discussion of the law's policy and the conflicting values involved; an interactive teaching strategy should be employed, and relevant, practical advice regarding implementing the relevant law should be provided. As recent literature suggests, this approach will actively engage students (Barkley & Major, 2020). Pertinent for this study is the distinction between passive and participatory teaching methods as participatory learning plays a role in social justice education (Wright, 2015). In support of the considerations above, I had regard to but did not rely on, the learning pyramid (Letrud & Hernes, 2018).

The following section examines CLE, which will be dealt with further in Part 2 of this chapter.

2.2.12 Clinical legal education

2.2.12.1 Implementing the internship programme in the UKZN HC Law Clinic

A snapshot of the internship programme was provided in paragraph 1.6 of Chapter 1, and this section elaborates on the considerations that led me to implement the internship programme at the HC Campus Law Clinic. The decision to implement the internship programme at the Law Clinic instead of at an organization external to the university setting came about for several reasons. The first reason was the Clinic's link with the Clinical Law module and CLE, also described as experiential learning (Van der Merwe, 2017). The second reason was that all the study participants were Clinical Law students, and the Law Clinic's activities are linked to social justice (Byron, 2014a; Du Plessis, 2008; Nicholson, 2016). The third reason was the recognition of CLE as critical pedagogy (Bliss, 2014).

The central goal of clinical legal education has been to provide professional education in the interests of justice, teach legal skills, provide access to justice, and instill ethical

values in law students (Barry et al., 2011; Bliss, 2014; Byron, 2014b; Cody, 2015; De Klerk, 2005; Levy-Pounds & Tyner, 2008; Meghdadi & Nasab, 2011; Wilson, 2003). It aims to teach students to employ legal knowledge, theory, and skills to meet individual and social needs. The result should instill in students a professional obligation to perform public service (Gambrell, 2016), challenge opportunism (Bloch & Prasad, 2006), and promote social responsibility (Prasad, 2005).

The combination of exposure to social justice issues and clinical legal education (CLE) means that students not only acquire lawyering skills but the essential values of the legal profession, namely: professionalism in respect of competent representation; the promotion of justice and fairness; a moral code of conduct; and the need for continuous improvement and advancing of the profession and professional self-development (Bloch & Prasad, 2006).

As early as 1973, McQuoid-Mason addressed access to justice in South Africa and the transformation of South African law schools by establishing a law clinic at the University of Natal (McQuoid-Mason, 1999, 2000; McQuoid-Mason, 1982, 1985) and, in particular, by introducing community service in clinical law and social justice programmes (McQuoid-Mason, 2003, 2017; McQuoid-Mason, 2005). In acknowledging the importance of certain aspects of the welfare state and the need to give preferential treatment to disadvantaged members of society, social justice is recognized in the South African Constitution, particularly in section 9 (2). In South Africa, university law clinics attempt to teach law students to assist indigent persons in enforcing their justiciable socio-economic rights as set out in the Constitution.

The teaching methods for the four-year LLB curriculum have continued unaltered from the traditional approach since its inception in 1998. The approaches have remained theoretical, with a community engagement component as an “add-on” activity (Mubangizi & McQuoid-Mason, 2020). There is popular discontent among legal academics and practitioners regarding the content and design of the LLB curriculum in South Africa (Pickett, 2010). The absence of critical and transformative methods of teaching community engagement for law students obscures their understanding of law in the social context in which it is practiced and operates. The implicit acceptance of the knowledge provided renders them uni-dimensional lawyers (Matambanadzo,

2006), unable to demonstrate civic responsibility and not instinctively responsive to community engagement.

There is an extensive body of practical information concerning the merits of community engagement for justice education (Askamovic & Genty, 2014; Barry et al., 2011; Bliss et al., 2017; Bliss & Chinvinijkul, 2014; Bloch, 2013; Bloch, 2008; Kosuri, 2012) and the specific impact of such programmes on the social and personal transformation of students and educators (Pavlovich, 2007) as well as on the formation of a professional identity (Sullivan, 2018). In particular, in South Africa, there is a need to understand social justice in context (Watson, 2010). While many authors argue that there is an apparent lack of will to commit to their duty to society in many universities (Hlengwa, 2010) (Waghid, 2002) (Nicotera et al., 2011), this approach can be fostered among undergraduate students in law clinic sessions (Allen et al., 2012).

Traditional pedagogy is no longer appropriate for teaching law in this country and requires a shift towards a constructivist-centered teaching model (Greenbaum, 2012b; Quinot & Greenbaum, 2015). This study's rationale for using clinical teaching methods is that clinical teaching methods are student-centered, interactive, and reflective, unlike the traditional lecture approach (Xing-ju et al., 2013), described as the "banking method" (Bartlett, 2005, p. 345). The effectiveness of lectures have been questioned and there is an ongoing debate regarding this way of teaching students (Bain, 2011). Instead, the student-centered, interactive, and reflective teaching methodology that characterizes clinical legal education is overwhelmingly more effective, as evidenced in the literature described above. It also promotes creating a natural critical learning environment (Bain, 2011).

2.2.13 The academic component of clinical legal education in the LLB degree

The essential characteristics of clinical law programmes are explained in this section. Students are exposed to real-life situations and the practical aspects of the legal profession while working to solve legal problems in the law clinic under the supervision of clinical supervisors. By experiencing clinical legal education as experiential learning, law students gain practical skills and deliver legal services in a social justice context. They do this by interacting with clients or one another to identify and resolve legal

issues and are subject to critical review by their lecturers or peers. Clinical legal education enables law students to play an active role in learning and experiencing how lawyers operate in real-life situations.

In fully integrated clinical legal education programmes, law students receive academic credit for their work and are assessed as in any other law course. The academic component of these programmes involves attending lectures or interactive seminars and classes on the types of legal problems faced by the clinic's clients. The focus is on skills training and evaluation of students according to the faculty's academic rules. They might be required to write tests or assignments to ensure they know the topics covered. The challenge confronting traditional clinical legal education programmes is balancing the academic component during the law degree with the need to provide legal services to poor and marginalized clients in the HC Campus Law Clinic. Academics are conflicted between the legal profession's contesting demands that desire "practice-ready" lawyers to emerge from universities and the daily challenges in lecture rooms. The legal profession's transformation is crucial to South Africa's broader political, social, and economic transformation.

2.3 Part 2

Part 2 of this chapter narrows the focus to a micro level and introduces links to the internship programme.

2.3.1 Experiential learning

Experiential learning is linked closely to the pedagogy of the internship, the theory that learning is most effective through experiences (Ogilvy & Stuckey, 2007; Stuckey, 2007; Thomson, 2014a). The following definition of experiential legal education allows law teachers to interrogate whether their teaching practice can be classified as experiential (Thomson, 2014a):

The term "Experiential Learning" refers to methods of instruction that regularly or primarily place students in the role of attorneys through simulations, clinics, or externships. Such forms of instruction integrate theory and practice by

providing numerous opportunities for students to learn and apply lawyering skills as they are used in legal practice (or similar professional settings). These learning opportunities are also designed to encourage students to begin to form their professional identities as lawyers, through experience or role-playing with guided self-reflection, so that they can become skilled, ethical, and professional life-long learners of the law (Thomson, 2015, p. 419).

Experiential learning is about learning through real-life (or at least simulated) experiences (Kolb et al., 2009). The importance of transformative learning is that it creates an opportunity to apply the knowledge gained in theory, reflect on the experience, and build further learning. The internship programme under study created the ideal circumstances for the transformation of law students (Thomson, 2015) and is likely to be a valuable model for fostering student transformation, enabling students to develop effective strategies to challenge human rights abuses and advance social justice in their context and their communities (Thurston et al., 2017). These strategies are labour-intensive and demanding but potentially helpful and applied more widely than human rights education, such as medical education (Yardley et al., 2012). The internship is a practical application of constructivism (Taber, 2011; Yilmaz, 2008), creating new knowledge through the experiences encountered during the implementation of the internship. The acquired knowledge can then be tested and refined through subsequent experiences. This type of education necessitates participation and engagement with the material.

2.3.2 Internships and Work-Integrated-Learning (WIL)

The LLB standards do not require WIL to be a compulsory component of the LLB,⁵⁰ and little to no focus on internships and WIL appears in South African legal education literature. It is, therefore, fair to claim a gap related to this aspect in such literature. This section will examine the concept of WIL in the context of higher education in South

⁵⁰ The document stipulate that the LLB degree programme may contain a component of work-integrated learning.

Africa⁵¹ (Jonck, 2014; Nduna, 2012; Ohei et al., 2019; Winberg et al., 2011) and internationally (Abeysekera, 2006; Bates, 2008; Kibble, 1998; McNamara, 2009a, 2009b; McNamara et al., 2009b; Trede, 2012). Next, the notion of the internship is defined, and the link between internships and WIL is described.

The main focus of this section is on legal internships as they are presented in the literature, including their learning objectives, learning activities, and the design of legal internships. First, internships are placed in a legal context, and their design principles are considered. The focus then shifts to the internship programme under study, examining its design, aim, focus, and learning objectives. Finally, the difference between this internship and those discussed in the literature is explained, highlighting the contribution of this study to the literature on internships and WIL in a South African context.

2.3.2.1 The internship programme as a type of WIL in Higher Education

Abeysekera (2006) defines various work-integrated learning approaches in higher education in a study conducted in an Australian context and related to an undergraduate accounting programme (Abeysekera, 2006). Nevertheless, his findings have general application in higher education. The most appropriate way to define the internship programme under study is as service learning:

Service-learning is any carefully monitored service experience in which the student has intentional learning goals and reflects actively on what is being learned throughout the experience. These programs are intended to develop research, critical thinking, and interpersonal skills through participation in public service (Abeysekera, 2006, p. 13).

The internship in this study was implemented in the UKZN Law School at the HC Campus Law Clinic. The participants were all final-year Clinical Law students. It was a

⁵¹ WIL is used as an umbrella term to describe curricular, pedagogic and assessment practices, across a range of academic disciplines that integrate formal learning and workplace concerns according to the CHE in HE Monitor no 12 published in 2011 on page 4.

carefully monitored service experience with intentional learning goals: to develop research, critical thinking, and interpersonal skills and broaden their understanding of social justice in a public service context. The internship participants actively reflected on what they learned and experienced. Thus the internship programme fits the description of a service-learning⁵² work-integrated-learning experience as defined above by Abeysekera (2006) and by the description in the glossary of terms provided by the CHE in their good practice guide on work-integrated learning in South African higher education (Winberg et al., 2011).

2.3.2.2 WIL in the undergraduate law degree in the international arena

Macnamara describes work-integrated learning in an undergraduate law degree as follows:

Work experience integrated into an undergraduate law degree has a vital role in assisting law students to develop the skills and attributes they need to be effective legal practitioners. Work-integrated learning provides a context for students to develop their skills, see the link between theory and practice, and support students transitioning from University to practice. (McNamara, 2009b, p. 229).

WIL provides the context for law students to develop skills and see the link between theory and practice and the context for a student transitioning from university to practice. WIL also significantly prepares students for professional practice and increases their employability (Cantatore et al., 2020; Jonck, 2014; Kibble, 1998; McNamara et al., 2009b). This debate links to the debate on the primary function of a South African law school and whether such a primary function is to provide an academic qualification or prepare a law student for practice (Campbell, 2014). Work-

⁵² Service learning: is a structured learning experience that combines community service with preparation and reflection. Students engaged in service-learning provide community service in response to community identified concerns and learn about the context in which service is provided, the connection between their service and their academic coursework, and their roles as citizens. This is according to the CHE in HE Monitor no 12 published in 2011 on page 76.

integrated learning objectives will assist students in adjusting to their role as professionals, becoming better legal problem solvers, developing interpersonal and professional experience, and learning from experience (Ogilvy & Stuckey, 2007; Stuckey, 2007). Work-integrated learning plays a crucial role in preparing students for the stresses of legal practice because it strongly emphasizes reflection, which assists students in developing their self-awareness and emotional intelligence (James, 2005). Australian clinical legal education programmes have tended to follow a community service model and emphasize social justice and ethical issues mainly due to the professional staff employed in the clinics (Giddings, 2003).

2.3.2.3 Challenges in WIL legal internships

Large final-year classes present a significant challenge in providing work-integrated learning experiences for law students. Internships are a form of work-integrated learning in which students complete placements in law clinics or external offices for university credit (Ledesma, 2014). It amounts to monitored work experience undertaken by students, reflecting on what is learned (McNamara, 2009b). McNamara cites the US model of legal internships with responsibility for learning falling mainly on the student, who must submit reflective journals, time logs, supervisor evaluations, and work products; interns also collaborate with academic supervisors. She emphasizes the importance of reflection, which she describes as the component of internships that turns experience into learning. However, McNamara (2009) notes that clear guidelines must be set concerning the work undertaken and workplace supervisors' qualifications, indicating that the unit objectives should reflect the subject's goals, including reflection, capability, the theory-practice nexus, career planning, and professionalism.

McNamara also points out that internships are “increasingly important in undergraduate law courses because it is generally agreed that the basic function of a law school is to prepare its students for the practice of law.” She believes that procedure and method are just as essential to the law as content and that a lack of education in this area results in underprepared graduates who become susceptible to mental illness due to being ill-equipped to handle the pressures and tasks required in the field. McNamara et al. assert that work-integrated learning is essential to becoming a competent legal practitioner. The authors state that internships:

Help students adjust to their roles as professionals; become better problem solvers; develop interpersonal and professional skills, and learn how to learn from experience (McNamara et al., 2009a, p. 1).

This eases the transition from university to legal practice. Many law schools are reluctant to add internships, particularly at law clinics, to their standard curriculum as they are resource-intensive programmes that require close academic supervision, community organizations, and government funding. Furthermore, the academic supervisor's lack of complete control of the workplace could result in discrepancies between learning objectives and what is taught (McNamara et al., 2009a). In addition, legal practitioners may not be prepared to supervise and guide students, nor may they have the time or skills to assess their performance; this also calls the academic integrity of the internship programme into question (Blanco & Buhai, 2003). Finally, internships may not be available to all students with large classes, resulting in inequitable access (Backman, 2006). The authors suggest that this problem could be overcome by transforming legal clinical teaching methodologies into simulations or engaging with other organizations to provide externships.

Givelber et al. note that academics have raised the following concerns about internships:

Supervisors are not heavily monitored by a school-based educator: that the work is trivial, repetitive, and simplistic; that the quality of supervision is poor; and that the work lacks an 'educational' focus." In addition, because firms consider students as "free help", the latter are given menial tasks like filing or making coffee, requiring little skill and learning. (Givelber et al., 1995, p. 7).

However, the authors maintain that the workplace is the best environment for legal training. While law professionals have expressed valid concerns regarding the value and logistical implementation of legal internships, this review of the scholarly literature has shown that practical legal training is necessary and that ways have to be found to achieve it.

2.3.3 Mentoring and supervision

2.3.3.1 Introduction

Mentoring and mentoring programmes in higher education have received much attention worldwide, and a documented and well-established body of knowledge exists on the benefits for mentees and their mentors (Ehrich et al., 2004; Garvey et al., 2017; Kay & Hinds, 2012; Parson & Ozaki, 2020). Mentoring in legal education has also received attention in the international literature (Hamilton & Monson, 2011; Hoffmann, 2007) and, more recently, in the South African clinical legal education literature. The legal education literature shows that mentoring is mainly used by professional staff who mentor candidate legal practitioners in law clinics (Haupt & Mahomed, 2008).

In the clinical law framework of legal clinics, supervision and mentoring can be essential for the educational progress of law students. Providing mentoring opportunities for clinical law students is an effective way of refining their professional behavior and making them aware of the professional risks associated with legal practice (Giddings, 2014). A mentor can play a vital role in molding future ethical and professional lawyers. Mentoring programmes can facilitate the development of law students in the law profession. The mentoring programme should be structured towards a relationship in which a more experienced or knowledgeable person helps guide a less experienced or knowledgeable person (Van der Merwe, 2017, 2020).

As many clinical law students in South African law schools may not have previously worked in a law firm or a law clinic, the initial exposure may be overwhelming and challenging. Therefore, a mentor's assistance is beneficial as the mentor creates a supportive environment that provides confidence and an understanding of the legal practice (Hamilton & Brabbit, 2007).

2.3.3.2 Benefits of mentoring law students

Mentoring assists the law student in the following (Bodenstein, 2018, p. 238):

- understanding the practice of law

- understanding the objectives and goals of the clinical legal education programme
- working through complex legal problems
- observing professional conduct
- learning how to effectively manage the client's file
- observing the mentor conduct initial consultations with clients.

The supervision of law students comprises an intimate relationship between the student and the supervisor or mentor who guides the student in learning and developing skills necessary to be an effective lawyer. It is at the core of effective clinical teaching. Adequate supervision is pivotal to the success and sustainability of clinical legal education in legal clinics (Giddings, 2011).

2.3.3.3 The scope of the mentor-mentee relationship

Clinical students participate in the clinical law module mainly in the final year of study, and a mentor is in a position to teach law students how to conduct themselves and think like professional and ethical lawyers. The student-mentor relationship is a developmental one that can reinforce positive behaviors and is integral to becoming an effective professional and ethical lawyer. The mentor can assist in this process by communicating his or her experiences openly and relaying information concisely and logically. The mentor must appreciate that the student will observe every mentor's engagement, including the mentor's demeanor, emotions, choices, and attitudes toward clients of different ethnicities, ages, and genders. The law student then chooses to adopt attributes they think are worth adopting (Quigley, 1995).

By providing a safe space for the student to grow, learn and overcome challenges, the relationship between the mentor and student must be such that the student develops professional confidence, practical skills, and a better understanding of the legal profession as well as ethical and human rights values. A relationship of trust is enhanced by a mentor who displays practical listening skills in the mentoring process and then offers constructive responses to the mentee. A mentor can be an appropriate role model to benefit the student's learning experience (Kay & Hinds, 2012).

In conclusion, the mentor must be able to track the challenges, strengths, needs, and skills of the mentee and remain actively involved in the learning experience. The relationship between the mentor and the mentee involves active interaction between the mentor and mentee to facilitate deep learning (Bodenstein, 2018).

2.3.3.4 Challenges in the mentoring relationship

Mentors may find their role challenging if the mentee does not appreciate the role of the mentor. If a mentor is not clear on the scope of his or her role, it may cause tension between the mentor and mentee. Therefore, goals and objectives must be negotiated between the mentor and mentee to clarify their respective roles and expectations. The mentoring process is developmental and can be challenging, mainly when the mentor and mentee relationship occurs over short periods. Effective communication and a constant flow of information between mentor and mentee are required to achieve the goals and expectations (Bodenstein, 2018).

2.3.3.5 Constructive feedback from the mentor

Constructive feedback on the mentee's performance will be helpful if meaningful guidance is provided to the mentor on the most effective way to provide feedback.

2.3.3.6 Benefits of mentoring

The mentoring programme can add value to the mentee and assist in developing and shaping the identity and self-image of the mentee. It provides a learning space for a mentor to impart knowledge of practice and its values and guide the appropriate behavior of the mentee. It helps shape the mentee's professional behavior, provide context to the mentee, and allows the mentee to connect with the realities of the legal world and the substantive law courses they have previously encountered. The mentor can also help broaden the understanding and appreciation of the law in its broader social, political, and cultural context.

2.3.3.7 Effective methods to facilitate learning

To require mentees to keep a journal of their experiences after proper guidance is provided may be a helpful way to assist the mentee in critically reflecting on their experiences. Reflecting in a journal can provide an effective and safe place to communicate issues of concern to the mentor. That is in addition to what the mentee has learned. It also provides an avenue for communicating emotions and challenges and how they can be addressed (Stevens & Cooper, 2009).

2.3.3.8 Dialogue

When engaging in the struggle against human rights abuses and social justice, it is necessary to create a transformative learning environment (Jones, 2009) conducive to meaningful dialogue (Bartlett, 2005). The challenge is creating conditions to foster the best interest in law students' human rights and social justice issues; proper engagement will follow only when interested in the area, as it is not enough to merely know a country's laws and legal system (Campbell, 2014). Limiting knowledge to the system, does not allow for an interest in improving it, nor for a recognition of the implicit messages contained in the hidden curriculum (Moss, 2013). Fostering interest can be best achieved through teachers engaging with students and actively encouraging interest in the area (Snyder, 2014). For dialogue to be active, dialogue must involve two-way communication and be adapted to the needs of the students. It must also be goal oriented. The internship programme's goals and aims should be explicit to the participants from the start, as happened with the internship programme under study. Finally, it must involve some measure of reflection and feedback to improve. Small group teaching is thus essential as productive dialogue is impossible without small groups. It is helpful to include a multidisciplinary perspective to draw on various fields and areas of thought to find solutions that might not be strictly within the law. Small group teaching based upon the principles of team-based learning formed an integral part of the pedagogy of the internship programme under study. The internship encouraged dialogue and potentially fostered an interest in human rights and social justice. An analysis of the data related to this aspect appears in Chapter 5 of the thesis and addresses the second critical question of how the interns learned social justice.

2.3.3.9 Team-based learning

Team-based learning provides pedagogical advantages, according to Sibley and Parmelee (2008), who state that team-based learning provides a more significant opportunity for faculty to engage fully with the students than lecture-based instruction (Sibley & Parmelee, 2008). They believe that knowledge is no longer enough and that team-based learning can enhance professional education. Altintas et al. provide a helpful definition of team-based learning, describing it as an interactive and analytical teaching strategy. Team-based learning is a learner-centered strategy that uses a structured individual and group accountability process and requires small groups to work together to solve problems (Altintas et al., 2014).

Team-based learning was an active learning methodology incorporated into the internship programme's pedagogy. Part of the motivation for this decision was that the study participants would face new, complex problems that would contrast with the traditional, didactic, instructor-centered model that has been the object of much of the criticism levelled at legal education. It also provides opportunities for the participants to develop their communication skills, aided by frequent feedback from their teammates and mentors. I have often observed that practical problem-solving occurs in team settings in the clinic, particularly with problems that are not well-defined and when no single best answers are readily available. During the internship, the participants worked in a team and therefore were provided with opportunities to defend their thinking and examine others' problem-solving. In the process, effective dialogue occurred.

2.3.4 Team-based learning/small group work in clinical legal education

The notion of deep learning involves the active encouragement of participation, the promotion of autonomous learning, and the allowing of dynamic formation of knowledge and understanding (Campbell, 2015). It is, therefore, easy to understand why small group work proponents argue that it allows them to actively explore, clarify, and analyze perceptions, knowledge, and understanding. Furthermore, it encourages student interaction.

Table 1: Teacher-centred vs student-centred learning

Teacher-centred	Student-centred
Emphasis on superficial understanding	Emphasis on deep understanding
Passive student	Active student
Student not given responsibility	Student given responsibility
Creativity discouraged	Creativity encouraged
Teacher as authoritarian	Interdependence between student and teacher
Student replicates what they have been taught	Student has a reflexive approach
Low level of student choice	High level of student choice
Closed, directive questioning	Open, non-directive questioning
<i>Power primarily lies with the teacher</i>	<i>Power primarily lies with the student</i>

Source: Campbell (2015, p. 9)

Haidet et al. (2014) state that in the past 20 years, educators and professional schools have increasingly employed an application-oriented method called team-based learning (Haidet et al., 2014). The authors hold that, although team-based learning has existed for decades, educators across disciplines have advanced the merits and potential effect of the changes in many educational contexts. In particular, they noted that in 1998, no medical schools they had encountered used team-based learning and that in 2014 more than a hundred medical schools worldwide used the method to some extent. Eksteen et al. found in a study conducted at a South African university in the pharmacy school that team-based learning aim to deepen student learning and promote the development of high-performance teams (Eksteen et al., 2018). Exploring the challenge of large student numbers in a South African law clinic setting (Du Plessis, 2013), Du Plessis argues that the advantages of collaboration far outweigh any disadvantages and proposes grouping students into student law firms to work collaboratively. I therefore implemented a team-based learning approach during the internship programme.

2.3.5 Public legal education (PLE)

This section examines the nature of public legal education and proposes that the provision of PLE is central to society and law students' learning of social justice (McQuoid-Mason, 2017). PLE aims to assist in creating a more legally literate society (Arthurs, 2015). The link between public legal education and street law is examined in this section, as street law is one model of public legal education incorporated into the pedagogy of the internship programme (McQuoid-Mason, 2008b).

Incorporating PLE into the internship programme as one facet of social justice clearly demonstrates the link between social justice and the internship programme as a transformative learning experience for the participants in the study (Bracken, 2021; Perdue & Wallace, 2020).

2.3.5.1 What is public legal education?

Although there is no clear-cut definition for the term, there is a shared understanding and meaning (Grimes, 2021, pp. 2-3). The following will provide a working definition:

PLE provides people with awareness, knowledge, and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice... [And]... Recognize when they may need support... And how to go about getting that.

Three key components of PLE are identified in this definition, namely: awareness of the law and legal processes; the ability to use that awareness to address problems or issues and realize when help may be needed; and knowledge of where to go for assistance (Grimes, 2021; McQuoid-Mason, 2000). Even in relatively wealthy countries, ordinary members of the public lack knowledge of their legal rights, which is identified as a facet of social justice. This is even more the case in a country like South Africa (McQuoid-Mason, 2019), which is one of the most unequal countries worldwide (Govender, 2016a; Keeton, 2014; Triegaardt, 2006). The lack of knowledge by members of South African society of their legal rights and how to get assistance in exercising them is a significant challenge in the administration of our legal system in South Africa.

The critical aims of public legal education are as follows (Grimes, 2021, p. 3):

- raising awareness of rights and issues,
- identifying the legal dimensions in everyday situations,
- equipping people with the skills and confidence to resolve and prevent problems,
- enabling people to recognize when they need help, and
- helping people to shape decisions and make necessary changes.

2.3.5.2 Public legal education and schools of law

There is a tension between the aim of a law school to provide a heavily doctrinal or humanities-focused programme of study and the requirement of the legal profession and other employers in other possible career destinations that law students be equipped with the relevant knowledge and skills for the world of work (Coper, 2010). The internship programme aimed to link social justice and the impact and value of public legal education as a strategy, forming part of the pedagogy of the internship programme. This section also deals with the concept of transfer of learning, which is one way of addressing the compartmentalized manner in which legal education is presented. It addresses the requirement set out in the LLB standards that a law graduate must be able to explain legal issues clearly to lay audiences and the professional obligations of a lawyer in criminal and civil proceedings. In addition, this section examines studies that have been conducted on the impact of public legal education on law students and those that have examined access to justice as one facet of social justice (Draslarová, 2019). International scholarly literature has identified the lack of research on the impact of public legal education on the recipients of such programmes (Arthurs, 2015) and law students delivering public legal education (Perdue & Wallace, 2020). Recurring themes identified from a range of public initiatives that examine the challenges in designing, delivering, and evaluating public legal education initiatives include the following (Grimes, 2021, pp. 113-114):

A general lack of skills, resources, and money; insufficient definitions of public legal education, many of the goals and objectives of public legal education

projects cannot be measured by quantitative means, different emphasis and goals between funders and public legal education, and how to use evaluations and assessments or quality reports. Public legal education is an essential component of socially relevant education.

For the reasons discussed above, PLE formed part of the pedagogy of the internship programme under study.

2.3.6 Interactive teaching

2.3.6.1 What is an interactive teaching methodology?

Steinert and Snell describe interactive teaching as a two-way interaction between the presenter and the participants and active engagement between participants and the lecture content (Snell, 1999). Interactive teaching, therefore, moves away from the passive role students traditionally played in the teaching and learning process. The teacher's role is modified, assuming a discussion facilitator or a coach in attitudes and thinking skills. Thus, Kember and Gow (1994) refer to interactive teaching as learning facilitation (Kember & Gow, 1994). There has been a shift from teacher-centered to student-centered education that moves away from traditional lectures to approaches that facilitate learning and understanding rather than reciting and recalling. Interactive teaching is at the forefront of such approaches, and various studies have examined its effectiveness (Bliss, 2014; Bliss & Chinvinijkul, 2014; Deslauriers et al., 2011; Fry et al., 2008; Xing-ju et al., 2013).

Riley and Myers characterize interactive teaching as student involvement, where their contributions are encouraged and expected. They task teachers with fostering a stimulating environment that allows habitual student participation (Riley & Myers, 2014). Palincsar and Brown (1986) emphasize the secondary role played by the teacher in interactive teaching, indicating that while the teacher temporarily supports students with explanations and modeling, it is up to the latter to apply this information independently (Palincsar & Brown, 1986). Panitz (1999) distinguishes between collaboration and cooperation, with the former being an additional term for interactive teaching. He explains that collaboration involves teachers exploring ways to help

students respond to literature by taking a more active role in their learning; thus, students and teachers share learning control (Panitz, 1999). Thus, it has been established that interactive teaching has an essential focus on the student. Students ask questions, form opinions, and challenge the presented material. The teacher's role is to provide the material and facilitate understanding thereof. With the introduction of independent application and study, the student also forms part of the interactive teaching process and student engagement (Barkley & Major, 2020).

The direct relationship between the teaching method and learning in the classroom is widely acknowledged. Unfortunately, lecturers at the tertiary level are often not trained educators and resort to traditional teaching methods considered the norm. However, studies have shown that these traditional teaching methods yield poor results. In contrast, interactive teaching methods have demonstrated startling success. Although they require additional time and effort, interactive teaching methods should be implemented by lecturers as they produce the desired outcomes. There are various methods that can be employed in interactive teaching.

2.3.6.2 Methods of interactive teaching

Some of the strategies suggested for interactive teaching in the literature are set out below (Palmer & McQuoid-Mason, 2013).

- According to Steinert and Snell, brainstorming at the beginning of the lecture, brainstorming puts students at ease and makes the teacher aware of their concerns and questions, allowing him/her to direct the lesson accordingly; brainstorming in the middle enables the teacher to change the lecture's pace, thus stimulating students; and brainstorming at the end provides the teacher with feedback (Snell, 1999).
- Small group discussions facilitate discussion and the transfer of ideas and enable the teacher to gauge class opinions and attitudes. Small group teaching has distinct advantages over lecturing in promoting comprehension, application and problem-solving (Yakovleva & Yakovleva, 2014).
- Regarding case studies (Yakovleva & Yakovleva, 2014, p. 77) observe:

The essence of this method is a collective analysis of a situation, finding a solution, and public defense of said solution. Cases heighten interest and promote practical problem-solving; they also make learning real, especially for students who have had little practical training.

Riley & Myers (2014) note that smaller group case studies are more effective.

- Role plays allow students to enact their knowledge and receive feedback without the consequences faced in reality. The teacher can also conduct them.
- Question-and-answer sessions are the easiest interactive teaching method to implement and allow immediate feedback.
- Each-one-teaches one is a method that requires each student to teach another student or the rest of the class about a specific aspect of the material (Palmer & McQuoid-Mason, 2013).
- Visual aids promote interaction by triggering students' responses and meaningful discussion. Examples include film, videos, overheads, and flipcharts.

2.3.6.3 Benefits of interactive teaching

Steinert and Snell (1999) observe that active participation and involvement are a prerequisite for learning beyond the recall of facts and that students must be attentive and motivated for learning to occur. Interactive teaching is thus considered a helpful learning tool. Students who actively engage with the content and their teacher and peers will learn more than if they passively receive material through traditional lectures. Questions and problem-solving exercises will stimulate even those who generally shy away from participation. Attention and motivation are essential to learning and essential for retention. With its different paces and techniques, interactive teaching promotes stimulation and motivation and facilitates learning. Traditional lectures can only hold students' attention for approximately 20 minutes and are not conducive to learning.

Steinert and Snell (1999) hold that interactive teaching promotes a higher level of thinking in students. By providing a platform for problem-solving and decision-making, students learn to think on their feet, a far more valuable tool than retention and recall.

Panitz (1999) reiterates that through active participation in the learning and inquiry process, students gain non-foundational knowledge. Such knowledge is derived through reasoning and questioning rather than rote memorizing and is a characteristic of well-developed judgment. Riley and Myers (2014) state that students can validate their thinking by undertaking responsibility in the classroom. This approach is considered a deep approach to learning, in which students try to understand the underlying material rather than memorizing sections that they predict will be examined (Curran et al., 2014). Meaningful learning is described and encouraged by departments adopting interactive teaching methods.

Yakovleva and Yakovlev see interactive teaching as promoting the modern concept of “competence” that comprises traditional concepts such as “knowledge” and “skills” integrated with personal qualities, motivation, and the ability to work in different contexts. They note that traditional teaching methods are ineffective, as nurturing these personal qualities is overlooked in favour of transmitting content, and interactive teaching sparks interest in the material. It promotes high motivation, strength, freedom of expression, and team spirit, directly contributing to professional competencies (Yakovleva & Yakovleva, 2014).

Feedback is vital in any process, particularly learning, and Steinert and Snell (1999) note that interactive teaching methods enable feedback with regard to student needs, whether the information is understood and applied, and the teaching technique itself. They point out that in some instances, like with quizzes, feedback is immediate and allows teachers to adapt their teaching techniques to meet student needs.

2.3.6.4 Obstacles to interactive teaching

Despite accepting the benefits of interactive teaching, obstacles have been identified, as outlined above. Steinert and Snell cite fear as one factor preventing teachers from implementing interactive teaching methods. Thus, teachers fear losing control of the class should they hand over authority to students, and because interactive teaching requires time for discussions and questions, they are afraid that they will not cover all the necessary material (Snell, 1999).

Riley and Myers's (2014) study lists time restrictions and preparation time as the most significant deterrents concerning incorporating and expanding interactive teaching strategies. In addition, some teachers were concerned that students might not participate or that the effectiveness of interactive approaches decreases as class size increases. The authors suggested ways of resolving these issues: prior teacher preparation would mitigate fear; adequate time management, like lesson plans, would promote efficiency; and breaking larger classes into smaller groups would allow for active learning (Riley & Myers, 2014).

2.3.7 Reflective practice

In these days of speculative reading, mainly in preparation for exams, many students do not have a deep understanding of the subjects they engage with and are hence likely to regard assessments as a means to an end (Hinett & Varnava, 2002). While many factors account for this situation, it occurs when curricula do not integrate reflective practice, a process many instructors do not understand (Reynolds, 2011). There are multiple interpretations of the meaning and significance of reflection. The experimental and action-based learning literature discussed below suggests that reflection involves particular teaching, learning, and mental processes to better understand relatively complicated or unstructured ideas.

Moon observes that reflective practice is based primarily on reprocessing knowledge, understanding, and, possibly, emotions evoked by a recent experience (i.e., own experience, reading, viewing, listening, and such like) at the expense of surface facts (Moon, 2006, 2013). The suggestion is that reflection is about maximizing “deep” and minimizing “surface” approaches to learning (Biggs, 1999; Biggs & Tang, 2011).

Thus, reflection is essential in informing future choices, decisions, or actions (Reynolds, 2011). Vince (1998) elaborates on how thoughtful and rigorous the reflection process is by pointing out that it can involve recognizing what appears to work and what does not work; at the same time, students are aware of associated feelings and what judgments are made and based on, as well as being conscious of the values, ideals, and assumptions that inform the sense-making of events, observations, or experiences. Overall, reflective practice is considered an approach

that promotes autonomous learning to develop students' understanding and critical thinking skills. It mediates students' development from raw beginners to experienced professionals.

2.3.7.1 Critical reflection

Critical learning is not a new practice. The concept is discussed in different variations in the work of 20th-century educational psychologists such as Reynolds, Schon, Dewey, and Lewin and can be traced back to the 4th-century philosopher Socrates. However, cumulative efforts to introduce reflection to further and higher education represent a definite shift (Brookfield, 2017; Clayton & Ventures, 2008).

Critical reflection involves being aware of one's values and assumptions and then reshaping one's worldview when faced with new experiences. The study participants were constantly facing new experiences on each day of the internship and were required to reflect on the experience on the same day. The reflection component of the internship was pivotal to ensuring that the interns could consider their experiences adequately and potentially change their perspectives in a way aligned with the internship's human rights and social justice orientation (Ash & Clayton, 2009; Babacan & Babacan, 2012; Kreber, 2004; Rosenfeld, 2014). This approach could demonstrate to the interns that the law is not a conservative, neutral force, similar to the medical profession (Breier, 2006) and that there is a link between legal education, the public interest, and social justice (Byron, 2014a). Critical reflection on the law from within one's worldview reveals the values in the law – this, combined with an awareness of extra-legal issues, aids in formulating an idea of what the law should be and what values should be present in the law, enabling a student to identify where the law falls short and how to improve it (Anzalone, 2010). This approach aligns with a critical approach to legal education. Nevertheless, this type of thinking is generally beyond the current legal education practice, which consists of spending much time learning the law and not allowing students to think beyond that.

The use of journals as a pedagogical tool is as old as reflective practice. This link is illustrated in the work of Dewey (1933), whose emancipatory philosophy advocated for child-centered learning and stressed the importance of each individual having lived

experiences as the starting point of authentic learning in which “thought” was encouraged and recognized as the only escape from impulsive or purely routinized action. In contrast, Schon emphasized context and experiential knowledge in reflective practice (Schön, 1983). Reflective journals are used extensively in Higher Education and some areas of legal education, particularly in conjunction with internship and externship programmes, reflecting that despite these theoretical differences, the theory and practice of law are encapsulated in both interpretations (Du Plessis & Swanepoel, 2014; Dymont & O’Connell, 2011; Dymont & O’Connell, 2010; Epp, 2008; Pavlovich, 2007).

2.3.7.2 Reflective practice outcomes for learning

Developing strong competence to reflect effectively and critically is an important outcome and credential for law graduates (Appleby et al., 2013; Hyams, 2010). Keeping a learning journal is an effective way to develop reflective skills in legal education. As Kagan (1969) asserts, reflection reduces the rate of errors. (Ogilvy, 1996) notes that while most students who maintain reflective journals do not seem to demonstrate sophisticated critical thinking, they consistently reveal introspection and reflection that, while not deeply philosophical, is dense with thought—against this backdrop, recommending the reflective practice for professional and non-professional disciplines in higher education (Rué et al., 2013).

Ogilvy (1996) notes that keeping a reflective journal helps one learn better. It promotes more profound and critical interaction with the material under study, improves problem-solving skills, promotes reflective behavior, fosters self-awareness, helps relieve stress, and nurtures self-directed learning. Ogilvy suggests that reflective practice imbues attributes one can use throughout one’s life, such as enhancing professional conduct or the professional self in practice; it also sensitizes students to personal agency and empowerment, thereby enhancing their valuation of themselves and their capacity to take action.

However, a review by Dymont and O’Connell (2011) of studies on reflective journals in higher education indicates that the quality of reflection in students’ journals was mixed. Only two of the eleven studies analyzed reported a high percentage of students or

journals that were particularly reflective. Five indicated that students or the journals were not very reflective and primarily involved descriptive accounts of events (Dyment & O'Connell, 2011).

2.3.7.3 Legal clinics and reflection practice

Law clinics are largely public-funded entities housed at tertiary institutions and affiliated with law faculties, reflecting their obligation to mediate public interest law on behalf of the state (Palmer & McQuoid-Mason, 2013). Thus, the emphasis is on litigating real-life issues and maintaining best practices with “lawyers in training”, i.e., law students. Hinett notes that reflective learning is highly suitable for clinical law students working on actual or simulated cases (Hinett & Varnava, 2002). This is because real problems do not have simplistic solutions but require rigorous comparison and analysis of facts, resources, strategies, and costs; law clinics are sites for developing retrieval, selection, and discrimination skills in problem-solving and critical thinking (McNamara et al., 2013).

2.3.8 Professional identity formation

This section will examine the concept of forming a professional identity as a graduate attribute of a law student. The concept of forming a professional identity appears in the educational literature relating to service professions, such as the medical (Cruess et al., 2014, 2015; Cruess et al., 2016; Goldie, 2012; Irby et al., 2010; Jarvis-Selinger et al., 2012; Olckers, 2019; Wong & Trollope-Kumar, 2014), the teaching (Cross & Ndofirepi, 2015; Francis & Le Roux, 2011; Samuel, 2008), the social work (Shlomo et al., 2012; Webb, 2016; Wiles, 2013), and the legal professions (Alexander, 2010; Brooks, 2018; Daicoff, 2014; Field et al., 2013; Fourie, 2016a; Hall et al., 2010; Hamilton, 2018; Mertz, 2007; Miller, 2011; Silver et al., 2011). A core theme in the literature related to the professions mentioned above is forming a professional identity of service to the public and inculcating ethical-social values in students preparing for a career serving the public.

Teaching the formation of professional identity in legal education aims to provide opportunities for law students to reflect on questions such as:

- What inspired me to be a member of this profession?
- What am I like?
- What do I want to be like in my professional role?
- What place do ethical and social values have in my core sense of professional identity?

The following definition most closely resembles the essence of the formation of an identity of a prospective legal professional (Thomson, 2014b, p. 315):

Professional identity relates to one's own decisions about professional behaviors 'above the line,' as well as a sense of duty as an officer of the legal system and responsibility as part of a system in our society that is engaged in preserving, maintaining, and upholding the rule of law.

The internship programme provided opportunities for the interns to encounter appealing representations of professional ideals, connect deeply with engaging models of ethical commitment within the profession, and reflect on their own emerging professional identity concerning those ideas and models (Leering, 2017). It is the aim of the study to examine whether experiencing this transformational learning experience can facilitate the formation of a professional identity. Accordingly, this section should ideally be viewed as related to the study's focus and objectives and the fact that the internship programme had an explicit social justice orientation. Also explored by examining the views of those published in the area is whether legal education fails to encourage professional identity development in law students.

The literature indicates that law schools represent a critical phase for a law student transitioning into the profession (Hamilton, 2021; Mahadevan & Leith, 2020). The literature notes that pro bono work, law clinics, and externships are sites for developing a professional identity, where students can interact with members of the profession and reflect on the models of professionalism they encounter. To a large extent, literature on this topic appears mainly in international publications. However, some work has appeared in the South African legal and educational literature (Quinot & Greenbaum, 2015). Concluding this discussion will be on critical reflection's role in

forming a professional identity as a lawyer.

2.3.8.1 Challenges to identity formation in professional education

The challenge in facilitating identity formation in professional education is deciding at what stage in the legal education process would benefit law students most. I refer to assisting a law student transitioning from school to the first year in law or facilitating professional identity formation during the final year of study (Bracken, 2021; G. Quinot & S. Van Tonder, 2014). This section will examine forming a professional identity during the fourth and final year at a South African University's Law School. To my knowledge, this has not been done before at a South African Law School. However, that does not discount the importance of explicitly introducing the concept in the first year of study (Hamilton, 2022).

2.3.9 Capstone learning experiences

2.3.9.1 The internship as a capstone learning experience

Concluding this chapter, this section will examine the internship programme as a capstone experience for final-year LLB students transitioning to the world of work (Schreiner et al., 2020). Literature on capstone experiences appears in international (Bracken, 2021; Butler et al., 2017; Kift et al., 2013; McNamara et al., 2011) and South African legal and educational literature (Bauling, 2017; Quinot & Van Tonder, 2014). The discussion below will include a definition of a capstone learning experience, the purpose of a capstone learning experience, and the pedagogical advantages of capstone learning experiences. The aims and purpose of capstone learning experiences and their nature will be examined. The discussion will conclude by pointing out the limitations of capstone learning experiences and the challenges in implementing capstone learning experiences.

2.3.9.2 Defining capstone learning experiences

Capstone learning experiences may take many forms. This section limits the higher education literature review on capstone experiences to social work (Apgar, 2019) and

legal education in keeping with my interdisciplinary approach (Burch et al., 2016), as indicated in Chapter 4 on my positionality. Capstone experiences can take the form of an entire course or may form part of a course.

A capstone experience is, in essence, a learning experience in the final year of undergraduate study, integrating the learning of the entire programme with an emphasis on the knowledge acquired in an authentic learning environment. It comes at the end of the sequence of courses with the specific objective of integrating a body of relatively fragmented knowledge into a unified whole. Two key characteristics of a capstone experience are highlighted in the literature. One is the overall experience of looking back over the student's academic learning to make sense of what they have accomplished, and the other is that of looking forward to their professional and personal futures that build on that foundational learning.

The aim of a capstone experience in consolidating a student's undergraduate training can play an important role in graduate identity forming. A capstone experience aims to develop new insights into the discipline and the relationship between the discipline and other fields and society. Doing so, and making the linkages explicit, provides an opportunity for deep learning to occur. Integrating and synthesizing previous learning facilitates engagement with the discipline's relational aspects. It is, therefore, a deliberate attempt to bring together core aspects of the curriculum.

2.3.9.3 Purpose of capstone experiences

Not only do capstone experiences consolidate the prior learning and therefore have a backward-looking reflection, but they also have a forward-looking pedagogical advantage in recognizing that final year LLB students are students in transition. The purpose of a capstone experience is best served by including authentic learning and deliberately creating and constructing a learning environment that will encourage students to develop creatively, internalize subject knowledge of the discipline, independent thinking, critical thinking, and lifelong learning skills. The aim is, therefore, to provide a learning environment focusing on the broader conception of legal education. The internship programme had an explicit underlying aim: to learn aspects of social justice.

2.3.9.4 The pedagogical advantages of experiences in legal education

The capstone experience in legal education can add significant value to learning and provide a context to the discipline of law. In the context of South African legal education, the internship as a capstone experience provides the opportunity for legal education to be a transformative experience. At the same time, we are incorporating a teaching philosophy based on constructivist principles.

2.3.9.5 Capstone experiences in local and international legal education literature

Capstone experiences are often reported on in the international legal literature. However, capstone experiences have begun to be mentioned only recently in the South African legal literature. Such capstone experiences are broadly categorised as law clinics, internships, moots, research projects, and topical capstones focusing on one area of law. Capstone experiences in the context of work-integrated learning are discussed earlier in this chapter under the topic of work-integrated learning and internships. Clinical law as part of the formal LLB curriculum and street law modules are the most prominent examples of a form of a capstone experience in a service-learning context. The Clinical Law module and the Street Law module involve authentic learning experiences, and the internship programme combined the pedagogical advantages and potential benefits to the study participants.

2.3.9.6 The nature of the internship programme as a capstone learning experience

By designing the internship programme as a capstone experience, the aim was to provide a learning environment in which the study participants constructed knowledge and which assisted them in developing their critical thinking and lifelong learning skills. Therefore, the programme's underlying philosophical principles and assumptions align with a transformative and emancipatory learning environment. Including such a programme is one way to address the criticisms leveled at the LLB curriculum, such as its being limited to a trade school mentality aimed at producing technocratic legal graduates. The programme aims to provide an environment in which social justice can be learned, and a broad understanding of society and law in context be developed. At

the same time, it also provides a platform for the study participants to learn the legal skills necessary for the practice of law and work. In the process, explore whether a signature pedagogy for legal education can be developed in line with egalitarian and constitutionally inspired principles of transformative constitutionalism.

2.4 Chapter summary and reflections

This chapter aimed to contribute to understanding how best to teach and learn about social justice in the South African context. In 1998, South Africa introduced a uniform four-year LLB degree for all law schools. However, there has been an ongoing debate about whether this degree adequately prepares students for the legal profession and whether it is based on sound pedagogical principles. Some scholars have argued that the curriculum lacks teaching critical thinking and research skills and does not adequately address constitutional values. The view on the lack of critical thinking skills is supported by a CHE report detailing law students' lack of critical thinking skills. Others have argued that more time is needed to complete the degree due to the complexity of South Africa's constitution and the failure of the primary education system.

Legal education in South Africa has undergone several transformations in recent history, including the introduction of the four-year LLB degree in 1998 and the #feesmustfall and #rhodesmustfall student protests in 2015, which led to calls for decolonization of the curriculum and a shift towards a more critical pedagogy. Some scholars have argued that the LLB curriculum should be transformed to adapt to the changing social and political landscape and the needs of a new generation of students and that legal education should take a more critical approach to further the cause of social justice and fundamental human rights. There have also been calls for integrating practical skills training and experiential learning into the curriculum and a greater focus on social and environmental justice issues. However, these reforms have also faced challenges and resistance, including concerns about funding and resource constraints and a lack of consensus on the best way to implement change.

The chapter emphasized the sufficiency of the four-year first-degree LLB programme. Most notably, based on the evidence presented by the CHE, it seems that the four-

year first-degree LLB programme may not sufficiently prepare law students for legal practice. As such, there have been calls to return to the LLB degree as a post-graduate degree.

The chapter then emphasized experiential learning as a practical educational approach involving learning through real-life or simulated experiences. It is an effective model for fostering student transformation and developing strategies to challenge human rights abuses and advance social justice. This approach to education, which is based on constructivism, allows for the creation of new knowledge through experiences and the testing and refinement of this knowledge through subsequent experiences. It is a demanding and labor-intensive approach, but it has the potential to be applied to a variety of fields, including law and medical education. Overall, experiential learning is valuable for enabling students to become skilled, ethical, and lifelong professional learners.

The chapter then examined Work-integrated learning (WIL), a type of higher education programme that combines academic study with practical work experience in a specific field. It allows students to develop practical skills, see the connection between theory and practice, and prepare for professional practice. Legal internships are a type of WIL that specifically focus on providing law students with practical experience in the legal field. These internships are often carefully monitored service experiences with intentional learning goals, such as developing research, critical thinking, and interpersonal skills, and are intended to broaden students' understanding of social justice in a public service context. WIL programmes have been shown to significantly prepare students for professional practice and increase their employability. However, there is a gap in the literature on WIL and legal internships in the South African context. This study aims to contribute to understanding these programmes in this context. Despite the recognized benefits of these programmes, there is a lack of focus on WIL and legal internships in the South African legal education literature. This study aims to contribute to understanding these programmes in the South African context by examining the design and learning objectives of a legal internship programme at the UKZN HC Law School. Further reflections and suggestions are contained in paragraph 7.4 of chapter 7 regarding amending the LLB standards document to indicate that South African law schools must offer an aspect of work-integrated learning.

The chapter then examined mentoring in higher education, including legal education. Mentoring is a widely recognized and established practice that can benefit both mentors and mentees. In legal education, mentoring can be particularly important for clinical law students, as it can provide them with the guidance and support they need to navigate the challenges of legal practice and develop as professional and ethical lawyers. The mentor-mentee relationship in legal education should be structured as a developmental one, in which the mentor provides guidance and support to the student as they learn and develop the skills necessary to be an effective lawyer. The scope of this relationship should be broad, covering areas such as understanding the practice of law, working through complex legal problems, observing professional conduct, and learning how to manage a client's file. For the mentor-mentee relationship to be effective, the mentor needs to be a good role model, display practical listening skills, and provide constructive feedback to the mentee. Mentoring can be a valuable tool in the legal education process, helping to prepare law students for the challenges of legal practice and supporting their development as future professional and ethical lawyers. The chapter then examined public legal education, which forms an integral and vital aspect of the internship programme under study. Public legal education is crucial to promoting social justice and increasing access to justice for all members of society. By providing people with the knowledge, skills, and confidence to address legal issues and disputes, PLE can help to reduce inequality and empower individuals to understand and exercise their legal rights. While there are challenges in designing, delivering, and evaluating PLE programs, the potential benefits make it an important area of focus for law schools, legal professionals, and policymakers.

An interactive teaching methodology is then examined, which forms an integral part of public legal education. In summary, Interactive teaching is a teaching methodology that promotes active engagement and two-way interaction between the teacher and students. It involves the teacher facilitating learning and understanding rather than simply delivering a lecture and expecting students to receive and memorize information passively. Interactive teaching is student-centered, with the teacher as a discussion facilitator or coach who encourages students to ask questions, form opinions, and challenge the presented material. Various methods can be used in interactive teaching, such as brainstorming, small group discussions, case studies, role-playing, and

problem-based learning. Interactive teaching has been shown to be effective in promoting comprehension, application, problem-solving, and critical thinking skills. It requires more time and effort from the teacher but has the potential to produce better learning outcomes for students.

The chapter then examined reflective practice. In summary, reflective practice involves thinking about and analyzing one's experiences to understand them better and inform future choices and actions. It is often associated with deep learning and critical thinking, as it involves considering the values, assumptions, and emotions involved in an experience rather than just surface-level facts. Reflective practice can promote autonomous learning and develop critical thinking skills, as it helps individuals move from being raw beginners to experienced professionals. Critical reflection is a specific type of reflective practice that involves being aware of one's values and assumptions and being open to reshaping one's worldview when faced with new experiences. It can be used to encourage a more critical approach to learning, particularly in subjects like law, where it can help students to consider the values present in the law and how they might be improved. Journals are often used as a tool for reflective practice, as they provide a space for individuals to write about and reflect on their experiences. This can be particularly useful in experiential learning situations, such as internships or clinical placements, where students regularly face new and challenging experiences.

To conclude this section, reflective practice is highlighted as valuable for promoting deep learning and critical thinking skills. It involves thinking about and analyzing one's experiences to understand them better and inform future choices and actions. Critical reflection, a specific type of reflective practice, involves being aware of one's values and assumptions and being open to reshaping one's worldview when faced with new experiences. This can be particularly useful in subjects like law, where it can help students to consider the values present in the law and how they might be improved. Journals are often used as a tool for reflective practice, as they provide a space for individuals to write about and reflect on their experiences. Overall, reflective practice can be an effective way to facilitate the development of autonomous learners and promote the integration of theory and practice.

The chapter then examined the concept of professional identity formation. Professional identity formation refers to developing and shaping one's sense of self as a member of a particular profession. This process is critical in service professions, such as law, where professionals are expected to uphold ethical and social values. In legal education, teaching the formation of professional identity may involve providing opportunities for law students to reflect on their motivations for becoming a lawyer, their values and characteristics, and their desired professional identity. This process may be facilitated through experiences such as pro bono work, law clinics, and externships, which allow students to interact with practicing lawyers and reflect on models of professionalism. Challenges to identity formation in professional education may include deciding the most appropriate stage in the educational process to focus on professional identity formation and incorporating critical reflection as a tool for facilitating this process. In conclusion, professional identity formation is an essential aspect of legal education as it helps law students develop and shape their sense of self as a member of the legal profession. While there are challenges to facilitating this process, it is crucial for law schools to provide opportunities for students to reflect on their motivations, values, and desired professional identity in order to prepare them for a career in the field.

The chapter concludes by examining the internship programme as a capstone experience. In summary, a capstone learning experience is a learning opportunity that takes place during the final year of undergraduate study. It aims to integrate and synthesize the knowledge and skills a student has acquired throughout their academic programme, emphasizing authentic learning and applying this knowledge in a real-world setting. The purpose of a capstone experience is to consolidate a student's undergraduate training and help them develop new insights into their discipline, as well as the relationship between their discipline and other fields and society. Capstone experiences also allow students to reflect on their past learning and consider their professional and personal futures. They are often designed to encourage students to develop creative thinking, independent thinking, critical thinking, and lifelong learning skills. In legal education, capstone experiences, such as internships, can provide a context for the discipline of law and offer the opportunity for legal education to be a transformative experience.

CHAPTER THREE

THEORETICAL FRAMING OF THE STUDY

3.1 Theoretical foundations for social justice education

3.1.1 Social justice in South Africa

If the goal of attaining social justice in South Africa is to create change, it is even more of a priority in 2023 than ever. Since the implementation of the internship programme under study in 2015, South Africa has experienced significant political turmoil and corruption, and allegations of “state capture” (Madonsela, 2019, p. 113) have been made at all levels. In essence, the term state capture means that politicians line their own pockets and those of their families to become super-rich (even dollar billionaires) (February, 2019; Klug, 2019; Madonsela, 2019; Martin & Solomon, 2016). The country has also experienced the Covid pandemic (Black et al., 2020; Burger & Mchenga, 2021; De Groot & Lemanski, 2021; Francis et al., 2020; Mukumbang et al., 2020), disruptive political unrest, persistent xenophobia (Choane et al., 2011; Hickel, 2014), and looting. At the same time, the abject poverty levels of many of the population are steadily deteriorating (Davids & Gouws, 2013), and inequality has become more visible than ever before (Shifa et al., 2021).

Suppose the goal of social justice is the participation of all South Africans from all population groups and classes in a South African society shaped to cater to all. In that case, one can then argue that attaining social justice must be democratic, with all citizens participating while respecting inclusive human diversity and social groups working together collaboratively. The eradication of domination in South Africa cannot be achieved by domination in different forms. Equity is essential to achieving substantial equality (Badat & Sayed, 2014; Besada, 2007; Bond, 2015), as equity considers historical disadvantages, human diversities, and potential unique needs (Adams, 2016; Adams & Zúñiga, 2016; Bourke, 2017; Davis & Harrison, 2013). South Africa has been marred by service protests within disadvantaged communities due to the lack of essential services, while others have amassed vast fortunes at the expense of the disadvantaged community of South Africa.

For social justice in South Africa to be sustainable, all South African society members must be treated with respect and physically and psychologically safe. Suppose we envisage a South Africa where individuals can determine their destiny and develop to their full capacity. In that case, it will involve the work of advantaged social actors with a sense of agency and social responsibility towards the more disadvantaged (Francis & Le Roux, 2011). One of the aims of implementing the internship programme under study was to realize and highlight law students' social responsibility in the legal landscape, nationally and internationally. An international author sums it up as follows:

A final objective of many professional responsibility courses, my own included, is to encourage future lawyers to think more deeply about the kind of life they want to lead, the profession they want to serve, and how both can contribute to their vision of a just society (Rhode, 2006, p. 1046).

As previously mentioned, South Africa is still one of the world's most unequal societies, and if we describe social justice as a fair and equitable distribution of resources, the country still has a long way to go. The distribution of resources includes social-political, symbolic, and economic assets. South Africa is a diverse society with differences in social groupings regarding ethnic heritage, class, age, gender, sexuality, ability, language, and religion. Therefore, a deep understanding of the various groups' differences, histories, and experiences is vital to achieving social justice in South Africa (Badat & Sayed, 2014; Greenbaum, 2015, 2020; Mitchell, 2020). Such a process must be based on equity and inclusion to reconstruct society. Dealing with social justice issues requires understanding the ideological frameworks and the historical legacy of apartheid and appreciating how institutions were created and perpetuated in South African society favoring one group over another.

The discussion above forms the background to this chapter and I will now define possible paradigms for the study before developing an argument regarding the most suitable approach.

3.2 Definition of a paradigm or theoretical framework

Establishing a definition of the paradigm for this research shows how paradigms

influence research (Poni, 2014; Taylor et al., 2012). Such a definition will help to explore how the study participants learned facets of social justice during the internship programme, and for this study, paradigm means a philosophical way of thinking (Kuhn, 1962, 1970). For this thesis, the term paradigm also describes the researcher's worldview. This worldview is the perspective, thinking, school of thought, or shared beliefs that inform the study's meaning or interpretation of research data (Kivunja & Kuyini; Mackenzie & Knipe, 2006). It, therefore, reflects my beliefs about the world I live in or want to live in. These abstract beliefs and principles shape how I see, interpret, and act. They provide me with the lens through which I look at the world. I explain this aspect more fully in the section on my positionality in paragraph 4.2 of chapter 4. The philosophical orientation described in this section will further inform the reader how meaning from the data I gathered was constructed based on my individual experiences.

A paradigm is a general organizing framework for theory and research that includes basic assumptions, key issues, models of quality research, and methods of seeking answers (Taylor et al., 2012). Examples of paradigms are positivist inquiry, interpretivist inquiry, and critical theory. Paradigms consist of ontological (questions about the nature of reality), epistemological (the relationship between the knower and the known or the way people know), axiological (concerned with the role of values and ethics in research), and methodological assumptions (procedures for understanding the world) (Kivunja & Kuyini, 2017). A paradigm is different from research methods in that methods are techniques used to collect data, such as employing questionnaires, interviews, and reflections contained in journal entries. Paradigmatic beliefs influence the purpose of research, the conduct of the research, the role of values and ethics, how they formulate the relationships with the study participants, and the presentation of the work. Differences within competing paradigms get reflected in their ontological, epistemological, axiological, and methodological assumptions (Shawa, 2011). I will explain the axiological aspects of this study in more detail in paragraph 4.10 of Chapter 4.

3.2.1 Positivist paradigm

As noted in paragraph 2.2.10 of Chapter 2, the legal culture in South Africa has been

described as conservative and technicist, characterized by belief in law as a science (Jooste, 2015; Klare, 1998; Scott, 2006; Van der Walt, 2006; Zitzke, 2014). Such a view is closely related to positivism (Mnyongani, 2009). The positivist paradigm defines a worldview to research grounded in such research methods as the scientific method of investigation. Experimentation, observation, and reason based on experience ought to be the basis for understanding human behavior and the only legitimate means of extending knowledge and human understanding (Cohen & Morrison, 2018). Research in this paradigm relies on deductive logic, formulation of hypotheses, testing these hypotheses, and offering operational definitions and mathematical equations, calculations, extrapolations, and expressions to derive conclusions. Four assumptions underpin this research: determinism, empiricism, parsimony, and generalisability.

Positivism is not an appropriate approach to exploring the learning of facets of social justice by law students. This approach would limit critical analysis of the collected data and the exploration of complex concepts such as social justice and the transformation and emancipation of the study participants.

3.2.2 Characteristics of research located in the positive positivist paradigm

The positivistic paradigm is based on the belief that theory is universal and that law-like generalizations can be made across contexts. The assumption that context is unimportant is inappropriate for research on social justice in a complex and diverse society such as South Africa. Likewise, the belief that truth or knowledge is out there to be discovered in this study is equally inappropriate (Davis & Harrison, 2013; Fook, 2014; Gall et al., 1999; Gall, 2010). Furthermore, the notion that theory can be used to predict and control outcomes and that research should follow the scientific method of investigation with the testing of hypotheses to establish objective facts and reality leads to a comprehensive, universal theory to account for human and social behavior, which is also inappropriate for this study given its aims, objectives, and exploratory nature.

3.3 The critical paradigm/transformational paradigm

The critical paradigm situates this research in social justice issues and seeks to address the political, social, and economic issues which lead to social oppression,

conflict, struggle, and power structures at whatever levels these might occur. As such, it seeks to change the legal culture in South Africa and improve social justice. For these reasons, the critical paradigm is also called transformative (Kivunja & Kuyini, 2017; Mackenzie & Knipe, 2006). This paradigm is appropriate for this research study since it concerns power relationships related to vulnerable groupings in South African society. It recognizes the consequences of privileging versions of reality, respecting cultural norms, and examining conditions and individuals based on social positioning. Research is an act of construction rather than discovery, and the central focus of this research is on uncovering agency hidden by social practices, leading to liberation and emancipation. This study endeavors to link politics, morality, and ethics, promote human rights and increase justice (Nouri & Sajjadi, 2014). It places a high reliance on praxis and the utilization of participatory research. Freirean studies and participatory emancipation are research methodologies suitable for the critical paradigm (Barry et al., 2011; Bartlett, 2005; Jackson, 2007). Critical paradigm research is relevant for social justice and law studies and aligns well with an emancipatory worldview (Bickford, 2014), leading to social transformation (Snyder, 2014).

3.4 Social justice

In paragraph 1.1 of chapter 1, I discussed literature that suggests that the term social justice is usually undefined and that even those who explicitly advance social justice do not specify its meaning. The literature has many definitions and differing understandings of social justice. The aptest definitions of social justice chosen for this study are expressed in the approaches presented below without commenting on which is most suitable for a South African context:

Bliss and Chinvinijkul define social justice as follows:

Social justice is generally based on equality and solidarity, understands and values human rights, and recognizes the dignity of every human being. It focuses on the full and equal participation of all citizens in the nation's economic, social, and political aspects. Social justice principles are usually upheld when promoting the removal of discrimination that people face because of gender,

age, race, ethnicity, religion, social status, occupation, and culture or disability. (Bliss & Chinvinijkul, 2014, p. 9).

The definition put forward by Bell et al. (2007) reads:

Social justice is both the process and the goal. Social justice's goal is to equal participation of all groups in a mutually shaped society to meet their needs. Social justice includes a vision of a society where the equitable distribution of resources and all members are physically and psychologically safe and secure. We envision a society where individuals are self-determined (able to develop their full capacities) and interdependent (capable of interacting democratically with others). Social justice involves social actors who have a sense of their agency and a sense of social responsibility toward and with others, a society, and the broader world in which we live. These conditions, we wish not only their society that for every society interdependent global community (Bell et al., 2007, pp. 1-2)

3.4.1 Social justice education in South Africa and globally

Critical pedagogy is the foundation of social justice education (Davis & Harrison, 2013; Parson & Major, 2020; Thurston et al., 2017) and critical legal education (Klare, 2011). If the goal of social justice is the full and equal participation of all in society, one can argue that attaining social justice must be democratic, and all citizens must participate in the process. This process should be inclusive, respectful of human diversity, and encourage collaboration. The factors set out above defined the approach to the learning of social justice by law students (Adams & Zúñiga, 2016) since the internship programme under study illuminates and advanced the goals of social justice and develops critical analytical thinking tools in the process (Adams, 2016; Bell, 2016; Davis & Harrison, 2013).

For this study, it is contended that an interdisciplinary approach (Burch et al., 2016) is vital so that the participants have an interactive, experiential way of learning the facets of social justice and the various forms of oppression. The rationale is that the pedagogical principles underpinning the internship will examine how oppression

operates in the South African legal landscape and the lives of members of disadvantaged communities. The goal of social justice education within the internship programme under study was to enable the interns and their mentors to develop critical analytical tools to understand the complexity of oppression and inequality in South African society (Stacey, 2014). The aim was also to equip the study participants to develop an awareness and knowledge to critically examine social justice issues in their personal lives and the communities they encountered during the internship. It is contended that working for social justice in South African society (steeped in oppression and inequality on various levels) and globally is highly complicated and complex (Henning, 2013).

3.5 Why theory?

The theoretical foundations for social justice have to be articulated here to provide the reader insight into the analytical lens through which I analyzed data in the study. The theory will serve as the foundation for those perusing the study to gain a clear picture of the study's rationale, objectives, and aims. The study's theoretical underpinnings allowed me to choose activities best to expose the interns and mentors participating in the internship to learning experiences. The theoretical foundation provides the framework for interrogating the internship's challenges and allows openness to new approaches, particularly concerning the changing social conditions in South Africa. After implementing the internship programme under study, I found that the data analysis also necessitated regularly reflecting on the study's theoretical foundations and refining the theory, especially as I encountered new literature on scholarship regarding oppression and social justice, which allowed me to be reflexive in my approach to the research (Greenbank, 2003; Waghid, 2002).

3.6 Transformative Learning Theory

I introduced transformative learning theory (TLT) in the initial chapter in paragraph 1.19.2. In this section, I will elaborate on why this theory is appropriate for the study. Like Kitchenham (2008), I became interested in TLT before knowing it (Kitchenham, 2008). As the discussion of my positionality in paragraph 4.2 of chapter 4 suggests, I have taught adult learners for many years. Over the years, I explored ways to enrich

my university teaching like others (Badara, 2011; Kumi Yeboah, 2012), and by the implementation of the internship programme under study, I aimed to create a transformative learning environment in the HC Campus Law Clinic (Christie et al., 2015; Cranton & Taylor, 2012; Glisczinski, 2007; White & Nitkin, 2014). TLT provided me with a lens for viewing adult learning based on the idea that people see the world through meaning schemes. These meaning schemes are a set of paradigms, principles, and belief systems that an individual uses to make meaning of the world; when added together, these meaning schemes form meaning perspectives, and the meaning perspectives then form lenses through which the individual views the world (Mezirow, 1990; Mezirow, 1997, 2008b).

Mezirow describes transformative learning (Mezirow, 2003b, pp. 58-59)

Learning that transforms problematic frames of reference to make them more inclusive, discriminating, reflective, open, and emotionally able to change. These frames are better as they are likely to generate beliefs and opinions that will prove more true or justified to guide action. Taken-for-granted frames of reference include fixed interpersonal relationships, political orientations, cultural bias, ideologies, schemata, stereotyped attitudes and practices, occupational habits of mind, religious doctrine, moral-ethical norms, psychological preferences and schema, paradigms in science and mathematics, frames in linguistics and social sciences, and aesthetic values and standards.

The TLT lens can serve as an analysis tool in teaching social justice to law students. It is an appropriate theory for this study and the data analysis. This chapter will discuss the reasons and rationale for such a view in depth. TLT seeks to establish a general, abstract, and idealized model that explains the learning process's generic structure, dimensions, and dynamics. It does not undertake a definitive cultural critique but attempts to provide a model with constructs, language, categories, and dynamics to enable an understanding of how others learn in various cultural settings (Mezirow & Taylor, 2009).

Students may also learn and feel more comfortable learning practically through experiences with other students, which is why I included social constructivism (see

3.8.1 below) as a theory complementing TLT and TLE (Henrico, 2016; Quinot, 2012; Quinot & Greenbaum, 2015). Allowing students an opportunity to learn through experience and social interactions does not typically take place in the undergraduate LLB degree in South Africa.

Creating awareness of social justice values and promoting these values in law students can be achieved by allowing law students the opportunity to reflect on themselves critically - on their beliefs, their understanding of the role of the legal practitioner in society, and their understanding of inequality and vulnerable groups - and for students to engage meaningfully with these topics (Babacan & Babacan, 2012). This would be the most effective method for South African law students to create meaning for themselves and challenge their frames of reference and how they see the world, allowing a perspective transformation (Smith & Bauling, 2013) that would hopefully remain with the students after they graduate and enter the (Babacan & Babacan, 2015a).

As human beings, we have a defining need to understand the meaning of our experiences. We are self-determining and self-reflective (Dirkx et al., 2006). Where learning and understanding are the goals, we learn to make our interpretations and not blindly accept others' opinions and beliefs, so we become autonomous critical thinkers. Mezirow believed that independent thinking is a prerequisite to thinking from multiple perspectives. To think in this multi-faceted worldview dimension is crucial for developing social values. He states, "Transformative learning is effecting change in a frame of reference" (Mezirow, 1997, p. 5). A frame of reference is the lens of our expectations and assumptions through which we see the world.

Problematic beliefs include abstract concepts like democracy, citizenship, love, and justice. We develop these psycho-cultural frames of reference during adulthood, which Mezirow calls "meaning structures" (Mezirow, 2018, p. 93). Such structures consist of two components. The first component comprises schemes, a set of habitual expectations. For example, we get into the car to work, expecting it to get us there. The second component consists of higher-order beliefs, ideologies, propositions, and assumptions, which we use to make meaning of new experiences, for example,

stereotypes and bias (Mezirow, 1990). Aspects of these two components are discussed in greater detail later in this chapter.

According to Mezirow, people change their worldview when they experience a “disorienting dilemma” (Mezirow, 2018, p. 94). Disorientating dilemmas are experiences that do not fit into a person’s current beliefs about the world and cannot be understood through particular reference frames (Quigley, 1995). When they experience this disorientation, people are encouraged to reconsider their beliefs so as to fit this new experience into the rest of their worldview (Mezirow, 1990; Mezirow, 2008a; Mezirow, 2018). Learning through such an altered meaning perspective is said to be transformative learning.

Three common themes in Mezirow’s theory are the centrality of experience, critical reflection, and rational discourse in meaning structure transformation. The learner’s experience is the starting point for transformative learning (Mezirow, 1995). As experience is perceived as socially constructed, it can be acted upon and deconstructed. These concepts will be elaborated upon later in this chapter.

3.6.1 Background and Development of TLT

Transformative learning is the opposite of conventional learning in that learners use critical reflection and rational discourse to delve deeper into their experiences and critically evaluate how they view the experience in the way they do (Cranton & Taylor, 2012). Conventional learning aligns with Freire’s “banking” learning method (Kitchenham, 2008), situating the teacher at the center of knowledge production. In the banking method, new knowledge is added to an existing meaning scheme and integrated into the framework the learner has already. In this type of conventional learning, a person’s beliefs, interpretations, and feelings remain unchanged (Freire, 2000).

The ten phases of transformative learning, according to Mezirow (1978, cited in (Kitchenham, 2008, p. 105), are:

Phase 1 A disorienting dilemma

Phase 2	A self-examination with feelings of guilt or shame
Phase 3	A critical assessment of epistemic, sociocultural, or psychic assumptions
Phase 4	Recognition that one's discontent and the process of transformation are shared and that others have negotiated a similar change
Phase 5	Exploration of options for new roles, relationships, and actions
Phase 6	Planning of a course of action
Phase 7	Acquisition of knowledge and skills for implementing one's plans
Phase 8	Provisional trying of new roles
Phase 9	Building of competence and self-confidence in new roles and relationships
Phase 10	A reintegration into one's life on the basis of conditions dictated by one's perspective

According to Mezirow, when faced with a disorienting dilemma, the participants would be forced to reconsider and revise their beliefs so that this new experience would fit into the rest of their worldview. He suggests this happens through "critical reflection" in dialogue with other people (Mezirow, 2003a, p. 12).

3.6.2 Meaning Perspectives/Structures (frames of reference)

Meaning structures are a significant component of the theory. They act as culturally defined frames of reference that include meaning schemes and perspectives. Meaning perspectives are defined as broad sets of predispositions resulting from psycho-cultural assumptions that determine our expectations' horizons. Meaning perspectives can be divided into "epistemic, sociocultural, psychological" (Mezirow, 2003a, pp. 15-16).

Over time, with numerous similar experiences, meaning perspectives become more ingrained in our psyche, and changing them happens less frequently. These assumptions can become stifling as they make our understanding of the world and our world views subjective, which can distort our perceptions. They are like a "double-edged sword" in essence, as they give meaning and validate what we believe, and we become dependent on them. However, simultaneously, they can skew our perceptions of reality as these worldviews are subjective. In other words, our meaning perspectives

can support us by explaining the happenings in our daily lives, but at the same time, they reflect our cultural and psychological assumptions.

Transformation occurs when an incongruent experience happens that cannot be assimilated into the meaning perspective. When handling this experience, the options are to reject it outright or, through the transformation process, revise the currently held meaning perspective to accommodate the new experience, beliefs, and values that come with it. This change in our meaning perspectives is at the heart of Mezirow's theory of perspective transformation - a worldview shift. Perspective transformation explains how adults adapt and change their meaning structures. A disorienting dilemma may be triggered by a life crisis or major life transition or may result from an accumulation of transformations in meaning schemes over time.

3.6.3 Perspective transformation

Jack Mezirow's development of transformative learning theory began when his wife returned to college as an adult. Her experiences led Mezirow to contemplate and interrogate the changes women returning to college might experience. His findings were that the women questioned and revised their personal beliefs fairly linearly, including their beliefs about women's role in society. In this way, Mezirow (1991) developed his ten-phase process called the developing theory perspective transformation (Mezirow, 1991).

Learning can become integrated into the students' worldviews through perspective transformation. The process of perspective transformation occurs in three ways: psychological (changes in the understanding of the self), convictional (revision of belief systems), and behavioral (lifestyle changes). Perspective transformation requires critical reflection on the content, processes, and premises underlying our untested assumptions of reality, resulting in a revised worldview. Perspective transformation can be dramatic or incremental through the gradual accumulation of changes to meaning schemes. For Mezirow (1997), transformational learning aims to change our frame of reference and the common assumptions we interpret and understand our world.

3.7 Critical reflection

When students are required to develop critical and reflective thinking skills and are encouraged through that reflection to engage with the world around them, they may decide that some degree of personal or social transformation is required. The main components of the transformational learning process are experiencing critical reflection and, second, reflective discourse in action. The process, however, begins with our experiences. Critical reflection allows one to process such experiences. A cognitive process allows us to examine and reflect on our underlying beliefs and assumptions that impact how we make sense of experience. Critical reflection may affirm beliefs; learning has still occurred, but not transformational learning. For this to occur, beliefs must be reflected critically, prearranged plans must be made, and new ways of defining the world must be developed.

3.7.1 The rationale for choosing TLT for the study

This chapter has referred to the arguments of scholars who have concluded that transformative education is likely to be a helpful model to foster personal transformation for the student to grow and develop strategies to challenge oppression and human rights abuses and advance human rights in the context and the real world. While these strategies are labor-intensive and demanding, they hold real potential and can be widely applied within legal education.

The reasoning above convinced me that this theory was apt for this study. The internship programme (which is discussed in more detail in Chapter 4) was designed to provide the participants with a disorientating dilemma. It encouraged them to identify and confront their frames of reference and worldviews (or meaning perspectives), critically think about the tasks before them, and reflect after the event. In this way, it brought about transformative learning in the participants.

The participants were placed in a disorienting dilemma where they faced new experiences. Self-examination followed, and the acknowledgment of feelings of fear, guilt, pride, and uncertainty. The interns were required to critically assess their currently held assumptions, leading to exploring options for new roles, relationships,

and actions, planning a course of action, and acquiring knowledge and skills to implement one's plans. These responses were encapsulated in discourse. Trying new roles was followed by building self-confidence and new roles and relationships. Such processes are concrete, with the reintegration into one's life. Reflection (especially critical reflection) formed a significant part of this study and the internship programme since participants were required to keep reflective journals and were asked to reflect critically on each day of the programme.

As far as dialogue is concerned, engaging with human rights abuses is imperative, not only to have an interest in the law but also to have a keen interest in proper engagement with the law.

After that, facilitating two-way communication adapted to student's needs and the goal must be more in-depth (Campbell, 2015). As mentioned above, small group teaching is necessary for active dialogue. Within the dialogue, it is helpful to include a multidisciplinary perspective to draw on various fields and areas of thought to develop solutions that may not be strictly within the law's boundaries.

Finally, the scholarly literature concluded that transformative education is likely to be a helpful model to foster personal transformation and grow students who can develop effective strategies to challenge human rights abuses and advance them in their context and the real world. These strategies are very intensive and demanding on all involved, but the suggestion is that they will be helpful and can be applied more widely than just human rights education.

3.7.2 Support of transformative learning theory

One of the strengths of the transformational learning process is the highly social nature of the process, encouraging collaboration and facilitating learning. This can be identified as Habermas's third type of learning, called emancipatory learning (Baxter, 2011). Sharing experiences helps us build and sustain relationships in the workplace and society. Generally, it is also a skill that is essential to most people's success today. It allows learners to self-reflect on their surroundings, environment, and place inside the world to develop confidence. As we expand experiences, this helps us confirm our

belief systems, which helps build self-confidence. Knowing that our beliefs are grounded in the world around us guides learners to the edge of their comfort zones to transform their current thinking. It helps build confidence in transformational learning and encourages emotional maturity as the learner confronts their experiences. In turn, it assists the learner in becoming more emotionally mature by learning to manage his or her own emotions and gain the ability to empathize with others, thereby developing emotional intelligence.

3.7.3 Critique of transformative learning theory

Mezirow believed that while all learning is change, not all change is transformational. Sometimes learning is just acquiring new information or adding to the information we already have. Other authors feel that the process is overused in higher education, and this inhibits those whose foundational knowledge base contains fewer experiences than other students. It further requires risk-taking for our beliefs and values to be transformed. The learner must put their current beliefs and values in a position to be challenged. This is not an easy process as our belief systems are firmly grounded in culture, and the learner's past inhibits a change in beliefs. The process takes time and critical self-reflection on oneself as an individual and our place in society. Changing ideas is time-consuming, and the learner can merely file the experience away for later reflection and possible action.

Transformative learning theory has been criticized for not focusing on content, context, and relationships as catalysts in the transformation. Furthermore, transformative learning theory has a Western bias and lacks attention to cultural context. Gambrell observed that: "critics stated that Mezirow's theory reflected White, Western values of individualism, self-direction, and human agency, which is not the case for all cultures" (Gambrell, 2016, p. 2). Similarly, there is an over-emphasis on critical reflection and cognitive processes in transformation. The following sums it up: "A recurring critique of Mezirow's work on perspective transformation, however, has concerned its continued emphasis on the rational and analytic nature of the critical reflection that is seen as a primary driver" (Land et al., 2010, p. v).

Cranton (1994) warns against the danger of looking for stages in a learning process, an attempt to “prescribe” or define every person’s learning in every context. Not all learners go through all the stages simultaneously or take the same or a similar amount of time to complete each learning process phase. They may not complete one stage before moving to another. Any description of stages, therefore, should be a guide.

3.8 Emancipatory learning

Habermas (1971) proposed three domains of learning: the technical, the practical, and the emancipatory (Baxter, 2011). He notes that technical learning is rote, specific to a task, and governed by rules. Practical learning involves social norms, and teachers who understand how to interact would experience practical learning. Emancipatory learning is introspective as the learner is self-reflective and experiences self-knowledge. Kitchenham notes that Mezirow’s initial theory became more developed as he expanded the view of perspective transformation by relating the emancipatory process to self-directed learning to form three revised types of learning. Kitchenham sums it up:

Mezirow’s (1978a, 1978b) initial theory became more developed as he expanded the view of perspective transformation by relating the emancipatory process to self-directed learning to form three revised types of learning. The original three types of learning (technical, practical, and emancipatory), based on Habermas’s (1971) work, became (a) instrumental, (b) dialogic, and (c) self-reflective (Mezirow, 1985). Simply stated, learners ask how they could best learn the information (instrumental), when and where this learning could best take place (dialogic), and why they are learning the information (self-reflective) (Kitchenham, 2008, p. 109).

Emancipatory pedagogy has been founded on the idea that education should fundamentally create a just and democratic society. Further, emancipatory pedagogy invites students and teachers to critically analyze political and social issues and the consequences of social inequity. It also requires a negotiated curriculum based on genuine dialogue that values social interaction, collaboration, authentic democracy, and self-actualization.

Many authors describe emancipatory curriculum theory as emancipatory pedagogy and the hidden curriculum. The latter refers to the underlying ideologies and practices that are, sometimes unwittingly, transferred to the student when knowledge is taught in a particular way (Moss, 2013). Emancipatory curriculum theory advocates a curriculum in which education does not have the passive transfer of knowledge as its end. It considers knowledge a tool for creating a just and democratic society by acknowledging the social and political issues that obstruct it. It requires students and educators to critically analyze their lives and experiences to develop their understanding and knowledge of the conditions that affect them.

Emancipatory pedagogy comprises humanization, critical conscientization, and problem-solving approaches. Humanization requires students to understand their relationship with the world and its position. Critical conscientization entails not merely possession of knowledge but an understanding and ability to implement such knowledge to effect change toward social justice. A problem-solving approach to learning is considered the opposite of the banking learning model. Learning is not a unilateral process regarding this approach but recognizes the value of students' experiences and perspectives. By engaging in dialogues instead of traditional lectures, students, and educators learn, ask questions, and critically analyze each other's viewpoints (Aliakbari & Faraji, 2011), which characterize the pedagogy of the internship. Nouri and Sajjadi sums it up:

Emancipatory pedagogy is founded on the notion that education should play a fundamental role in creating a just and democratic society. The main educational aims of this approach are manifestation of humanization, critical conscientization, and a problem-posing education system. Emancipatory pedagogy accordingly seeks to invite both students and teachers to critically analyze the political and social issues as well as the consequences of social inequity (Nouri & Sajjadi, 2014, p. 76).

Emancipatory pedagogy is based on fundamental principles: education broadens the students' view of reality; education is transformative, political, and empowering; and education is based on genuine dialogue. An emancipatory curriculum rejects the

traditional power relationship between the educator and student and empowers the student to participate actively in the learning process through dialogue. Allowing students to engage in social conversation equips them to take on challenges and challenge ways of thinking, enabling them deep understanding of social and political realities.

It appears that although the literature on the advantages of an emancipatory curriculum is extensive, its implementation has not been well documented. This has resulted in a reluctance to employ emancipatory techniques in the classroom, as it is perceived as "difficult" and "time-consuming" to carry out properly. The section can then also relate to the section on interactive teaching methodology and clinical legal education.

3.8.1 Constructivist learning theory as it relates to and complements TLT

Constructivist learning theory and social constructivism focus on the learner. The learner creates meaning through experience, interaction, and experiential learning (learning through experiences). Constructivism as a theory is based on the idea or understanding that people construct their knowledge through their personal experiences (Al-Huneidi & Schreurs, 2011). It is a process whereby knowledge is conceived in the learner's mind by interpreting the information through individual experiences (Applefield, Huber, & Moallem, 2000).

3.9 Chapter summary and reflections

This chapter examined the theoretical foundations of social justice education and teaching for social justice. Again, it is emphasized that the study focuses on learning social justice. In summary, the goal of social justice in South Africa is to create a society where all citizens can participate and be treated with respect and in which all social groups work together collaboratively. In order to achieve this, it is necessary to address the country's history of domination, including the legacy of apartheid, and to work towards a more equitable distribution of resources. This requires understanding the diverse experiences and histories of different social groups and addressing issues of inclusion and equity. The implementation of an internship programme was intended to highlight the social responsibility of law students in this process. Despite progress,

South Africa remains a deeply unequal society and still has a long way to go in achieving social justice, especially as far as the vulnerable groups identified in this study.

The chapter examined social justice's goals and argued that, overall, the goal of social justice in South Africa is to create a more equitable and inclusive society in which all citizens can participate and be treated with respect. It is necessary to address the country's history of domination and work towards a more equitable distribution of resources while understanding different social groups' diverse experiences and histories. With this in mind, the internship programme was structured as it was.

The chapter then examined the concept of a paradigm and, in summary, highlighted that a paradigm is a general framework for understanding and researching a particular subject. It includes the basic assumptions, key issues, and methods for seeking answers in that field. It is a philosophical way of thinking that reflects the beliefs and principles that shape how an individual sees, interprets, and acts in the world. Paradigms can be positivist, interpretivist, or critical and consist of ontological, epistemological, axiological, and methodological assumptions. The positivist paradigm is based on the scientific method and relies on deductive logic and testing hypotheses to understand human behavior.

In contrast, the interpretivist paradigm is more concerned with understanding the subjective experiences of individuals and the meanings they assign to their actions. The critical paradigm is focused on examining power dynamics and challenging dominant beliefs and structures in society. This research chose the critical/transformational paradigm because it is more suitable for exploring the complex concepts of social justice and the transformation and emancipation of law students during an internship programme.

The paradigm or theoretical framework is an essential aspect of research that shapes the researcher's worldview and influences the work's purpose, conduct, and presentation. This research chose the critical/transformational paradigm because it allows for a more in-depth understanding of the subjective experiences and meanings assigned to social justice by law students during an internship programme.

The critical paradigm, also known as the transformative paradigm, is an appropriate approach for this research study because it focuses on addressing social justice issues and aims to change the legal culture in South Africa to promote social justice and improve the lives of vulnerable people groups in society. This paradigm recognizes the importance of examining power relationships and the consequences of privileging specific versions of reality. It also emphasizes using praxis and participatory research methods, such as Freirean studies and participatory emancipation, to promote human rights and increase justice. By linking politics, morality, and ethics, this paradigm aims to bring about social transformation and emancipation for those who have been oppressed or marginalized.

The chapter then examined the concept of social justice. Social justice is a concept that promotes equality and solidarity, values human rights, and seeks to ensure that all individuals have equal opportunities to participate in society. It involves efforts to eliminate discrimination based on race, gender, religion, and disability and aims to create a society where resources are distributed equitably, and all members are safe and secure. Social justice involves a sense of agency and social responsibility among individuals and a vision of a society where individuals are self-determined and capable of interacting democratically with others. The chapter highlighted that social justice is a multifaceted concept that aims to promote equality and solidarity and eliminate discrimination and injustice. While definitions and understandings of social justice may vary, it is generally understood as a process and goal focused on ensuring all individuals have equal opportunities to participate in and contribute to society.

The chapter then examines social justice education in South Africa and globally. Social justice education aims to promote the full and equal participation of all members of society through a democratic and inclusive process that respects diversity and encourages collaboration. Critical pedagogy, which emphasizes the role of students in the learning process and encourages them to develop critical analytical skills, is often used in social justice education. This study used an interdisciplinary approach to teach participants about social justice and the various forms of oppression through interactive, experiential learning. The goal was to equip the participants with the knowledge and awareness to critically examine social justice issues in their own lives

and the communities they encountered and to understand the complexity of oppression and inequality in South African society. The chapter highlighted that social justice education plays a vital role in promoting full and equal participation for all members of society. Critical pedagogy and an interdisciplinary approach can empower individuals to develop the skills and awareness necessary to critically examine social justice issues and work towards creating a more just and equitable society.

The chapter then examined why theory is necessary for studies of this nature, and in conclusion, the theoretical foundations for social justice are essential in guiding data analysis and informing the study's objectives and aims. They also provide a framework for understanding the challenges of the internship programme and allow for flexibility in the face of changing social conditions. Reflecting on and refining the theory throughout the research process can enhance the reflexivity of the approach.

The chapter examined transformative learning theory (TLT) as a framework for understanding how people's meaning schemes, or the paradigms and belief systems they use to make sense of the world, can be transformed. This theory posits that learning that transforms these meaning schemes in a more inclusive, reflective, open, and emotionally capable way can lead to more accurate beliefs and opinions that guide action. TLT is appropriate for the study of teaching social justice to law students because it can help students reflect critically on their own beliefs, understand the role of the legal practitioner in society, and engage meaningfully with issues of inequality and vulnerable groups. This may lead to a perspective transformation that may remain with the students after they graduate and enter the legal profession. TLT can be complemented by social constructivism, which allows for learning through experience and social interactions, and self-determination theory, which emphasizes the role of intrinsic motivation and self-regulation in learning.

In conclusion of this section, transformative learning theory is a valuable framework for understanding how people's meaning schemes can be transformed through learning. This theory is appropriate for the study of teaching social justice to law students because it can help students reflect critically on their own beliefs and engage meaningfully with issues of inequality and vulnerable groups, leading to a perspective transformation that may remain with them after they graduate.

In summary, transformative learning is a type of learning that involves critical reflection and rational discourse to challenge and transform an individual's beliefs and perspectives. It is distinct from conventional learning, which involves adding new knowledge to an existing framework without changing a person's underlying beliefs. The process of transformative learning is typically characterized by ten phases, including experiencing a disorienting dilemma, self-examination, feeling alienation from traditional social expectations, exploring new options, building competence, planning a new course of action, acquiring necessary knowledge and skills, trying out new roles, and reintegrating into society with a transformed perspective. It is facilitated through critical reflection in dialogue with others.

This chapter advanced the argument that transformative learning is a robust process that allows individuals to challenge and transform their beliefs and perspectives through critical reflection and dialogue with others. It is an essential alternative to conventional learning, often reinforcing existing frameworks without promoting personal transformation.

The chapter highlighted that meaning structures, also known as frames of reference, are culturally defined predispositions shaping our understanding of the world. When we encounter an experience that does not fit within our current meaning structures, we can either reject it or go through a process of revision and transformation, resulting in a shift in our worldview. Transformative learning theory posits that through critical reflection and revision of personal beliefs, individuals can experience a shift in their understanding of the self, belief systems, and behaviors, resulting in a revised worldview or frame of reference.

In summary, the rationale for choosing TLT for the study is that it can foster personal transformation and help students develop strategies to challenge oppression and human rights abuses. TLT involves placing individuals in a disorienting dilemma and encouraging them to reflect critically on their experiences and beliefs. This process involves self-examination, assessing currently held assumptions, and exploring new roles, relationships, and actions. Engaging in dialogue and small group teaching, as well as incorporating a multidisciplinary perspective, can also be helpful in TLT. The

goal of using TLT in this study was to create students who can effectively advance human rights in their context and the real world.

To conclude, transformational learning is a highly social process that encourages collaboration and facilitates learning through sharing experiences, self-reflection, and developing confidence and emotional intelligence. Transformative learning theory has been criticized for its Western bias, lack of attention to the cultural context, and over-emphasis on critical reflection and cognitive processes. It has also been warned against its attempt to prescribe a defined learning process for all learners and focus on individual transformation rather than social transformation.

The chapter also discussed emancipatory learning as a type of introspective and self-reflective learning involving critically analyzing political and social issues to create a just and democratic society. It is based on humanization, critical conscientization, and problem-solving approaches and involves genuine dialogue and collaboration between students and teachers. Emancipatory pedagogy, also known as emancipatory curriculum theory, rejects the traditional power dynamic between educators and students and empowers students to participate actively in the learning process through dialogue. While the benefits of this approach to learning are widely recognized, its implementation has been limited due to perceptions that it is difficult and time-consuming to carry out properly.

In conclusion, emancipatory learning is a practical approach to education that emphasizes critical thinking, self-reflection, and the creation of a just and democratic society. While it may be challenging to implement, the benefits of this approach to learning are well worth the effort, as it empowers students to take an active role in their learning and engage with significant social and political issues.

In concluding the chapter, Constructivist learning theory as it relates to and complements TLT is examined. Constructivist learning theory and social constructivism emphasize the role of the learner in the learning process. According to these theories, learners construct knowledge and understanding through experiences, interactions, and experiential learning. This approach to learning is based on the idea that individuals interpret and make sense of new information based on their personal

experiences. As such, constructivist learning theory complements TLT by focusing on the learner and the importance of their experiences in the learning process.

CHAPTER FOUR

RESEARCH DESIGN AND METHODOLOGY

4.1 Introduction

In this chapter, I discuss the research design and methodology of the study. I also describe the methods undertaken and justify the chosen design and methodology. The study's rationale, objectives, validity, trustworthiness, and data production strategy are discussed. The ethical issues raised during the study are outlined, as well as the context of the study, the sampling of participants, and the partnerships entered into before implementing the study. This chapter addresses the internship design and subsequent implementation of the internship programme. Under the heading "Data Collection and Analysis", data collection and data production are discussed. The chapter concludes by elaborating on the data sources, method, thematic analysis, and data triangulation.

4.2 My positionality concerning the study

This section examines my positionality as a researcher in this study. I aim to provide the reader with insights into how my positionality influenced my epistemology (Merriam et al., 2001; Takacs, 2003) and enabled me to be reflexive in my study approach (Bourke, 2017; Bozalek et al., 2013; Campbell, 2015; Leung et al., 2012; Waghid, 2002). My professional career background is presented, and the reasons why I aimed to establish links with the study's theoretical framing and the rationale for this framing.

I commenced with a Bachelor of Social Sciences degree at the then University of Natal in 1983. During this time, my main areas of study in the social sciences were social work, psychology, and sociology. I chose the courses Philosophy and Introduction to South African Law as electives. Apartheid was at its height during the 1980s, and tremendous political turmoil and instability marked this period in South African history (Harvey, 2016). South Africa was involved in various cross-border wars, and as the University of Natal was one of the more "liberal universities," the political landscape was vigorously debated in university structures and among students and staff. My degree studies exposed me to a holistic approach to education. Such an approach

translated into later work during my post-graduate studies in social work on the holistic approach to education, such as documented in the social work literature (Hare, 2004; Kolb et al., 2009; Sugarman, 1987).

At the end of the first year of the social work degree, all the students participated in a six-week social work agency externship that was required to successfully progress to the second year of social work. The social work externship I undertook in 1983 shares characteristics of an externship described in more recent work on legal externships in Australia (Evans & Hyams, 2015). I was required to shadow a mentor (a qualified social worker) daily and participate in all the day's activities. My social work internship in 1983 was the genesis of the internship that formed the basis of this study. It fulfilled the requirements to classify it as an experiential learning experience as referred to in more recent literature (Batt, 2015; Cronin & Connolly, 2007; Kolb & Kolb, 2005; Kolb et al., 2009; Kolb, 2014; McNamara et al., 2009b; Montreal: Teaching and Learning Services, 2014; Qafisheh, 2016; Thomson, 2015; Yardley et al., 2012). It is significant to note that reflection and keeping a reflective journal did not form part of the social work internship, although I incorporated it into the internship programme under study as an essential aspect of the pedagogy.

After graduating with my first degree, I qualified as a social worker and took employment at the Department of Welfare in 1986. My role was to provide social work services to the indigent and needy. As a qualified social worker, my employment period and my subsequent post-graduate studies shaped my worldview and sharpened my interest in becoming an activist and an agent of change (Gambrell, 2016). This paradigm became integrated into my professional identity along the lines theorised in the more recent social work literature (Shlomo et al., 2012; Webb, 2016; Wiles, 2013), and I integrated these values also into my professional identity as a legal practitioner. As a social worker, I dealt daily with various social problems, including families, children needing care, and adults with various addictions. Part of my job was to act as a "probation officer" and compile pre-sentence reports for individuals convicted of criminal offenses. This experience exposed me for the first time to some areas of the criminal justice system in South Africa.

In 1987, I enrolled for a Post-Graduate Diploma in Social Work, during which for the first time I engaged with the work of Vygotsky (Vygotsky, 1980). Upon completing the diploma, I was offered a temporary lecturing position in the Social Work Department. I also obtained special permission to commence with a Master's degree in social work simultaneously with a Post-Graduate LLB degree. This was motivated by the fact that my Master's topic in social work ("The criteria that social workers utilise in making child custody recommendations") had a distinct legal slant. The study entailed perusing completed High Court files of divorcing parties where there was a dispute regarding custody and access to children (the terms used in the study) and the recommendations contained in social workers' reports made to the court. I analysed the social workers' reports using a predetermined set of criteria from the available social work literature of the time.

During this process, I developed a deep appreciation of power relationships and, in particular, the unequal financial resources available to divorcing parties with a dispute regarding children. I became aware of how the divorce process and the power dynamics impacted the lives of the divorcing parties and their children. At the same time, my law degree studies made me acutely aware of the contrast between the theoretical and philosophical approaches in the social work discipline (Pincus & Minahan, 1973) and those encountered in the School of Law. Positivism was the dominant philosophical approach to law and legal education (Greenbaum, 2014; Modiri, 2014; J. M. Modiri, 2013a), which some claim prevails in legal education in South Africa today (Zitzke, 2014). In particular, I was struck by the didactic nature of legal pedagogy. Law students found themselves in a traditional master/apprentice role, passively receiving information via lectures (Montjane, 2003; Omelicheva & Avdeyeva, 2008). This was a classic example of the "banking method" of teaching (Brooke, 2006; Freire, 2000) that involved transmitting information and relied on textbooks and the authority of legal precedent. The lecture method of teaching law in South Africa has continued in the democratic era (McQuoid-Mason, 2006a; Zitzke, 2014), resulting in a compartmentalised way of thinking by law students (Bauling, 2017).

After completing my Master's degree in social work and a post-graduate LLB degree in 1991, I accepted an appointment as a prosecutor in the Department of Justice in 1992. My employment as a prosecutor exposed me to the criminal justice system's

inner workings and how the courts operated. At the same time, significant political changes were taking place in South Africa. In 1994, when the first democratic elections in our country took place, the constitutional negotiations were foremost in the minds of the legal profession and law teachers. I witnessed significant changes concerning the legal representation of indigent persons in the criminal justice system and decided to pursue a career as an attorney in private practice in 1996. Before being admitted as an attorney of the High Court of South Africa, I had to serve a year in a private law firm as a candidate attorney. I elected to attend the Durban Practical Legal Training School for six months, recognised by the Law Society of KwaZulu-Natal (as it then was). The most profound insights yielded by my 15 years as an attorney in private practice were the role of access to financial resources that enable people to secure experienced legal representatives who specialize in criminal law and, even more importantly, in family law. I experienced the legal profession's conservative culture first-hand, as Klare discussed and commented on in 1998 (Klare, 1998).

During my tenure as an attorney in private practice, I was appointed as a part-time instructor at the Durban School for Legal Practice in 1997 and taught mainly candidate attorneys the practical aspects and skills required in family law and criminal law. South Africa is home to more than nine Practical Legal Training Schools (PLTS) accredited by sub-national law societies. Like law clinics, they primarily exist to furnish an LLB graduate with practical training over an intensive practical course (McQuoid-Mason, 2008a). Law graduates who undergo an additional six months of training at a PLT are effectively exempted from two years of articles required of them in terms of the erstwhile Attorneys Act (No. 53 of 1979). The law graduates had to pass the attorney's admission examination to qualify as admitted attorneys upon completing their attachment.

In 2008, I was appointed to a part-time and then a full-time position as the Principal Attorney in the UKZN HC Campus Law Clinic, where I was responsible for all legal services rendered to its clients. I also entered into a service contract with almost all the candidate attorneys, and the contract was registered with the KwaZulu-Natal Law Society (as it then was). During my employment at the HC Campus Law Clinic, I mentored forty-two candidate attorneys who entered the legal profession as attorneys, advocates, the legal academy, and law-related careers. The Law Clinic's clients are

indigent community members, and the areas of law encountered vary. I taught various undergraduate modules, such as Professional Training, emphasising ethical issues admitted attorneys and advocates are likely to encounter in private practice. I was also involved in the Clinical Law module that exposes final-year law students to issues of social justice. I participated in two Law Master's degree programmes at the post-graduate level, an interdisciplinary Master's degree in social work and law (Child Care and Protection) and a Master's degree in Advanced Criminal Procedures and Processes.

During my professional career of nearly 32 years, I often came across the term "social justice" and was intrigued to reflect upon it and how closely it is associated with the time, context, and vantage point from which one views it. The notion of social justice is closely associated with the Clinical Law module and I aimed to promote social justice values in Clinical Law students and also other areas of my teaching. Teaching practical legal skills at the undergraduate LLB and postgraduate levels motivated me to explore social justice within the undergraduate LLB curriculum. This has enabled me to not only confront my own teaching paradigm but to scrutinise further hidden subtleties of power relationships, leading me to call for a more in-depth examination of the Clinical Law students' social, cultural, political, and economic conditions and those of the UKZN Law Clinic's indigent clients. This has resulted in the creation of an internship programme in the Law Clinic and this case study (Campbell, 2013).

4.3 Why a case study?

Exploring the learning of social justice facets concerning vulnerable groups in our society during the 84-hour contact internship programme required an in-depth and multi-faceted understanding of the complicated dimensions of social justice. For this reason, a qualitative case study was employed as the research approach to generate and extract the data necessary for this research study. Crowe et al. (2011) defines a case study as "a research approach used to generate an in-depth, multi-faceted understanding of a complicated issue in its real-life context" (Crowe et al., 2011, p. 1). The definition advanced by Crowe is the most suitable for a study of this nature as in this programme the learning of social justice requires an in-depth understanding of a complicated concept and its implementation occurred in a real-life context.

4.4 Location of the study

The internship at the UKZN HC Campus Law Clinic, Durban was the case study location chosen for this research. Although not a requirement for implementing the internship, a UKZN programme template was completed to ensure compliance with a UKZN educational study programme. The template contained an analysis of the LLB standards, and aspects of the LLB standards were linked to the specific activities each day of the internship. An indication of the social justice facet addressed on that day was also presented.

4.5 Challenges faced by implementing internships in South African law schools

McNamara (2009b) argues that many law schools are reluctant to introduce internships at law clinics, particularly in their standard curriculum, as they are resource-intensive (McNamara, 2009b). If the programme participants' performance is assessed formally, this reluctance would increase. The internship programme under study, however, was run as an educational activity outside the formal curriculum.

Internship programmes require close academic supervision, liaison with community organisations, and funding. Also, where the academic supervisor lacks complete control over the workplace, a discrepancy could arise between learning objectives and what is taught. Legal practitioners may not be capable of or prepared to supervise and guide students and they may not have the time to assess their performance. The lack of close supervision would put the academic integrity of the internship programme in doubt. Further, when class numbers are high (as is the case with law schools in South Africa), internships may not be available to all students, resulting in unequal access to the programme.

Despite the challenges of implementing an internship at a law clinic, it appeared to be important and feasible. Because I was the principal attorney at the UKZN Law Clinic, an internship programme there would have a higher chance of success, produce the data necessary for the study, and adequately address the research questions. The

mentors had direct oversight over the interns, and I had direct supervision over the mentors.

4.6 Implementing an internship as a way of preparing law students for practice

The teaching and learning approach and philosophy underpinning the internship programme were related to the field of teaching law and social justice. As mentioned before, the CHE LLB Standards provide that LLB students in South Africa be instructed on social justice aspects, and universities have often used their clinical legal education programme to facilitate this instruction. The clear focus of the internship on social justice made it possible to measure its impact on the participants after the implementation.

An exploratory case study often examines phenomena that have not been investigated before and can lay the basis for further studies (Rowley, 2002; Zainal, 2007). There is no indication in the South African legal and educational literature that an internship with a similar purpose had previously been implemented (i.e. an internship with a specific social justice focus). Therefore, this thesis may be the first study of an internship programme implemented in the South African legal and educational landscape.

The following section sets out the research design and methodology of the study, describing the implementation of the internship programme, data analysis, data production, and sampling. Ethical considerations, rationale, validity, and trustworthiness will also be explored.

4.7 Research paradigm and approach

As noted in 3.2, a paradigm differs from research methods: paradigms are used in research to understand the nature of knowledge in the real world in a specific way (Poni, 2014). This study has chosen a qualitative research design located within a critical research paradigm. This research paradigm is appropriate for a case study concerned with the learning of the facets of social justice during a UKZN Law Clinic

internship programme. Furthermore, the pedagogy underpinning such an internship programme has a transformative and emancipatory framing. As this study involves exploring specific experiences in the social world, a qualitative design is appropriate (Given, 2008; Yin, 2016). It uses a qualitative research design involving a case study approach. A case study approach is appropriate given the location of the research (Baxter & Jack, 2008; Crowe et al., 2011; Johansson, 2007; Rule & John, 2011; Rule & John, 2015; Yin, 2017).

An exploratory case study explores situations in which the intervention under scrutiny has no clear, single set of outcomes (Zainal, 2007) and can lay the basis for further studies (Rule & John, 2011). The outcomes in respect of the internship programme were multiple. The advantages of this approach include the close collaboration between the researcher and the participants while telling their stories (as to what occurred in the internship programme under study). Qualitative research allows the researcher to delve deeply into the data in studying certain selected phenomena. This opens up opportunities to identify the detail that emerges from the data analysis categories. The study intended to examine the “lived” experiences of each of the participants in the study. Each of these experiences would be unique to that particular participant.

4.8 Case studies

4.8.1 Introduction

Baxter & Jack (2008, p. 545) list four conditions to consider when deciding if a case study approach is appropriate:

- (a) the focus of the study is to answer “how” and “why” questions.
- (b) you cannot manipulate the behavior of those involved in the study.
- (c) you want to cover contextual conditions because you believe they are relevant to the phenomenon under investigation.
- (d) the boundaries are not clear between the event and context.

Rowley (2002) lists the same factors and stresses the importance of the type of research question. According to her, “what,” “who,” and “where” items are better suited to documents, surveys, and interviews as the in-depth, detailed knowledge case studies provide will be futile. She also states that case studies are ideal for studying contemporary events because various sources (such as documents, artifacts, interviews, and observations) are available. This may not be the case with historical facts for which sources of evidence are often limited.

4.8.2 Case study and not action research

O'Brien (1998, p. 28), in his discussion of the methodological approach to action research, defines action research as “learning by doing – a group of people identify a problem, do something to resolve it, see how successful the efforts were, and if not satisfied, try again.” In addition, he notes that “action research aims to contribute both to the practical concerns of people in an immediate problematic situation and to further the goals of social science simultaneously.”

The enduring commitment in action research is to study a system and concurrently collaborate with system members to change it together in what is regarded as a desirable direction. Accomplishing this twin goal requires the active collaboration of researcher and client, and thus it stresses the importance of co-learning as a primary aspect of the research process.” This study was not action research as the study was a once-off internship programme and not an ongoing project.

4.9 The research design of the internship programme

4.9.1 Rationale, intention, validity, and trustworthiness issues

4.9.1.1 Rationale

The internship fits with the University of KwaZulu-Natal's Mission of “a truly South African university that is academically excellent, innovative in research, and critically engaged with society.” It also contributes to the advancement of African scholarship by furthering the idea that “universities with any aspirations to excellence will claim to

be research-led, and outstanding in teaching and learning and community engagement – the core functions of every university” [taken from UKZN's Strategic Plan 2007 – 2016; revised June 2012].

The internship programme was developed to critically explore what, how, and why social justice issues are learned (if at all) through an internship programme. I have designed and implemented the program to respond to the Council on Higher Education LLB standards dated April 2015. The main objective of the internship programme was to develop an internship programme that promotes social justice and justice education and to investigate its potential.

4.9.1.2 Learning outcomes of the internship programme

The learning outcomes of the internship programme under study reflected the vision and the required skills presented in the CHE LLB Standards and aimed to identify gaps in the knowledge and skills of fourth-year LLB students, mainly relating to social justice and the transferring of legal knowledge. It aimed at addressing deficiencies in the LLB programme.

The aims and objectives of the internship programme were as follows:

1. to provide a link between the theoretical and abstract study of law and its more practical application
2. to train students on the essential elements of professional conduct
3. to enable students to appreciate the influence of law and legal concepts in a broader social and professional environment
4. to stimulate a critical awareness of the functioning of law and its place in society
5. to develop the necessary skills of self-analysis, self-reflection, critique, and praise
6. to equip students to apply academic research in a practical “real world” setting.

4.9.1.3 Validity

In line with the University of KwaZulu-Natal's Quality Promotion and Assurance guidelines, specific learning outcomes were developed to measure the programme's success. The specific learning outcomes of the internship programme were that, upon successful completion of this course, students would have:

1. developed relevant competencies and relationships regarding the legal profession
2. observed and understood a professional organizational culture by reflecting on their performance and experiences in the legal profession
3. applied academic knowledge and skills to critically reflect on their experiences through a research-led process focused on a particular topic
4. become able to reflect on their work critically
5. become able to transfer legal knowledge
6. applied social justice imperatives
7. promoted social justice goals
8. understood the legal profession's responsibility of service to the community.

The internship programme aimed to critically explore how social justice facets are learned through a programme with a community engagement pedagogy and implemented at the UKZN Law Clinic in July 2015.

4.9.1.4 Trustworthiness

Eight participants were selected as interns from the undergraduate LLB degree for the study. Using a small selection of participants has implications for the integrity of the study. However, measures to ensure the data's quality and trustworthiness were implemented.

Participation in the internship programme under study was voluntary. Participants were provided with details about the study, knew what to expect, and what their level of involvement would be. I also enjoyed a cordial relationship with all participants in the study, which allowed them to provide honest opinions and reflections. I did not

participate in teaching Clinical Law in 2015, nor was I part of any formal assessment of Clinical Law students for the year. This further ensures the validity and trustworthiness of the study.

4.10 Ethical issues

Due to the nature of the research, ethical clearance was required and obtained (see Annexure B). Subsequently, in-depth interviews were conducted with all eight interns in the programme. An interview schedule (see Annexure G) served as a guide during the meeting. The self-evaluation pre-internship questionnaire and the reflective journal the interns were required to complete on each internship day provided prompts during the interview.

Before conducting any research, it is prudent to discuss ethical dimensions such as informed consent, guarantees of confidentiality, beneficence, and non-maleficence with all participants (Cohen & Morrison, 2018). Privacy was ensured for the study participants and the collected data through safe data storage and access to the data being restricted to authorised persons.

It was important to consider the power relations between the researcher and the participants in the study (Orb et al., 2001). In order to respect the participant's anonymity, participants were asked to choose pseudonyms (or were allocated suitable pseudonyms) to be used when reporting on the data collected. The agreement to protect the participants' anonymity ensured that they could speak freely and voluntarily and provide information without fear of reprisal for any opinions they may have expressed throughout the study. The risks and possible harm to the participants must be identified, such as anxiety and distress, misrepresentation of the participants' ideas, and the identification in published papers by themselves or others (Richards & Schwartz, 2002). As mentioned above, all the participants were volunteers and, with video and audio recording of the interviews, there was no risk that the study participants would fear their ideas would be misrepresented.

4.11 Context and sampling

Deliberate or purposive sampling was used to select the participants for the study. Participants should be selected with some purpose or focus in mind. Final year LLB students who selected the UKZN Clinical Law module during their last year of study were invited to apply to participate in the internship programme by writing a letter of motivation. Eight final-year clinical law students were selected to be part of the programme. The selection was made jointly by me and the Supervising Attorney in the UKZN Law Clinic. The choice was made on the basis of the applications and letters of motivation that were received. The participants selected for the programme were sent letters inviting them to participate and asked to sign a letter of consent to participate in the study. Four candidate attorneys who were serving their contract of service in the UKZN Law Clinic were invited to serve as mentors to the participants during the internship.

Therefore, the internship programme consisted of four mentors and eight interns/participants. Each mentor had two interns allocated to him or her for the duration of the programme. Only the interns' data were analysed for this study as the research focused on the eight interns' transformative experiences. The mentors' role was to provide support and guidance, and the programme was no doubt beneficial to them, but for the study only the data collected from the interns formed part of the data.

A diverse range of participants ensured the provision of depth to the study. The following variables for selecting participants were considered significant at the study's outset: gender, race, background, status as final-year LLB students at UKZN, and their willingness and availability to participate in the study.

The partners for the internship programme, together with the researcher, were as follows:

- Professor Managay Reddi, Dean and Head of the School of Law, UKZN
- Professor David Mcquoid-Mason, Centre for Socio-Legal Studies
- Dr Dave Holness, Senior Lecturer at UKZN and Director of the UKZN Law Clinic
- Mr Lionel Soupen, Supervising Attorney of the UKZN Law Clinic.

4.12 Pseudonyms for the participants

As stated above, to protect the interns' identities and ensure the data's trustworthiness and validity, pseudonyms were selected by the interns or assigned to them for the study. The pseudonyms used for the study are as follows:

- Participant 1 – Kareena
- Participant 2 – Grant
- Participant 3 – Priya
- Participant 4 – Anusha
- Participant 5 – Ayanda
- Participant 6 – Sarah
- Participant 7 – Thandi
- Participant 8 – Jade.

Participants were assured that their responses would be used only for this Ph.D. study and other academic writing which may flow from this Ph.D.

With regard to the gender and demographics of the interns, there were seven female interns and one male intern. The latter was chosen because he was the only male student who applied to be part of the programme and also produced a motivation that was in line with the study's objectives. There were two African students, four Indian students, and two White students. This diverse demographical make-up of the study represents a cross-section of final-year LLB students from different backgrounds.

4.13 Location of the study

The UKZN Law Clinic internship programme was implemented from 4 to 18 July 2015. The internship programme thus consisted of 84 contact hours over two weeks. In-depth semi-structured interviews, which formed part of the data production strategy, were conducted with the participants at the UKZN Law Clinic, Howard College Campus. Clinical Law training sessions for the interns and the mentors were conducted at the UKZN Law Clinic. Court visits, mainly at the Durban Magistrates Court, were

coordinated jointly by the UKZN Law Clinic and Legal Aid South Africa. Outreach programmes were presented at a retirement village situated in Glenwood, Durban, namely, the Glenhaven Retirement Village. Legal education outreach workshops were offered at the Albert Luthuli Museum at Groutville, on the north coast of KwaZulu-Natal, to benefit needy community members.

4.14 Partnerships created with organisations to facilitate the internship

Eight different activities were identified in the study's design and development, and various institutions and organisations had to be approached to conduct these activities. These organisations or programmes were chosen because of a commitment to advancing human rights and equality and a focus on social justice. Each is described in turn below.

4.14.1 Street Law Programme

The Street Law programme falls under the auspices of the School of Law. It teaches school children, prisoners, and communities about their legal rights. On the HC campus, nearly 100 students participate in the Street Law programme every year, visiting almost 100 high schools and the Westville Prison in the eThekweni Municipal area. The Head Office of the National Street Law Programme (<http://law.ukzn.ac.za/StreetLawProgramme.aspx>) is located on the Howard College campus.

4.14.2 Legal Aid South Africa

Legal Aid South Africa (LASA) is an independent statutory body established by the Legal Aid Act 39, 2014. Its role is to provide legal aid to those who cannot afford legal representation. These clients include poor people and specific vulnerable groups such as women, children, and the rural poor.

The aims of LASA (<http://www.legal-aid.co.za>) are to give legal aid or to make legal aid available to indigent persons within its financial means and to provide legal representation at state expense, as set out in the Constitution of the Republic of South

Africa, 1996 (the Constitution) and relevant legislation. It does this independently and in an unbiased fashion, aiming to enhance justice and public confidence in the law and justice administration.

4.14.3 Lawyers for Human Rights

Lawyers for Human Rights (LHR) is an independent human rights organisation with a 39-year track record of human rights activism and public interest litigation in South Africa. LHR (<http://www.lhr.org.za/>) uses the law as a positive instrument for change and deepens South African society's democratisation. To this end, it provides free legal services to vulnerable, marginalized, and indigent individuals and communities, both non-national and South African, who are victims of unlawful infringements of their constitutional rights.

4.14.4 University of KwaZulu-Natal and the UKZN Law Clinic

The KZN (www.ukzn.ac.za) was formed on 1 January 2004 due to the merger between the University of Durban-Westville and Natal, bringing together the rich histories of both the former universities. The UKZN Law Clinics in Durban and Pietermaritzburg are numbered amongst the leading law clinics in South Africa. They serve as 'laboratories where students, carefully supervised by trained practitioners, can practice the legal skills they have learned by dealing with real clients and solving legal problems. The UKZN Law Clinic (<http://law.ukzn.ac.za/LawClinic>) specialises in providing legal services in the areas of HIV and AIDS (e.g., unfair dismissal due to status), Family Law (e.g., divorce, maintenance, care, and contact disputes and domestic violence), and social justice (e.g., housing and eviction matters). As many clients served by the Clinic live in rural and semi-rural areas, Law Clinic staff and students often travel to remote areas to provide vulnerable communities with access to justice. Besides offering free legal services, the Law Clinic, local non-governmental organisations, and paralegal advice offices conduct workshops and awareness-raising programmes to empower poor communities and educate them concerning their legal rights.

4.14.5 Albert Luthuli Museum

The Luthuli Museum is a national cultural institution charged with conserving, upholding, promoting, and propagating the life, values, philosophies, and legacy of the late Chief Albert Luthuli. The Luthuli Museum (<https://luthulimuseum.org.za/>) supports on-site and travelling exhibitions that honour, explore, and inform visitors about Chief Albert Luthuli and the legacy of the liberation movement. The mission of the Luthuli Museum is to conserve, uphold, promote, and propagate the life, values, philosophies, and legacy of the late Chief Albert Luthuli in his struggle against apartheid oppression, his respect for human rights, and his life devotion to a non-violent resolution to world problems.

4.14.6 Futchter and Poppesqou Attorneys

Established over ten years ago, with its directors having over twenty-five years of combined legal experience, Futchter and Poppesqou Attorneys offers its expertise and personalised services to various individuals, unions, and businesses operating across a wide array of industries. The firm (<http://fpattorneysinc.co.za/>) offers its clients holistic legal services by providing specialised and practical legal advice while considering their commercial and business imperatives. Thus it provides litigation, drafting, advisory, and dispute resolution legal services, with a specialisation in commercial, labour, and data privacy law.

4.14.7 The Office of the Family Advocate

The Office of the Family Advocate (www.justice.gov.za/FMAAdv) deals with disputes between parents over their exercise of parental responsibility and rights. The Office also assists extended family members or third parties who seek to acquire parental responsibilities and rights. The functions of the Office were initially encapsulated in the Mediation and Certain Divorce Matters Act 24 of 1987 but have been extended by the Children's Act, 2005 (Act 38 of 2005). They are also appointed to administer the Hague Convention, adopted in 1980 to curb international abductions of children. A family advocate is an unbiased family law specialist who assists parties in agreeing on disputes regarding children's parental responsibilities and rights through mediation.

4.14.8 Glenhaven Retirement Village

A retirement village visit was included in the internship program because the elderly are a vulnerable group in South Africa. Glenhaven is a retirement village with approximately 50 elderly members of the community.

4.15 Internship design and implementation

4.15.1 Introduction

The idea of using an internship for the study was exciting; however, it came with many challenges. First, an internship of this nature has never been implemented by the UKZN HC Law Clinic and UKZN School of Law. It was always understood that it was not going to be easy. However, an opportunity to explore the experiences of the participants engaging with activities in a programme and to access their insights and reflections made this a worthwhile endeavour. The activities carried out at each of the organisations listed above are discussed below.

The eight interns were divided into two groups (namely, Group A and Group B), with four interns per group. The programme is set out in the table below:

Table 2: Activities during the internship programme

DATE	DAY	GROUP	ACTIVITY
4 July 2015	Saturday	A and B	1. Street law interactive teaching workshop facilitated by Prof David McQuoid-Mason
6 July 2015	Monday	A and B	2. UKZN case files assigned to interns; initial discussions on the types of matters UKZN Law Clinic handles and the types of clients, confidentiality, ethics, attorney/client privilege

			3. Discussion of the criminal trial process
7 July 2015	Tuesday	A	4. Outreach presentation at Glenhaven Retirement Village on wills, estates, and Older Persons Act 5. UKZN Law Clinic case files continued – focus on research and drafting
		B	6. Attend Durban Magistrates' Court – focus on criminal trials and shadowing Legal Aid South Africa representative
8 July 2015	Wednesday	A	7. Attend Labour Court. 8. Discussion with representatives of ProBono.org and SASLAW
		B	9. Attend case conference at Legal Aid South Africa to observe matters assigned and shadow Legal Aid South Africa attorney in the criminal courts at Durban Magistrates' Court 10. Attend Durban Magistrates' Court – observed civil trials (divorce proceedings) and criminal trials
9 July 2015	Thursday	A	11. UKZN Law Clinic case files continued – research, drafting, and discussions with mentor. 12. Preparation for the outreach at Albert Luthuli Museum on 11 July
		B	13. Attend Durban Magistrates' Court - criminal court including drug offences
10 July 2015	Friday	A	14. Attend Lawyers for Human Rights presentation on the refugees in South Africa 15. Preparation for the outreach at Albert Luthuli Museum on 11 July

		B	16. Attend Durban Magistrates' Court – observed civil trials (divorce proceedings) and criminal trials
11 July 2015	Saturday	A	17. Outreach presentations at Albert Luthuli Museum on the Older Persons Act, Small Claims Court, COIDA and the CCMA
13 July 2015	Monday	A and B	18. Attend the Office of the Family Advocate - presentation by a Family Advocate and a Family Counsellor on parents' rights and responsibilities and children's rights 19. Meeting with the UKZN School of Law Dean to discuss the LLB experience and the possibility of re-curriculating the LLB programme
14 July 2015	Tuesday	A	20. Attend case conference at Legal Aid South Africa to observe matters assigned and shadow Legal Aid South Africa attorney in the criminal courts at Durban Magistrates' Court
		B	21. UKZN Law Clinic case files continued – research, drafting and discussions with mentors 22. Preparation for the outreach at Albert Luthuli Museum on 18 July
15 July 2015	Wednesday	A	23. Attend Durban Magistrates' Court – focus criminal trials
		B	24. UKZN Law Clinic case files continued – research, drafting, and discussions with mentors
16 July 2015	Thursday	A	25. Attend Durban Magistrates' Court – focus criminal trials

		B	26. Attend a High Court urgent eviction matter 27. Discussion with representatives of ProBono.org and SASLAW 28. Attend meeting at the offices of Mark Futchner, a Labour law specialist and attorney in private practice
17 July 2015	Friday	A	29. Attend Durban Magistrates' Court – focus criminal trials
		B	30. Attend a Lawyers for Human Rights presentation on South African refugees. 31. Preparation for the outreach at Albert Luthuli Museum on 18 July
18 July 2015	Saturday	B	32. Outreach presentations at Albert Luthuli Museum on Administration of Deceased Estates and Consumer Law

4.15.2 Street Law Interactive Teaching Workshop

The Street Law interactive teaching workshop involved engaging with how to present a Street Law lesson and included a mini moot presentation on the Soobramoney case regarding the right to emergency health care and treatment. The groups had an interactive experience on the workings of the Small Claims Court, the Labour Court, consumer rights, wills, and succession.

This activity was in line with the requirement of the CHE LLB Standards, which states in its mission the aim of “growth of legal knowledge through teaching” and, as a value, encouraging “socially relevant legal research and education.” It also states as part of the qualification standards “that the LLB graduate can transfer legal knowledge to others” and “that the LLB graduate can critically reflect on and assess his/her work and critique the work of others in a reasoned and formative manner.” The social justice facets dealt with in this activity's included the students' growth in legal knowledge to educate communities in relevant social justice topics, including consumer law, administration of estates, labour law, and accessing the Small Claims Court. In

addition, the Street Law programmes are designed to facilitate legal knowledge and skills in a relatable and straightforward manner to ensure that legal knowledge can be taught to those without formal education and across socioeconomic strata.

4.15.3 Court visit and Legal Aid South Africa engagement

The interns spent four days visiting the criminal and civil courts. They had an opportunity to meet LASA attorneys and sit in and observe those attorneys conduct their criminal trials. The interns saw a variety of matters including a reception court, bail proceedings, a drug court, guilty pleas, criminal cases, and civil matters.

This task is in line with the vision in the CHE LLB Standards which includes “a critical appreciation of the role of law in society and an understanding of the values of the South African constitution, particularly dignity, equality and human rights” and the qualification standard “that the LLB graduate acknowledges the capacity, agency, and accountability of the legal practitioner in shaping and transforming the legal system, promotes social justice goals of fairness, legitimacy, efficacy, and equity in the legal system.” This task was also in line with the qualification standard “that the LLB graduate is able to recognize, reflect and apply social justice imperatives”; and “understand the professional responsibilities of the legal practitioner in service to the community” and the vision which includes “a critical appreciation of the role of law in society and an understanding of the values of the South African constitution, particularly dignity, equality and human rights”.

The social justice facet relevant in these activities was the gaining of knowledge on criminal court proceedings to enhance skills and experience in the practical application of the right to a fair trial. Criminal courts involve those in contact with the law, accused persons, witnesses, and prisoners, and all these groups' rights need to be protected, mainly as they may be vulnerable groups, which is critical for students to understand.

4.15.4 Presentation on refugee law in South Africa

The interns attended a Lawyers for Human Rights (LHR) presentation, which discussed the aid to refugees and explained the administrative challenges many

refugees face in the refugee application process. This activity was aligned with the following:

- the qualification standard stipulating that “the LLB graduate acknowledges the capacity, agency, and accountability of the legal practitioner in shaping and transforming the legal system, promoting social justice goals of fairness, legitimacy, efficacy, and equity in the legal system”
- the vision of “a critical, independent approach to social and legal issues, in particular, developing a sense of justice and the potential of law to be used as a tool for social and economic change
- the qualification standard: “The LLB graduate can recognize, reflect and apply social justice imperatives.”

The social justice facet applicable regarding this activity is to create awareness in the interns and mentors of the issues and injustices affecting refugees in South Africa due to the incorrect application of law and maladministration.

4.15.5 Case files at the UKZN Law Clinic

The supervising attorney explained working with the administrative aspect of a file at the Law Clinic. After that, mentors distributed files, which the interns would be required to work on for the internship duration. After working on the files, the interns and mentors watched interview skills videos. The skill that this pertains to is problem-solving. The graduate can identify and define the relevant legal problems and select the most appropriate sources and research methods (including electronic databases) to solve such legal matters to generate reasoned solutions. This task was in line with the CHE LLB Standards, which state its Mission of “producing graduates with skills.”

The social justice facet relevant to this type of activity related to the work of the UKZN Law Clinic for those who qualify as indigent according to a means test. The work of the UKZN Law Clinic assists such people on a variety of legal matters, and the exposure of students to these types of issues (e.g., evictions, debt) and these types of clients facilitate the knowledge and understanding of students of the place and power of law for the indigent.

4.15.6 Community outreach at Albert Luthuli Museum

The presentations at the Albert Luthuli Museum in Groutville covered the Administration of Deceased Estates, Consumer Protection, the Older Person's Act, Small Claims Court, Compensation for Occupational Injuries and Diseases Act (COIDA), and the CCMA. The interns employed the skills they had workshopped during the Street Law Interactive Teaching activity, developing an interactive presentation of an area of substantive law and focusing on the social justice aspects of that area. The groups adopted several teaching methods to help convey what they had to explain to the audience: demonstration, lecturing, visual aids, and active participation.

This task was in line with CHE LLB Standards, including the vision of “a critical and independent approach to social and legal issues, particularly in the development of a sense of justice and the potential of law to be used as a tool for social and economic change” and the qualification standard that a graduate can: (a) function effectively in independent and collaborative settings; (b) make meaningful contributions to work efforts in a group context, including problem-solving; (c) address a particular aspect of a problem or project and integrate her/his struggles into a collaborative effort.” (Council for Higher Education, 2015, p. 11)

It is also in line with the qualification standard “that the LLB graduate can recognize, reflect and apply social justice imperatives” and “that the LLB graduate can transfer legal knowledge to others,” and the Vision that “graduates have “knowledge and understanding of the discrete areas of law.” This outreach's social justice facet aimed to educate members about relevant legal topics in a community that would have not ordinarily had access to this information.

4.15.7 Role of attorney in private practice

The interns met an attorney in private practice who ran a successful labour law firm and engaged with civic responsibility by providing opinions and guidance on labour law matters for the UKZN Law Clinic. This attorney was Mr. Mark Fatcher of Fatcher and

Poppesqou Attorneys. He met the interns at his offices in Umhlanga and discussed the importance of private attorneys being involved in issues of social justice with them.

This activity is in line with the vision in the CHE LLB Standards of “a critical appreciation of the role of law in society and an understanding of the values of the South African constitution, particularly dignity, equality, and human rights.” Also, in line with the qualification standard, “that the LLB graduate acknowledges the capacity, agency, and accountability of the legal practitioner in shaping and transforming the legal system, promote social justice goals of fairness, legitimacy, efficacy, and equity in the legal system.”

The social justice facets relevant to the task were that interns were exposed to a private practitioner who enables communities to practically access justice. This assists in instilling a sense of responsibility in the interns for performing public service.

4.15.8 Office of the Family Advocate

The Office of the Family Advocate hosted the study participants at their. Many participants were previously unaware of the place and importance of the Family Advocate's Office. The participants gained insights into the functions of the social workers and legal professionals. This is in line with the vision that graduates should have “a knowledge and understanding of the discrete areas of law” and “a critical appreciation of the role of law in society and an understanding of the values of the South African constitution, particularly dignity, equality, and human rights.”

The social justice facets relating to the involvement of the Office of the Family Advocate were the creation of awareness in the interns and mentors of issues affecting children and families in South Africa and issues relating to the Office's functioning.

4.15.9 Glenhaven Retirement Village

The visit to the Glenhaven Retirement Village aimed to inform the elderly of the legislation applicable to older persons in South Africa and advise them on how their

rights can be protected. In addition, the importance of having a will and the formalities of wills and estates was discussed.

4.16 Data collection and analysis

4.16.1 Data collection and data production strategy

The data collection took place over six months. Participants were required to complete a pre-internship questionnaire relating to their experiences of the LLB programme and their understanding of social justice before entering the internship programme. They were also required to keep self-reflective journals of their pivotal experiences each day of the internship programme. Finally, participants attended a one-on-one in-depth semi-structured interview with me on the internship's critical aspects and what was learned and retained by the participant.

Even though in-depth, semi-structured interviews can be expensive and time-consuming, I decided to use this method. Cohen et al. (2007) explained that the value of this particular method of interviewing provided an “open situation that allows for greater freedom and flexibility.” The method of in-depth, semi-structured interviews presupposes that dialogue can emerge between myself and the person being interviewed. The list of questions that I developed for the interview process was shared with the participants so they could prepare for the interview properly. The steps described above ensured that the interviews were meaningful: the participants had had time to consider their answers and better explain their thoughts and opinions to the researcher.

I started the in-depth interviews with broader questions and did not immediately delving into the study's specifics. As mentioned earlier, taking the measure also enabled me to develop ideas that emerged during the discussion. After the introductory questions, participants quickly started discussing the internship activities, which they found to be critical experiences.

The data analysis focused on the participants' reflective journaling, and the other data collected through the questionnaires and interviews were used to crystalise and clarify

issues raised by the participants and the participants' perspectives and experiences of the Internship programme.

4.17 Data sources and analysis

The sources of data obtained in the course of the study are as follows:

4.17.1 Participants' motivation to join the study and pre-internship questionnaire

All participants submitted an application and motivation to join the study in which they stated the reason for their wish to be a part of the research and what they thought they could contribute to the study.

Once the participants were selected, they were asked to complete the self-evaluation pre-internship self-administered questionnaire dealing, among other things, with their views and understanding of social justice issues before implementing the internship programme (see Annexure E).

4.17.2 Reflective journals

Another data source was the interns' reflective journals that they kept daily in respect of the activities for the specific day. Detailed guidance was provided to the interns to guide them on how to detail their experiences.

4.17.3 Transcribed transcripts of the post-internship interviews

Once ethical clearance was obtained, in-depth interviews were conducted with all eight participants. An interview schedule was compiled to serve as a guide during the interview. The self-administered pre-internship questionnaire and the reflective journal entries served as prompts during the interview. The interview schedule may be found in Annexure G. All interviews were transcribed to analyse the responses effectively.

Some of the instruments used in the study were adapted from previous studies (particularly the guidance in respect of the reflective journals adapted from Prof Robin Palmer's Canterbury University's guide to reflective journaling).

4.18 Thematic analysis

Analysis of the data collected appears in Chapters 5, 6, and 7. Chapter 5 examines the transformation of participants at a personal level. The following themes for the analysis have been identified from the literature and theoretical framework: relating to peers and working in small groups; self-examination and critical reflection; experimenting with new roles and learning new skills; building confidence in new ways, and overcoming anxiety; taking action and changing behavior; identity; and understanding and incorporating new styles of learning.

In Chapter 6, the transformation of how participants relate to society on social justice issues is discussed. The following themes were identified from the literature and theoretical framework: inequality and vulnerable groups, the attorney's role in society, the transfer of legal knowledge, and perspectives on social justice. The final data analysis chapter deals with the transformative learning theory from an educator's perspective. The themes that have been identified for analysis of this topic are the following: the effect of mentorship, interactive teaching methods, creating opportunities for transformational learning, and teaching technical skills.

4.19 Triangulation

Triangulation is a technique that facilitates data validation through cross-verification from two or more sources. Triangulation aims to capture different dimensions of the same phenomenon (Bekhet & Zauszniewski, 2012). Bryman notes, "Triangulation refers to the use of more than one approach to the investigation of a research question to enhance confidence in the ensuing findings" (Bryman, 2004, p. 1). It is a method used by qualitative researchers to check and establish validity in their studies by analyzing a research question from multiple perspectives to arrive at consistency across data sources or approaches.

A triangulation of data production methods was used in the study, including the pre-internship questionnaire, reflective journals, and semi-structured post-internship interviews. This way, information was validated using three different data sources and collection methods (Heale & Forbes, 2013). This process adds validity and trustworthiness to the data collected.

4.20 Chapter summary and reflections

This chapter discussed the research design and methodology of the study, including the rationale, objectives, validity, trustworthiness, and data production strategy. It also covers ethical considerations, the context of the study, sampling of participants, and partnerships entered into before implementing the study, as well as the data collection and analysis methods used, including data sources and methods, thematic analysis, and data triangulation.

The chapter detailed my positionality concerning the study. The positionality of a researcher refers to the unique combination of personal and professional experiences, biases, and perspectives that shape an understanding of the world and approach to research. In this chapter, I explained my background and experiences in social work and law and how they influenced my epistemology and approach to the research. I also emphasized the importance of reflection and keeping a reflective journal in research, which suggests focusing on self-reflection and reflexivity. My professional identity as a social worker and legal practitioner and my values as an activist and change agent shaped my research interests and approach. The section highlighted the importance for researchers to be aware of their positionality and consider how it may influence their research to ensure a more nuanced and unbiased approach.

In these paragraphs, I provided a detailed overview of my personal and professional background, including my education in the social sciences, my work as a social worker and legal practitioner, and my interest in activism and social change. I also discuss my engagement with the work of Vygotsky and the importance of reflection and reflective practice in a research approach. A researcher's positionality, or the combination of their experiences, biases, and perspectives, shapes their epistemology and approach to research.

I then detailed why a case study was chosen as the research approach for this study because it allows for a deep and multifaceted understanding of the complex concept of social justice concerning vulnerable groups. Using a case study also allowed for examining learning social justice in a real-life context during the 84-hour internship programme.

I then detailed the challenges faced by implementing internships in South African law schools and internships at law clinics in South Africa, including resource intensity, the need for close academic supervision, difficulty coordinating with community organizations, and potential funding and academic integrity issues. Additionally, high-class sizes may limit the availability of internships to all students, leading to unequal access. Despite these challenges, internships at law clinics can be meaningful and feasible, mainly when the Law Clinic attorneys directly supervise the mentors and interns.

The chapter highlighted implementing an internship to prepare law students for practice. However, the internship programme described in these paragraphs focuses on teaching law students about social justice. This form of internship programme has not been studied previously in the South African legal and educational context. The research design and methodology for this programme include the implementation of the internship, data analysis, data production, and sampling. The chapter will also consider ethical considerations, rationale, validity, and trustworthiness.

The chapter examined the research paradigm and approach and why a qualitative research design within a critical research paradigm was chosen to investigate the learning of social justice during the UKZN HC Law Clinic internship programme. The research design involves an exploratory case study approach, which is appropriate for examining the multiple outcomes and unique experiences of the participants in the study. The case study approach allows for close collaboration between the researcher and the participants and allows for a deep examination of the data to identify the details that emerge from the categories used for analysis. Case studies are appropriate for answering "how" and "why" questions when the behavior of those involved in the study cannot be manipulated and when contextual conditions are relevant to the phenomenon being investigated, mainly when the boundaries between the event and

context are not clear. They are also helpful for studying contemporary events because multiple sources of evidence are available.

In contrast, action research involves actively collaborating with members of a system to change it in the desired direction, focusing on co-learning and ongoing collaboration. However, case studies do not amount to action research. For this study to amount to action research, I would have had to implement the same internship again in a revised form after reformulating aspects thereof.

The chapter examined the rationale, intention, validity, and trustworthiness issues. The internship programme at the University of KwaZulu-Natal was designed to explore and promote social justice and justice education through an internship programme. It aims to address gaps in the knowledge and skills of fourth-year LLB students, particularly regarding social justice and the application of legal knowledge, and to provide a link between the theoretical and practical study of law. The programme also aims to train students in professional conduct, stimulate a critical awareness of the function and place of law in society, and develop necessary skills for self-reflection and applying academic research in practical settings.

The chapter also examined the trustworthiness of the findings. In summary, the study used a small number of interns from the undergraduate LLB degree, but measures were taken to ensure the quality and trustworthiness of the data. The participants were voluntary and were informed about the study and their level of involvement, and the researcher had a cordial relationship with them, which allowed for honest opinions and reflections. I also did not participate in teaching the Clinical Law module or assessing the students, which adds to the validity and trustworthiness of the study.

The chapter examined the ethical issues, highlighting the measures taken to ensure that ethical considerations were carefully addressed. Participants were allowed to choose pseudonyms to protect their anonymity, and all data was stored safely and only accessed by authorized individuals. The potential risks and harm to participants were also identified, and measures were taken to minimize any potential negative impacts. This study used a deliberate or purposive sampling method to select final-year LLB students who participated in an internship programme at the UKZN Law Clinic to

analyze their transformative experiences. Participants were selected based on their applications and letters of motivation, and efforts were made to include a diverse range of participants in terms of gender, race, background, and status as final-year LLB students. The study included eight interns, seven female and one male, representing a range of racial and cultural backgrounds. Pseudonyms were assigned to the participants to protect their identities and ensure the trustworthiness and validity of the data.

Purposive sampling, also known as purposeful or selective sampling, is a type of sampling method where the researcher selects a specific group of participants for the study based on their relevance to the research question. In this case, the study focused on the transformative experiences of final-year LLB students who participated in the internship programme at the UKZN Law Clinic, so I selected participants who fit this specific criterion. The participants were selected based on their willingness and availability to participate in the study and their gender, race, background, and status as final-year LLB students at UKZN. The aim was to include diverse participants to provide depth to the study. The interns were also assured that their responses would be used only for the Ph.D. study and any resulting academic writing.

The chapter highlighted the location of the study and that the UKZN Law Clinic internship programme was a collaborative effort between the University of KwaZulu-Natal (UKZN), Legal Aid South Africa (LASA), Lawyers for Human Rights (LHR), and the UKZN Law Clinic. The programme took place at the UKZN Law Clinic, Howard College Campus, and lasted for two weeks, consisting of 84 contact hours. It included clinical law training sessions for the interns and mentors, court visits to the Durban Magistrates Court, and outreach programmes at a retirement village and a museum in KwaZulu-Natal. The UKZN Law Clinic provides legal services in HIV/AIDS, family law, and social justice. In-depth semi-structured interviews with the participants were also conducted as part of the data production strategy. The organizations and institutions involved in the internship programme were chosen for their commitment to advancing human rights and social justice.

CHAPTER FIVE

PARTICIPANTS' UNDERSTANDING OF SOCIAL JUSTICE

5.1 Introduction

This study's central research question considers how fourth-year LLB students learned facets of social justice through a transformative and emancipatory framed internship programme. Answering this central question calls for an examination of the following sub-questions:

1. What was the fourth-year LLB students' understanding of social justice before the transformative and emancipatory framed internship programme?
2. How did the fourth-year LLB students experience learning social justice through the transformative and emancipatory framed internship programme?
3. Why did the fourth-year LLB students experience learning social justice through the transformative and emancipatory framed internship programme in the way they did?

These questions are analyzed below according to the themes: perspectives on social justice, inequality and vulnerable groups, the legal practitioner's role in society, and the transfer of legal knowledge.

5.2 Perspectives on social justice

In paragraph 3.1.1 of Chapter 3 of this thesis, I examined the nature of social justice and explored the interpretation and contours of the concept within South Africa. As other scholars have explored the “contours of a legal pedagogy” in South Africa (Quinot & Greenbaum, 2015, p. 30), this study is also constrained to explore the contours of learning social justice. Learning facets of social justice is the central thread throughout the internship programme designed and implemented for this study.

An analysis of the reflective journals and the interviews with the participants regarding social justice issues (including what they knew at the start of the internship and whether

changes occurred in their understanding during the programme) found that there was consensus amongst the participants that social justice topics must be taught in the undergraduate LLB degree. Not enough was currently being taught in the law modules (apart from the Clinical Law, Street Law, Administrative Law, and Constitutional Law modules). I also encountered unexpected comments and reflections, which are set out below.

5.3 Participants' understanding of social justice in the pre-internship questionnaire

On the first day of the internship, participants were required to complete the pre-internship questionnaire to the question: *What is your understanding of social justice?*

The following responses to this questionnaire were obtained:

- *Anusha: "In my understanding, social justice concerns itself with society and the availability/distribution of social and economic resources/rights to each individual in that society. Justice ensures that each individual has access to these resources and the same level of access as the following individual".*
- *Ayanda: "Equal access to the law and protection by the law regardless of your social standing is my idea of social justice. Since justice is a child of the law, lack of exposure to it would mean that a person is certainly not aware or not in possession of its complete protection because of their social standing".*
- *Grant: "Social justice is concerned with bringing about substantive equality regarding all people's rights and opportunities. Social justice requires establishing mechanisms to obtain equal rights and opportunities for individuals in need. I understand social justice because a large portion of the LLB concerns achieving social justice in South Africa by addressing past injustices".*
- *Jade: "Social justice is the idea that everyone should be treated equally and given the same rights and opportunities. It is what I have come to believe and support as we live in a constitutional democracy".*

- *Kareena: "Justice benefits the less fortunate and allows for an equal just distribution of wealth".*
- *Priya: "My understanding of social justice is that it is concerned with ensuring individuals within a society are aware of the law, the rights they possess, and how the law applies to them practically, and how to enforce their rights".*
- *Sarah: "I believe that social justice is equality regarding the distribution of privileges, wealth, and, particularly, opportunities in society. It ensures that all people in the community receive benefits and burdens, i.e., there is equality".*
- *Thandi: "Social justice amounts to the distribution of wealth, opportunity, and privileges within the society. It is to ensure equality within the nation and that the disadvantaged community's needs are adhered to".*

Thus, most participants reflected that social justice is related to the overarching principle of equality. Also mentioned were access to resources, equality regardless of social standing, establishing mechanisms to achieve balance, equality of opportunity, distribution of wealth, and privileges. In addition, many noted that the distribution of wealth or resources was essential to social justice. Only one of the participants related her social justice understanding to awareness of law and rights and how to enforce such rights (*Ayanda*). One of the participants hinted at the concept of equity (*Grant*), as pointed out by the authors in paragraph 3.1.1 of chapter 3. None of the participants related social justice to vulnerable groups (particularly children, the disabled, women, or the elderly) as they focused on equality of resources and access to society's resources. In general, their understanding focused only on the concept's macro-level aspects.

One of the internship programme's cornerstones was exposing the participants to vulnerable groups to understand how social justice would affect these groups. The programme would also inform the participants of the rights available to these groups and how these groups can best be empowered.

5.3.1 Analysis and reflections

In summary, the participants in the internship programme had a general understanding of social justice as being related to equality, access to resources, and the distribution of wealth and privileges. However, their understanding did not specifically include the impact on vulnerable groups or the importance of awareness of law and rights. The internship programme exposed the participants to vulnerable groups. In the process, provide information and insight regarding their rights. The emphasis was on how to empower such vulnerable groups.

In conclusion, the responses from the participants in the internship programme demonstrate a general understanding of social justice as a concept that promotes equality and fair distribution of resources and privileges within a society. Their understanding did not fully encompass the complex nature of social justice and its effects on vulnerable groups. The internship programme aimed to expand their understanding by exposing them to these groups and providing information on their rights and empowerment. The programme likely enriched their understanding of social justice, social responsibility, and its practical applications. Rhode argued, "Clinics and externships can provide the kind of experiential knowledge and guided reflection that are conducive to adult learning, particularly on ethical issues" (Rhode, 2006, p. 1052). Analysis of the literature in paragraph 1.1 of chapter 1 and paragraph 3.1.1 of chapter 3, read with the responses of the participants as set out above, reveals the following:

- That leading authors in the field of social justice remark that the term social justice is undefined or not defined or has no uniform definition (McKeown, 2018). It is, therefore, not surprising that the participants did not have a clear understanding of social justice prior to the implementation of the internship programme.
- Equity is an indispensable element of social justice in South Africa (Badat & Sayed, 2014). Only one participant hinted at the term equity, as treating people equally all the time and in all contexts may lead to injustices.

5.4 Participants' understanding of social justice in their post-internship interviews

The post-internship interviews allowed the participants to discuss their understanding of social justice as it was before the internship and how they felt the internship had changed their understanding of social justice, if at all. Overall, participants felt they had obtained a more detailed and comprehensive understanding of social justice than the answers in their pre-internship questionnaires indicated. Some recognized that their idea of social justice before the internship was not thorough, not well considered, nor linked to practical experience; they lacked an accurate, more profound understanding of social justice issues. The following were some of their responses:

When asked if her understanding of social justice changed after the internship, *Priya* stated that her knowledge of the term had changed. She had initially understood it as defined by the notion of equal rights and equal distribution of resources in society, including health and welfare rights. She felt that she had become more aware of the need for social justice and the public's general lack of knowledge of their rights. For her, before the internship, the concept of social justice was *"like she was standing outside looking in."* After the internship, she managed to *"get into the details about how these people out there lack knowledge concerning their rights"* and explained that she was now of the view that she needed to delve deeper into how she could assist. The discussions in paragraph 2.3.4 of chapter 2 apply to this section. Campbell (2015) highlights that the advantage of student-centered learning is that the student has a reflexive approach, and *Priya* demonstrated a reflexive approach (Campbell, 2015).

Kareena reflected in her post-internship interview that her opinion of social justice changed during the internship, primarily because of her understanding of *"justice in the air."* She further stated that she had learned about various law areas and *"how law can help achieve social justice."* She also said that she had learned ways to achieve social justice during the internship and how students of her age group could achieve this goal. She then stated that having gone through the internship, and she now understands that the definition of social justice changes and evolves based on different experiences. The discussions in paragraph 3.4 of chapter 3 apply to this section. In particular, the

definition of social justice is advanced by Bell (2007), who describes social justice “both the process and the goal” (Bell, 2007, pp. 1-2).

When asked how she benefited most from the internship, *Jade* stated that the benefit lay in her enhanced understanding of her role in society. She said that if she were to go into a private law firm that does not specialize in pro bono work after her studies, she might not understand how her actions affect society and how she can use time more effectively. She noted that one needs to be aware if anyone is being abused in their community and to help them. She said that before the internship, she could be detached, denying that social problems exist or believing that social issues are outside her area of expertise, but this may change when the law school promotes social justice and instills the notion that one should assist people. The discussions in paragraph 4.15.7 of chapter 4 apply to these comments by Jade. It demonstrates that Jade gained a deeper understanding of her future role as a legal practitioner in private practice. It is also in line with the CHE LLB Standards that an LLB graduate must be able to acknowledge the legal practitioner's capacity, agency, and accountability in shaping and transforming the legal system and promoting social justice goals.

Jade's acknowledgment of her possible detachment from assisting people in her community does not relate only to her own experience. Often education can be an insular experience where students have such pressure to pass their examinations and complete their education that they become focused on themselves and their own goals, losing sight of what they could be contributing to society and how they could be helping others. This cannot be seen as a shortcoming of the students as they are under intense inward and outside pressure to succeed. Instead, this finding calls for more attention to how to develop students holistically, with the idea of preparing them to understand their role in society and how they may assist communities around them. *Kareena* also noted she had a deeper understanding of how students of her age group may be more involved in social justice due to her more in-depth understanding of social justice and how students can affect change.

Ayanda, when asked if her understanding of social justice had changed since the internship, stated that before the internship, she had had her “own idea” of what social justice was and to whom she thought it applied. She had gained more in-depth

knowledge, a more comprehensive view of who can access justice, and an understanding that people in society seek information. Persons outside the court system may be desperate for legal guidance just as those in court are and require legal representation. She realized that the need for assistance might take different forms. A member of society may be at a loss when facing a legal issue, may not be able to afford a legal representative, and perhaps does not know how to proceed. She learned that people could be frustrated by our legal system because they do not know their rights or judicial remedies. The programme changed her perception of social justice and its application. She stated that her understanding of social justice had pertained to social and economic standing at the programme's start. She said she is still interested in how the indigent can access equal justice in the community, but after the internship, she had a more in-depth and informed understanding of social justice. She said that she was aware of different societal levels, viewed as a hierarchy. It was evident to her that people in that community have a lack of access to justice.

This observation by *Ayanda* provides a new perspective on the topic as, when access to justice is discussed, it is often limited to legal representation during criminal trials. However, legal issues are not limited to criminal matters, and a person may be affected by a civil matter, including divorce, maintenance, consumer law, claiming a debt, or a labour issue. It was due primarily to the nature of the matters dealt with during the outreach that the participants perceived that assisting with educating community members on legal concepts and legal representation is not limited to criminal trials. The law clinic deals with civil matters, and the clinic's personnel can provide invaluable guidance and assistance to someone seeking legal help. *Ayanda* also mentioned that some community members could be frustrated with the system as they do not know how to improve their legal situation. This directly relates to the awareness and knowledge other participants mentioned concerning the need to empower people to deal with legal matters.

When asked whether her opinion of social justice had changed during the internship, *Thandi* stated that her understanding of social justice was to bring equal justice to all and provide legal services to needy members of South African communities. Her opinion had changed because she thought only legal practitioners practicing had to implement social justice. In contrast, after the internship, she realized that it is not

merely one category of lawyers who carry this responsibility but every person within the legal profession.

Many participants felt that their understanding of social justice had crystallized and become “*more real*” through the internship programme. The observation is that their initial knowledge reflected a “*textbook*” definition of social justice, which most participants shared. However, through the internship process, many participants understood social justice issues differently, related them directly to their own life experiences, and realized how they might assist in achieving social justice.

For many participants, it was the first time they had thought critically about social justice issues and the first time they had conceived of social justice as something they could contribute to achieving. They had thought critically about what they had been taught about social justice rather than maintaining the sometimes esoteric notion of how society should be. The internship encouraged participants to face the realities of culture and the practicalities and realities of addressing social justice in South Africa. The participants explained that this understanding was unlikely to be cultivated through traditional teaching methods, and they could not have fully appreciated the process of obtaining social justice or their place in it. It appears to be true for many law students that their understanding of a variety of different topics is limited to the textbook. Their perception has not developed beyond this to be of practical use to them, and they have not had to engage with the concepts in a way that would enable them to internalize the concepts and use them.

Some participants also explained that their views of social justice had evolved through their experiences. In addition, it took on a different character in a courtroom than in its form in a retirement community. Further, within this understanding, the participants' role changed and evolved from engaged spectators to active participants in transferring knowledge and helping people understand their rights and the law.

The participants' post-internship responses to the question posed about their duty to carry out social justice work were broader than their pre-internship responses. Participants were now more inclined to answer that everyone bears the burden of achieving social justice. Emphasizing the duty of law students in remedying the lack of

knowledge and awareness of social justice in communities was the effect their presentations had had on laypeople. Participants no longer viewed themselves as commenting on social justice but as part of the social justice process.

5.4.1 Analysis and reflections

The views expressed by the participants above are now more in line with those expressed by the authors in paragraphs 3.1.1 and 3.3 of chapter 3. In summary, the participants in this study had a deeper and more comprehensive understanding of social justice after completing an internship where they could learn about and practically engage with social justice issues. Many noted that their previous understanding of social justice was somewhat shallow and not well-considered and that the internship helped them understand social justice's complexities and their role in promoting it. Some participants also recognized that their education or other experiences may have led them to be detached from social justice issues, and the internship helped them to see the importance of being engaged and actively working towards social justice in their communities. Overall, the internship successfully deepened the participants' understanding of social justice and their role in promoting it. The discussions in paragraph 2.2.4.1 of chapter 2 also apply to this section. The dehumanizing effect of the culture and practice of the law potentially renders law students one-dimensional (Matambanadzo, 2006) and obscures their understanding of the social context in which law is practiced and operates (Robertson & Kruuse, 2016).

In conclusion, the findings of this study suggest that hands-on experience and engagement with social justice issues can be an effective way to deepen one's understanding of the concept. The responses from the post-internship interviews indicated that the participants had a more comprehensive understanding of social justice after completing the internship, and many of them recognized that their previous understanding was somewhat shallow and not well-considered. This highlights the importance of practical experiences and opportunities for students to engage with social justice issues to prepare them to be active and engaged members of their communities. Educational programmes and institutions must consider ways to incorporate these experiences to educate students better and prepare them for their

role in promoting social justice. The discussions in paragraph 2.3.1 of chapter 2 also apply to this section that highlights the benefits of experiential learning. In particular, the views of Yardley (2012) outline the approach to medical education (Yardley et al., 2012).

5.5 Factors that affected participants' understanding and perspectives on social justice

During the post-internship interview, I asked the participants to reflect on the factors or specific experiences that affected or changed their understanding of social justice. Participants had the opportunity to explain how their experiences during the internship had affected their understanding of social justice.

Anusha confirmed that, in her understanding, social justice concerns society and the availability and distribution of social and economic resources or rights to individuals in that society. Social justice ensures that each individual has access to these resources and the same access level as any other individual. She confirmed that the main facet of social justice, which became more apparent throughout the internship, was access to justice. *Anusha* noted that the outreach to the Albert Luthuli Museum and the retirement home had the effect of *"taking the law to people, and that is achieving a small step towards social justice as well"*. She noted, *"you get to understand the responsibilities you have in the profession, and when you go to court, you can see exactly the kind of role you can play"*. She further stated that she became aware of people who require access to justice when she visited the court. The number of people requesting legal aid made her realize the need for social justice. These comments by *Anusha* are in line with the views expressed in paragraph 2.3.5 of chapter two, particularly regarding the impact of public legal education on law students detailed in a recent study (Perdue & Wallace, 2020) and the impact on society (Grimes, 2021).

When asked if there were any general comments she wished to make, *Anusha* said that she thought the internship was needed and that social justice seemed a distant concept that law students had heard about but were not involved. She mentioned that she would not have received this exposure if it were not for the internship, and regardless of the area they would ultimately specialize in or pursue, law students need

an understanding and empathy, which they should attain during their studies. She thought this happens in other professions, and we need to emulate this, especially since the law is the profession that *“actually studies the Constitution, studies the rights that you should be entitled to, and so if there is one profession that needs to understand social justice, it is the law profession”*. She noted that law students learn about the Constitution's values and experience a textbook version of them from afar. However, unless students are involved in practical assistance, they cannot participate and help communities. She noted that law students need to develop character in their respective fields as it develops professional responsibility.

The main factors that affected participants' understanding of social justice were those of awareness and knowledge. Overall, while each participant identified critical events as impacting their understanding and perspective of social justice, it was an overarching theme in all the responses that general awareness of new concepts and new ideas relating to social justice affected the participants' perspectives. They had developed an understanding of what they had not previously been aware of and their role in bringing awareness to those who needed it. The participants saw it as an essential feature that people have access to their rights, understand their rights, and understand how they can be affected.

Sarah stated that the main problem with social justice is the widespread lack of knowledge. The belief that it is only the government's role and responsibility to ensure equality and equal distribution and a lack of appreciation of ordinary citizens' roles is mistaken. *Sarah* expanded on this answer by stating that when people are all on an equal level and understand each other's rights and needs, it ensures they receive the level of equality they deserve. This is because they know the type of justice they should receive. She explained that if people understand their rights, the even distribution of social justice is possible. These comments by *Sarah* are in line with the discussions on social justice education in paragraph 1.10 of chapter 1 regarding the belief that social justice in South Africa is indeed possible, particularly the views of Smith (Smith, 2005).

When asked about how social justice facets were learned and intersected through the internship, *Anusha* stated that she thought they would gain by making the interns

aware of social justice issues. She said the participants needed to focus on awareness of different social justice types. She felt that sitting in a lecture hall and learning about social justice differs from applying it. She thought graduates or students must perform community service, as in many professions, emphasizing service in rural areas. They should do so, irrespective of whether they are paid or not. *Anusha* mentioned that such community service could fundamentally shape one as an individual. Further, she noted that regardless of the area of law the students will enter, they would be aware of the realities of South Africa. Students cannot be involved in a profession such as law, be mindful of the social realities, and yet *“do nothing about it.”*

Priya confirmed her understanding that social justice is concerned with ensuring that individuals know the law, their rights, how the rule of law applies to them, and how to enforce their rights. She discussed how the facets of the internship programme enabled them to become more conscious of how little most people are aware of how to go about enforcing their rights.

Sarah noted that the overarching issue in social justice is communities' lack of knowledge. She learned that communities think social justice is the *“government’s problem to make equality and ensure equal distribution”*. She believed there was a need to increase the awareness of everyday South Africans. She explained that if one attempts to develop knowledge within persons and strives to build their potential to be more knowledgeable about social justice and the legal system, one would realize that this is the start of a process. Such an approach would establish an equal understanding among people of their rights and needs. It would ensure they receive equal treatment because they know the type of justice they should receive. She said: *“If we focus on social justice from top to bottom, we do not think about it from the bottom to the top. If you think about the bottom, you can have awareness campaigns implemented.”* She felt that if people were to understand what their rights are worth, they could ensure distribution of social justice evenly.

The Albert Luthuli Museum outreach was one of the most significant activities in developing and changing the participants' social justice perspective. Many participants now closely link the first step in attaining social justice with knowledge.

When asked about social justice aspects during the internship program, *Anusha* stated that she thought the internship made people aware of minorities and access to justice and basic fundamental rights. The internship focused on access to justice, and the quality of access different people have, depending on their circumstances. She noted that when dealing with case files of clients in the law clinic, the practitioner or law student in a clinical module has a sense that they can help those clients. Without this assistance, the clients would probably not have had access to justice.

Sarah observed that the demonstration of social justice is most clearly enacted at the courts. In her opinion, the internship programme touched on equality and the distribution of justice in practice. She noted that they learned textbook social justice in their core modules instead of genuinely experiencing it (or the lack thereof) *“when you got to experience sitting in a courtroom and seeing that there is access to justice for everyone”*. The opportunity to sit in a courtroom was a pivotal experience for Sarah. She witnessed the assigning of legal representation to indigent and convicted persons; in the mitigation of sentence, the accused had addressed the court on how poverty had affected them regardless of the type of crime.

Overall, participants described the feeling of dealing with a real-world problem, not a simple hypothetical scenario in class, but instead dealing with a person facing a problem they have the power to fix. Participants responded that this experience led them to realize the immensity of their duties as future legal practitioners in that they could significantly change a person's life and do so with care. This knowledge appeared to be a critical factor in their eagerness to ensure that people understand their rights, how they access services, and how they can improve their lives in the communities where they live and interact.

Participants also recommended incorporating a practical social justice component into the LLB degree. They covered in detail the extent to which the internship had contributed to their renewed sense of social responsibility and, in some instances, had reminded them of why they wanted to become lawyers. Participants explained that, without practical exposure, they would neither fully grasp the extent to which South Africans lack social justice nor the role they, as law students, can play in improving the

situation. They explained that they were allowed to reflect on how their actions affect society and the community in the future.

5.5.1 Analysis and reflections

The discussions in paragraph 2.1 of chapter 2 apply to this section. CLE as an interactive teaching methodology and the links between experiential learning, social justice, reflective practice, legal skills, internships, and work-integrated learning are outlined in that paragraph, and the comments made by the participants are in line with the views expressed by the authors.

In conclusion, the participants in this study reported that their understanding of social justice was affected by their experiences during the internship and their engagement with issues related to access to justice and the distribution of resources and rights within society. They emphasized the importance of understanding social justice and the law profession's role in promoting it. They also identified a lack of awareness and knowledge as a significant barrier to achieving social justice and emphasized the need for education and understanding of rights and responsibilities to promote equality and fairness. Overall, the internship seemed to have significantly impacted the participants' understanding and perspective of social justice. Further research could explore the effectiveness of internships or other experiential learning opportunities in promoting understanding and engagement with social justice issues among law students and other professionals. The paragraph below will highlight the importance of purposefully exposing law students to institutions with a social justice aim and the challenges to teaching social justice in a classroom context.

5.6 Purposeful exposure of the participants to institutions with a social justice aim

Exposing the participants to different organizations and bodies whose principal function relates to social justice outcomes, such as Legal Aid SA (LASA), Lawyers for Human Rights (LHR), and the Office of the Family Advocate, had a profound effect and provided meaningful insights. It is noteworthy that almost all the participants were surprised by the Family Advocate's Office trip, with a few admitting that they did not

know it existed until the internship. Despite briefly covering the topic in their Family Law module, participants responded that they could not have explained how the Office operated or its mandate. Additionally, they were surprised that these important institutions are severely limited in their resources: the Family Advocate's Office cannot support its caseload in KZN, and attorneys from Legal Aid SA are required to draft guilty pleas in a single hour. Exposure to these institutions drew the participants' attention and led to the realization that it is insufficient for the state merely to establish legal bodies to shoulder the social justice burden. These bodies must be provided with sufficient resources so that they can also effectively perform their duty.

5.6.1 Analysis and reflections

The discussions in paragraph 1.1 of chapter one apply to this section, in particular, the comments by White & Nitkin. The purposeful exposure of the participants to institutions with social justice aims significantly impacted their understanding of the challenges and limitations faced by these organizations and immersed them in an intense, transformative learning environment (White & Nitkin, 2014). These experiences highlighted the importance of establishing legal bodies to address social justice issues and providing adequate resources to carry out their duties effectively. The realization that these institutions are stretched thin in their efforts to support their caseloads highlights the need for more support and resources to address social justice issues. Overall, these experiences provided valuable insights and a deeper understanding of the complexity of addressing social justice issues.

5.7 Participants' experience of social justice in the LLB programme

5.7.1 Social justice exposure prior to the internship

During the post-internship interview, participants reflected on their experiences with social justice in the LLB programme. This line of inquiry aimed to explore their exposure to social justice issues in the preceding years of study, contrasting those experiences during the LLB programme with what they had learned during the internship programme. When asked to what extent she felt the ordinary student was exposed during the law curriculum to social justice issues, *Anusha* stated that students are not

exposed nearly enough. She said, *"students go to lectures and leave after that, which is normally it. They are not physically involved in anything, and nothing in the curriculum allows one to do that"*. There are programmes like SLSJ (Students for Law and Social Justice), but not many people are involved in *"things like that"*. Anusha indicated that students encounter social justice in the modules that deal with Constitutional Law and Administrative Law when studying the prescribed case law readings, especially cases dealing with housing. She emphasized the contrast between reading about issues and dealing with them practically (which leads to an increased awareness of what is happening worldwide). She noted that as a student, one learned about the law, but it is difficult to conceptualize the realities, so *"to be a part of something is entirely different. It is a different understanding of it altogether, and what is lacking in the curriculum is the practical approach of law."*

5.7.2 Analysis and reflections

In conclusion, the participants in the LLB programme reported a lack of exposure to social justice issues in their coursework and felt a need for a more practical approach to studying law to understand and engage with these issues thoroughly. This suggests that the law curriculum may benefit from incorporating more hands-on learning and engagement with social justice issues to prepare students better to address these challenges in their future careers.

5.8 Social justice and ethical considerations in the LLB

When asked if social justice elements/ethical considerations are lacking in the current undergraduate LLB programme, *Grant* stated that he came from quite a sheltered background that did not expose him to some of the issues he had encountered during the internship programme. He said that exposure to these *issues "makes you a better person as you see what different people experience and how these issues are dealt with daily."* He thoroughly enjoyed the fact that the internship was practical and a break from the academic focus of the LLB programme. When asked to what extent, if any, instructors give attention to social justice issues, he said that in the degree, three modules stood out for him as giving attention to social justice issues: Clinical Law, Constitutional Law, and Administrative Law. He felt those were the only modules

related to social justice issues, including the *Grootboom* and *TAC* cases. He further stated that there was nothing relevant to social justice in other subjects, but he did not question how social justice could have a place in modules like Sale, Lease, Credit Agreements, or Corporate Law.

These remarks made by Grant led me to consider that in the Sale, Lease & Credit Agreements module, which is traditionally a “commercial” module, much could be done to include aspects of social justice, including issues such as unequal bargaining power and the exploitation of uninformed, vulnerable consumers by service providers. This module would be pivotal in including a social justice element, consumer protection, evictions and tenants' protection, and credit agreements. Many of these are issues dealt with by the UKZN HC Law Clinic. There is a need for indigent community members to understand their rights concerning these topics. Also, law students must understand how indigent community members are affected by such inequality and their role in addressing such inequalities.

When asked to reflect on the LLB curriculum and how much emphasis was placed on bringing about social justice, *Jade* stated that she could not recall any stress besides the internship and Clinical Law. She responded that she was “*quite shocked*” that she had not thought about it as a student previously. She noted, “*You need to pass the modules, and you will get your LLB degree, but you do not think further than that, and the modules do not make you think further*”. She noted that the modules teach one to think about what one needs to know to pass, and “*you do not think this impacts other people.*”

5.8.1 Analysis and reflections

In conclusion, it appears that the undergraduate LLB programme in 2015 at UKZN lacked a focus on social justice issues. While some modules, such as Clinical Law, Constitutional Law, Street Law, and Administrative Law, address these issues, others, like Sale, Lease, and Credit Agreements, do not. There is a need to incorporate social justice elements into all modules of the LLB programme, particularly those that deal with commercial topics, as these issues can disproportionately affect disadvantaged and vulnerable individuals. However, the reader must be mindful that these comments

by the participants in the study made these comments in 2015 and may not be applicable in 2023. Alternatively, not to the extent applicable in 2023 as it may have been in 2015.

5.9 Lecturers emphasizing social justice

When asked to what extent lecturers or instructors give attention to social justice issues in the course and the scope of the modules presented during the undergraduate LLB degree, *Kareena* did not want to come across as too critical. However, she felt that social justice is often mentioned in an introductory lecture or a course outline but is soon forgotten. She added, *“Often, the case law that students must read does not focus on social justice issues”*.

When asked if social justice principles and issues are addressed during the four-year LLB curriculum, *Sarah* replied that it was not something she had paid attention to until she joined the internship programme. She felt that it was stressed in the Clinical Law module only. Students learn in such a way as to pass an exam only, and what they learn is not retained. In her view, Clinical Law was the only module where students interacted with people, thought about social justice, and had those values embedded in them.

When asked to what extent the curriculum and lectures, apart from the internship, had dealt with social justice issues over the years, *Priya* responded that *“it is very minimum”*. She thought social justice issues were only mentioned as part of informal discussions in a lecture, *“maybe about something going on in the media,”* but social justice issues were covered comprehensively only during Clinical Law - that was only in the fourth year, and only if one enrolls for that module.

Most participants believed that active engagement with the concept of social justice is lacking in the legal curriculum. After a two-week internship, one participant argued that she could speak about social justice far more confidently than she could after three and a half years of formal LLB education. Participants cited the Clinical Law and Street Law modules as an exception but were wary about social justice imperatives being confined to elective modules. Participants distinguished studying social justice issues

in theory through constitutional and administrative law cases and how social justice operates practically. They were unanimous that reading about a lack of access to justice or rights violations in a classroom was entirely different from witnessing it first-hand, which was a far more enriching experience.

Thus, the participants were clear that social justice issues were not a crucial part of any of the modules they had taken and that, if they were covered, it would be at an introductory lecture or a brief discussion in a module. The participants appeared not to wish to be overly critical of the LLB programme. However, most noted that they had never had cause to consider social justice issues before in the course of their LLB studies and that, through the internship, they could now identify social justice problems better. Furthermore, some participants indicated that Clinical Law was where they received the most prior exposure to social justice issues, with its focus on indigent clients and assisting them with accessing justice, as well as the Administrative Law and Constitutional Law modules. These modules emphasize the justiciability of the Bill of Rights through case law, including access to housing or access to healthcare cases. These are examples of how social justice can be included in a module through arguments or discussions about the realities of these rights and their application in South Africa.

5.9.1 Analysis and reflections

In summary, it seems that the LLB curriculum does not strongly emphasize social justice issues. While social justice may be mentioned in introductory lectures or course outlines, it is not consistently addressed throughout the programme. Students tend to focus on passing exams rather than retaining information or considering the social implications of their studies. The Clinical Law module appears to be the exception, as it provides opportunities for students to interact with people and consider social justice values.

In conclusion, according to the participants, the legal curriculum and lectures appear to have limited engagement with social justice issues. While some exceptions were noted, such as the Clinical Law and Street Law modules, participants felt that social justice was not a central focus of their education. The participants also noted the

difference between studying social justice issues in theory, through cases and discussions in class, and experiencing them first-hand through an internship. Many participants felt that their internship experiences enhanced their understanding of social justice issues, and they were better able to identify social justice problems. Overall, the participants felt that social justice should be given more attention in the legal curriculum rather than confined to elective modules or informal discussions.

5.10 When and how to introduce social justice

The discussion in paragraph 2.2.5.1 of chapter 2 relates to this part of the data analysis. In the interviews, the participants were further asked about their views regarding introducing social justice into the LLB degree. Most participants believed that social justice should be a dedicated module; in the absence of such, social justice issues should infuse each module currently in the LLB curriculum. *Anusha* suggested that social justice issues should be infused into each module, although she was unsure how. She stated that awareness was critical in social justice and should be incorporated into the LLB curriculum. When asked if a module should be devised to deal specifically with social justice issues and impoverished people, *Grant* stated that this was “a good idea”. *Priya* noted that there should be a module that deals with social justice issues because it would “open a law student’s ears to the needs of people concerning social justice and how important that area of law is”. She noted that they spend much of their LLB degree on other areas, which are not as important as social justice, especially in South Africa, with our Constitution promoting these rights. She thought that there should be more awareness of the needs of people in respect of these rights.

Sarah strongly agreed when asked whether she thought it would be beneficial to devise a specific module that dealt only with social justice issues and to incorporate it into the current LLB curriculum. According to her, the current LLB curriculum produces graduates with “insufficient legal knowledge and values in them, and how to respond to the community”. She felt that students also do not critically analyze aspects of equality or the distribution of resources. Following this point, however, she noted that the current LLB degree “does not have room” to introduce a new module.

Ayanda, when asked if she felt that a stand-alone social justice module explicitly dealing with social justice issues should be introduced in the LLB curriculum, stated that this should not be offered as a module where students would sit in the classroom and listen. Instead, she would recommend devoting five days per semester to exposing students to social justice issues. She stated that sitting in a lecture and listening rather than actively participating would not develop the social consciousness necessary for law students.

In response to the suggestion that there should be a module in the undergraduate LLB degree that deals primarily with social justice, *Priya* stated that she thought there should be such a module so that students can become aware of the needs of people and how important that area of law is. She further stated that students are so focused on other areas and modules in the LLB degree that not enough attention is given to social justice concepts and principles.

Thandi, when asked if, instead of an entire module, social justice principles should be included in every module of the undergraduate curriculum so that every module has a social justice dimension, responded that she thought that would also be preferable. She further stated that she had noticed that students were not required to visit a courtroom for the civil procedure module. If court visits had been included in the module, they would have coped better with it and understood what was required.

Most participants believed in devising a specific module dealing with social justice issues to fill the *lacuna* in the current legal curriculum. According to them, such a module should be located in the first year, when students are more receptive, so that they would carry these social justice values through their degrees. Participants explained that if these issues are promoted in the first year, students will think critically about the content of their subsequent modules and be more inclined to get involved in community outreach and social justice initiatives.

Concerning designing a social justice module, *Anusha* believed that social justice principles must be taught in the first year of study. She felt that it “*grounds you*” and “*builds your foundation in law*”. It also *changes “the way one looks at things and having that change from the beginning of your studies is better, as opposed to it coming to the*

end of your education". She elaborated on why she felt these principles were important and should be covered in the first year of study. She said that because it *"changes your outlook on life so much, it is just better to get it at the beginning at ground level, as opposed to going through so much and then, only at the end of your studies, becoming aware of something that has been around for so long"*.

Kareena, when asked if she thought that social justice should be taught in a stand-alone module and whether this should be introduced in the first or second year of the LLB undergraduate programme, responded that she believed that it would help students understand the law compared to what is currently being taught in their first year. She also stated that students would want to learn how the degree can help the community and help those less fortunate by developing passion in students. Jade stated that she thought these concepts should be taught from the first year of study, and compulsory community service would not be necessary, as students would be in tune with the community and willing to help.

5.10.1 Analysis and reflections

Ayanda was asked to what extent she thought aspects of the internship could be infused within the current undergraduate LLB curriculum and whether she saw this as a possibility. She stated that gaining a social justice consciousness among students in the first year of study for the LLB degree was essential. In the first year, students are not only malleable but also interested because *"they do not realise yet what it is that they have gotten themselves into!"*

When asked what her opinion was regarding introducing these concepts in a module in the first year, Sarah said she felt this would be a good idea as, when students first enter law school, they are eager to start studying and excited about their future careers. She indicated that the modules covered in the first year of study are mainly elective, and only two are legal modules in that year. She said: *"If you introduce these concepts at the beginning of the LLB degree, these ideas and principles would be embedded in them as students progress"*.

These comments raise the salient point of engaging with students on social justice issues early in the LLB curriculum while learning introductory concepts. This will help students see the law in the context of social justice rather than learning the concepts later in the curriculum, leading them to perceive social justice as a supplementary aspect of the law rather than something infused with the very nature and practice of law. Thus, social justice aspects could be a foundation of students' understanding of the law.

Other participants, however, believed that this module would be better suited to the second or third year as the students would have a deeper understanding of the law and a greater understanding of the context of social justice. Such participants felt that students in the first year are still grappling with the concept of law, but by the second year, they would better understand legal concepts and how social justice relates to these legal concepts.

Priya felt that, should such a module be implemented, the ideal time would be toward the end of the second year or the beginning of the third year of the LLB degree. This is because, in the first year, students are still finding themselves and gaining a basic understanding and knowledge of law concepts. However, by the second or third year, focusing on individual modules and specific areas would be the time to get law students thinking. She further noted that, if it was in the second year, *“by the time you learn about social justice issues, you have the desire to go out and help, thus including it in the second year curriculum could restore that desire in students so that they may use those skills throughout the degree and give back to their community”*.

Thandi also responded to whether a module should be compiled and presented to create awareness of social justice issues and when she thought that module should be taught. She believed the third year of study would be appropriate in conjunction with the Professional Training module. When asked if the module could be initiated in the first year, she recognized that students do only one law-related module in their first year of study, and therefore, instead of other electives, perhaps a module related to social justice could be a requirement. She reflected that it might be advantageous to expose students to such a module earlier in the degree so that they would be able to explore law practice instead of focusing only on theory.

While this view regarding introducing social justice aspects in the second or third year was in the minority, some valuable points about adding social justice aspects after the first year emerged, these topics may be complex and require a level of critical engagement and reflection that students may not yet be proficient in the first year.

In summary, all of the participants in this study believed that social justice should be incorporated into the LLB degree, either as a dedicated module or infused into existing modules. The participants noted the importance of social justice in South Africa and felt that it was an area of law that law students should have more awareness of. Some participants suggested hands-on experiences, such as field trips or actively addressing social justice issues, to better develop law students' social consciousness. However, one participant noted that there might not be enough room in the current LLB curriculum to introduce a new module. Overall, it is clear that there is a desire among these participants for the LLB degree to address social justice issues in a more comprehensive and meaningful way.

The participants in this discussion believe that a module specifically focused on social justice issues should be included in the undergraduate LLB degree and suggest that it should be located in the first year of study when students are more receptive to new ideas. They view this module as a way to promote critical thinking about the content of other modules and encourage students to get involved in social justice initiatives. *Anusha* believes that introducing social justice principles in the first year of study helps build a strong law foundation and change how students think about the world. *Kareena* thinks a social justice module would help students understand the law and develop a passion for using their degrees to help others. *Jade* agrees that these concepts should be introduced in the first year of study and believes this would naturally make students more inclined to engage in community service. Most participants believe that a stand-alone social justice module would be the most effective way to address the current lack of attention to these issues in the legal curriculum. However, *Thandi* suggests that incorporating social justice principles into every module could also be effective. Some participants also suggest that specific modules should include court visits to help students better understand the material. Overall, the participants believe introducing

social justice concepts early in the LLB degree programme will better prepare students to think critically about their societal role and positively impact their communities.

The discussions in paragraph 2.2.1.1 of chapter 2 apply to this section. Greenbaum, amongst others, calls for a transformative LLB curriculum, a continuous renewable programme, and a shift to a more critical pedagogy and approach to legal education in South Africa. The value of the impact of court visits and observations by first-year law students is highlighted by Greenbaum in her study and accords with the impact that court visits had on the participants in this study (Greenbaum, 2020).

In conclusion, the views on when social justice concepts should be introduced in the LLB curriculum are varied. Some participants felt that it would be beneficial to introduce these concepts in the first year, as students are more receptive to new ideas, and it would help to embed these principles in their understanding of the law. Others believed that the second or third year would be more appropriate, as students would have a deeper understanding of legal concepts and be better equipped to engage with social justice issues more critically. It was also suggested that introducing a social justice module towards the end of the second year or at the beginning of the third year could restore students' desire to use their skills to give back to their community. Overall, it seems that there are valid arguments for introducing social justice concepts at different stages of the LLB curriculum, and the ideal time may depend on the individual needs and abilities of the students.

5.11 Inequality and vulnerable groups

The Oxford English Dictionary defines “vulnerable” as “exposed to the possibility of being attacked or harmed, either physically or emotionally” and “(of a person) in need of special care, support, or protection because of age, disability, or risk of abuse or neglect.” (Dictionary, 1993).

Vulnerability is linked with inequality in society. Inequality is the difference in social status, wealth, or opportunity between people or groups. South Africa is one of the most unequal countries globally (Keeton, 2014). There are clear moral and political

reasons why inequality is unacceptable. Equality is a tenet of democracy, and rising inequality levels cannot be tolerated in any democratic country like South Africa.

When I decided to implement a meaningful internship programme that would lead to the participants shifting their worldviews, it was necessary to put them in situations with or regarding the most vulnerable groups in society. Either these situations would reinforce their current beliefs or, as I suspected, they would experience perspective transformation, as set out in Mezirow's theory on transformative learning. I identified the following vulnerable groups in society: children, refugees, older persons, accused persons, and victims of crime. The participants were encouraged to reflect on interactions with such groups.

I discuss their experiences with each vulnerable group in the sections below. *Grant* stated that, in general, these experiences were “*extremely humbling and reignited my affection for the law and legal practice as it is through this system that people, who would otherwise have no chance at a better life, can save themselves from abuses of power*”.

5.11.1 Analysis and reflections

In conclusion, vulnerability and inequality are closely linked in society. Inequality is a significant issue, especially in countries like South Africa, and is unacceptable in any democratic society. The principles of equality of opportunity and social and economic policy provide a strong foundation for addressing inequality and supporting vulnerable groups. Through their experiences with various vulnerable groups, the participants in this internship programme were able to reflect on their own beliefs and potentially undergo a transformation in perspective. Overall, these experiences reaffirmed the importance of the legal system in protecting and advocating for vulnerable individuals and highlighted the deficiencies in the system.

5.12 Children

The UN Convention on the Rights of the Child defines children as “every human being below the age of eighteen years unless, under the law applicable to the child, majority

status is attained earlier.” Children who may be vulnerable include those orphaned, abandoned, living in poverty, living in conflict areas, mentally or physically disabled, neglected, HIV-positive, or abused, to name a few situations. Due to their age, children are at risk for abuse, neglect, and violence in South Africa (Songca et al., 2016). Children in South Africa enjoy constitutional protection of their rights and in a wide range of legislative Acts, yet remain vulnerable.

As it would not have been advisable for the participants to meet in person with vulnerable children, I thought it best to cover one aspect of potentially vulnerable children by arranging a meeting with the Family Advocate's Office. As discussed in paragraph 4.14.7 of Chapter 4, the Office of the Family Advocate is empowered to intervene in any legal matter involving a child. Either as a victim or as part of the legal proceedings before a court (for example, care, contact, maintenance, and guardianship matters).

The participants knew little of the Office of the Family Advocate's function, let alone that such an office existed. This was surprising as all participants were in their final year of study for their LLB and would enter the legal profession the following year. For instance, Ayanda stated: *“from family law way back in the second year, we can say that we have a vague idea of the Family Advocate. Therefore, we know nothing about what they do”*.

Anusha reinforced this view, mentioning that she had gone through an entire module on Family Law and *“only once or twice did we come across the name ‘Family Advocate’ since they play such an essential role in so many proceedings.”* She stated: *“visiting the Office and being aware of what goes on and how they operate was a bit of a game-changer. To see the type of work they do and the provision that they make for so many families and children”*. She went on to state that *“before gaining any knowledge as to the functions and purpose of the Family Advocate, it was fairly clear that their primary purpose was to attend to the needs of families and, more specifically, children.”*

In this way, I could observe some participants encountering an aspect of the legal system for the first time. The experience can be described as pivotal for them as it

opened their eyes to an entirely new aspect of the family law legal system and constituted a disorienting moment.

Jade commented: “After hearing the presentation and the fact that no divorce summons in which minor children are involved will be heard by the courts unless examined by the Family Advocates, I feel that incorporating their role and function into the family law module is essential.” She stated: “I absorbed much information through the presentation and questions and answers. I hardly knew the Office of the Family Advocate and its role. When I completed the Family Law module, the word Family Advocate was mentioned once in passing.”

When asked about the Office of the Family Advocate, Priya stated: *“We learned about divorce matters and maintenance matters and looked at the documents. We had never seen the documents before, even in the family law module”.* She went on to state that she *“learned that each order of the court made in respect of parental responsibilities and rights are made on a case-by-case basis. The court places great emphasis on the recommendations of the Family Advocate and Family Counsellor.”*

She noted gaining insights into *“many social justice issues in connection with Family Law. Children are often left with one or no parents and are under the care of others. People must know how to attain guardianship and the implications for children when parties have to get divorced. Family Advocates also point out that people still use terms such as “custody” and “access”, which focus on parents’ rights. People are unaware that the law provides full parental responsibilities and rights to both parents where the requirements are satisfied. Terms such as “custody” and “access” are replaced with terms focusing on the child, such as “care” and “contact”. The law has developed in this regard, and it is essential to make people aware of these changes”.*

This experience with the Office of the Family Advocate provided new insights to the participants, and it made me realize that this experience should be made available to all law students. Logistically and practically, it would not be possible to have over 200 law students visiting the Office. However, someone from the Office of the Family Advocate could address the students during a lecture in one of their modules, as I have done when lecturing on Family Law.

When asked about her experience with the Office of the Family Advocate, Sarah stated that it was “an eye-opening experience”, firstly because she was interested in pursuing a Master’s degree in Child Law and also because *“children are so important as they are the future generation and [all legal] decisions will affect and have an impact on a child's life.”*

Thandi stated in her reflection: *“I learned a lot today, especially about the Family Advocate, which I knew a little. It has enhanced my knowledge and shown me the different branches one can work with this LLB degree. I learned the role of the Family law Advocate and Counsellor, especially regarding children. I am quite impressed with how the law has placed particular interest on the children regarding divorce matters.”*

5.12.1 Analysis and reflections

In conclusion, the Office of the Family Advocate is a crucial resource in the legal system for protecting the rights and interests of children in cases involving divorce, care, contact, and guardianship. Participants in this study were in their final year of study for their LLB and, were about to enter the legal profession, were unaware of the existence and function of this Office. Their visit to the Office was a disorienting and eye-opening experience, as they learned about the Family Advocate's vital role in ensuring children's well-being is considered in legal proceedings. The participants also learned the importance of considering the child's best interests per the UN Convention on the Rights of the Child and the South African Constitution and the need to protect children from abuse, neglect, and violence. This part of the internship emphasized that it is essential for future legal professionals to be aware of the function and role of institutions such as the Office of the Family Advocate to effectively advocate for their clients and protect the rights and interests of children in divorce matters, which is only one aspect of the protection of children as a vulnerable group in society. The process highlights one social justice aspect of family law.

5.13 Refugees

The next vulnerable group was identified as refugees and asylum seekers. Refugees are displaced and forced to seek refuge in different countries. They cannot return home for safety reasons. The 2011 definition of refugees by the United Nations High Commission for Refugees recognizes as refugees those persons “who are outside their country of nationality or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.” Someone who has fled his or her country of origin and is seeking recognition as a refugee in South Africa is known as an asylum seeker. A refugee has been granted asylum status in the Refugee Act 130 of 1998. Refugees face hardship in South Africa, but they often face more numerous and severe difficulties in their home countries.

For the internship programme, I decided that it would be inappropriate for the participants to meet with refugees in person, so I arranged a presentation by a Lawyers for Human Rights (LHR) member who visited the UKZN Law Clinic to address the study participants. Without exception, all participants thoroughly enjoyed this and indicated that they had learned more on this topic than they had in their degree to date. For example, when asked about the refugees' presentation, *Ayanda* noted that “*the Lawyers for Human Rights deal with housing, evictions, and refugee and migrant rights. They also focus on asylum seekers who escape their countries based on persecutions such as gender or even political opinion*”. She was shocked at the number of refugees in the country and how under-resourced the refugees' offices are: “*Access to these offices is so limited, and they can handle things on a case-by-case basis, which can mean that there are people who do not have access to justice, and that is a scary thought whether you are from South Africa or not*”. She stated that everyone should be afforded social justice, including refugees in this country.

She also reflected that the presentation “*was eye-opening on another level*” because, although she had previously established views and interpretation of refugees' standards and their position in society, this experience changed her views. She commented that refugees were sometimes subjected to a frustrating legal process because the system was disorganized and inefficient. She could not say that her reaction is “*the same as a layperson who is frustrated by foreigners being in the country*”, but she knew why people are frustrated. She noted that she could say, “*they*

are not achieving justice, and they are not having full access to justice in that respect, and to hear what was happening was depressing.” She concluded: “The talk about refugee law challenged my understanding and insight. It was a thoroughly relevant and important talk that needed much clarity. Once I understood the stance in refugee law in this country, it became clear to me how social justice does not exist in practice for all the refugees and asylum seekers”.

When asked about the presentation from Lawyers for Human Rights, Jade said that the excellent presentation had led to a further understanding of the problem with refugees in this country. She further explained that, in her opinion, social justice should include everyone and not just citizens, and the transfer of knowledge should not only be towards helping citizens. She commented: *“The presentation made me realize refugees’ daily problems. Problems of refugees in South Africa seeking to be recognized by the South African government are numerous. The process they have to go through to be recognized as a refugee and have access to certain government services makes me realize how important a lawyer’s role can be in society by merely helping one refugee application.”*

Priya wrote that the presentation about refugees’ rights was very insightful because she was unaware that South Africa catered to refugees to such an extent. Although at first, she thought that *“it did not relate to social justice because it just focused on refugees.... I expected to learn more about human rights in the broader context; however, the presentation focused more on human rights concerning refugees’ rights. The experience nevertheless benefitted me as I was previously unaware of the law regarding refugees. This experience revealed my limited knowledge regarding refugees law and even an issue covered by the LHR. The only time that I can recall learning about refugees in my LLB is in the Administrative Law module [when we covered one case].”*

The presentation changed her perspective on this topic: *“This knowledge challenged my prior understanding regarding the procedures associated with obtaining refugee status, which was limited... This knowledge is also important because it broadens my knowledge concerning human rights and social justice in that it extends to persons seeking asylum. It has made me aware that our South African government has*

committed and taken on the responsibility of granting asylum to South African seekers. In instances where I come into contact with persons seeking asylum, I would now be able to inform them of their rights and direct them to the appropriate center where they can receive help”.

I did not expect the participants to react to the presentation as they did. It was clear that they had not considered the rights of refugees in any detail before but were now more aware of this as a vulnerable group in South Africa. Sarah described this experience as her second most pivotal experience. She said: *“I was amazed to discover how little I, as a South African citizen knew about refugees and the processes they would have to follow to become a citizen of our country. I was disappointed to hear about the lack of control measures that the state has and the negative attitude and lack of consideration that the employees have towards these refugees. It seems these people are treated like objects rather than people whose lives will be affected by the decisions made by Home Affairs.... If South Africans understood the hardships and difficult processes that these refugees had to live peacefully in our country, citizens would develop an attitude of tolerance towards these people, preventing future disputes between South Africans and refugees. As a law student, I am amazed that I had no idea of the real hardships and family break-ups that occur due to being a refugee, and I believe this information would be a fountain of wisdom taught to the public at large. Due to a lack of knowledge and legal processes, people do not fully understand why the state makes the decisions it does”.*

5.13.1 Analysis and reflections

Refugees have been displaced from their homes and seek refuge in a different country due to severe threats to their safety in their home country. They may seek recognition as refugees in their host country and be granted asylum status if they meet the criteria set by the host country's laws and regulations. Refugees may face various challenges and difficulties, including a lack of access to resources, legal issues, and discrimination. Refugees must have access to legal representation and support to navigate the often complex process of seeking asylum and building a new life in a new country. Lawyers and other legal professionals can play a vital role in advocating for the rights of refugees and ensuring that they have access to justice.

The discussions in paragraph 4.15.4 of chapter 4 apply to this section. This presentation highlighted the challenges faced by refugees in South Africa as a vulnerable group, and the discussions on social justice in South Africa in paragraph 3.1.1 of chapter 3 highlighted the persistent xenophobia in South Africa toward refugees (Choane et al., 2011; Hickel, 2014). The absence of any mention by the study participants of xenophobia may indicate that it was not an area that was covered during the presentation, which could be described as startling and worrisome.

5.14 Older persons

The participants' third vulnerable group during the internship programme was older persons. The Older Persons Act 13 of 2006 defines an older person as “a person who, in the case of a male, is 65 years of age or older, and, in the case of a female, is 60 years or older.” The Constitution, 1996, states that everyone has the right to dignity and the right to have their dignity respected and protected. The Older Persons Act 13 of 2006 was introduced to set up a framework to empower and protect older persons.

As described in Chapter 4 above, I arranged for the participants to put their newly acquired interactive teaching skills to the test and do presentations for a group of older persons at Glenhaven Retirement Village. Due to their age, older persons are vulnerable to neglect and abuse. Both mental and physical abuse (Kotzé, 2018). Also, economic abuse (Lloyd-Sherlock et al., 2018) and the fact that they rely on others to care for their well-being (Marais et al., 2006). Those older persons who are not well-resourced, living in urban areas (Kasiram & Holscher, 2015), and rural areas run an even higher risk of abuse. Therefore, educating older persons and those caring for them about their rights is vitally important. Older persons are also often targeted for fraud, as they might be more trusting.

Kareena recalled: “I had explained to the audience how sad is the world we currently live in, whereby the elderly (who are the most vulnerable group of citizens) are constantly taken advantage of. In this presentation, I highlighted many instances of abuse among the elderly”.

It may be a perception that all older persons are frail and in desperate need of care. This is not always the case, and often older persons are physically able to care for themselves and just need knowledge about their rights. This was explained by Anusha who stated: *“To my surprise, we were greeted by a group of lovely fit, and extremely well-groomed learned elderly ladies and gentlemen, who as expected, automatically put a smile on my face and through their radiant greetings shook the nerves away (even though my part in it all was fairly small). Surprise I say, because it had escaped me that elders have a knowledge base spanning decades. My assumptions of an old group of people simply listening to a group of aspiring attorneys because they had to and not engaging on a level that a younger adult would quickly disappear as these beautiful people were far more intellectually inclined and ready to participate than I had ever expected.”*

This experience stood out for Anusha: *“We had started informing them about the Older Persons Act and simply alerting them as to the different types of abuses they may encounter that they may not even be aware of and the recourse to take. However, the simple life lessons these ladies and gentlemen imparted were more interesting to me by sharing stories that gave insight into them as individuals. I learned lessons of compassion, love, service to others – and selfless service. A story told to us related to an older man who had been economically abused by his daughter, although healthy and fit. The lengths that his caregiver and those around him who cared went to were a real eye-opener. The immense power that I will one day hold as an officer of the law and the duty I have to ensure, to the utmost of my ability, that I serve - that I serve wholeheartedly and meticulously so that people, whether young or old, get the benefits of the law, the benefits inherent in every being. So that the law can see justice prevail, no matter who stands before me. It was a reminder to me that when I'm faced with a situation at hand, I should go above and beyond to ensure that I can be as precise as I can for efficiency, especially because our job has the power to affect people's lives in a big way possible depending on how we carry it out. This was clear from the story told by the caregiver of the 90-year-old gentlemen who were a dear friend to her and the rest of the elders in the room.”*

Kareena also enjoyed the retirement home experience, noting that many people do not understand how important the elderly and the aged are to the community. Priya stated that it was an important realization for her that having an LLB is not just for herself and

is not merely about getting a job and making money, and there are other needs in society that you can attend to with the LLB degree. It was also through the nursing home and going to the Albert Luthuli Museum that she saw how people are not aware of their rights, and then some people are aware of their rights but have limited knowledge of enforcing them and the procedures involved. This is an aspect where law students can play a role in facilitating and helping to achieve that. When asked about the retirement home presentation, *Priya* stated that what stood out for her was that the older persons were, to some extent, aware of the law and had an idea of their rights, but their information was limited. She stated it was satisfying to speak with them and make them more knowledgeable about those areas of law.

Thandi confirmed what the other participants stated when she said: *"I enjoyed being around the elderly people. We got to discuss some legal issues they encounter, explain how the law protects them since they are vulnerable, and explain the different ways to report such abuse"*.

Seeing the participants change as they engaged with the older persons and transferred their legal knowledge was insightful. It positively impacted the older persons, but the participants thoroughly enjoyed giving these presentations, which changed their view of older persons in South Africa.

5.14.1 Analysis and reflections

It is essential to recognize and respect the rights of older persons, as outlined in the Older Persons Act 2006 and the Constitution of 1996. Older persons can be vulnerable to neglect, abuse, and fraud due to their age, health, and reliance on others for care. It is crucial to educate older persons and those caring for them about their rights and to ensure that they are protected from abuse. It is also essential to recognize that older persons are not all frail and in need of care and may be physically able to care for themselves and have a wealth of knowledge and experience to share. Treating older persons with dignity and respect is important, and listening to and learning from their experiences is essential. It is also vital for those in positions of power, such as attorneys, to use their power and influence to ensure that older persons are treated fairly and justly under the law.

5.15 Accused persons and victims

5.15.1 Accused persons

Despite being in the final year of their LLB degrees, I was surprised to learn from the participants that some had not yet visited a court. It was, therefore, imperative to focus a large part of the internship programme on visiting the criminal and civil courts and allowing the participants to observe the proceedings, which would enable them to be confronted by the coalface of the legal system and develop their practical skills. I did not want to lecture them on practical skills, as they should instead gain this knowledge while observing court proceedings.

As a result of such visits, *Ayanda* had a newfound respect for the court system. She stated: *“The entire week showed me the human side of the court and a large amount of fairness in the justice system. Truth does not always mean that the complainant will triumph over the defendant. Integrity is what the court decides it to be, and what they decide is the ‘truth’, with appropriate reasoning; I have learned to acknowledge and respect that.”*

While observing a criminal trial, *Anusha* noted: *“In one instance of a first appearance, the accused wanted to waive his rights to legal representation, and what I noted was that the magistrate did not just accept the waiver but instead cautioned the accused about the seriousness of the offense he had committed and the possible consequences that may ensue. He also alerted the accused about the possible drafting of legal documents (like pleas) that he may have to draft and whether he was aware of such things. After hearing this, the accused opted for legal representation. In the context of social justice, what was clear here is that rights must not just systematically be read to persons but must be communicated in such a way that the person can fully understand the content of such rights and implications of any waivers”*. This comment by *Anusha* showed her observation of social justice in action. What stood out for her as an aspect of social justice in the legal proceedings was that the magistrate took the time to explain the consequences of waiving his rights to legal representation to the

accused. That is to ensure that the right to legal representation is social justice in action in the context of criminal procedure.

Ayanda, commenting on her experiences visiting the court, stated that she drew on the information she had come across during her degree and the primary purpose of the internship. She stated that she had to look at things differently, not just enforce and ensure justice. Further, she tried to look at things from the person's view in the dock, thinking about the people and asking herself: *"Who are they? What was their social standing? Are they afforded the same opportunity as a person who is perhaps more affluent and can afford legal services? Are they getting equal justice?"* Further, she stated that the most important thing is *"that you are treated the same regardless of who you are"* and added: *"What spoke back to me was being equal before the law."*

Grant made some insightful observations regarding the court visit and how his beliefs changed through this experience. He stated: *"From the court experience, the sentencing had the greatest impact on me....Sentencing has always been a topic of interest because it encapsulates all the different legal practitioners' work in each case. Before I observed the sentencing process, I assumed that magistrates were cold and uncaring people who blindly applied the black letter law to each case. However, I should have realized that this assumption was based on what is portrayed on television and not reality".*

Although *Kareena* had visited a court before the internship, the visit also stood out for her: *"We spent the entire day at court.... I marveled at the judgment given by the magistrate, as he was able to blend the mitigating factors, aggravating factors, the interests of justice concerning the facts and surrounding circumstances of the case, and use legal expertise in judgment."*

The Bill of Rights in the Constitution guarantees detained and accused person's rights. Social justice applies to detained and accused persons, and as stated, "justice must not only be done but also be seen to be done." These rights are essential for ensuring equality between the state and individuals.

5.15.1.1 Analysis and reflections

Like future medical doctors gaining practical experience working in hospitals, future lawyers need to have practical experience by observing court proceedings to develop their skills and understanding of the legal system. Through this internship programme, the participants could observe the proceedings in both criminal and civil courts, which allowed them to see the human side of the court system and understand the importance of fairness and integrity in the justice system. The participants also observed the importance of social justice in the legal system, including the need for equal treatment and the protection of the rights of accused and detained individuals. The internship programme benefited the participants by helping them understand the complexities and realities of the legal system and the role of social justice in pursuing justice.

5.15.2 Victims of crime

The Service Charter for Victims of Crime in South Africa is essential for promoting justice for those who find themselves victims of crime (Müller & van der Merwe, 2006; Singh, 2014). The rights include the right to be treated fairly and with respect for the victim's dignity and privacy. To be treated with compassion (Hargovan, 2007), the right to offer and receive information, protection, and assistance, and the right to compensation and restitution (Nel & Judge, 2008). Also, specifically to carefully consider the interests and protection of victims of domestic violence (Hargovan, 2010).

Ayanda commented concerning the victim of domestic violence she had observed: "The testimony by the victim was alarming, shocking, and nothing short of graphic. The accused was depicted as an animal who had no respect for this woman who loved him very much to the point that initially, she did not want to lay a case to protect his reputation. She opted for a protection order that he was not affected by, clear as daylight. He showed that he had no respect for the law, ironically. Seeing how he still thought he had power even from the dock was distressing. Nodding and shaking his head to intimidate the witness when asked questions, and it looked like his legal representative, who was a colleague of his from legal aid, was subjected to approaching the bench every five minutes because he had pointers for her and suggestions on how to proceed and which line of thinking to use. This was extremely undermining that the court had to call him to order. The entire testimony was

emotionally draining for me, especially how the accused's behaviour seemed normal for him to rape this woman every other day. For me, this was the best way to gain practical experience and the best way to learn criminal procedure. All in all, the day was a success”.

5.15.2.1 Analysis and reflections

In conclusion, the Service Charter for Victims of Crime in South Africa is an essential resource for promoting justice for victims of crime. The rights outlined in the charter include the right to be treated with fairness and respect, the right to receive information and assistance, and the right to compensation and restitution. Ayanda observed a victim's testimony in a criminal case that was shocking and disturbing, with the accused behaving in a way that seemed normal to him despite committing rape regularly.

The accused's legal representative seemed to attempt to influence the case, undermining the court. Overall, the day was emotionally draining for Ayanda, but it was a valuable opportunity for her to gain practical experience and learn about criminal procedures. There is still a need for solid support and protection for victims of crime in South Africa and for ensuring that perpetrators are held accountable for their actions.

5.16 Role of the legal practitioner in society

The internship would not be complete without meeting and observing legal practitioners. Participants met with and observed attorneys, advocates, prosecutors, and magistrates during the internship. The participants all had preconceived perceptions and worldviews regarding practitioners in the legal profession. Of particular interest for this study is how the internship challenged the view of each participant.

Kareena noted: “The presentation [by the legal practitioner in private practice] taught me a valuable lesson in that people truly depend on lawyers and do not know the law, and it is these [rights awareness] seminars that help people [understand and] defend their rights. Some people also possess a vague idea of the law but need clarity and confidence. Those with a vague idea of law are now convinced to study law and help

others enforce their rights. I have a new appreciation for those who teach legal skills to the indigent, as it is the most effective way of getting the law to the people. Through their many tasks, the law clinic changed lives through social justice, which I want to be a part of after completing my law degree”.

5.16.1 Attorneys and advocates

The broader South African society has little interaction with the legal fraternity and has mixed opinions on legal practitioners. Similarly, the participants had not had much interaction with legal practitioners during their undergraduate LLB degree and also had mixed opinions. For example, Ayanda wrote: *“We made our way to the offices of a prominent lawyer Mark Fatcher, who gave us an in-depth insight of the business side of running a firm and how you ought to balance running the firm as a business and how to handle clients and make sure that you appeal to them and look after them while attending to the daily work tasks required. This involves working with staff to establish and maintain a standard for clients' quality of work. Moreover, it takes dedication and passion for having longevity in the profession. Overall, it was an amazing day filled with exciting experiences.”*

In one of the court matters, Ayanda noticed the presiding officer reprimanding an ill-prepared attorney, which stood out for her: *“We observed a few divorce proceedings where several important points were raised as issues that needed to be addressed. I was surprised that the court pointed out that an attorney appearing before the court must show that they are prepared for court through their file paperwork. The level of care and precision required in how things like pleadings are written and presented to the court. The magistrate took the time to reprimand the attorney for the lack of due diligence. However, this incident highlighted that there is a particular standard expected of you in the profession and that when you file documents that represent who you are when you are not before the court.”*

Grant agreed that this experience was worthwhile: *“From a theoretical point of view, the experience was very enlightening. The experience gave me practical insight into how legal practitioners should conduct themselves while discharging their legal duties and how they should not conduct themselves.... I learned that I still have a lot to learn*

about legal practice, the role of the attorney, and how to discharge the duties of an attorney”.

When reflecting on the visit to Mark Futchers office, Grant stated, “[t]he practical insight that Mark provided about how to be a successful attorney will prove invaluable to any student’s future legal career or career. I believe that more students should be exposed to prominent figures in their fields to model themselves to incorporate the ‘prominent figures’ best attributes into themselves and give them a concrete representation of what each student should aspire to.... I believe that the purpose of this exposure was to give the interns an inspirational role model... . As Mark addressed us, he went through great pains to stress the importance of being an ethical attorney and how merely being ethical will pay off in the long run. He also stressed that you never stop learning from your clients because they often have something to teach. Also, it focused on the importance of social justice. He addressed how an attorney should specialize in a field because the law is vast, and it is impossible to be a general attorney in this day and age as this will open up an attorney to abuse by some clients to achieve their hidden plans. He stressed how an attorney should only do what he/she knows well and only give advice about legal issues in appropriate circumstances. Finally, he addressed the importance of service delivery in legal practice and how to satisfy clients”.

Jade, when asked about the presentation from Mark Futchers, said that they could all strive to be like him, as he has managed to balance being successful as well as engaging with his community, assisting the UKZN Law Clinic with advice when needed, and also running a successful law firm. Jade continued: “He is the epitome of what we should all strive to be, so to listen to him speak, I know that you can be successful and help people and have a career in law, and people around you will also benefit.”

Sarah agreed with this as she stated: “The most pivotal experience of the day for me was meeting Mr. Futchers, who is an experienced labour law attorney. I was highly motivated and inspired to work harder as soon as I entered his office doors as not only were the offices beautiful, but Mr. Futchers displayed the epitome of success of an attorney that every law student wishes to be. This experience was pivotal for me as Mr. Futchers has been the only attorney we have met throughout the internship that

expressed to us how important it is to live a life apart from practicing law. As students, we can take his words as wise as he is also living his life in this manner and is successful.”

Sarah stated that her second favourite activity during the internship was meeting Mark Fletcher. She noted that an attorney could have a “well-balanced life, a fulfilling life, and do good work. He is compassionate; he enjoys what he does, which is an integral part of being an attorney working long hours and content with life apart from work.” She further commented: “Before this experience had taken place, my perception of an attorney was someone who found that it was almost impossible to live a fulfilling life, have a genuine love for people, give back to the community and still be successful! For the first time, I was glad that I was proven wrong by Mr. Fletcher. The experience has taught me to develop a greater love for the profession, and for the first time, I want to work much harder, in addition to experiencing life outside the profession”.

Sarah summarised her insights from the interaction as follows: “This experience has also highlighted the attention that should be paid to socio-economic rights and how easily a law student could do his or her part in promoting such rights through a simple 45-minute presentation. Moreover, I have learned the true meaning of humanity through this interaction, and it reminded me of the real reason I should be an attorney, i.e., my reason to become an attorney should be to improve others' lives and protect those who cannot protect themselves. Further, we are consumed with the appearance of an attorney, whom we believe is a person that has flashy cars and an extravagant lifestyle when in reality, all these materialistic items should be secondary to the real purpose of being an attorney - the sole reason behind choosing to become an attorney should be to assist and help other people who are in need”.

5.16.1.1 Analysis and reflections

As the participants aspired to enter the legal profession, except for Kareena, who wanted to become a magistrate, they all wanted to become attorneys. It was remarkable that they had not had exposure to attorneys in private practice before. This interaction changed their perspectives on attorneys and influenced how they see themselves and the profession.

The legal practitioner plays a vital role in society by ensuring that the rule of law is upheld and that individuals and organizations are held accountable to the laws and regulations of the country. Legal practitioners also play a crucial role in ensuring that individuals and communities have access to justice and can defend their rights. In private practice, attorneys and advocates may work with clients to resolve legal disputes, negotiate settlements, or represent clients in court proceedings. Prosecutors are responsible for bringing criminal cases against individuals or organizations accused of breaking the law, while magistrates preside over court cases and make decisions about the guilt or innocence of defendants.

Legal practitioners are also responsible for upholding ethical standards and codes of conduct, including acting with integrity, honesty, and professionalism, treating clients with respect, and upholding confidentiality. Additionally, legal practitioners may engage in pro bono work, which involves providing legal services to underserved or disadvantaged communities for free or at reduced rates. Overall, the role of the legal practitioner in society is multifaceted and plays a crucial role in ensuring that the legal system functions effectively and that individuals and communities can access justice and defend their rights.

5.16.2 Prosecutors

In keeping with the adversarial model, the prosecutor presents the state's case against the accused in a criminal matter before the court. To achieve social justice in South Africa, all role players in criminal issues need to act in a certain way and show the care and respect each case deserves. When one role player does not perform expectedly and does not take due diligence during a matter, it can affect whether justice has been done. "When the relationship between law and social justice is viewed in a context broader than simply litigation, the nexus between the two is even more pronounced" (F. Quigley, 1995, p. 40).

Grant commented in relation to prosecutors as follows: "Another experience that stood out was the apparent disparity between the professionalism of the state legal practitioners and the private practitioners... The prosecutor's level of professionalism

was questionable because, during the cross-examination [of the rape matter we observed], she spent the entire time on her cell phone and did not take notes even once". The other participants echoed Grant's observation when they recounted their thoughts about that event. They all noticed a profound lack of interest on the prosecutor's part and its impact on the delivery of justice in this matter.

Grant further stated: "From a civic point of view, the experience of watching the rape trial was informative as it affirmed the belief that state representation is of a lower standard than private representation. It was disappointing because the victim has a right to access justice and protect his/her rights. These rights are adversely affected when the prosecutor does not display a legal practitioner's level of professionalism. It would seem that the only people who will get access to justice have the funds to hire a private attorney. The social implications of [the] prosecutor's unprofessionalism also cast a bad light on the justice system as it detracts from the understanding that justice will be done in a democratic society. It detracts from society's belief in the legal system. It is disappointing that people's legal issues are not adequately addressed because the state prosecutor is not compensated at the same level as the private defense lawyer".

When asked about her experience observing the criminal trials, Jade stated that "personally, observing the prosecutor on her cell phone, while the defense attorney was doing cross-examining, was shocking in that the prosecutor seemed as if she was not even interested." Jade noted that she "never wanted to be like that" as she always wants to give the best, and it made her want to "push herself never to put a client in such a position". Further, she noted that they had learned much regarding cross-examining, listening to examination in chief, and analyzing everything in court. In addition, she noted: "The one factor that stood out was the use of an interpreter. I spoke to one of the other interns after we had left the court. She informed me that as she speaks and understands Zulu, the interpreter did not correctly convey everything that the alleged victim was trying to articulate in Zulu, significantly impacting the version of events put forward by any witness who uses an interpreter. I think that courts should be more aware of this problem's seriousness as this would also affect justice delivery".

5.16.2.1 Analysis and reflections

In conclusion, the prosecutor plays a crucial role in the criminal justice system and the delivery of justice in South Africa. The observations by Grant and Jade highlight the importance of professional conduct and due diligence on the prosecutor's part. That is to ensure that the rights of the accused and the victim are protected and that justice is served. The prosecutor's lack of professionalism and interest in the observed rape trial raises concerns about the fairness of the legal system and whether access to justice is equally available to all members of society. Additionally, the issue of interpreters not accurately conveying the testimony of witnesses who use them raises further concerns about the potential impact on justice delivery. It is vital for all role players in the criminal justice system to uphold high standards of professionalism and to work towards ensuring that justice is served fairly and equitably.

5.16.3 Magistrates

Judges and magistrates are pivotal in delivering justice and applying social justice principles in legal matters. During the internship, the participants were fortunate to be addressed by Magistrate Bhikha, which was a pivotal experience for them. *Anusha* summed it up as follows: *"The next little adventure that we were grateful for, to say the least, was that when we proceeded to another courtroom when court adjourned, we were called by the magistrate himself, who gave me what I like to call life lessons... He had no obligation to invite us into his chambers or share lessons from his experiences and time, but he nevertheless took the time to recognize us law students and give up his time. This experience made the law profession real to me and made me realize that these are people just like myself. Maybe I do not have the knowledge base and experience right now, but I certainly do have the potential to become a success, as the only thing stopping me from that success is myself. For me, this encounter was one of those rare moments in life where something within you changes, a realization, if I may call it that."* In this comment, we can see the perspective transformation taking place.

When asked about her experience at the divorce court, *Sarah* stated that it was the best experience for her, as *"it was the first time that I saw humanity intertwined with the justice system. The magistrate in that court seemed to care about the people in*

front of him. It made me feel as if the justice system cared about the people and the types of decisions they were making.... Observing the divorce matters in this court allowed me to fully understand and appreciate how the law respects citizens and their emotions while actively enforcing the relevant law principles. I was pleasantly surprised to see that the magistrate treated every plaintiff with respect and compassion as he used phrases such as "the court understands the difficulty of your situation."

5.16.3.1 Analysis and reflections

In conclusion, the internship experience of observing magistrates and judges in action was valuable and transformative for the participants. Magistrate Bhikha made a powerful impression, taking the time to engage with and impart wisdom to law students. The experience at the divorce court was particularly impactful for Sarah, as it demonstrated the humanity and compassion present within the justice system. Overall, the internship provided a valuable opportunity for the participants to see the practical application of social justice principles and the role that judges and magistrates play in delivering justice. It also served as a reminder that these legal professionals are people just like themselves and have the potential to succeed in the field. The encounter with Magistrate Bhikha was a rare and meaningful moment that sparked a realization within the participants. This internship aspect was a profoundly enriching and educational experience for all involved.

5.17 Transfer of legal knowledge

The discussions in paragraph 1.4.9 of chapter 1 apply to this section which referred to the guideline in the LLB standards document that a graduate must be able to transfer legal knowledge to others. The discussions in paragraph 2.3.5.2 also apply to this section which refers to public legal education and schools of law. The discussions in paragraph 4.9.1.2 of chapter 4 refer to the learning outcomes of the internship programme.

Law students are provided with a powerful professional development opportunity by transferring legal knowledge and teaching others (Johnston & McCarthy, 2019; Perdue & Wallace, 2020). This experience had a significant impact on the study participants in

this study. Similar findings were documented in a recent study by Draslarova (Draslarová, 2019), discussing the benefits of Street Law as a unique learning method. The participants learned these skills during the Street Law workshop, then designed presentations and transferred this legal knowledge during the visits to the Albert Luthuli Museum and Glenhaven Retirement Village to indigent community members to elderly persons.

When asked what the most pivotal experience was for her during the internship, *Priya* stated it was the Street Law workshop and learning different methods of transferring legal knowledge and that, as law students, they are also in a position to be able to transfer knowledge to other people. *Jade* agreed with this when she said, *“The most important thing was transferring legal knowledge.”* Through the Street Law interactive teaching workshop and the Albert Luthuli Museum outreach, she found that they were affecting people's lives, and they should take that responsibility more seriously. *Jade* reflected that the most important aspect for her was transferring knowledge because if one can effectively transfer knowledge, it would demonstrate critical engagement with the problem to be solved. It is only then that one can transfer knowledge.

Priya stated that she *“drew on the previous Street Law workshop... and the skills we were taught in making an effective presentation that would practically inform the target audience and get them to remember as much material as possible... I learned that I had to teach myself before I could teach others to transfer knowledge. I also learned that a good way of discovering how much knowledge one has regarding the law is when you have to teach it to others.”* When reflecting on the Albert Luthuli Museum presentation, *Priya* stated, *“I went into this workshop thinking that the people I was going to present to were ignorant regarding the law. I took it for granted that they lived in a community with little access to legal knowledge. However, I was surprised that these people knew about the law and understood how it operated. They asked some challenging questions, which I did not expect. They were also responsive to the material presented to them and displayed enthusiasm”.*

Priya added: *“In terms of social justice, I have learned the importance of transferring legal knowledge as many people face issues where they are assisted through the law. I learned that people form an idea about the law from media sources and their life*

experiences. However, also misinformed on some aspects of the law. Therefore, I have learned that it is essential to transfer correct legal knowledge and ensure that the person receiving it is appropriately informed. It is necessary to be correctly informed about the law to limit the possibility of transferring the wrong interpretation of legal knowledge to others when transferring legal expertise to others. It safeguards those who might purport to act on the legal knowledge transferred to them. It is also vital to take an active and continuous interest in the law because it is continuously developing. An example would be, amended Acts and repealed Acts of Parliament. It is vital to keep up to date with the law and how such developments will impact people. On a personal level, it was satisfying to know that I had played a part in helping others to become more aware of the law. One of the interns asked me if I would still study and practice law without the money factor. In all honesty, my initial response would have been no. However, my intentions have changed after experiencing the satisfaction of transferring legal knowledge to others and knowing that you have empowered them in some small way. In the future, I see myself giving more time and attention to pro bono work as the reward is just as sweet, if not more pleasing, than getting paid for the legal services you provide”.

From Priya's statement above, it seems that transferring legal knowledge was pivotal in her internship experience. It was insightful to observe these law students absorbing teaching skills and feeling rewarded.

Sarah noted that the Albert Luthuli Museum experience was *“the best experience of the entire internship.”* Making the presentation led her to desire to make further presentations. How the audience responded made her realize that there are people who want to learn, are willing to learn, need this information, and are receptive. She aspires to help communities acquire the legal knowledge of our legal system to assist themselves: *“Today was a good experience as I had not anticipated the lessons that I, as a student, would learn just by doing a simple presentation. Moreover, this has also made me aware of the need to transfer legal information to the public. I believe that law students can do this through an act of community service. It will greatly assist those unaware of the law and help students learn how to transfer legal knowledge and incorporate socio-economic rights into the law”.*

5.17.1 Analysis and reflections

It is clear from the passages above that the transfer of legal knowledge was a significant experience for Priya, Jade, and Sarah during their internship. This finding is in line with the recent literature detailed above. They learned various methods of transferring legal knowledge during the Street Law workshop and then applied those skills during their visits to the Albert Luthuli Museum and Glenhaven Retirement Village. Priya and Jade both found it rewarding to empower others through the transfer of legal knowledge, and both saw the value in pro bono work due to these experiences. They also learned that it is essential to be correctly informed about the law and keep up to date with legal developments to effectively transfer legal knowledge to others. Overall, the transfer of legal knowledge was a valuable and meaningful experience for these law students, and it seems to have had a lasting impact on their perspectives and goals as future legal professionals.

5.18 Conclusion

This chapter has discussed the four themes of perspectives on social justice, inequality concerning vulnerable groups, legal practitioners' role in society, and the transfer of legal knowledge. These themes relate to Mezirow's theories on transformative learning as the participants when faced with particular disorientating dilemmas, experienced perspective transformation.

In the next chapter, transformative learning from an educator's perspective will be discussed. The themes covered include mentorship, interactive teaching methods, creating opportunities for transformative learning, and teaching technical skills.

CHAPTER SIX

PARTICIPANTS' EXPERIENCES OF LEARNING SOCIAL JUSTICE

6.1 Introduction

This chapter relates to changes in the participants' perspectives and how they felt about their experiences during the internship. Analysis of these changes in perspectives is through the lens of Mezirow's transformative learning theory concerning perspective transformation. The process of perspective transformation, according to Mezirow, is in three parts, that is the psychological level (those are changes in the understanding of themselves), convictional (a revision of their belief systems), and behavioral changes (concerning lifestyle changes).

As set out in chapter 2, the relevant literature will also be employed to analyze certain sections of this chapter, particularly those referring to the pedagogical strategies employed during the internship programme.

I identified the following themes from the data: relating to peers and working in small groups; self-examination and critical reflection; experimenting with new roles and learning new skills; building confidence in new ways and overcoming anxiety; taking action and changing behavior; the formation of professional identity; and understanding and incorporating new styles of learning.

6.2 Relating to peers and working in small groups (team-based learning)

This data emerged from relating to peers and working in small groups. The internship design allowed participants to interact collaboratively, which was the rationale for pairing two interns with one mentor. Most of the internship activities required small group work, with the reflective journals and post-internship interviews being the only activities participants were required to complete independently.

Paragraph 1.6 of chapter 1 provided a snapshot of the internship programme and provided the reader with the rationale for pairing two intern participants with one mentor, guided by team-based learning principles. The pedagogical advantages

included were to deepen the intern participants' learning and simultaneously facilitating dialogue. Paragraph 2.3.3.9 of chapter 2 further expands on the pedagogical advantages of team-based learning. Paragraph 2.3.4 of paragraph 2 highlights that team-based learning is student-centered and emphasizes the value of collaboration, as argued by Du Plessis (2013).

6.2.1 Collaboration and shared experiences

Overall, the participants experienced working with their peers and collaborating throughout the internship process as meaningful and enriching. For example, *Thandi* stated: *"The purpose of this internship was not just to get exposed to an office environment but also to get to know each other personally. We spent most of our time together, exchanged thoughts and ideas, and learned from each other. It has enabled me to understand working together with other people and respect each other. In life, you will never work alone, and this opportunity made me appreciate each other and work with each other respectfully. I enjoyed every minute spent together"*.

6.2.2 Considering diverse opinions

Working in a small group allowed each participant to consider approaches and views other than their own. Furthermore, to take these diverse opinions into account. It also highlighted for the participants that different group members demonstrated varying strengths and, overall, the experience helped them improve the quality of the group interactions. For example, *Kareena* noted: *"I am completing two more files, and the other intern in my group is doing one of the files with a lot of drafting, which is her passion. I chose three files as I believed they were simple procedures, and the matters interested me"*. *Ayanda* stated that *"my fellow intern helped me by reminding me that, when you ask legal assistance, you need to state the facts of the case first and then what it is that you require assistance with"*.

Some participants said they enjoyed working with their peers and created some form of fellowship and friendship. Working in small groups has been documented extensively. One of its advantages concerns the concept of deep learning. *Thandi* observed that it is an invaluable life skill and that one needs to develop the ability to

work as a team, adding, *“I have never had exposure to a working environment. This internship enhanced our knowledge and practical experience, bringing us together as colleagues and creating an enjoyable working environment.”* Elsewhere she stated: *“This presentation enhanced my presentation skills, ability to work in a team, and to appreciate others.”*

6.2.3 Testing their knowledge

Participants could also lean on the other group members' strengths and gain experience working in a small group. They could place their knowledge and expertise under a microscope concerning a particular topic. Working in a small group can also enhance the confidence levels of the group members.

It would also appear that the experience of working in small groups provided personal insights for the interns. Analysis of the data supported the contention that these experiences improved the interns' confidence and allayed some fears surrounding their ability concerning their knowledge base. For example, *Sarah* wrote: *“In trying to solve the issues in the relevant case files, I was happy to be working with others in my group who consistently offered assistance. However, it seemed that everyone was just as clueless as I was regarding research and drafting documents.”*

Priya concurred with the experience of finding reassurance in being aware that others were also overwhelmed or confused. They realized that they were not the only ones struggling but instead that it was a shared experience. She noted: *“It was not an easy task, and I found my colleagues were just as overwhelmed by the case files as I was.”*

While the participants generally enjoyed working in a group and the group members could theoretically provide assistance, on some issues, no one had the requisite experience to assist, which is one of the shortcomings of group work with peers. The quote from *Sarah* above highlights one of the weaknesses of working in a small group with peers who are also inexperienced in fieldwork. *Sarah*, however, indicated that she was content to be working with others. In these situations, a mentor with relevant experience is often necessary to provide guidance. Mentorship will be discussed further in paragraph 7.2 of Chapter 7.

Working in a small group necessitated interns to engage critically with the topic. They rapidly became aware that they could not be passive and not participate actively. The group dynamics were conducive not only to active participation but also to deep learning. According to *Grant*: *“This workshop was important because it taught me the importance of group work, taking people’s ideas into account, and compromising. These skills are invaluable... I will use the group work skills that I developed from the presentation in my future life by ensuring that everyone participates and compromises to ensure that the majority accepts and supports the result of the group work”*.

Small group work also provided an opportunity to identify and overcome diversity issues. In this context, diversity relates to being a member of a different race group and is associated with differences in cultural, economic, political, and personal worldviews. It would appear that once engaged in the small group, the participants overall found it an enjoyable experience. It was significant that within a few minutes of being placed in a group, there was a clear division of labor, with different roles and responsibilities assigned to each group member.

Group work also encourages members to take ownership of their contribution to the project or task. Further, they developed and produced a final product (regarding the legal outreach presentations) while resolving disputes and differences of opinion amongst the group members. It will be problematic if a group participant finds that their fellow members do not cooperate. *Priya* observed: *“Placing us into groups of three, I saw as a positive as I enjoy working in a team, and my team members were pleasant people to work with”*. *Priya* also found it surprising that, despite aspects covered in the law modules, they all had difficulty applying this practically. This observation demonstrates that learning theory without application in a practical situation presents a particular challenge to LLB students.

6.2.4 Compromise and conflict

One of the participant’s insights from this experience is the importance of compromise, which provides insight into small-group dynamics. *Grant* expressed that he had difficulty working in a group because he likes *“to be in control.”* He wrote: *“I found my*

weakness is that I like to be in control of a situation and do not trust work that I prepare in short periods. My strength is that I worked well in the group, and we came to various compromises.”

When asked what she considered the most significant reflection-worthy experience for her, Kareena wrote that she “loves working with people” and likes working in an environment where she competes against someone. By comparison, *Grant* preferred working alone, and in a legal environment, the opportunity to work in small groups does not often present itself. However, *Kareena* demonstrated that she enjoyed working with others, particularly in a competitive environment such as the legal profession.

Compromise in a small group involves discussion. Pointedly, *Grant* remarked that he is used to taking charge of a group but gained insight into the advantages of compromise in the interests of small group relationships: *“Since I am used to working alone, it was difficult for me to accept other approaches. Besides, I felt unprepared and uneasy about it because I usually have more than an hour to prepare my presentation. Working in small groups also helped me develop the skills necessary to work under pressure and brainstorm, quickly making a presentation on a particular law area.”*

The interns' insights were an appreciation of the importance of the opportunity to test ideas on fellow group members. The experience also demonstrated that compromising and accepting different approaches leads to the insight that one's point of view may be challenged. Alternatively, one's paradigm may influence others. Thus *Anusha* commented on *“the importance of bouncing knowledge off people and allowing the different approaches people bring to strengthen a viewpoint or discredit it.”*

However, some participants observed that small group work would not have been a positive experience if all participants had not been collegial. In particular, it required collaboration and active participation of all the small group members. One participant said he wanted to feel in control and was used to being well-prepared to present material to others. The short time allocated to prepare before making the presentation caused this participant to feel some lack of control. The positive result from experience is that group work requires collaboration. The group work also created a sense of

responsibility among the participants. However, during the LLB degree, students are used to working alone, and minimal opportunity arises to work in small groups.

6.2.5 Analysis and reflections

The theme of relating to peers and working in small groups emerged from the literature and data collected during the internship. The participants generally found the experience of collaborating with their peers and working in small groups to be meaningful and enriching. They had the opportunity to consider diverse opinions and to work with their peers to improve the quality of their group interactions. Working in small groups also allowed the participants to test their knowledge and lean on their group members' strengths. Additionally, the experience of working in small groups improved the participants' confidence and allayed some of their fears about their knowledge base. However, some participants also experienced challenges while working in small groups, such as conflict and the need to manage their time effectively. Overall, the experience of working in small groups helped the participants develop valuable skills and insights that will be useful in their future careers.

6.3 Self-examination and critical reflection

Paragraph 3.6.1 of chapter 3 introduced the concept of self-examination as one of Mezirow's phases of transformative learning. Mezirow also suggests that when faced with a disorienting dilemma, beliefs are reconsidered and revised through critical reflection and dialogue with other people (Mezirow, 2003b). Paragraph 1.17 of chapter 1 detailed the written guidance provided to the study participants to guide them in this reflective aspect of the study. Paragraphs 2.3.7.1 and 2.3.7.2 of chapter 2 further discuss the concept of critical reflection. Paragraph 3.7 of chapter 3 further highlights the importance of critical reflection for transformational learning. Paragraph 4.9.1.2 of chapter four details the learning outcomes of the internship programme.

The interns were required daily to reflect on their experiences on that particular day. Expecting them to do so had the advantage that the reflection took place immediately after the experience and produced insights as the group work experience unfolded. During the post-internship interviews, the participants also discussed their thoughts

about the internship activities. Initial guidance was provided to the interns to assist them with how to reflect on their experiences. Including a reflective aspect of the programme relates to the theoretical framing of TLT, which encourages critical reflection. The reflective practice assists in learning to internalize the experience so that deep learning may occur.

The data provided evidence about the importance of critical reflection. Learning how to reflect and the practice of reflecting upon a particular event encourages self-reflection in the future. "Critical reflection oriented toward well-articulated learning outcomes is key to generating, deepening, and documenting student learning in applied learning" (S. Ash & P. Clayton, 2009, p. 25). Below, I discuss the participants' reflections on the activities and the effect of the experiences on themselves.

It became evident from the interns' reflective journal entries that their expectations of the legal profession often did not reflect its realities (in both positive and negative ways). For example, while observing proceedings in the High Court, it was noted how many advocates were ill-prepared or had not received adequate instructions to address the court. Furthermore, the interns referenced how the presiding officers dealt with matters when that presiding officer felt that the legal practitioner was ill-prepared. Also, participants recorded insights on the time it takes to appropriately prepare for a court matter. For example, *Grant* wrote: *"By observing the advocates address the court, a law student receives invaluable insight into appropriate legal diction and the use of each word. From the experience of watching advocates in practice, a law student will learn new methods of argumentation, reasoning, and in effect, legal writing. Observing the different views of the advocates scrutinized by the judge also gives the law student invaluable insight into his/her existing legal knowledge and new perspectives on different principles. Observing high court trials is vital for final year law students as it encourages lateral thinking and shows how principles are not black and white and are subject to different interpretations."*

Such observations enabled the interns to appreciate the importance of being adequately prepared for court. Several of the interns commented on this aspect of legal practice. *Sarah* stated: *"When I applied for this internship, I intended to gain as many skills and experience that would grow only myself as a future attorney. I was focused*

only on the benefit that I could receive. However, after my pivotal experience today, I have discovered that I am not in this profession just for self-gain but rather on a mission to appreciate and help others in need. I am now more focused on becoming a better attorney and a well-balanced individual who makes a genuine difference in my community”.

The data provided evidence of the value of reflecting upon a particular event. Learning, and gaining insight into the importance of reflection, also encourages self-reflection in the future. For instance, when asked if it affected the way she studied, *Jade* said she thought it helped shift her focus from how her studies changed her to reflecting more critically on how her legal work affects others.

It became clear that there are multiple forms and styles of reflecting on a particular experience. In particular, some of the interns needed uninterrupted time for internal reflection. I observed that some, such as *Grant*, needed to engage with conflicting opinions and viewpoints. Particularly on the quality of their work and that of others. When asked to reflect on the process of reflective journaling, *Grant* stated that he immensely enjoyed the journal, although he did not want “*to speak for everyone*”. For him, he works well “*when given space to sit and think*” so that when he reflects on what happened, he can “*give his attention to it*”; this helped him “*consolidate*” what he had seen and what he had done. *Grant* also stated that he used reflective journaling to reflect on his lectures and studies and to remember what he saw in practice and how it related to the theory he learned during his studies.

The observations above led me to believe that, in general, law students are not encouraged to do deep reflection, but they are conscious about how they are perceived and how it can reflect on their performance. Reflecting on an event or experience by keeping a reflective journal (Kleinhesselink et al., 2015) leads to deeper reflection and learning (Ash & Clayton, 2004). Thus, *Grant* noted: “*I felt that the four years of law school made it easy for me to identify a legal issue and what it was. However, the law school had not taught me how to deal with the case practically. Law school has given me the skills required to do an attorney's job but did not provide me with knowledge of dealing with practice issues. In other words, I felt like I knew much law but lacked direction*”.

Interactions with legal professionals allowed the interns to discern why they had chosen to study law and what they wanted to achieve by obtaining a law degree. In particular, engagement with the community led them to reflect on their preconceived ideas and how such preconceptions changed with more in-depth reflection. The interns had some insightful reflections on this aspect of the internship. Deeper thinking and internal dialogue occurred when they appended their reflective thoughts on paper. Anusha recorded: *“Overall, I feel as though it was a complete victory on all levels, in the sense that it broadened my perspectives, it exposed me to areas that ignited a passion – all of which I believe is the foundation for great success – or at least steps towards such success. It allowed me to reflect on myself and why I am pursuing the path and the direction I would like my journey to take”.*

Not all reflection amounts to critical reflection. Only critical reflection, integral to learning, leads to deep learning. In particular, the reflective journals explained historical experiences to record and document a specific event and that the aspects of critical reflection challenge their ideas and lead to transformation.

In scrutinizing the different styles of reflecting, it became clear that, while some of the interns can reflect more quickly than others, critical reflection is a skill that can be learned and taught. This is evidenced in Anusha's statement: *“I have learned to reflect not only on happenings in the world and my nation, in the courtroom, in the field of law, and most importantly, I have learned how to reflect on myself. I have realized the importance of developing this reflective skill (which still needs great work). It will allow me to identify my weaknesses and strengths and play according to it, to know where I stand and where I need to build – a mechanism to move forward in this journey that I'm ready to now embark on to become a legal professional in a world of infinite possibilities and unlimited potential within me. A journey that has taught me that I have a lot to learn but that I am more than capable of doing so. A journey that has made me aware of the realities we face and has ignited something within me that makes me want to play my part in it all. People – I have been privy to being exposed to so many types of people and situations that I hope will play a part in shaping my perspectives. My ultimate goal going forward is growth. I feel like I'm now prepared to face the knocks to build my foundation and be more involved in life itself to create awareness and serve*

a purpose”. In this respect, one must distinguish between the process of reflecting in action (while doing the task) instead of reflecting on action (after the fact emerged) (Campbell, 2013). One may interpret Anusha’s statement above as reflecting on the action and reflecting in the action and on future action.

6.3.1 Analysis and reflections

The internship programme included a reflective component to encourage critical reflection and facilitate deep learning. Interns were required to reflect on their experiences daily and discuss their thoughts during a post-internship interview. Reflective journal entries and post-internship interviews showed that the reflective process helped interns internalize their experiences and encouraged self-reflection in the future. The reflections revealed that interns' expectations of the legal profession did not always align with the realities of the profession. Observing proceedings in the High Court showed interns how many advocates were ill-prepared or had not received adequate instructions and the time it takes to properly prepare for a court matter. It also revealed different methods of argumentation, reasoning, and legal writing used by advocates and the value of reflecting on their work and that of others. Observing high court trials helped interns develop lateral thinking and understand that principles are not always black and white and are subject to different interpretations. Reflecting on the internship experience assisted the interns in gaining insights that they are not just in the profession for personal gain but also to make a difference in their communities.

6.4 Experimenting with new roles and learning new skills

Paragraph 3.6.1 of chapter 3 details exploring options for new roles, relationships, and actions as one of Mezirow’s phases of transformative learning. Each intern learned how to conduct himself or herself and discovered a new role as a researcher. One of the insights revealed that a practical legal problem may overlap with other areas of law and that one should not view a legal issue in isolation but instead see that a solution to a particular legal problem may involve other areas of law. *Anusha* observed: *“Most of my learning today was done by observing and interacting. Getting in-depth with the law today required me to carry out my research. The lessons today about how I conduct interviews and the lessons that followed after, as mentioned above, will serve me well,*

especially implementing them in the beginning stages of being a practitioner and handling all and any types of matters placed before me. As I become more accustomed to consultations, my skills will hopefully become more refined, and my goal is that my knowledge base of the law is so in-depth that I can correctly direct consultations or gauge procedure just by analyzing a file before me.”

Paragraph 4.9.1.3 of chapter 4 details one of the internship programme's learning outcomes for the participants: to transfer legal knowledge. The interns learned that when researching a specific area of law, they should do so holistically. They found that, in practice, preparation for the court is essential, and the skill of transferring and imparting legal knowledge to others is an ongoing process. Among the new skills the interns were exposed to were interviewing skills. One of the tools used in teaching such skills was a video compiled by Jeff Giddings of the Griffith School of Law. Concerning this, Ayanda commented: *“Today I learned that conducting an interview involves strategy and skill to extract the appropriate information, enabling effective assistance of the client. Rather, this strategy helps to ask for all pivotal and material information so that nothing is left unsaid. I learned this from viewing a DVD based on interviewing skills, where I took down what was important that I had observed.”*

Thandi described this activity thus: *“Today, we were at the UKZN law clinic, allocated files by our mentor to work on, and learned how to conduct an interview. I obtained interviewing skills after we watched and discussed Jeff Gidding’s DVD, I understand the importance of consulting with clients, how to structure an interview, and the importance of taking notes”.*

When asked what skills she acquired during the internship, Anusha stated that she learned how to conduct herself, primarily consulting skills and the way *“to handle people”* and *“the way you receive and give information as well”*. She also learned that a problem would not necessarily span only one aspect of the law as many different aspects of the law may be involved in one case. It broadened her perspective to learn that an element of the law needs to be examined holistically, an understanding she did not bring to research before the internship. She stressed that, for her, an essential skill was to understand an aspect of the law to impart it to others. That was the overarching

skill she believed she had absorbed from the internship. What stood out for her was her ability to understand and digest information for herself.

Only in a clinical setting will a law student be exposed to the experience of interviewing a potential client, as this is not part of the LLB programme at UKZN. *Jade* suggested a method of *“bringing the courts to students”* in the law school by video recording civil proceedings since taking 200 or 400 students to court is not practical. She noted that one could record bail proceedings and play that in lectures to show practically how the procedure unfolds.

The experience of drafting, reading, and understanding a client file led to the insight that a particular problem must be solved holistically. *Sarah* wrote: *“Another crucial point is the lack of legal writing skills. From the outset, it is important to note that creative writing, a feature in the English module, is distinctly different from legal writing. Law students are not fortunate enough to be exposed to good legal writing, nor are we taught how to write in a legal context. This is extremely difficult as we encounter major issues expressing ourselves articulately in assignments and essay questions in exams or tests. This is frightening as we are already fourth-year students, and this skill should be our second nature”*.

Paragraph 1.4.6 of chapter 1 discusses the guideline in the LLB standards document under the heading transfer of acquired knowledge in that a law graduate must be able to apply knowledge to different, new, and unfamiliar fields of law. Paragraph 2.2.6 of chapter 2 detailing the transfer of legal knowledge also applies to this section below. The interns learned that specific law modules focus only on single areas of law. However, in practice, one needs various skills and the ability to identify different law areas applicable to a particular practical situation. They also gained knowledge by observing the law in practice and learned to be receptive to new experiences. *Grant* reflected: *“What I learned from the experience of running the case files is that legal practice is a multifaceted, detailed, and complex profession. To be proficient in the profession, a person must draw on all his/her skills, legal knowledge, and personal knowledge to produce effective and correct steps and arguments to resolve legal issues. I believe the best way to cultivate this is through hands-on experience”*.

Other comments were as follows:

- *Thandi: "We returned to the clinic and allocated a civil case to work on. The truth is, I did not know what was going on. I gave myself time to read all the documentation and the cases we were required to read. This enhanced my research skills and teamwork, and interaction. Although it was difficult at first, after the discussion we had, everything fell into place. This is what I have been expecting from this internship, vast exposure and practical experience. I also love the fact that there is no repeating of stuff. We were allocated different tasks daily, and it gets more interesting daily".*
- *Grant: "All in all, today was an excellent experience which, in my mind, consolidated a lot of my legal knowledge taught in the law school by seeing it in practice".*
- *Jade: "We saw one witness's examination in chief and cross-examination. I felt that I learned how to put theory into practice. I learned this as after completing modules such as criminal procedure and evidence, I was now able to see in real life the examination of a witness".*
- *Priya: "I found myself observing the conduct of the attorneys for the applicant and respondent when they were making their submissions in court. I noticed the consistency in the manner and tone with which they spoke. I learned the importance of maintaining professional conduct while a court is in session; this applies even outside the courtroom, where others observe you."*
- *Grant: "The group was allowed to analyze a summons. I found this to be a pivotal part of the experience as it exposed me to a real-life situation and helped me realize the attention each matter needs, as the recommendations would impact two minor children at developmental stages".*
- *Grant: "Watching an application for discharge in section 174 of the Criminal Procedure Act taught me something about this area of law that I would have never learned in my studies because it allowed me to see it done in practice".*

- *Grant: "The ultimate experience I would like to address was the opposition of a bail application.... It was informative to see the process I have learned so much about in practice."*
- *Priya: "Learning about the sequence of a criminal trial in the Criminal Procedure module, it was interesting to see the theory I had studied come alive and put into practice in a courtroom. During those lectures, the knowledge I had taken in slowly returned to me as I observed the trial."*

Observation of legal practitioners in practice also provided insight as the interns scrutinized the legal practitioner's arguments, and their ability to examine these was seen as a barometer for the individual interns' legal knowledge about the legal problem. Thus, for example, Ayanda noted: *"We spent the day at the law clinic, and it was interesting to see how I could work on my case without any assistance. I learned to work individually by reading the client's statement, which a clinical law student compiled during the consultation to ascertain the facts of the case."*

The interns were all clinical law final year LLB students who elected to do the Clinical Law course and not the Street Law course. Street Law exposes students to different experiences, such as interaction with learners in schools and imparting legal expertise. Exposing the Clinical Law interns to Street Law experiences assisted them in adapting their theoretical knowledge of the law and translating it into practice. Kareena noted: *"One of the highlights of this first lesson was to help me as a clinical law student to be knowledgeable about street law in which I can use these skills to help other people in my community who want to be taught the basics on basic aspects of the law (and not legal advice). As a student passionate about community service, I will like to incorporate my legal knowledge and this lesson to help others within my scope as a student."*

The internship programme caused the interns to engage with new ideas and provided insight into their knowledge base and added depth. The placement demonstrates that testing existing knowledge against knowledge acquired from a particular scenario is possible and can be done. Grant, wrote: *"When I went through the case files, it became*

clear that the legal arguments were not so important. What was important was determining the best way forward and the next step to take. I spent more time understanding the case in the law context to discover the next best step than contemplating the arguments raised in court. However, to the credit of the law degree, it gave me the skills to think within the confines of the law."

When asked about receiving the case files to work on, *Sarah* stated that it was "daunting" as she realized that this is an example of what she will be doing *"all the time as an attorney"*. When she received her files, she noticed that the interns did not know how to deal with the matters. She said they felt apprehensive because, even though she had studied the area of law about the file she was working on, she lacked the skills to apply this knowledge practically to the file at hand. She did not even know *"what the first step ought to be."* She wondered: *"Do we make a phone call? Do we not make a phone call? What do we do next? Do we write this down, or do we not write that down? Moreover, there was much second-guessing, and none of us knew what was happening"*.

6.4.1 Analysis and reflections

My intention in designing the internship was to carefully select various activities to create opportunities for the interns to experiment with new roles, give them a chance to put legal knowledge in context, and transfer such knowledge to lay public members. I noticed that the participants underestimated their abilities and were unsure they could execute the tasks. For example, *Grant* observed: *"I assumed that I would not be able to teach people about law very well because it is not something I am used to."*

During the interactive workshop, the internship programme's first activity, all interns and mentors participated in a controlled environment. The controlled environment provided a safe space for the interns to practice their newfound skills. Even if an intern "failed" in their estimation, this would not affect their self-esteem, as the risks had no consequences. The internship allowed them to acquire new skills and experiment with new roles. *Grant* mentioned looking for an opportunity to *"test out my legal knowledge and skills in a real-life situation for quite some time"*.

It was clear that some of the interns were anxious at the outset and were uncertain of the outcome. However, what was clear was that there was a sense of excitement about the safe environment. It is also evident that the interns experienced having trust in their abilities while experiencing a new position and acquiring new skills. *Thandi* wrote: “We were allocated files to work with, and I struggled for some time, but eventually [found] my way around it. I had a wonderful experience and found it very exciting to work on the case individually. It has enhanced my research skills, the ability to work as a team, and, most importantly, my drafting skills”.

It was clear that the programme was a challenging experience for the interns. They experienced a new role and acquired new skills that helped them make meaning of the new role, and they experienced learning by doing as Giddings explain:

Experiential learning opportunities can involve students in ‘learning by doing and reflecting,’ enabling them to both broaden and deepen their understanding of the application of the law and the impact of legal processes (Giddings, 2014, p. 30).

The interns in this programme were allowed to gain practical experience in legal research and consultation by working on real cases at a law clinic. They learned about the importance of conducting client interviews and the need to approach legal problems holistically, considering all relevant aspects of the law. They also learned about the importance of preparation for court and the ongoing process of transferring and imparting legal knowledge to others. These are valuable skills for any lawyer to have, and the interns were able to develop them through their hands-on experience at the clinic. Additionally, the interns noted the importance of legal writing skills, the need for more training, and the value of observing actual court proceedings to better understand the legal process. Overall, it seems that the internship provided the interns with valuable practical experience and the opportunity to develop a range of skills that will be helpful in their future careers as lawyers.

6.5 Building confidence in new ways and overcoming anxiety

Paragraph 3.6.1 of chapter 2 details that building competence and self-confidence is one of the phases of transformative learning. At the commencement of the internship,

some of the interns revealed that they viewed some group members as academically superior to themselves, to the extent that they were intimidated by other interns. Once the interns began their group work, however, they felt more comfortable and confident and started to view each other as peers. The following comments reveal this experience:

- *Anusha: "The day's events revolved around a great street law lesson with my fellow interns and mentors who participated at an equal level, which allowed us on our first day to be comfortable and to establish a level of confidence in us to utilize them as mentors and feel comfortable to go to them if need be. It was yet again a pleasant surprise as not many law students who, for example, do vacation work, get a mentor to, well, mentor them, they overshadow and from a distance in most cases observe the ongoings of a practice".*
- *Anusha: "However, the one internal obstacle that I have always faced, and will continue to work on, is having a level of confidence that does not make me nervous and intimidated in unfamiliar environments. The caliber of students selected seemed at first like I would have a hard time keeping up but spending a day with all these individuals together got me to open up and be comfortable and confident in my skin and my ability to carry out tasks at the same standard".*
- *Sarah: "I was quite nervous before attending the workshop, as I expected that I would feel alone and uncomfortable when handling tasks by not knowing anyone. I was glad to find that this assumption did not prove true as everyone at the workshop was friendly and welcoming."*

Regarding building confidence and overcoming anxiety, some interns indicated that initially, they had not realized what they were capable of:

- *Ayanda: "My attempts to gain more practical experience and fill in gaps in my understanding proceeded very well as the lesson progressed. Nothing surprised me more than I undermined my potential and that I was capable and knew more than I gave myself credit. It increased my self-confidence to trust myself more".*

- *Thandi: "From this experience, I am confident that even if I go to practice, I have a full understanding of what is expected of me, which is not taught in law school".*
- *Priya: "Receiving and working on a case file was a new experience, and I felt nervous at first. At university, we are given tasks, such as assignments, and further instructions on carrying out that task."*
- *Sarah: "I was rather surprised to discover how little I knew of the specific aspects of the law that were presented. This was mortifying, as I had been taught these basic concepts in law modules I had already done and was amazed to discover how much I had forgotten about the topic itself".*

These final-year LLB students had not experienced scenarios similar to those in the internship as they commenced the programme before completing the undergraduate LLB degree. They also referred to facing their fears and finding a new passion. It would appear that the internship programme exposed the interns and their mentors to new experiences they had not encountered before. Aspects such as levels of confidence, self-esteem, perceptions of self, the inner workings of the criminal justice system, and the role of the attorney/legal representative in the broader community were the most salient areas of insight provided by the data.

Observing the interns' behavior, in collaboration with their mentors, over the 84-hour contact hours of implementation of the internship, I noted a marked increase in the level of confidence that some of the interns displayed. The data collected in respect of this theme is rich and varied.

When asked about the interviewing skills DVD, *Jade* stated that it would have been even more valuable if created from a South African perspective and included aspects of ethics and language barriers to be aware of those issues. She stated that they were fortunate to have completed a clinical law module, so they knew how to deal with these issues. She noted that they were very nervous when they started Clinical Law, and if they had viewed this DVD before the first consultation in that module, it would have been most helpful.

Engaging with and confronting their perceptions of self-esteem built the interns' confidence and enhanced self-esteem. They noted that the mentors' supervision helped build confidence in themselves, their faith in the legal profession, and trust in each other. Writing about overcoming fear, Ayanda wrote the following: *"Positive mentality can only come from confidence. So the fact that I reach my goals or not is reliant on the positive attitude I have. I can start by giving credit when due, acknowledging my potential and exploring different learning methods, which will be more effective for me."* Again, she stated: *"This experience made me feel positive because I realized I have everything to gain from this internship, which will increase my personal growth and confidence to say that I know how to apply the law in practice, which is what it is about in the real world."*

The interns interacted with a magistrate who took time out from court. They remarked on how the magistrate addressed them in such a way as to build confidence in them. They said they learned to accept that one will have *"good days and bad days, but you must have confidence in yourself"*. Furthermore, the interns remarked that this interaction assisted them in their understanding of their potential and self-worth. In particular, the observation was made by the interns in respect of *"trusting"* themselves. For example, Anusha commented: *"What [Magistrate Bhika's] talk gave me was a form of personal empowerment and belief in myself."*

Observing the interns' interactions, I noted that some were quieter and more reserved than others. However, after the internship, the interns remarked that they could *"clearly see how other interns came out of their shell"*. Sarah described the presentation that she had to make as a *"daunting and exciting"* experience. She explained that it was intimidating because she had to answer questions. However, looking back on the experience, realized that her fears were ill-founded. She noted that, while she was not afraid to write examination paper answers and give highly phrased answers, she was intimidated by the prospect of receiving practical questions from everyday people and then providing them with simple explanations. She was initially apprehensive about the possibility of creating a poor impression or giving answers that were muddled or not *"good enough"* but came to see it as an enjoyable experience that allowed for some errors.

Giving positive feedback caused an increase in self-confidence in all the interns. All new experiences pose a form of a disorienting dilemma, and in this internship, the legal outreach workshops undoubtedly did so. Without exception, the interns mentioned how anxious they were about the outreach workshop. Sarah, for example, wrote: *“The presentation [at the Albert Luthuli Museum] was both a daunting and exciting experience. It revealed many of my weaknesses, such as not managing my time effectively to get the task at hand done. In addition to doubting myself for every activity that I was required to perform for the presentation. I intend to overcome these weaknesses by trusting my abilities so that time is not wasted doubting my actions.”*

When asked about the community outreach at Albert Luthuli Museum and how the experience made her feel, Thandi stated it made her feel *“nervous as it was only her second time presenting to a number of people”*. She said that even though she was apprehensive, she felt simultaneously that she was learning. The presentation was not easy because complex concepts had to be conveyed to laypersons. However, she noted that she realized prior knowledge of presentation skills is required to conduct a presentation and that interacting with people was enjoyable.

Although the interns viewed the internship as a new experience for which they had volunteered, it was clear that they wanted to get the most out of the experience. If an internship programme is compulsory and formally assessed, it may lead to different perceptions of how it is experienced. As volunteers, these interns could increase their skills and learn simultaneously despite their nervousness.

6.5.1 Conclusion and reflections

The internship programme positively impacted the confidence and anxiety levels of the participating interns. Many of them reported feeling more comfortable and confident working with their peers and engaging in tasks that were new to them. They also noted an increase in their self-esteem and understanding of their capabilities. The programme exposed the interns to new experiences and challenges that helped them develop new skills and overcome their fears. The data collected during the internship programme supports these observations, as the interns reported increased confidence

and a better understanding of their role as legal representatives in the broader community.

The experience of working closely with mentors and engaging in hands-on tasks helped the interns develop their skills and knowledge and provided them with valuable insights into the real-world practice of law. This experience helped the interns feel more confident and prepared for the challenges of their future careers. Additionally, the supportive and inclusive environment of the internship programme contributed to the interns' confidence and well-being. The interns appreciated the support and guidance of their mentors and the welcoming and friendly atmosphere of the programme. This helped the interns feel more comfortable and at ease than before the implementation of the internship programme, which in turn facilitated their ability to learn and grow. I will further discuss the effects of mentorship on the intern participant in paragraph 7.2 of chapter 7.

6.6 Taking action and changing behavior

Paragraph 3.6.1 of chapter three details that one of Mezirow's transformative learning phases is acquiring knowledge and skills to implement one's plans. Another phase applicable to this section is exploring new roles, relationships, and action options. I made the following observations concerning taking action and changing behavior. The comments by the interns demonstrate that acquiring new knowledge and new skills and changing behavior is time-consuming. For example, *Sarah* stated: *"The most enlightening yet nerve-wracking experience for me was when I was asked questions by the various groups when doing their presentations, and I found that I could not respond effectively due to lack of knowledge or not being able to think both quickly and efficiently. I intend to change this behavior and lack of knowledge by reading up on these aspects of the law again. I strongly believe that this experience shows that, as students, we concern ourselves with the most complex and difficult aspects of law in our modules and somehow forget the basics"*.

The interns also learned that one could change one's behavior to avoid making the same mistakes by observing others' mistakes. *Sarah* explained: *"I learned the importance of ensuring when receiving a case from another that it is your responsibility as an attorney to ensure the contents of such papers are accurate and on point. The*

relevant attorney did not do this, and not only did he face the magistrate's embarrassment, he also caused his client a waste of time. His client needed to solve the matter, but he could not due to the attorney's incompetence. By the time a student is an admitted attorney, I expected they would have already integrated these skills as part of their nature. However, my expectation was most definitely not met. I never want to be regarded as such an attorney, and I intend to take my clients' situations seriously and treat them and their matters respectfully." She continued: *"My main goal from the previous lesson was to improve my knowledge of the basic aspects of the law, which I lacked in the previous lesson. Despite this, my experience today has taught me that the learning and need for improvement never stop, as there is always something new that suffices every day! I particularly enjoy this as I know that I am growing as a law student and, more importantly, as a future attorney"*.

The internship changed the way the interns learned new knowledge. For example, Sarah commented: *"This experience has taught me that I should try to adapt the material that I study to practical situations that could occur as opposed to trying to cover content for the sake of examination or test purposes. Although the tasks at hand may sometimes feel overwhelming, I do believe that I am improving my legal skills consistently."* She also stated: *"I am truly grateful for this experience as I now know that I would have to look at other fields of law that I enjoy to ensure that I make a better decision regarding my future"*.

In general, the interns learned to appreciate that one has to adapt/adjust, modify, and transform oneself to be better prepared for new experiences.

6.6.1 Analysis and reflections

In conclusion, the theme of taking action and changing behavior was a significant aspect of the internship experience for the interns. It was clear that acquiring new knowledge and skills, as well as changing one's behavior, is a process that takes time and requires effort. The interns learned that they needed to adapt and transform themselves to be better prepared for new experiences and that observing the mistakes of others can be a valuable tool in avoiding similar mistakes in the future. The internship also changed how the interns approached learning, focusing on practical application

rather than simply covering content for examination. Overall, the interns learned to appreciate the ongoing process of self-improvement and the importance of taking responsibility for their learning and development. This experience has helped the interns to grow not only as law students but also as future attorneys and has given them a greater understanding of the field of law and their interests and goals within it.

6.7 Identity

Paragraph 1.2 of chapter 1 introduced the concept of forming a professional identity. Paragraph 2.3.8 of chapter 2 examines the concept of professional identity formation in depth, which applies to this section. The literature highlights the importance of professional identity formation in the medical, teaching, social work, and legal professions. Significantly, the LLB standards document does not mention professional identity formation. Similarly, discussions on the concept in South African legal and educational literature appear in only a few publications. For example, Fourie argues, "It is important to establish a professional legal identity amongst students from their first year as this will assist in the development of a well-rounded graduate that can contribute to the legal order of the future" (Fourie, 2016a, p. 1).

Many of the interns rediscovered why they had initially chosen to study law. They further gained new insight into how they wanted to shape their future careers:

Sarah: "My experience at the divorce proceedings has encouraged me to consider specializing in family law strongly."

Thandi: "Exposure has helped me discover my passion. I am fascinated by criminal law. Had it not been for this internship, I would still be looking. I had exposure to public and private law, and I met highly accomplished peers who guided us in each area. The LLB degree is vast and creates different opportunities or careers that one can follow. However, even though it is broad, the students are not exposed to these areas to get a feel of that area, enabling us to make informed decisions on what areas we want to pursue. This internship has helped me a lot, and as I have been at a loss before, I state without fear that I would also help another individual who is in the same situation."

Grant: "I am unaccustomed to the opportunity to teach people as a side of the law and often pushed towards becoming lawyers and not anything else in the LLB. The experience was also a personal learning experience. I learned a lot about myself by teaching others."

Kareena: "Without this internship, I would have never realized a newfound ambition to become a magistrate, and that was all due to my first day on the internship".

Expanding her comment on why she wants to become a magistrate, Kareena stated that she had not contemplated doing so previously, but due to the first day of the internship, the Street Law interactive workshop, and the mini mock trials in which she enacted the role of the judge, she could now see herself in this role. She felt she could think of other problems that were not in other groups' judgments.

Thus, closely aligned with the theme of identity is that of purpose and potential. The interns grappled with questions about the career they wished to pursue. They made statements regarding their future and the sense of direction the experience had given them. In particular, they indicated that role models, such as the magistrate and attorney in private practice, provided insights. Some interns discovered new strengths they did not realize, identified new possibilities, and recognized that they could develop new skills. Confidence, a sense of self, a place in the world, and a better understanding of context and power form a link to this theme. In particular, identifying with the attorney in private practice appeared to be an empowering experience and engendered the realization of their need to assist people and make a positive difference in society. It forged a sense of individual shared identity and power within the group.

The findings also indicate the link between ambition and identity. In particular, this was exemplified when *Kareena* stated that, even though she is female, she will not allow anyone to undermine her, specifically her identity as a female legal practitioner: *"The last lesson I learned from the Magistrate was that I should never let that or anything stop me even though I may be female. I have to be savvier in this profession and watch out for those who will undermine me. It is when my degree and experience will elevate my thoughts to circumvent any person undermining me".*

I have observed the trend in law students that they only focus on what they deem essential to pass a test or exam and that very few students confront their motivation as to why they are studying law. Nevertheless, the internship helped the participants to engage with their sense of motivation again:

Grant: "My visits to the court reminded me why I chose to do law and why it is possibly the most rewarding profession I can pursue. I chose the LLB because I want to help people one day, and often during the hustle and bustle of college life, I forget why I am here, and it becomes harder to motivate me to work. It is part of the university's duty to teach law to students and grow our passion by teaching us the practical effect's implications. By growing students' passion for their studies, they will work harder, put in the extra hours, and yield better overall marks. As I type, I feel invigorated and ready to achieve new heights in my law studies solely because of the practical insight that the internship has provided me".

Thandi: "Throughout my years of study, I forgot why I chose law. This internship has reminded me of why I started in the first place and gave me a feel of what exactly I will be dealing with, which I truly appreciate."

Anusha's comments are most insightful in that she was able to redefine what it means to be successful, and she articulated that the experience had ignited in her a newfound sense of purpose: *"It was a moment in my career, if I may say, that once again ignited my purpose and my chosen path. I vow to expand on and create a humble but successful journey with all its ups and downs."* Also: *"Today had to be one of the most rewarding days for me simply because everything I have learned over the past few days culminated surprisingly well. In the simplest of words, today was the day we took the law to the people, and what a great feeling of accomplishment it was".*

It would appear that the interns were empowered to empower others and show the appreciation that they can use the law to affect change:

- *Anusha: "Today, we ventured into a community very different from the one I live in, but at the same time very reminiscent of South Africa in that, a vast number of*

individuals are subjected to underdeveloped areas and build from the ground up. One of the ways to build a society is through knowledge.”

- *Jade: “I feel what made today extra special was that it was Mandela Day, and therefore we did our 67 minutes of giving back to the community. The activity motivated me to ensure that I commit myself on Mandela Day every year to work with an initiative to give back to the community and get family and friends involved too.”*

Ayanda, also when asked how she felt during the presentation, stated that she felt empowered to empower others and knew she was in a position to give crucial information that could change somebody else's life. In particular, the Mandela Day experience, during which the interns presented a legal outreach workshop, gave them a sense of identity with all South Africans through community engagement.

6.7.1 Analysis and reflections

The internship experience appears to impact the interns' sense of identity and purpose significantly. Many of them discovered new passions or interests within the field of law and gained a better understanding of their strengths and potential. The role models they encountered, such as the magistrate and attorney in private practice, provided valuable insights and helped shape their career goals. The internship also helped the interns gain confidence and a sense of direction and allowed them to see the possibility of making a positive difference in society through their chosen careers. Additionally, the experience reinforced the importance of motivation and the need to understand one's goals and motivations to succeed in law. Overall, the internship experience seemed to have a transformative effect on the interns, helping them develop a stronger sense of identity and purpose within the law.

6.8 Understanding and incorporating new styles of learning

Paragraph 2.1 of chapter 2 introduces the concept of experiential learning, and paragraph 2.3.1 examines the concept in depth, highlighting the link between the pedagogy of the internship programme and experiential learning. In doing so, the intern

participants encountered new styles of learning. Several of the interns demonstrated that this learning style is more effective than the style of learning they encountered prior to participating in the internship programme.

Anusha: "I have come to terms with the fact that learning in action is far more effective than textbook learning. I absorbed much more by observation, and I understand the context and circumstances in which it is used and should be applied. The knowledge can be differentiated based on permanent and temporary knowledge. It feels as though I will not easily forget the things I have learned by being personally involved in it instead of simply trying to cram information to pass. This approach has changed how I will further study throughout my degree and career. Knowledge application is vital long-term, evidenced from just a few days in court."

Jade: "I feel that I have learned so many practical skills that I would not have been able to learn by reading a textbook or attending a lecture."

Ayanda: "The professor's introductory part to Street Law was extremely eye-opening because that made me realize how to achieve effective learning."

The interns experienced that one absorbs more by observation. They learned that understanding the context of law is necessary and identified permanent versus temporary knowledge. In particular, they discovered that one learns more by being practically involved rather than by "cramming for a test":

Anusha: "By actually planning lessons ourselves, it showed just how difficult it is to be as precise and informative as it can be, as well as how important it is to customize and put across your information to your target audience so that it is easily intelligible and useful."

Ayanda: "I learned that there are many methods to ensure effective learning and that I ought to explore one that will work best for me. Not just with teaching others but also concerning myself. I also learned that interaction yields more results than delivering a boring lecture involving people and keeping them interested in understanding and

remembering everything. I learned to consider many ways or aspects of the same situation by listening to others' opinions".

Grant: "From personal experience of the effectiveness of the different learning and teaching methods, it made me think, how can we incorporate these methods into teaching and learning at law school? In this regard, when considering effective methods of teaching law students, the following variables should be considered the large size of the classes; the limited time available; the financial constraints of the university; the effects of the teaching mechanism on the lecturers; and the relevance of the teaching mechanism to the subject matter."

The interns developed the understanding that learning has a long-term goal. They explored the methods that work most effectively for the different participants in the internship. It emerged that they felt that education should be challenging and that students should not become complacent about their knowledge base.

Grant noted: "As I have progressed during the internship, I have been exposed to the different ways of teaching and learning. We were informed about the different teaching methods at the beginning of the internship. In short, the lesson taught us that the more senses are involved in the learning process, the more information will be retained. The demonstration was rated as one of the best ways to learn and retain information. It is an indisputable fact that I permanently drilled the information into my mind by attending court and watching the law demonstrated before me." Also, he noted: "[A] teaching system that prevents law students [from] establishing a routine and ensures that each lesson is a challenge will yield better results."

When asked about the present teaching methods at UKZN, Sarah said modules are taught in the following way: *"You listen to a lecture, you get the notes, you read them, and you learn them for an exam. These are not the only skills one will need as an attorney. It can make one an academic but does not equip one as an attorney. Doing something practical, such as visiting courts, brought everything to light. It made everything much more comfortable to remember, it made criminal procedures make so much more sense, and it does something to the inside where you realize that this is real, and this is how it works."* She noted that she had been led to question if she has

the skills to perceive the problem of commitment and to make a “*difference in people's lives.*”

She explained: *“In a lecture room, we are waiting for tips for the exams, and you think you do not want to read something, but when you do any practical experience, you think I may be faced with this in practice. I could do it because I have seen it in front of me or sitting with the client, I think I did this presentation at the Albert Luthuli Museum, so I know how to phrase it differently or understand someone's question. In an exam, you are getting questions from lecturers of a high standard, and what you give back to them is what you have got in your textbook. However, the people at the presentations could ask anything and ask you to process information and put it in practical situations. Moreover, this helps a lot and gives you a basic grounding.”* Thus, she found the internship valuable as she was not “*sitting all the time behind a textbook and reading.*” She added: *“Further, this experience has also taught me that I should probably adopt a different study technique that engages most of my senses and will help me remember much more in the future. I enjoyed this experience, and I believe that it has benefitted me tremendously.”*

When asked to expand on the reflection that this has taught her to adopt a different study technique, Sarah stated that she would now think about how she could apply the legal principles practically. She has been doing that in the civil procedure module. Because she has been to court and is now doing civil procedure, she can imagine what it will be like because she has been to court and seen what happens in practice.

Grant also observed that law schools could be better at teaching and learning by encouraging thinking about teaching methods and identifying each technique's strengths and weaknesses. He wrote: *“In creating these presentations, we were required to utilize the skills taught to us by Professor McQuoid-Mason on the first day of the internship. My group adopted several teaching methods to help convey what we had to teach to the audience: demonstration, lecturing, visual aids, and active participation. Using each of these methods, we realized the strengths and weaknesses of each method”.* He also observed that practical teaching consolidates information in the audience's minds. He further notes: *“My observations are that the way law modules*

are taught enables one to become an academic, but this method does not prepare one for practice as a legal practitioner”.

6.8.1 Analysis and reflections

The interns in this internship program have learned that hands-on, practical learning is more effective than just reading from a textbook or listening to a lecture. They found that they could better understand and retain knowledge when actively involved in learning, such as by observing or participating in real-life legal situations. They also identified the importance of understanding the context in which the knowledge is being applied, and the value of permanent versus temporary knowledge. Additionally, they learned that different teaching and learning methods work best for different individuals and that education should be challenging to prevent complacency. Finally, they expressed concerns about the current teaching methods at UKZN, arguing that they do not adequately prepare students for the practical demands of a legal career and do not adequately challenge students to think critically.

In conclusion, the interns in this internship program have gained a valuable understanding of the importance of hands-on, practical learning. They have recognized that this type of learning is more effective than traditional methods such as textbook reading or lectures and have identified the importance of context, permanent versus temporary knowledge, and the need to challenge students to think critically. These insights have the potential to inform and improve the way legal education is approached in the future and highlight the need for more experiential learning opportunities in law school curricula.

6.9 Chapter summary

Through an analysis of the data collected from the participants, themes have emerged that reflect the phases of learning and change that inform Mezirow's transformative learning theory. The themes that emerged from the data include: relating to peers and working in small groups; self-examination and critical reflection; experimenting with new roles and learning new skills; building confidence in new ways and overcoming anxiety; taking action and changing behavior; identity; and understanding and

incorporating new styles of learning. These themes indicate that the transformative learning theory was apt for analyzing the data and discussing the participants' experiences. The process-related changes in perspective caused the participants to experience changes in their perception of social justice, as was discussed in the previous chapter.

CHAPTER SEVEN

TRANSFORMATIVE AND EMANCIPATORY LEARNING FROM A LAW EDUCATOR'S PERSPECTIVE

7.1 Introduction

Mezirow's transformative learning theories are student-centered and focus on students' transformation after being faced with a disorientating dilemma and being forced to shift their meaning perspectives. In this chapter, I will examine transformative learning from an educator's perspective and document the observations I made during the study and the implementation of the internship programme. In this chapter, the data analysis will be undertaken according to the following four themes: the effect of mentorship, interactive teaching methods, creating opportunities for transformative learning, and teaching technical skills.

7.2 The effect of mentorship

Paragraph 2.3.3 of chapter 2 discusses the literature about mentoring in higher education and the benefits for both mentors and mentees. The benefits of mentoring South African law students are highlighted by Bodenstein in paragraph 2.3.3.2 of chapter 2 (Bodenstein, 2018). The findings of this study align with the mentoring benefits outlined by him.

There were four mentors during the internship programme, with two participants allocated to each mentor. The participants' discussions and interactions with mentors during the programme greatly influenced how they learned and how their meaning paradigms shifted. Evaluation of the participants' feedback indicates they felt more comfortable and confident having a mentor's guidance. Using mentors created a safe space for learning and was valued by the participants in the study. When the participants were not in agreement about how to proceed, the mentor could facilitate discussion and assist them with coming to a satisfactory compromise. For example, *Grant* stated: *"The mentor ensured that we acted collaboratively and helped us come to compromises when the other intern and I disagreed about how to present. Different ideas are important to developing good outcomes, and the fact that we had a mediator*

to help us come to compromises that we could agree on was an acceptable way of dealing with it”.

When asked about the mentors' interactions, *Anusha* stated that she could not understand the link of mentorship to social justice, but she valued the mentorship and supervision by professionals who could assist. She said she had previously done vacation work at a law firm and had not received mentoring or training. It was expected of her to know all areas of law already. She felt it was advantageous to be *“steered in the right direction when you needed it”*. She felt the mentors provided an advantage during the internship with their knowledge and networking base. During their court visits, *“one of the mentors knew an advocate who told us the location and the kind of proceedings conducted within the court building on that day”*. Relying on the mentors' skills assisted the participants' learning process.

When *Ayanda* was working on case files at the UKZN Law Clinic, she felt she *“was being thrown into the deep end.”* However, the mentor explained what was required, and *Ayanda* realized that the case *“requires consideration that it is not just an exercise, but rather someone’s life, as my mentor carefully explained”*. She felt more confident when she could seek guidance from the mentor if there were something that she could not deal with without assistance.

Grant stated: *“From an academic perspective, creating presentations to teach others about the law under the supervision of a mentor helps consolidate what a law student has learned.”* In addition, after a visit to the Durban Magistrates' Court, he remarked: *“after hearing what we had to say on whatever we witnessed, our mentor would run us through the process we had just observed and address all our questions. This was conducive to our learning of the court process because we now have a visual understanding to put our legal knowledge into a context that our mentor refined”*.

Further, he stated that *“from a theoretical point of view, the opportunity to run case files under mentorship, for one day, has probably taught me more about the law than an entire week of lectures. Not to detract from the importance of lectures, especially for new law students, but the hands-on approach to legal practice is far more enjoyable,*

interesting, and rewarding than participating in lectures and writing notes in class. I learn more because I am absorbed into the work”.

The participants perceived the mentors to have more knowledge and understanding of the law than they did. Thus, having the mentors' guidance gave the participants more confidence in creating the presentations on human rights and delivering them. *Grant* stated: *“I also assumed that my mentor would have the most in-depth knowledge of consumer law. I am not used to teaching people the law, which made me nervous about presenting and prevented me from participating as much as I could have and should have. The assumption that my mentor was skilled in consumer law made depended heavily on her knowledge in creating the presentation and delivering it”.*

While researching and working on a case file at the UKZN Law Clinic, *Grant* was excited about the mission but anxious about proceeding. He stated that *“with the help of my mentor, I was guided towards what I should think about when determining my next course of action, which is something that has not been taught to me before”.*

When asked about being given a case file, *Jade* stated it was *“daunting because it differed from consultations we had done in the Clinical Law module.”* She felt that working on the research for the case file, not limiting their involvement to the initial consultation and discussing the record, and learning how to resolve the matter was very beneficial and *“exciting.”* She stated that the internship was too short of completing the task the file required (as some issues can take months to resolve). She would have preferred to see a case from inception to resolution, with the mentors acting as supervisors, giving the participants a sense of reassurance, and would not have carried any risk in dealing with the matter. When *Jade* and her group visited the Regional Magistrates' Court, she said she *“learned the jurisdiction of the regional and district courts through my mentor”.*

This study has demonstrated the effect of mentorship. Each participant indicated that it was one reason they could learn the practical skills most effectively. I observed that the participants were hesitant, at first, to engage with the mentors. However, after they spent time together, relationships were strengthened, and rapport was established. The mentors also benefitted from the participants' questions and having to impart their

knowledge to the participants. This study would not have been as helpful without the implementation of mentorship for the participants. The data used in this study is limited to the intern participants' responses. However, there is an opportunity for further research to explore the mentors' replies to investigate and interrogate what they learned and how they learned what they did during the internship.

Thandi stated that "[the rights awareness] presentation allowed me to apply myself and believe in my abilities. It taught me to be confident and transfer the knowledge to others in a way they would easily understand. Since the internship started, it has been a whole new experience. My mentor explained everything we did not understand, especially civil procedure. She allowed us to ask questions and put our views forward, and from all that, I learned a lot." She further stated that the mentors "took good care of us and ensured we were happy and safe at all times." Furthermore, "the mentors explained how the civil procedure worked and clarified whenever we had queries. Although it was difficult initially, everything fell into place after our discussion. After we worked as a group, exchanged ideas, and conducted research on the civil procedure, we were still on the right track".

The study aimed to explore what the participants knew and learned through the internship programme. The appointed mentors allowed me to observe their interactions with the interns. My ongoing interactions with the mentors facilitated my further exploration of how and what the intern participants were learning. I was in a close working relationship with the mentors during and after the implementation of the internship programme, and they provided me with valuable insights and reflections on my interpretation of the data collected from the intern participants.

In addition, the effect of mentorship on how and what the interns learn cannot be overstated. The mentors were only a few years older than the participants, and the participants could relate to them quickly and ask the questions they needed to. The mentors were challenged to give answers and guidance, allowing the interns to grow and develop their legal skills and knowledge. Participants were encouraged to seek answers and solve their problems rather than be provided the answer.

I observed that the relationship between the mentors and the participants was not instant, and it took some time to develop mutual trust and respect for each other. It made the relationship stronger overall as it required open communication and discussion. In line with Mezirow's theory, the participants and mentors experienced perspective transformation during the internship. What led to perspective transformation was the way they worked together and shifted their meaning schemes and worldviews. Some of the participants' benefits included exposure to novel ways of thinking and problem-solving, overcoming weaknesses, and building on their strengths. Without exception, the mentors were encouraging and provided the guidance necessary to allow the participants to engage in critical thinking and reflection. The participants developed their skills, confidence, and communication by working together.

I also found that there were also benefits for the mentors. Although data were collected from the mentors but not analyzed, I observed how they responded to their roles as mentors. The interns recognized the mentors as experts and leaders. In turn, it increased the mentors' confidence in their abilities as candidate attorneys and significant personal growth. The effect of being a mentor and how that experience prepared them for their future careers is an opportunity for further Ph.D. study or publications.

The internship was an intense learning experience that offered little time for the participants to relax. Another benefit of having a mentor was having someone they could vent frustrations (either trying to resolve problems or acknowledging shortcomings in their knowledge and skills). After discussing issues, they could work with the mentor to identify and implement solutions.

I also observed the participants enjoying and benefitting from the mentors' networking contacts. As stated above, the interns benefitted when they arrived at court, and the mentor could meet with and introduce them to other legal and court professionals. The most important aspect of mentoring was the collaboration and sense of working together for a common goal: social justice.

Mentorship can significantly positively affect the learning and development of interns or participants in a programme. The mentors provided guidance, supervision, and support to the participants, creating a safe and supportive environment for learning. The mentors also provided practical knowledge and skills that assisted the participants in their work and helped them to apply their theoretical knowledge in a real-world context. The participants also appreciated the opportunity to work with aspiring professionals with more knowledge and understanding of the law, which gave them confidence in their abilities and allowed them to learn more effectively. Overall, the participants valued the mentorship experience and contributed significantly to their learning and development during the internship programme.

7.2.1 Analysis and reflections

In conclusion, mentorship can be a valuable and effective way to support the learning and development of interns or participants in a programme. The mentors in this study provided guidance, supervision, and support to the intern participants, creating a safe and supportive environment for learning. They also provided practical knowledge and skills that assisted the intern participants in their work and helped them apply their theoretical knowledge in a real-world context. The intern participants appreciated the opportunity to work with aspiring professionals with more knowledge and understanding of the law, which gave them confidence in their abilities and allowed them to learn more effectively. The intern participants valued the mentorship experience and contributed significantly to their learning and development during the internship programme. Overall, mentorship can be a valuable resource for internships or other learning programs, providing support and guidance that can enhance the learning experience and improve the overall LLB programme's outcomes as set out in the LLB standards document.

7.3 Interactive teaching methods

Paragraph 2.3.6 of chapter 2 outlines the principles, methods, benefits, and obstacles to interactive teaching. Two of the three research questions in paragraph 1.18.3 of chapter 1 relate to how and why participants learned social justice. Answering those

questions was partly due to the interactive teaching methods used during the implementation of the internship programme.

Interactive teaching methods were taught to the participants during the Street Law workshop on the first day of the internship programme, and they could implement what they had learned into practice when they presented the rights awareness workshops. Observing how well the participants responded to this teaching method was insightful.

Grant remarked that law schools predominantly employ the least effective teaching method (namely, the large lecture room style): *“I find that once I truly understand what is taught, it becomes ingrained into my memory, and I can regurgitate it, explain it, and apply it. In light of this, requiring a law student to teach others about law would improve the quality of law students that law schools produce. It explains to the law student how to communicate and respond to people, which is vital for lawyers and other professions”.*

When asked about the interactive teaching and how the training influenced how she felt about the law, *Anusha* stated that *“the training was how to impart knowledge and take in knowledge”*. She further observed that she thought she could communicate better when they did the outreach themselves. Also, she said it changed the way she learned in her studies and that she will *“now try to teach herself things rather than simply studying through reading.”* She noted that it was *“probably one of the most rewarding days of the programme”*. Her presentation aimed to *“incorporate all the teachings we have received from our street law workshop on imparting information in a manner that secures the most retention”*.

She felt that because *“the transfers of knowledge was done on an interactive basis, not just by telling us but by showing us how the process works and what happens at each stage, the absorption of information made it easier for me to see what they were talking about and identify the queries and the next step required. Just a side note, it would be extremely beneficial if this is how some lectures can be communicated to us. They not only described the law applicable to us, but they thoroughly informed us about the way forward once the issues are identified in terms of the different annexures and the mediation and recommendation processes”*.

Ayanda commented on whether interactive teaching methods could be integrated into law schools. She thought that it could be integrated without difficulty. She stated: *“It does not even require more resources. It is just a mechanism of adjusting the current teaching and learning and appeal to other senses.... it may [however] take creativity on the part of the lecturer”.*

When asked about her interactive teaching presentation, Ayanda stated that the value of the performance was that *“someone could not just stand there [and lecture] because it is such an important position to be standing in front of people and giving them vital information. It is crucial to appeal to more than one sense. It is important to be able to make sure you are not condescending and to acknowledge them”.*

Grant echoed Ayanda’s sentiments: *“I enjoyed the workshop. It was a fun interactive experience that broadened my horizons. I believe I handled it very well, and I am proud that I took the initiative to try to participate and learn as much as possible.”* He said: *“In a topic such as law, lecturing is an invaluable teaching method because of the vast amounts of information that needs to be conveyed. However, it was stressed to us by Professor McQuoid-Mason that an audience will not retain much of the information if it is lectured to them. From the lecturing part of my presentation, it was apparent that the audience was struggling to maintain their attention even though we tried to supplement our lecture with visual aids to help the audience remain focused. However, sometimes lecturing is the only way to cover the less important parts of the presentation”.*

Grant also noted that several methods of teaching the functions and processes were used during the presentation at the Office of the Family Advocate. These methods included lecturing, slideshows, and practical, interactive lessons. He added: *“I remember very little of what was purely lectured to us, and I remembered a fair amount of what was presented to us. I remembered even more when I asked questions I had an interest in, and finally, I remember what we did in the practical, interactive lessons in intricate detail”.*

When asked about her experience with interactive teaching methods, Jade said this was the first time she had been exposed to this throughout the LLB. She stated that she believed using interactive teaching methods to deal with substantive law issues in

the undergraduate degree was viable. Further, she stated that she felt both positive and negative about her first experience with interactive teaching methods. She said that she realized how little she could transfer knowledge and acknowledged that coming into the fourth year, she really should have been able to engage with people as *“what was the point of knowing [the law] if you cannot transfer it to other people”*. She felt these skills should have been taught much sooner in the LLB degree.

Kareena, when asked about the interactive teaching methods and to what extent they would assist a student in the understanding of the role of law, social justice issues, and substantive issues, responded that *“they would understand it, and they would not just learn it and that it is different”*. She said: *“A student can learn a module now, and it can be forgotten the next year”*. However, she had understood what she did during the interactive workshop, so she could *“still remember it now, and that is the difference”*.

Kareena said she would never forget the information she taught to others during the internship's outreach. She pointed out that *“when students understand the law, you can make students want to love the subject, making them more ethical and moral. Lecturing was the least effective way of learning.”* For her, it was *“shocking”* because lecturing was used during the four years she has been studying for her degree. When she presented using interactive teaching methods, she saw how much more one could learn through active learning, which was a *“real change”* for her. It shifted her way of studying law. She was no longer just focusing on what the lecturer said, but she now researched and thought about how this could be applied practically.

Priya noted that acquiring knowledge and much of the LLB degree is theoretical and *“mostly reading upon readings upon readings and lectures upon lectures, and it is not as effective as interactive teaching would be in actively learning the law”*. She thought there was a general concern amongst the participants that the LLB degree should emphasize practical methods of applying the law rather than just the theoretical aspects. She added: *“[The internship] experience has benefitted me greatly as it has reinforced my knowledge about the small claims court, consumer rights, and the importance of wills and estates, and engaging, interactive teaching methods, especially that of working in groups, have helped me to remember it effectively. I was also surprised to discover that only five percent of learning occurs in lectures!”*

Ayanda reported that: “as this internship progresses, I have noticed how less and less looking at legal documents is intimidating. It is because of familiarising us with documents like summons and particulars of claim, which in the entire LLB we had never seen, and we only drew up particulars of claim in Professional Training 2, so seeing and working with real legal documents is very exciting. It makes it seem more real than the degree is near its end, and practicality is around the corner”.

The Dean of the UKZN Law School met with the participants during the internship programme. The part of her discussion that stood out to Grant was when she “stressed that the LLB is not a degree solely created for educating students to be attorneys”. Grant agreed that: “exposing all students, even those who do not want to become attorneys, to real cases and requiring them to use their analytical reasoning to determine the next step to resolving the issues is a vital skill to learn which can be applied to all jobs or professions. Reasoning logically is taught best in practice because it forces students to think in an ordered fashion. Just because logical reasoning is taught in a legal practice does not mean the learned principles cannot be applied to management, politics, and teaching. The LLB also tends to shroud the court processes in mystery. It informs a student of the court's major processes; however, many minor processes are neglected. It creates gaps in a student's knowledge and leaves him/her confused about how exactly the case got from the arrested person to be on trial. Originally, even after four years of the LLB, I had not known how or why cases were postponed, nor was I aware that the court where the initial plea is entered is not necessarily the same as where the trial is heard. Nor where sentencing is imposed. However, I acknowledge that the LLB can only do so much to educate law students about the vast field of law. I believe that it would not place an undue burden on the law school to assist law students by facilitating, perhaps even voluntary, field trips to the courts so that students can learn the minor processes”.

Teaching and using interactive teaching methods during the internship programme significantly impacted what the participants learned and how they learned in the way they did. Of concern is that the participants felt that the least effective way of retaining knowledge (the lecture-style method) was the only method of instruction at the UKZN Law School. This is also true of most law schools across South Africa. One of the

biggest challenges with implementing interactive teaching methods for the undergraduate LLB degree is that all academics and lecturers in law schools must be taught and empowered to teach using these methods. Inexperienced lecturers, in particular, cannot be expected to employ teaching methods with which they are unfamiliar.

The study bore testament to the benefit of using interactive teaching methods on a small scale and sketched what would be possible if these methods were used by the law schools, enabling all students to venture out to teach and empower their communities.

The best way to teach aspects of social justice was by using interactive teaching methods. My observations were that when the participants engaged with the content, participation was encouraged, they could collaborate, and more significant learning took place. The participants found this method enjoyable and were involved with the subject matter, maintaining their motivation levels during the programme. If the programme had been limited to lecture-style teaching and had not actively encouraged interactive learning, transformative learning would not have been achieved as it was.

Collaboration with colleagues and teammates will be vital for the participant's success in the working world. This skill, taught and learned during the internship programme, will remain with them as they enter the legal profession. This area could also be an area that can be explored in future research. This area could have been fruitfully explored if this was a longitudinal study.

Another observation during the study was that interactive teaching allowed the participants to control their learning process, and as they understood more, they gained more from the experiences. It contrasts with the lecture-style teaching method, which merely imposes information on students in the classroom. The consequence is that the students retain very little of what the lecturer says. Teaching interactively also holds the audience's attention for longer and makes the learning session considerably more enjoyable. The audience would also be more willing to participate; thus, novel and innovative concepts can be discussed and debated. In traditional law schools around South Africa and the world, an interdisciplinary approach is called for to

transform the classroom. These teaching theories and instruction methods need to be imparted to the lecturers and academics in law schools to implement in the lecture rooms. We will then see transformative learning in the law school lecture halls.

It is understandable why the lecture-style method is currently the most popular in law schools. The reasons are that: it allows a large amount of information to be conveyed to large audiences; it also puts the lecturers/facilitators in charge of the learning process, and they can control what the students in their classroom learn and take away from that session. Many students also relish this teaching style as they can listen, knowing their opinions will not be questioned and their views challenged. Some students are intimidated by interactive methods that compel active participation.

However, it is risky for lecturers to assume that all students have the same knowledge base of the subject matter, as all students learn at their own pace and take a different amount of time to understand. The participants' reflections in this study indicate that they would have benefitted if the UKZN School of Law had employed these methods during their undergraduate degree.

7.3.1 Analysis and reflections

In summary, interactive teaching methods involve active student participation instead of traditional methods, where the teacher lectures and the students listen. These methods can include role-playing, group discussions, and problem-based learning. The participants in the Street Law workshop found interactive teaching methods to be engaging and effective. They reported that they enjoyed the interactive teaching method and wished that more of their legal education could be taught this way. They also found that the interactive teaching method improved their communication skills and helped them retain and understand the material being taught.

There are several benefits to using interactive teaching methods in education. These methods can help to increase student engagement and motivation, and they can also lead to better retention of information. In addition, interactive teaching methods can foster critical thinking and problem-solving skills, as students must actively participate in the learning process rather than simply passively receiving information. Overall, it

seems that interactive teaching methods can be a valuable addition to traditional methods of instruction, especially in the field of law, where the material being taught can be complex and challenging to understand.

In conclusion, interactive teaching methods are a valuable addition to traditional methods of instruction. These methods involve active participation from students and can include activities such as role-playing, group discussions, and problem-based learning. The participants in the Street Law workshop found interactive teaching methods engaging and effective, and they reported that they enjoyed the interactive teaching method and wished that more of their legal education could be taught this way. Interactive teaching methods can help to increase student engagement and motivation, and they can also lead to better retention of information. In addition, interactive teaching methods can foster critical thinking and problem-solving skills, as students must actively participate in the learning process rather than simply passively receiving information. Overall, interactive teaching methods can be a valuable addition to traditional methods of instruction, especially in the field of law, where the material being taught can be complex and challenging to understand. These methods can be especially beneficial for law students, as they can help improve their communication skills and prepare them for future careers as lawyers. Therefore, it is worth considering incorporating interactive teaching methods into law schools and other educational institutions to enhance student learning experiences and improve their understanding of the material.

7.4 Creating opportunities for transformative learning

Paragraph 1.10 of chapter 1 outlines social justice education as a tool for transformation. It highlights the challenges legal educators face in South Africa and internationally to teach from a social justice perspective. Paragraph 1.19 of chapter 1 introduced the concept of transformative legal education and highlighted the importance of this approach to legal education in South Africa. Paragraph 2.2.10.2 of chapter 2 discusses the importance of authentic learning experiences, highlights the advantages that such experiences hold for students, and links authentic learning with the internship programme under study. Paragraph 2.2.11 of chapter 2 discusses possible suggestions to address the challenges faced by law schools in South Africa

regarding the quality, goals, and purpose of the LLB degree in South Africa. Paragraph 2.3.2 of chapter 2 discusses internships and the link to work-integrated learning, highlighting the lack of literature in South African legal education literature. Most significantly, the LLB standards document does not require law schools in South Africa to provide a work-integrated learning experience to law students during the LLB programme. The document uses the word “may” to indicate a discretion granted to law schools in South Africa to provide such experience. Paragraph 2.3.8 of chapter 2 examines the concept of forming a professional identity, highlighting the volume of literature on professional identity formation appearing in educational literature in medical, teaching, social work, legal, and educational literature. The LLB standards document does not mention the concept, which creates a lacuna that needs to be filled. Finally, paragraph 2.3.9 of paragraph 2 outlines the internship programme under study as a capstone experience highlighting the educational benefits that capstone experiences hold for students.

The internship programme under study offers a social justice, authentic, and transformative learning experience for final-year law students in South Africa. If the LLB standards document reflects that law schools in South Africa “must” offer a work-integrated learning experience, it will pave the way for law schools to create and provide an opportunity for law students to participate in a transformative learning experience such as the internship programme under study.

One of the current issues with the current LLB programme is that many LLB students in South Africa graduate with a law degree and have never been exposed to the coal face of the justice system, whether it be in the context of criminal justice or as it relates to disputes in respect of civil matters. This internship programme needed to place students in situations where they lacked experience. Mezirow (1991) calls this being faced with a “disorientating dilemma”. It was to create opportunities for transformative learning to occur by encouraging participants to challenge their meaning schemes and perspectives that this internship programme was designed and implemented for this study.

Grant, when asked if students should be required to do compulsory volunteer work during the undergraduate LLB degree, stated: “*Many students are on full bursaries,*

and they do not have the time or the money to engage with things like that”; and that “it might not be practical or feasible for many law students, some of them may need to work during the holidays so they can get by. It would be hard to put a blanket rule depending on the students and their backgrounds. It is important to note that practical problems may require students to do holiday work. To achieve the CHE standards, the law school needs to ‘spice things up’ by transforming each lesson from a ‘lecture’ to a ‘learning experience.’ The question is, how can this be done in a manner that is reasonably achievable given the variables that constrain a law school?”

Grant also made an insightful observation when he said: *“Students often do not do work because they believe they can sit in the back of the class and be left alone. When students do their job, they do it because it is a tutorial, and the tutor will question them during the tutorial. They do the work out of fear that they will be embarrassed or lose ‘duly performance’ if they do not perform.”* He also reflected on the lecture style method often used by law school academics and lecturers: *“When I considered the idea of delivering lectures in conjunction with a slideshow presentation, I reasoned that this method is somewhat more acceptable. It is so because it requires the use of two senses. It is feasible as it does not impose an unfair workload on the lecturers and ensures highlighting the lecture's main points. However, I have been taught in this manner most of my time as a law student. Moreover, due to its repetitiveness, it became mundane and tedious. Therefore, it is difficult to pay attention and thus encourage interest in the subject”.*

Thandi was thankful for the presentation of experiences and learning opportunities during the internship programme. She suggested that something of this nature should be incorporated into the undergraduate LLB degree to provide other students with such an opportunity to learn.

7.4.1 Analysis and reflections

This study has also provided a vision of the potential of transformative learning in the law classroom. The goal is to teach and instill social justice concepts and principles in law students, who will then enter the workplace and their communities with a new sense of purpose and willingness to make a difference in this country. Given the social

inequalities in this country, South Africa needs students to think critically and challenge pre-conceived worldviews through perspective transformation.

7.5 Teaching technical skills

There is a consensus that the current LLB degree does not have sufficient practical courses and focuses mainly on the substantive aspects of the law modules. Graduates complain that the LLB does not make them fit for practice in the legal field, as practical experiences are lacking. During the internship, I observed a disconnect between what the participants knew in theory and its practical application. The participants mentioned that the practical experience they received during the internship programme made them appreciate law as a topic and, in particular, assisted them in rediscovering their purpose for embarking on a legal degree and finding their passion for law once again. The participants confirmed that these experiences during the internship programme improved their knowledge and understanding of law theory.

The interns acquired technical skills during the internship programme, such as interviewing, analyzing court documents at the Office of the Family Advocate, observing criminal and civil court proceedings, and working with case files at the UKZN Law Clinic.

Sarah stated: “The second most pivotal experience for me was watching the Jeff Giddings DVD on interviewing skills. It helped me realize how much time should be spent listening to the client and asking the most relevant questions. I have also learned that clarifying questions at the end of an interview is extremely important. It was instrumental to learn how to deal with a client who pushes for details effectively”.

Sarah also made some interesting observations about the disconnect between the theory taught to students and law practice: “The simple presentations that the other interns and mentors did have enhanced my knowledge about relevant aspects of the law, such as consumer rights. Although this is part of our academic material, we often forget how this applies to our everyday lives, such as in cell phone contracts and how to escape one.”

Thandi, when reflecting on the presentation by the Office of the Family Advocate, stated that “we learned of parental responsibilities and rights as embodied in terms of the [Children’s] Act, and the different procedures required if one works on a divorce settlement involving minors. This was not taught to us in class. Hence one of the important things to know. Not only did they present on parents’ rights, but we were each given a file to work on and see how the matter was dealt with. I engaged and applied myself to the file. We had an opportunity to work with highly accomplished peers and learned from them”.

7.5.1 Analysis and reflections

In conclusion, it appears that the current LLB degree program lacks sufficient practical courses and focuses mainly on the substantive aspects of the law. This can lead to a disconnect between what students know in theory and its practical application, making them feel unprepared for practice in the legal field. However, the internship programme provided valuable practical experiences that improved the participants' knowledge and understanding of law theory. The technical skills taught during the internship, including interviewing techniques and dealing with case files, were particularly helpful in bridging the gap between theory and practice. Additionally, the presentation by the Office of the Family Advocate and the opportunity to work on actual case files at the UKZN Law Clinic allowed students to learn about practical aspects of the law that were not covered in their academic material. Overall, it seems that practical experiences like these can be instrumental in helping students rediscover their passion for law and better prepare them for practice.

7.6 Teaching interviewing skills

The interviewing skills presentation to the participants commenced by demonstrating how to ‘meet and greet’ a client and ease the client into the interview process. It talked about confidentiality and how to explain to a client that their information is strictly confidential and that any discussions with the attorney will not be made public. The video then taught how notes should be taken from a client while listening to the facts they relay - any confusion needs to be clarified while the client is still there. It highlighted the need to ensure the attorney understood what the client required and

the facts had been correctly recorded. Referring to this experience, Jade stated: *“One of the most significant aspects of today was learning client interviewing skills. We watched videos on how best to interview a client and cover all your bases. I feel that this experience was helpful. As clinical law students, we had not watched any videos regarding interviewing clients, expected to know what to expect during the interview and how to extract information. The video taught me two important features: listening to a client and questioning a client”*.

Kareena and Priya agreed that this DVD and the discussion that followed were extraordinarily informative, and Kareena stated that it *“helped me in a step-by-step process of how to consult with clients and encourage them to be open to us as well as truthful and forthcoming. I would recommend that this DVD be shown to our entire clinical law class (actually, to all fourth-year students) to help them with interviewing skills, which we may do next year after we graduate.”* Priya noticed that *“your skills need to come in when you are interviewing a client. The client is giving information that they think is relevant, but one needs to assess if that information is relevant and what they are saying from their own opinion if that is fact and how it can be used in the case.”*

Priya further noted the value of this exercise when she said that *“I think that learning and enhancing one’s interviewing skills are important because having an interview with a prospective client is the first step in establishing a relationship with that client, and it is also something that every attorney will have to do in practice. It is preliminary to receiving any form of work as a practicing attorney and should be executed professionally and effectively to receive the desired information”*. She also stated that *“the skills that I have learned from the DVD will help me in future interviews and add to my basic understanding of interviewing skills. I believe I have benefitted from this DVD because it will enhance how I conduct interviews in the future. Previously, when a client gave me many facts, I would take them down and try to make sense of them with my colleagues. The next time I am in such a situation, I will ask the client to clarify the facts and suggest they illustrate the information in a diagram.”*

Interviewing skills are an essential part of practicing as an attorney. The client must become comfortable with the attorney and be confident in their abilities to assist them with their matter. It was informative to observe the participants’ responses to this DVD

and how the skills illustrated in it will have a lasting effect as they enter the legal profession.

7.6.1 Analysis and reflections

In conclusion, teaching interviewing skills to clinical law students can be beneficial in preparing them for their future careers as attorneys. The DVD that was shown to the participants demonstrated effective techniques for meeting and greeting clients, maintaining confidentiality, taking notes, and clarifying any confusion during the interview. The participants found the DVD and the discussion that followed informative and helpful in learning how to consult with clients, extract relevant information, and assess the facts being provided. Strong interviewing skills are crucial for establishing a professional and effective relationship with clients, and the skills learned from this DVD will be valuable for the participants as they enter the legal profession. Overall, teaching interviewing skills can help clinical law students become more confident and competent in their future roles as attorneys.

7.7 Working on client case files at the UKZN Law Clinic

The importance for the participants to research “live client” matters at the UKZN Law Clinic became apparent from their responses detailed in their reflective journals. During the Clinical Law module, the law students consult with the client and prepare the case file, but the file is then handed over to one of the candidate attorneys at the Clinic. The students do not have any further contact with that client or work on that matter. For the internship, intern participants were allocated case files, and under the supervision of their mentors, they were required to draft pleadings, conduct research, meet with the client if necessary, and perform the steps needed for that particular matter. *Anusha* reflected: “*The two files we each received today gave me a sense of independence but a massive wake-up call. After all, I am expected to be a part of and diligent in this professional world. A wake-up call because sitting with files in front of me, as much as I understood the matter at hand, I could not, without further research, take any steps forward as I was not as equipped as I thought I would be. It made me aware of just how much effort I had to invest in establishing the foundation that I am striving for, a goal of mine, you may say.*”

She also noted: *“What I enjoyed about this experience is that, whether or not what I do is right or not, I am exposed to aspects that I have not come across prior, and well, a learning experience is what sums it up. The other notable aspect is that we (interns) sit around a table and bounce ideas off each other, which is another way to expand my knowledge base. Working on our files after that is how we ended our day and was yet another activity that made me more familiar with the law in practice.”*

From my observations, the participants underestimated the required work and the great responsibility of working on a “live client” case file. The perception is that going to court and presenting and arguing a matter before a judge creates a more desirable public persona. However, this work on “live client” files is vitally essential and requires you to take care and diligence in each matter. *Grant* commented in this regard: *“Before the day began, I had some preconceived expectations of the opportunity to run a case file. Firstly, I expected it would be relatively easy, considering my four years of law school. Secondly, I expected that I would be drafting a legal argument. I concluded that I would make short work of what was provided”*.

He then stated that *“from a personal perspective, the experience of running actual case files brought the legal practice to life for me. It made law real and showed how it is not merely about arguing intricate, abstract academic points but also about bringing justice to people in various forms. From a purely academic perspective, allowing law students to run their files helps consolidate what we have been taught in our lectures because it is an interesting and practical way of testing our knowledge and determining where there are gaps. When gaps in our knowledge are identified, we can rectify them, which will, in turn, make us better law students.”*

During the interview I had with *Grant*, he unexpectedly disclosed that this experience of working on case files at the UKZN Law Clinic was his favorite part of the internship programme. For others, as would be expected, their pivotal experiences were going to court and encountering advocates and magistrates. *Grant* stated: *“The opportunity to work on the Law Clinic files assigned to me is possibly my favorite part of the internship because it gives me a chance to test my legal knowledge and apply it to real cases. I most enjoy this process because it involves applying my legal knowledge to identify*

legal issues, but it also tests and develops my ability to determine the next step required to resolve the issue. Determining how to resolve cases is an important skill for budding attorneys, which is, unfortunately, a skill that is not addressed or developed in the LLB to a sufficient standard necessary to discharge the duties of an attorney”.

Jade agreed with Grant’s sentiments: “The second most significant experience today was being allocated two clinic files. I feel that this was extremely exciting to see and sift through all the legal documents and paperwork to find out what is relevant and what is not. I have not had any experience with running an entire file. I have been able to research a case for Clinical Law; however, seeing all the documents and knowing where to start and what documents to draft was not what I have any experience in. I feel being thrown in the deep end per se helped me as I was not told what to do, but I had to research and find out myself what to do. I only worked on my file for three hours today, and I am sure that I will learn a lot more as the week goes on.”

Kareena also made a new and unanticipated statement: “The internship is becoming attractive as every day we are doing new things and several different things at once. Although this is not as easy as studying for an exam, doing procedural work is very different and much more interesting than learning the substantive areas of law. Working on our files is proving much more challenging than I realized.” Her remark that the practical aspects of the internship programme were not as “easy as studying for an exam” demonstrates that the intern participants thoroughly appreciated the value of the exposure to the practical aspects of the law.

Priya agreed that working on case files was not an easy task, but she understood the value of the exercise and how this would assist her in her future career as a legal professional: “I know that this will help me in practice, and when I serve articles as a Candidate Attorney, I will have had the advantage of exposure to case files”.

Sarah stated, “before being handed the case files, I presumed that every legal issue could be allocated a specific amount of time. I am surprised to find out the length of time that it can take to solve a simple matter and the attention to detail in every relevant aspect of a case. During this process, I have discovered how much time and additional hard work is needed to ensure that every client's needs and requirements are met in

the best possible way. My experience today took place at the UKZN Law Clinic. Today was extremely challenging and pushed me beyond my comfort zone of thinking. The most pivotal experience for me today was working with the case files that we had been assigned. I found this challenging as I knew the theory behind proving why the client should be refunded her money in the contract that she had entered, but I had no clue about the procedural process that should be followed to achieve the desired outcome. The contract law module teaches one about the dos and don'ts of entering into contracts, but it does not teach one about the procedure to be followed when resolving such a dispute. The most pivotal experience for me was receiving the case files. Although I did lack in knowledge to assess the client's issues at hand successfully, the actual knowledge of the client's situation has helped me to realize that being an attorney is not solely about helping myself to advance in my future career but rather about helping people and clients in real need of legal services to achieve justice. Moreover, our LLB curriculum teaches us to focus on advancing ourselves rather than focusing our attention on improving others' lives. Therefore, I now strongly believe that helping someone who is not in a position to help him/herself is much more rewarding than helping someone who can pay for legal services."

Thandi enjoyed the working environment at the UKZN Law Clinic and working on case files. She identified her internship highlights as "getting to work with a diverse group and interacting as a group". She also noted as they came to the Law Clinic and worked on case files that "I's taught in [the module] Professional Legal Ethics".

As tedious as deskbound paperwork might appear to someone outside of the legal profession, it is required of legal professionals every day. The attorneys must meet with clients, open case files, and see the matter through to completion. Many view the legal profession as limited to court appearances, presenting a case, arguing before a judge, and overlooking the administrative side. Exposing the participants to work on case files was necessary, but it was unexpected that they found this to be one of their pivotal experiences in the internship programme.

7.7.1 Analysis and reflections

The importance of practical work and exposure to the profession is underestimated in the LLB degree (not just at UKZN but throughout the country). There is an understanding that universities teach substantive theoretical aspects, and once a student has completed their degree, they will gain the necessary practical experience after entering the profession. The many reasons that the LLB degree is structured in the way it is are the subject of another study. Note that this study's participants thoroughly enjoyed and benefitted from the practical legal aspects and expressed their desire to be included in the LLB degree for all students to gain the necessary practical exposure to the profession.

7.8 Chapter summary

In conclusion, the UKZN Law Clinic internship program provided students with the opportunity to gain practical experience in legal work by working on "live client" case files. This experience was a valuable learning opportunity that helped consolidate their academic knowledge and develop their problem-solving and critical-thinking skills. It also allowed them to gain a deeper understanding of the legal profession and the importance of diligence and responsibility in representing clients. Some participants found this experience a highlight of the internship, while others were particularly struck by the opportunity to go to court and interact with advocates and magistrates. Overall, the internship program seemed to be a positive and educational experience for the participants that will likely benefit them as they continue their legal studies and embark on their careers in the legal field.

Transformative learning was an ideal lens to view the study. The study focused on the teaching and learning of social justice concepts, incorporating these into the LLB degree, the importance of impacting the greater community through human rights awareness, and improving the community engagement focus of the LLB students.

The final reflections and conclusions of the study will be discussed in the next chapter.

CHAPTER EIGHT

CONCLUSIONS AND FINAL REFLECTIONS

8.1 Introduction

The words of former Chief Justice Pius Langa guided me in drawing conclusions and final reflections on the study. According to the Chief Justice, "the way we teach law students and the values and philosophies we instill in them will define the legal landscape of the future" (Langa, 2006, p. 355).

The statement by the former Chief Justice may be said to resonate with the scholarly literature, statements by the judiciary, the legal academy, practicing legal practitioners, and the various reports on legal education in South Africa. Although one may argue that these were only aspirational words in 2007, today, they point to law schools' legal obligation to produce graduates with a social justice approach to legal practice and the legal profession (Council for Higher Education, 2015). Primarily, the responsibility is placed on law educators and law schools to promote holistic learning. This duty and responsibility are implicitly embodied in the transformative nature of the Constitution and explicitly included in the LLB standards to which all law schools must adhere.

The former Chief Justice's statement led me to analyze the following: firstly, the way we teach law students; second, the values and philosophies we instill in them; and third, how we define the future legal landscape of South Africa.

8.2 The way we teach law students

The learning experience involved in conducting this study was reflexive, which is why both before implementing the internship and during the internship, I regularly reflected on my observations of the interns and mentors. Such observations were undertaken particularly during the study's data analysis phase. Although the way we teach law students has been discussed extensively in international literature and legal education, how we teach law students is rarely discussed explicitly in South African legal literature. The lecture method has been the predominant mode of instruction in South African law schools, and the lack of resolve to change how we teach law students is further

complicated by the predominantly positivistic paradigm of law educators. The CHE identified law students' lack of critical thinking skills, as mentioned in paragraph 2.2.1.1, in their 2018 report on the state of legal education in South Africa. These findings should raise a red flag for all law educators in South Africa.

In Chapter 1, the problem to be addressed in this study was identified as the fact that law students in South Africa do not appear to understand social justice values sufficiently. Although not explicitly stated as a hypothesis, what was implicit in the study design, and reflected as a research aim was that, through transformative and emancipatory learning, students might develop a deeper understanding of social justice through the promotion of social justice values in legal education. Particularly germane to this study was the promotion of social justice values concerning vulnerable groupings in the South African community. Therefore, this study aims to open a window to the potential that lies in the transformative learning process.

The focus of the study (as set out in paragraph 1.15.2) was to determine how fourth-year LLB students might learn facets of social justice through a programme underpinned by a transformative and emancipatory pedagogy. For this reason, the programme developed for this study was an internship designed explicitly with a transformative and emancipatory framing and implemented during the July 2015 University break. As a result, it is reasonable to claim that the internship programme met the requirements of a successful capstone experience for the study participants. The participants in the study demonstrated that their participation in the internship programme assisted them in forming a professional identity and provided them with a sense of purpose.

In conclusion, in respect of paragraphs 8.1 and 8.2 above, the study found that a transformative and emancipatory learning approach, as implemented through the internship programme, was effective in helping fourth-year LLB students develop a deeper understanding of social justice values and potentially apply them in their future legal practice. The findings of this study highlight the importance of incorporating social justice values and a holistic approach to legal education in South Africa to produce graduates who can address the needs of vulnerable groups and contribute to a more just legal landscape in the future. The study also highlights the need for law schools to

reevaluate their teaching methods and move away from a positivistic paradigm to promote critical thinking skills and a more comprehensive understanding of the law.

8.3 The values and philosophies we instill in law students

The values and philosophies we instilled in law students in this study translated into professional identity formation and the changes in worldviews and paradigms as indicated in the student reflections on the internship programme.

8.3.1 Defining the legal landscape of the future as set out in the report by the CHE (Council for Higher Education, 2018)

Although this was not a longitudinal study, one may argue that the social justice values instilled in the participants will have a long-lasting effect.

The study's objectives were to:

1. Determine what the fourth-year UKZN LLB students' understanding of social justice was before undertaking the transformative and emancipatory framed internship programme;
2. Critically explore fourth-year LLB students' experiences of learning facets of social justice through the transformative and emancipatory framed internship programme;
3. Understand why the fourth-year LLB students experienced learning facets of social justice through the transformative and emancipatory internship programme in the way they did.

In light of the discussion of the literature pertinent to this study and the theoretical framing, the findings as evidenced by the reflections of the intern participants indicate that the objectives were achieved. Turning to address the research questions, I now reflect on the research design and the methodology of this study. The 84-hour contact internship programme consisted of activities explicitly selected to provide “disorienting moments” for the participants that would highlight social justice elements.

In conclusion, this study found that the values and philosophies instilled in fourth-year UKZN LLB students through a transformative and emancipatory internship programme significantly impacted their professional identity formation and the changes in their worldviews and paradigms. The internship programme, which consisted of activities designed to provide "disorienting moments" and highlight social justice elements, was successful in helping students better understand and engage with social justice issues. These findings suggest that similar programmes may be effective in helping law students develop a strong sense of social justice and a commitment to promoting justice and equality in their professional lives.

8.4 Research questions

This study's overarching research question was: To what extent can fourth-year LLB students learn social justice through a transformative and emancipatory internship programme?

In answering this question, the following sub-questions were examined:

1. What was the fourth-year LLB students' understanding of social justice before the transformative and emancipatory framed internship programme?
2. How did the fourth-year LLB students experience learning social justice through the transformative and emancipatory framed internship programme?
3. Why did the fourth-year LLB students experience learning social justice through the transformative and emancipatory framed internship programme in the way that they did?

Each question will be addressed in the discussion below.

8.4.1 What was the fourth-year Clinical Law LLB students' understanding of social justice before the transformative and emancipatory framed internship programme?

From the data collected from the pre-internship questionnaire and further discussed at the post-internship interview, it was clear that the participants had an incomplete

understanding of the concept and importance of social justice before undertaking the internship programme. The participants had encountered these topics in specific undergraduate modules in the LLB programme, but not in great detail. Throughout this study, I highlighted the importance of creating opportunities for students to absorb social justice concepts and create awareness. I had discussions around issues affecting many people in South Africa daily, particularly the vulnerable groups identified during this internship programme. Participating in the internship programme highlighted the disconnect between the ideals of the South African Constitution and the daily lived reality of many of its residents.

8.4.2 How did the fourth-year LLB students experience learning social justice through the transformative and emancipatory framed internship programme?

This research question was addressed using the lens of Mezirow's transformative learning theory and the emancipatory facets of the pedagogy of the internship programme. Transformative learning theory encouraged the study participants to confront and shift their meaning perspectives, and worldview when faced with disorientating dilemmas. These disorientating dilemmas created an opportunity during the internship programme for the participants to confront the social justice realities faced by members of the public in a legal context. None of the participants had been exposed to such a programme before. They were compelled to make meaning of the situations they encountered and adapt or change their perspectives as required. The responses indicated that the participants had not previously thought through these significant issues and had not adequately considered such topics in their undergraduate LLB degree.

8.4.3 Why did the fourth-year LLB students experience learning social justice through the transformative and emancipatory framed internship programme in the way they did?

A transformative and emancipatory approach is the most appropriate for the learning of social justice in the coalface of the legal system in South Africa. It would not have been helpful to lecture social justice concepts to the participants in the hope that they would absorb most of what was covered in a classroom. It was more useful to create

a transformative learning environment for the participants in a real-life situation that facilitated making meaning of the experience and encouraged in-depth learning.

In conclusion, this study found that fourth-year LLB students can significantly improve their understanding of social justice through a transformative and emancipatory internship programme. Before participating in the programme, the students had an incomplete understanding of social justice. However, through the programme's focus on disorienting dilemmas and practical application in a legal context, they were able to confront and shift their perspectives on social justice issues. Using a transformative and emancipatory approach was the most effective way for students to learn about social justice, as it allowed for in-depth learning through real-life experiences rather than just theoretical lectures. Overall, this study highlights the importance of comprehensively with complex issues such as social justice.

8.5 Reflections on the research process

8.5.1 Designing and implementing the internship programme

Designing and implementing a qualitative case study in the form of an internship programme with a social justice orientation was a daunting process, made more so as the programme was unique in South Africa. The programme could not be modelled on anything similar and had to be designed on the study objectives and the theoretical framing chosen. It was a challenging and thought-provoking experience to develop the internship with its focus on social justice and through the lens of transformative learning. The internship programme allowed me to observe these theories experienced in practice and provided an enriching, transformative experience for the participants and me. Other law clinics and law schools could benefit from this research on the need to include social justice in the LLB curriculum and on how to apply the most effective, student-centered teaching and learning methods and theoretical framing for teaching social justice and critical thinking skills. Selecting the theoretical framing for the study was also arduous, as many competing theories of adult learning have different merits and shortfalls. Transformative learning theory, complemented by experiential and emancipatory learning, was selected for the purpose of the study because these

theories focus on centering on the student rather than on the teacher or educator in the educational process.

Placing the student at the center of the programme activities allowed them to engage with their experiences and develop their understanding. It was challenging to sustain this approach throughout the internship, as it required a “hands-off approach” and the discipline to abstain from succumbing to the inclination to guide the participants in a particular direction allowing them rather to form their own opinions.

As I funded the implementation of the internship programme with the support of the UKZN Law Clinic in providing venues and personnel, it was important that the internship programme was cost-effective and that the activities were reasonable based on cost and distance traveled. It was essential to assess whether an internship programme of this nature would be feasible on a larger scale and whether its activities would be accessible to all LLB students. Accordingly, the activities needed to be financially and geographically within the grasp of all students. It was logistically challenging to ensure that the activities happened as scheduled and that the participants could reap the optimum benefit from each of the experiences.

8.5.2 Data collection and analysis

Considering my background as an activist and change agent, it was a further challenge to ensure that I combined my study purpose with the scholarly rigor required to design, implement and analyze the internship case study.

The data collection process also posed challenges because data were collected from both the intern participants and their mentors to assess the experience from both perspectives. This study focused on only the intern participants and their experiences through transformative and emancipatory learning and did not use the data collected from the mentors. The reflective journals of the interns proved to be a rich data source. The participants had the time to reflect on their experiences, were often articulate, and displayed a mature capacity for reflecting on their experiences. One of the limitations of this data source was the sheer volume of data collected per participant over the two-

week process. Analyzing the data was a formidable task, requiring a keen eye for detail to understand, analyze, and then reflect on the data.

One of the most valuable aspects of the data collection process was the video recordings of the post-internship interviews. Re-watching and analyzing the interviews made this data source considerably more valuable than only transcripts of the interviews would have been. The recordings provided a critical component of the data analysis. It allowed me to understand how the participants conveyed information and to become aware of additional information, such as the participants' hesitations when answering specific questions or their eagerness to raise certain issues, which are also data sources.

In conclusion, this research process involved designing and implementing a qualitative case study as an internship programme with a social justice orientation. The programme was based on the theoretical framing of transformative learning and focused on placing the student at the center of the educational process. Data collection for the study included reflective journals from the intern participants and video recordings of post-internship interviews. The data analysis process involved coding the data and creating themes based on the findings. While the research process presented challenges, it was also enriching and allowed for observing transformative learning theories in practice. This study could benefit other law clinics and law schools in considering how to include social justice in their curricula and in using student-centered teaching and learning methods to teach critical thinking and social justice skills.

8.6 Limitations of the study

I identified the following limitations of this study:

Only students registered in the Clinical Law module were participants in the study. Data was collected from both the interns in the programme and the four candidate attorneys acting as mentors. A deliberate decision was made to exclude the mentors' data, as this would have made the body of data unmanageable and too complicated for this particular study. This data could either form the subject matter of further research or additional publications in the area. Examining how the mentors and the

interns collaborated and intersected is a potential Ph.D. study. I decided to exclude the mentors' data because they had had exposure to a social justice setting before the internship was implemented, namely through their work at the HC Campus Law Clinic. Their experience ranged from a few months to over a year at the Clinic. Thus the mentors were a completely different category of participants in the internship. The data set from the mentors would have formed a very different, complex body of data, and criteria for analyzing such data would have had to be established.

During the two-week internship programme, the candidate attorneys (acting as mentors) continued to have professional obligations in which they had to adhere to working on the client case files. This may have prevented their complete focus on the internship. On the other hand, the internship was undoubtedly a rich learning experience for the mentors, and I had the benefit of discussing their observations of the interns with them.

Another limitation of the study was the sample of the participants selected. It was based on their application to be part of the research and their motivation letter. Such pre-selection criteria could have benefitted by holding interviews with the prospective participants based on their letters of motivation.

On a practical level, all the interns and mentors in this study had to be transported to the different venues where the activities took place, which posed a particular logistical challenge. During the internship programme under study, I used my private vehicle for this purpose.

Regarding the reflective journals, in a future study, a short five-minute interview on the reflections on the particular activity compiled by the intern the day before might have led to more in-depth insights. Implementing such a practice could add to the depth and the level of the participants' reflections.

The post-internship interviews were conducted several months after completing the internship programme. Approximately three to five months expired between the implementation of the internship and the eventual interviews. Although this could be seen as a limitation of the study, it is instead a strength. The interns could reflect on

how the internship impacted their academic studies during the following semester of the LLB programme and whether it transformed their thinking about the law.

A further limitation of this study is that the internship was implemented within one university in the country, namely, the UKZN School of Law at Durban. There are 23 law schools in South Africa, and the student population and demographics at other law schools in the country might differ in many respects. The student population at other universities might be more diverse or even less varied than the final year Clinical Law LLB student group at the UKZN School of Law.

Finally, the demographics that comprised the interns who participated in the study were a limitation. There was only one male intern in the study and seven females. While there was one white male, two black females, one white female, and four Indian females in the study, it should be noted that this is more or less an accurate representation of the School of Law's demographics in 2015.

In conclusion, the Clinical Law internship programme was a valuable learning experience for the participating interns, but several limitations to the study should be considered when interpreting the results. These limitations include the exclusion of the mentors' data, the limited sample of participants, logistical challenges, the timing of the post-internship interviews, the implementation of the program at only one university, and the demographics of the interns. Despite these limitations, the study still provides valuable insights into the impact of the internship program on the interns' academic studies and their thinking about the law. Further research, including studies at other universities and with a more diverse group of participants, could provide a more comprehensive understanding of the effectiveness of the Clinical Law internship programme.

8.7 The following is suggested as a way forward

The way forward suggested here relates to the following: the need for and the rationale behind social justice education as it relates to the theoretical framing of the study and literature review; the exposure of students to social justice education in the first year of the LLB program and not primarily in the final year of study; and the introduction of

a social justice education as a stand-alone module in the LLB degree, as opposed to matters of social justice being infused into every module of the LLB curriculum.

In conclusion, the way forward suggested in this context is to prioritize social justice education in the LLB programme, specifically by introducing it in the first year of study and potentially offering it as a stand-alone module. The rationale for this suggestion is likely grounded in the theoretical framing of the study and literature review, which likely highlights the importance of social justice education in preparing law students to be responsible and socially conscious professionals. It is suggested that social justice education be incorporated into the LLB curriculum more intentionally and focused rather than being infused into every module. This approach may be more effective in helping students to understand and engage with social justice issues in a meaningful and comprehensive way.

8.8 The need for social justice education for LLB students

The internship revealed that students do not have a clear idea of social justice and that exposure to social justice-centered activities improved their knowledge and understanding. The survey of the literature also made it evident that students need to understand their role and responsibility when practicing as attorneys.

8.8.1 Introducing social justice activities in the first year of study

Most interns felt that the first year was ideal for engaging LLB students on social justice issues. This was primarily because students focused on completing their qualifications by the fourth year. Moreover, students may be more impressionable in the first year and more receptive to social justice ideas. One of the disadvantages is that many students in the first year of study do not know if they will continue with their law degree. They may fail modules or transfer to other programmes. First-year students may also be somewhat immature for participating in an internship of this nature, as outreach does require a substantial amount of knowledge of the topic that is being presented. The level of supervision required of first-year students would be more intensive than the guidance necessary for final-year law students.

8.8.2 Developing a social justice module to be incorporated into the LLB programme

Including social justice topics in the law school curriculum may be the most cost-effective and straightforward means of addressing social justice education. Such a module can be introduced as early as the second year or as a final-year elective. Only one or two lecturers would be required to present the module. However, this is not an ideal solution as social justice principles are relevant to most substantive and procedural law modules and are thus too broad to be contained in a single module. Including social justice in all modules would be more beneficial than having a dedicated social justice module.

8.8.3 Developing a compulsory or voluntary internship for all LLB students

The data collected and analyzed shows that the internship programme considerably affected and developed an understanding of social justice among law student interns. However, this method was intensive, requiring resources and infrastructure such as the Clinic and supervision of the interns. The available mentors were a source of constant guidance and continuous support to the students throughout the internship activities. This resource would not be available if the internship were to be open to all students or even all final-year law students, as the numbers would preclude making this experience available to everyone. However, the internship revealed the most critical experiences in developing social justice values, and some of these activities may be available to students without the need for them to participate in an intensive internship. Barr and Tagg argue that the learning paradigm liberates institutions from complex constraints, such as declining budgets while meeting the increasing demand for post-secondary education and increasingly diverse students. It is also impossible to increase output without a corresponding cost increase (Barr & Tagg, 1995).

8.8.4 Requiring mandatory exposure to criminal and civil courts by LLB students

Many interns found that the courts, especially criminal ones, were critical in understanding social and procedural justice. It should be a requirement in the course of the law degree programme that students make themselves available in the vacation period to attend court proceedings that are open to the public, visiting on different days

and experiencing a variety of courts and a variety of matters. This will allow them to understand how the courts work in practice and develop an understanding of social justice issues, including access to courts and the availability of legal representation.

In conclusion, it is essential for law students to have a clear understanding of social justice in order to uphold justice and fairness in society as attorneys effectively. There are several options for incorporating social justice education into the law school curriculum, including a dedicated social justice module, incorporating social justice principles into all relevant law modules, and offering a compulsory or voluntary internship programme focused on social justice issues. Additionally, requiring law students to attend court proceedings can provide valuable exposure to the legal system and help them understand issues related to access to justice and the availability of legal representation. Ultimately, the most effective approach to social justice education for law students may involve a combination of these approaches tailored to the specific needs and resources of the institution.

8.9 The Law School creates partnerships with organizations to facilitate exposure to social justice issues

The interns encountered law or social justice areas to which they had not been previously exposed. Such exposure was sometimes in the form of presentations by other organizations. This exposure was not as impactful as the other activities that involved active participation by the interns; however, it was cost-effective. The educator could hold a workshop where the students' issues are explored during visits to various organizations. This type of opportunity should be presented to all LLB students. The refugee law presentations should be made available to all LLB students due to the xenophobia prevailing in South Africa. Attorneys and advocates in private practice could address LLB students, discussing the attorney's ethics and role in social justice issues. Legal Aid South Africa should also make presentations to LLB students and discuss their niche in the legal system and the need for a social justice focus by legal professionals.

In conclusion, creating partnerships with organizations to facilitate exposure to social justice issues can be an effective way for law schools to provide students with a well-

rounded education. While such exposure may not be as impactful as more hands-on activities, it can be cost-effective and provide students with valuable insights into the legal and social justice landscape. Law schools must ensure that all students can engage with these issues through presentations by private practitioners, Legal Aid South Africa, and other organizations working on social justice issues. In order to ensure that students are truly prepared to be ethical and socially responsible legal professionals, it is crucial for law schools to prioritize the inclusion of social justice content in their curricula.

8.10 Law schools to ensure interactive teaching and outreach skills through compulsory clinical law and street law modules

Both street law and clinical law modules are beneficial for instilling social justice values in students. The outreach conducted by the interns was the most helpful in this regard, and the knowledge gained remained with the participants. They were also able to reflect critically on the presentation content. However, some of the disadvantages of such outreach are the high costs, the volume of resources required, and the risk of students not fully participating in the outreach programmes.

In conclusion, clinical law and street law modules can be effective in helping law students develop interactive teaching and outreach skills. These programmes can instill social justice values in students and provide them with practical knowledge and experience. However, there are also potential challenges, such as high costs, resource requirements, and the risk of students not fully participating. Despite these challenges, clinical law and street law programmes are a valuable addition to law school curricula, as they provide students with valuable skills and experiences that can benefit both themselves and the communities they serve.

8.11 Training for law school staff on social justice issues

The interns' reflective journals indicate that lecturers may not sufficiently focus on social justice issues. There is a need to develop a framework for improving module design to include social justice issues. Workshops are a possible vehicle for lecturers to orientate themselves and discuss social justice issues.

Based on the feedback from the interns, it is clear that there is a need to incorporate more focus on social justice issues into the law school's course offerings. One way to address this need would be to develop a framework for improving module design to include these issues and to offer workshops for lecturers to orient themselves and discuss these issues in more depth. By taking these steps, the law school can ensure that its staff is better equipped to address social justice issues in its teaching and that its students are exposed to a more well-rounded and inclusive educational experience.

8.12 Opportunities for further research

There are many opportunities for new research in this field. These include action research. This could comprise implementing the internship programme again and comparing the results or implementing an internship to focus on the interns' outreach to vulnerable communities. Most internship participants found that to be the most significant activity for learning social justice issues and retaining knowledge.

More research on interactive teaching methods is needed in legal education. There has been little written on legal and educational theories, and the presentation of law programmes has not changed significantly over many years. This is the case, although South Africa has undergone significant changes as it moved to a democratic constitutional dispensation, and it was understood that changes would need to be made to address past injustices.

In conclusion, the internship programme discussed in this research has been a valuable opportunity for legal education and promoting social justice. As identified by the internship participants, the focus on outreach to vulnerable communities highlights the importance of practical, hands-on learning experiences in understanding and addressing social justice issues. However, further research is needed to determine the long-term impact of such programmes and explore alternative legal education methods that prioritize interactive and experiential learning. In addition, given the significant societal changes and transformations that have occurred in South Africa, it is crucial to examine the current methods of legal education and consider whether they are adequately preparing students for the challenges and opportunities of a democratic

constitutional dispensation. Overall, the opportunities for further research in this field are vast and have the potential to inform and improve legal education and promote social justice.

8.13 Conclusion

This study has sought to explore the potential of a Clinical Law LLB community engagement internship programme using an emancipatory framework for justice education. Overall the opportunity of presenting an internship to a group of final-year law students was rewarding, and the study has been enlightening. It has represented the culmination of my professional career in teaching and my focus on social justice. The benefits of social justice education cannot be overstated. It is essential to include such training in the law curriculum if law students are to become professionals who can take this country forward to address historical inequalities and can apply and protect constitutional values.

In conclusion, the Clinical Law LLB community engagement internship programme has shown to be a valuable opportunity for law students to gain hands-on experience in addressing social justice issues and applying their knowledge in a real-world setting. The programme, which uses an emancipatory framework for justice education, has demonstrated the importance of incorporating social justice training into the law curriculum. By participating in the internship, law students have gained a deeper understanding of how the law can be used to address historical inequalities and protect constitutional values. The study has been a rewarding and enlightening experience for the students and me, who have focused on social justice throughout my professional career.

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ANNEXURE A: GATEKEEPER'S LETTER



3 July 2015

Mr Ebenhaezer van der Merwe
School of Law
College of Law and Management Studies
Howard College Campus
UKZN
Email: vandermerwe@ukzn.ac.za

Dear Mr van der Merwe

RE: PERMISSION TO CONDUCT RESEARCH

Gatekeeper's permission is hereby granted for you to conduct research at the University of KwaZulu-Natal (UKZN), towards your postgraduate studies, provided Ethical clearance has been obtained. We note the title of your research project is:

"Towards an emancipatory framework for justice education: a social justice and community engagement internship for a Clinical Law LLB student within the South African constitutional framework".

It is noted that you will be constituting your sample by randomly handing out questionnaires and conducting interviews with 4th year LLB Clinical Law students and their mentors (currently Candidate Attorneys) on the Howard College Campus.


Please ensure that the following appears on your questionnaire/attached to your notice:

- Ethical clearance number;
- Research title and details of the research, the researcher and the supervisor;
- Consent form is attached to the notice/questionnaire and to be signed by user before he/she fills in questionnaire;
- gatekeepers approval by the Registrar.

You are not authorized to contact staff and students using 'Microsoft Outlook' address book.

Data collected must be treated with due confidentiality and anonymity.

Yours sincerely

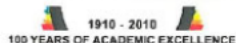

MR B POO
REGISTRAR (ACTING)





Office of the Registrar

Postal Address: Private Bag X54001, Durban, South Africa

Telephone: +27 (0) 31 260 8005/2206 Facsimile: +27 (0) 31 260 7824/2204 Email: registrar@ukzn.ac.za

Website: www.ukzn.ac.za



Founding Campuses:  Edgewood  Howard College  Medical School  Pietermaritzburg  Westville

ANNEXURE B: ETHICAL CLEARANCE LETTER



18 November 2015

Mr Ebenhaezer van der Merwe (92458)
School of Law
Howard College Campus

Dear Mr Van der Merwe,

Protocol reference number: HSS/1682/015D

Project title: Towards an emancipatory framework for justice education: A social justice and community engagement internship for a Clinical Law LLB programme

Full Approval – Expedited Application

In response to your application received on 13 November 2015, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol have been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Dr Shenuka Singh (Chair)

/ms

Cc Supervisor: Dr Rubby Dhunpath, Professor David McQuoid-Mason and Dr Sarasvathie Reddy
Cc Academic Leader Research: Dr Shannon Bosch
Cc School Administrator: Mr Pradeep Ramsewak / Ms Robynne Louw

Humanities & Social Sciences Research Ethics Committee

Dr Shenuka Singh (Chair)

Westville Campus, Govan Mbeki Building

Postal Address: Private Bag X54001, Durban 4000

Telephone: +27 (0) 31 260 3587/8350/4557 Facsimile: +27 (0) 31 260 4609 Email: ximbap@ukzn.ac.za / snymam@ukzn.ac.za / mohunp@ukzn.ac.za

Website: www.ukzn.ac.za



Founding Campuses: Edgewood Howard College Medical School Pietermaritzburg Westville

ANNEXURE C: APPROVAL NOTIFICATION – AMENDMENT APPLICATION



29 December 2021

Ebenhaezer van der Merwe (92458)
School of Law
Howard College Campus

Dear E Van der Merwe,

Protocol reference number: HSS/1682/015D

Project title: Towards an emancipatory framework for justice education: A social justice and community engagement internship for a Clinical Law LLB programme

Amended title: Learning social justice through a transformative and emancipatory framed LLB Internship Programme

Approval Notification – Amendment Application

This letter serves to notify you that your application and request for an amendment received on 09 December 2021 has now been approved as follows:

- Change in title

Any alterations to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form; Title of the Project, Location of the Study must be reviewed and approved through an amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

All research conducted during the COVID-19 period must adhere to the national and UKZN guidelines.

Best wishes for the successful completion of your research protocol.






Yours faithfully



.....
Professor Dipane Hlalele (Chair)


/ms

Humanities & Social Sciences Research Ethics Committee
UKZN Research Ethics Office Westville Campus, Govan Mbeki Building
Postal Address: Private Bag X54001, Durban 4000
Tel: +27 31 260 8350 / 4557 / 3587
Website: <http://research.ukzn.ac.za/Research-Ethics/>

Founding Campuses:  Edgewood  Howard College  Medical School  Pietermaritzburg  Westville

INSPIRING GREATNESS

ANNEXURE D: LEGAL INTERNSHIP CONFIDENTIALITY AGREEMENT

UKZN Law Clinic <i>40th Anniversary (1973 – 2013)</i> Howard College Campus		 UNIVERSITY OF KWAZULU-NATAL LAW CLINIC
<u>Physical & Postal Address</u> Hut 11 Jubilee Lane King George V Avenue University of KwaZulu-Natal Durban 4001	<u>Contact Details</u> Tel: 27 31 2602446 Fax: 031-260 2741	

College of Law

School of Law: Legal Internship-

LEGAL INTERNSHIP CONFIDENTIALITY AGREEMENT

DATED this _____ day of _____ 20

Agreement between _____

herein referred to as the STUDENT, with regard to a Legal Internship hosted by:

_____ herein referred to as the HOST.

TERMS OF THE AGREEMENT

- 1) The STUDENT will use his/her best endeavours to ensure that confidential information in the hands of the STUDENT is kept secret and confidential in favour of the HOST and not disclosed to any other person other than the STUDENT's academic SUPERVISORS, and COURSE COORDINATOR without the prior approval of the HOST.
- 2) The STUDENT will ensure that reasonable provision is made for the safe custody of any written material containing confidential information (herein called "written material") at all times (unless the parties agree to the contrary). It shall be assumed that safe custody means being kept in a locked desk, cupboard or office when not in the physical custody of the STUDENT or any other person to whom 3) applies).
- 3) If the confidential information needs, in the course of the internship, to be made available to any person other than the STUDENT, the SUPERVISOR, the COURSE COORDINATOR or specialist academic staff, the STUDENT will obtain prior written permission for such disclosure from the HOST.
- 4) The use of the confidential information, will, unless the HOST first agrees in writing, be strictly limited to the internship being undertaken by the STUDENT.
- 5) The STUDENT undertakes not to reproduce or store on any data storage or retrieval system any confidential information held in written form without the consent of the HOST and all such information will be returned to the HOST upon demand.
- 6) The STUDENT shall not be liable in any way for any breach of this Agreement otherwise than in the case of a breach hereof arising through gross negligence or wilful action on the part of the STUDENT.
- 7) Nothing in this Agreement shall apply to:
 - i. Information that is independently developed by the STUDENT outside the scope of this Undertaking; or
 - ii. Other confidential information rightly obtained by the STUDENT from third parties; or
 - iii. Information that was in the public domain at the time of receipt; or
 - iv. Information that was known to the STUDENT at the time of receipt or becomes publicly available after the date of this Agreement, or as a result of a breach of an obligation of confidence express or implied under this Agreement; or

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- v. Information that the STUDENT is legally required to disclose.
- 9) It is agreed by the signatory parties hereto that this Agreement shall be governed by the Law of New Zealand, and the parties submit to the exclusive jurisdiction of the Courts of New Zealand.
- 10) The HOST shall, if so required, enter into a separate Confidentiality Agreement with the STUDENT'S SUPERVISORS and the STUDENT will have no responsibility for the actions of the SUPERVISORS with respect to any confidential information.

This Confidentiality Agreement is entered into by and between the Internship Host, the Internship Student, and the University of KwaZulu-Natal Legal Internship Programme (on behalf of the UKZN School of Law).

THE HOST:

Name:	Title:
Signature:	
Address:	
Phone Number:	
Email:	

THE STUDENT

Name (printed)	Signature	Date


THE UKZN LEGAL INTERNSHIP PROGRAMME:

Name (printed)	Signature	Date
Course Director:		
Course Administrator:		

NOTE: If you have any queries, or require further assistance, please contact Eben van der Merwe on 031 260 2446

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ANNEXURE E: PRE-INTERNSHIP QUESTIONNAIRE

UKZN Law Clinic <i>40th Anniversary (1973 – 2013)</i> Howard College Campus		 UNIVERSITY OF KWAZULU-NATAL LAW CLINIC
<u>Physical & Postal Address:</u> Hut 11 Jubilee Lane Mazisi Kunene (King George V Avenue) University of KwaZulu-Natal Durban 4001	<u>Contact Details:</u> Tel: 27 31 2602446 Fax: 031 2602741	

UKZN Law Clinic Social Justice Internship 2015

Self-administered Pre-internship Evaluation

NOTE: PLEASE ANSWER ALL QUESTIONS AS COMPREHENSIVELY AS POSSIBLE AS THESE ANSWERS WILL FORM PART OF RESEARCH INTO THE LLB CURRICULUM.

1. What is your understanding of social justice?

2. In your opinion what is the most important aspect to prepare for practice taught at the UKZN Law School?

3. To what extent, if any, do lecturers or instructors give attention to social justice issues?

4. To what extent is social justice taught even if not part of the learning outcomes of a module?

5. Should a module be devised to deal specifically with social justice issues? Please answer yes or no and motivate your answer.

6. Is a social justice element lacking in the current LLB curriculum? Please motivate your answer.

7. To what extent should social justice issues be addressed within each module of the UKZN Law curriculum?

8. Should social justice issues be infused or incorporated within each module of the UKZN Law curriculum?

9. Explain briefly what you understand by the concept of access to justice in South Africa?

10. To what extent do South African citizens have access to justice?

11. Briefly describe the role of the lawyer in greater South African communities?

12. Should community service be compulsory for all law students?

13. Should community service be compulsory for all legal practitioners (attorneys and advocates)?

14. Should all legal officials (prosecutors/ government officials/ state attorney/ state advocate/court officials) be required to conduct community service in terms of their contract of service? Answer yes or no and explain your answer.

15. To what extent if at all, has any of your law modules allowed you some form of interaction with:

the general public: _____

the indigent members of the public: _____

vulnerable groups: _____


civil/government entities dealing specifically with civil and economic rights:

courts and other legal entities (private or public) _____

16. Any additional comments:

THANK YOU FOR YOUR PARTICIPATION IN THIS QUESTIONNAIRE

ANNEXURE F: LEGAL INTERNSHIP 2015 – SELF-REFLECTIVE GUIDANCE

<p>UKZN Law Clinic <i>40th Anniversary (1973 – 2013)</i> Howard College Campus</p> <p><u>Physical & Postal Address</u> Hut 11 Jubilee Lane King George V Avenue University of KwaZulu-Natal Durban 4001</p>	<p><u>Contact Details</u> Tel: 27 31 2602446 Fax: 031-260 2741</p> <p> UNIVERSITY OF KWAZULU-NATAL LAW CLINIC</p>
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LEGAL INTERNSHIP 2015

GUIDANCE FOR INTERNS AND MENTORS IN RESPECT OF REFLECTIVE PRACTICE

TASK:

- To produce a journal which details your “pivotal experiences” while serving your internship and records your reflections on those experiences.

POINTS TO NOTE:

- The journal does not have to be a “blow-by-blow” of a list of the tasks, events or occurrences or a set of brief notes as to what happened each day.
- The length of the journal is not prescribed.
- The journal should include critical examination of the “pivotal experiences” and you may need to “push” yourself in your reflections to go beyond superficial interpretations of complex issues and deliver meaningful demonstration of learning.
- It is necessary in reflective journaling to reprocess knowledge, understanding and possibly, emotions evoked by a “pivotal experience” at the expense of surface facts.
- Reflection involves a form of teaching, learning and mental process for the gain of better understanding of relatively complicated or unstructured ideas.
- The process of journaling in a thoughtful and thorough manner may require you to examine how your “pivotal experiences” are influenced by your preconceived ideas, values, ideals, assumptions, background etc.
- For your own benefit, the reflection should assist in the process of integrating and deepening your learning through the experiences.
- Constructive personal insights should be included on difficulties, problems, challenges, education and training issues, future goals, attitudes, ethical and moral concerns.
- Use of DEAL Model (attached as annexure A) for guidance to examine experiences from personal, civic and academic perspectives.

ANNEXURE A

THE DEAL MODEL FOR CRITICAL REFLECTION — DESCRIBE, EXAMINE, AND ARTICULATE LEARNING

The DEAL model was developed by Dr. Patti Clayton of North Carolina State University
http://www.ncsu.edu/cece/resources/deal_model.php. Dr. Clayton references Kiser's
Integrative Processing Model in the original document.

Describe Experience(s) Objectively

Part I: Overview of "big picture" — what have I done since the last reflection session?

Part II: Home in on 2 or 3 key experiences to focus the reflection on - What were the most
significant
or
reflection-worthy experiences?

- Where was I?

- Who else was there?

- When did this experience take place?

- What was said?

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Robin Palmer²

- What did others do?

- Why were we there? (NOTE: Be careful here. "Why" can be an objective question, as in "we were having this conversation because the Director had scheduled a meeting of the entire group and had invited both me and Mr. Smith" but it can also open the door to interpretation, as in "we were having this conversation because the Director wanted me and Mr. Smith to advise her")

Assess Progress Since Last Reflection

- What were my goals as articulated at the end of the previous reflection session and/or in my articulated learnings from the previous reflection session? What specific conclusions did I intend to enact or test based on my previous articulated learnings?

- What specific steps did I take in order to attain these goals?

- What obstacles—internal and external—hindered me? What factors made me more effective?

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- In what ways did my attempts to attain goals or to enact or test conclusions proceed as expected, based on my earlier understanding, and in what ways was I surprised?

- What do my attempts to enact or test previous conclusions tell me about the validity of those conclusions? In what specific ways is my understanding of those conclusions changing yet again?

- How can I change my behaviour or mentality in order to make better progress toward my goals? What specific steps do I need to take in order to continue refining my understanding?

Examine Experience from a Personal Perspective

- How did this experience make me *feel* (positively and/or negatively)? How did I handle my emotional reactions? Do I believe I should have felt differently than I did?

- What *assumptions or expectations* did I bring to the situation (including my assumptions about other persons involved) and how did they affect my actions? To what extent did they prove true? If they did not prove true, why was there a discrepancy?

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- 'How have ***past experiences*** influenced the manner in which I acted or responded to this situation? Am I comfortable with the influence past experiences has on me?

- What personal ***strengths / weaknesses*** of mine did the situation reveal? In what ways did they affect the situation, positively and negatively? What might I do to build on strengths/ overcome weaknesses?

- Why did I, or did I not, experience ***difficulty working/interacting with other people?*** What might I do differently next time to minimize such difficulties?

- What personal ***skills*** did I draw on in handling this situation? What personal skills would I like to have had in order to have handled it better and how might I develop them?

- How did this situation reveal my own ***attitudes or biases***, toward other people, toward the organization in question, etc.? Do I need to make any changes?

Examine Experience from a Civic Perspective

- What was I / someone else **trying to accomplish**? In taking the actions I / they did, was the focus on **symptoms** of problems or **causes** of problems? Was the focus (symptom or cause) appropriate to the situation? How might I / they focus more on underlying causes in the future?

- What **roles** did each person / group / organization involved in the situation play and why? What alternative roles could each have played?

- Did I / other individuals act **unilaterally** or **collaboratively** and why? Should I / they have worked with others in a different way?

- Did I **reinforce** or **challenge** an assumption or social system by the way I acted? How does this experience highlight the relationship between and larger systems?

- How else could I have handled the situation? Identify both **the paths of least resistance** and **the paths of greater resistance**. Why did I / others follow the path I / they did?

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- What **agendas** did I and others bring to the situation? Are these agendas appropriate? Are they understandable? Are they shared? How are these agendas related to larger social or cultural issues?

- In what ways did **power differentials** emerge in this experience? What are the sources of power in this situation and who benefits and is harmed? In what ways might any dependencies be eliminated?

- What **privilege** did I/others bring to this situation? What are the sources of such privilege? How am I, or others, disempowered by lack of privilege?

- How did **leadership** emerge in this situation, on my part and/or on the part of others?

- What is in the interest of the **common good** in this situation? In what ways is the **individual good** (mine or that of other people) linked to and/or contrary to the common good? What tradeoffs between them are involved?

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- In what way did any other **tradeoffs** (long-term / short-term; justice / efficiency; etc.) emerge in this situation? Were the trade-offs made appropriate or inappropriate and why?

- What **changes** does this experience suggest are needed: within my group, within the organization, within our society more generally? How can these changes be accomplished: with individual action or collective action / working within the system or challenging the system / etc.?

- How does this experience help me to better understand the **organization's vision, mission, and goals**? What does it reveal to me about the relationship between the organization and those it serves? What does it suggest about how this relationship might be improved?

Examine Experience from an Academic Perspective

- What specific **elements of our course materials** relate to this experience?

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How was I able to **apply** a skill, perspective, or concept related to our academic material?

What **similarities and differences** are there between the perspective on the situation offered by our academic material, and the situation as it in fact unfolded?

How does this experience **enhance my knowledge** of a specific reading, theory, or concept? Does it **challenge** or **reinforce** my prior understanding?

Based on analysis of the experience in light of course material, is the **material (or my prior understanding of it) adequate**? What reasons might there be for any differences or inadequacies? What questions should I ask to put myself in a better position to judge the adequacy of the material?

Instructor's specific course-related questions.

Articulate Learning

1. What did I learn?

2. How, specifically, did I learn it?

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3. Why does this learning matter, why is it important?

[illegible]

4. In what ways will I use this learning, what goals shall I set in accordance with what I have learned in order to improve myself and / or the quality of my learning and / or the quality of my future?

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Adapted from the University of Canterbury Legal Internship programme documentation authored by Prof Robin Palmer

ANNEXURE G: INTERN AND MENTOR INTERVIEW SCHEDULE

UNIVERSITY OF KWAZULU-NATAL

INTERN AND MENTOR INTERVIEW SCHEDULE

ETHICAL CLEARANCE NUMBER:_____

Preamble:

The purpose of this interview is to obtain your views and opinions whether the internship programme facilitated or enhanced your understanding and interest in social justice issues, ethics and justice education (if at all).

If so, I wish to investigate whether your enhanced understanding of these values has a bearing on your current studies or on your contract of service in the Clinic as a Candidate Attorney.

In order to maintain confidentiality, I wish you to select a fictitious name. The name that you selected will be utilized throughout the study. The interview schedule will be a guide during the interview of the different areas that I wish to explore.

This interview schedule consists of four sections. Sections A-C is applicable to both the interns and their mentors. Section D is applicable only to the Mentors.

Location and date of the interview:

Who is present during the interview?

Method of recording the interview:

1. What is your age? _____
2. State your gender? _____
3. What position do you currently hold? _____

4. Which population group do you belong to? Mark 'X' in relevant box

African ☐
Indian ☐

Coloured ☐
White ☐

5. Is English your first language? _____

6. Which age group do you fall into? Mark 'X' in relevant box

20-25 ☐ 25-30 ☐ 30-35 ☐ 35-40 ☐ 40-45 ☐ 45+ ☐

SECTION A

PRE-INTERNSHIP AND POST-INTERNSHIP

Preamble:

You were required to complete a document named "self-administered pre-internship evaluation" prior to the implementation of the internship. The answers you provided will form the basis of this part of the interview.

1. What was your understanding of social justice prior to the internship? Did your understanding change? If so, why?

2. In preparing students for the practice of law, what in your opinion is the most important aspect taught at the UKZN Law School? Did the internship change your views at all? If so, why?

3. To what extent, if any, do lecturers or instructors give attention to social justice issues? Did the internship change your views at all? If so, why?

4. To what extent is social justice taught even if not part of the learning outcomes of a module? Did the internship change your views at all? If so,



5. Should a module be devised to deal specifically with social justice issues? Please answer yes or no and motivate your answer. Did the internship change your views at all? If so, why?

6. Is a social justice element/ethical considerations lacking in the current LLB curriculum? Please motivate your answer. Did the internship change your views at all? If so, why?

7. To what extent should social justice/ethical issues be addressed within each module of the UKZN Law curriculum? Did the internship change your views at all? If so, why?

8. Should social justice issues/ethical considerations be infused or incorporated within each module of the UKZN Law curriculum? Did the internship change your views at all? If so, why?

9. Explain briefly what you understand by the concept of access to justice in South Africa? Did the internship change your views at all? If so, why?

10. To what extent do South African citizens have access to justice? Did the internship change your views at all? If so, why?

11. Briefly describe the role of the lawyer in greater South African communities? Did the internship change your views at all? If so, why?

12. Should community service be compulsory for all law students? Did the internship change your views at all? If so, why?

13. Should continuing community service be compulsory for all legal practitioners (attorneys and advocates) as set out in Section 29 of the Legal Practice Act? Did the internship change your views at all? If so, why?

14. Should all legal officials (prosecutors/ government officials/ state attorneys/ state advocates/ court officials) be required to conduct community service in terms of their contract of employment? Answer yes or no and explain your answer. Did the internship change your views at all? If so, why?

14. To what extent (if at all), have any of your law modules allowed you some form of interaction with:

the general public: _____

the indigent members of the public: _____

vulnerable

groups: _____

civil/government entities dealing specifically with civil and economic rights:

courts and other legal entities (private or public):

15. Any additional comments: Did your views change in respect of the additional comments you made prior to the internship now that you have done the internship?

SECTION B

THE INTERNSHIP AND YOUR REFLECTIVE JOURNAL

Preamble:

This part of the interview will focus on what you have documented in your reflective journal. What is important to note that the guide to this part of the interview is for you to relay what you consider to be the most significant or reflection-worthy experiences for you during the internship programme? You are not limited to any number of experiences. In describing the experience, the questions that follow can serve as a guide.

1. Where were you?

2. Who else was there?

3. When did this experience take place?

4. What was said?

5. What did others do?

Examination of your experiences from a Personal Perspective

6. How did this experience made you *feel* (positively and/or negatively)? How did you handle your emotional reactions?

7. What *assumptions or expectations* did you bring to the situation (including you assumptions about other persons involved) and how did they affect your actions?

8. 'How have *past experiences* influenced the manner in which you acted or responded to this situation? Were you comfortable with the influence past experiences had on you?

9. What personal *strengths / weaknesses* did the situation reveal? In what ways did they affect the situation, positively and negatively? What could you do to build on strengths/ overcome weaknesses?

10. Why did you, or did not, experience *difficulty working/interacting with other people*? What might you do differently next time to minimize such difficulties?

11. What personal **skills** did you draw on in handling the situation? What personal skills would you like to have had in order to have handled it better and how would you develop them?

12. How did this situation reveal your own **attitudes or biases**, toward other people, toward the organization in question, etc.? Do you need to make any changes?

SECTION C

Examine your experience/s from an academic perspective

13. How did this experience **enhance your knowledge** of a specific reading, theory, or concept? Did it **challenge** or **reinforce** your prior understanding?

14. What lessons about social justice (if any) did you learn through the internship program?

15. If so, how did you learn lessons about social justice?

16. Why did the internship programme teach you lessons about social justice? If not, why not?

17. In what ways will you use this learning, what goals will you set in accordance with what you have learned in order to improve yourself and / or the quality of your learning and / or the quality of your future?

-

SECTION D

This section of the interview schedule is intended for the mentors in the internship programme.

1. What, in your opinion was the most pivotal experience/s of your two interns?

2. Your interns reported that the most pivotal experience for him/her was as follows:

Intern number one reported the following:

-

Please comment in detail as to what, how and why the intern learned what he/she did.
Please comment in as much detail as possible.

Intern number two reported the following:

Please comment in detail as to what, how and why the intern learned what he/she did.
Please comment in as much detail as possible.

ANNEXURE H: TURNITIN REPORT

LEARNING SOCIAL JUSTICE THROUGH A TRANSFORMATIVE AND EMANCIPATORY FRAMED LLB INTERNSHIP PROGRAMME

ORIGINALITY REPORT

12%	11%	5%	5%
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

PRIMARY SOURCES

1	www.derebus.org.za Internet Source	1 %
2	researchspace.ukzn.ac.za Internet Source	1 %
3	hdl.handle.net Internet Source	<1 %
4	Submitted to University of KwaZulu-Natal Student Paper	<1 %
5	repository.up.ac.za Internet Source	<1 %
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LEARNING SOCIAL JUSTICE THROUGH A TRANSFORMATIVE AND EMANCIPATORY FRAMED LLB INTERNSHIP PROGRAMME

by Ebenhaezer Van Der Merwe

Submission date: 18-Jul-2022 12:00PM (UTC+0200)
Submission ID: 1872102733
File name: FINAL_DRAFT_18_JULY_Eben.docx (5.65M)
Word count: 85645
Character count: 466861

**LEARNING SOCIAL JUSTICE THROUGH A TRANSFORMATIVE AND
EMANCIPATORY FRAMED LLB INTERNSHIP PROGRAMME**

EBENHAEZER VAN DER MERWE

Dissertation submitted in fulfillment of the academic requirements for the degree of
Doctor of Philosophy in Higher Education

School of Education
College of Humanities
University of KwaZulu-Natal

2022

SUPERVISORS' AUTHORISATION

As the candidate's supervisors, we agree/ do not agree with the submission of this thesis:

Sign: _____

Date: _____

Sign: _____

Date: _____

Sign: _____

Date: _____

ANNEXURE I: DECLARATION OF PROFESSIONAL EDIT

15 Dale Road
Manor Gardens
Durban
4001

Email: carolinegoodier@gmail.com
[REDACTED]

20 July 2022

Declaration of professional edit

Re: *Learning social justice through a transformative and emancipatory framed LLB internship programme*, PhD thesis, University of KwaZulu-Natal, by Ebenhaezer van der Merwe

I declare that I have edited this manuscript. My involvement was restricted to language usage, grammar, style, and punctuation. I did no structural re-writing of the content.

It was the responsibility of the student to apply any suggested editorial changes.

Sincerely,

(DR) C GOODIER

Associate member, Professional Editors' Group

Professional
EDITORS
Group