

THE USE OF A THERAPEUTIC JURISPRUDENCE APPROACH TO THE TEACHING AND LEARNING OF LAW TO A NEW GENERATION OF LAW STUDENTS IN SOUTH AFRICA

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SUMMARY

In rapidly changing social, economic and intellectual environments it is imperative that teaching and learning should be transformed from being primarily concerned with the transmission of knowledge (*learning about*) to being primarily concerned with the practices of a knowledge domain (*learning to be*). Law lecturers are faced with a new generation of law students, many of whom may be the first in their families to enter university, and one of the important challenges that we face, when educating law students, is how to enable these students to take their place in a very important profession. To meet this challenge it is necessary to instill skills that will be beneficial to the profession, future clients and the community as a whole. We at the University of Johannesburg are endeavouring to do so through embracing a therapeutic jurisprudence approach that focuses on the well-being of the student, the client and the community.

The integration of therapeutic jurisprudence throughout the law student's studies, starting with orientation and continuing through to the final-year clinical experience, will enhance the therapeutic outcomes for all of the parties involved. A therapeutic jurisprudence approach, combined with appropriate teaching and learning methods, will enhance the student's interpersonal skills and writing and reading skills.

The teaching methods invoked include role-play to transform formal knowledge into living knowledge, thereby stimulating students' natural practical curiosity and creating a learning environment that supports collaboration and encourages students to act purposefully in such an environment.

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This article discusses the teaching of first-generation students and how to overcome the existing social, cultural, economic and linguistic barriers by using a therapeutic jurisprudence approach, while upholding the values that should guide legal practice, such as integrity and respect for diversity and human dignity. The constitutional imperative of access to justice for all underlines the importance for law teachers of incorporating therapeutic jurisprudence in their teaching methods.

In South Africa, law lecturers face many challenges in teaching law students and first-generation students. Passionate teachers will produce passionate students and realise that they have the power to transform thoughts, policies and lives. Students should be reminded that law is not just about financial rewards, but the ultimate reward of contributing to the betterment of society.

The legal profession expects us to produce a well-rounded graduate for entry into the profession. This necessitates that our teaching methods be appropriate to prepare the student for an entry level of competence for the legal profession. Therapeutic jurisprudence creates the opportunity for the lecturer not only to equip the student with the skills required by the profession but to implement teaching methods that will prove to be beneficial for all of the role-players involved. The honing of skills such as legal writing and oral advocacy from the first year of study creates the opportunity for the students to develop to their full potential. In order to support a meaningful, integrated teaching approach, the development of skills is expanded on during each year of study and can prove beneficial to all role-players during clinical education, where the student has the opportunity to apply the acquired skills in real-life situations. The impact of a therapeutic jurisprudence on the development of legal skills can now be measured through the student's ability to focus on the well-being of the client and the community.

KEYWORDS: Teaching and learning; new generation law students; challenges: social, cultural, economic, linguistic barriers; learning about and learning to be; competitive legal profession; integrated teaching approach towards legal skills; therapeutic jurisprudence approach; well being of students, clients and community

