# Learning Theories and Pedagogical Approaches in Legal Education in Uganda

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Abstract: Theories of learning and pedagogical approaches are the guide for educational systems in the classroom training involved in legal education. Knowledge of the general principles of these theories and pedagogical approaches can help the teachers use their knowledge more effectively according to various learning situations. Law consists of diverse areas such as commercial law, public law, and civil and criminal law that are linked to each other. Thus, teaching legal studies should encompass theory and pedagogical approaches that fulfill the subject requirements, by building some contemporary techniques best suited for the subject and which enhance the teaching and learning process. Teaching law is a complex process as revealed by different teaching approaches, a profession that must adapt to the specific needs of learners, the nature of the subject taught and the general context of the training in as much as the act of learning is a common activity. Therefore, the law teacher must choose and use the most effective and efficient teaching methods and employ context-based instructions throughout the program to achieve the desired educational objectives. This article reviews the literature on the main theories and pedagogical approaches used to facilitate the teaching and learning of law and basically highlights the added value of the combination of pedagogical approaches.

Keywords— Learning theories, Pedagogical approaches, Legal education

#### **1. INTRODUCTION**

As the process of higher education generally and legal education particularly continues to evolve in terms of organization, management, content, and delivery, teaching law becomes very complex. It is pertinent to adopt a multidimensional approach to teaching and learning guided by learning theories and pedagogical styles.<sup>1</sup> In preparation for the practice of law, legal education comprises gaining knowledge and developing skills in the field of law, and preparing persons to be good members of the profession.<sup>2</sup> To familiarise students with legal concepts and institutions' characteristic modes of legal reasoning, law-making processes, dispute settlement, legal ethics, the structure of government, and the organization of court, systems, and adjudicating bodies and create an understanding of law in its economic, scientific, social, and political contexts; Legal education ensures a type of education that is not rigorously theoretical but practical enough to be genuinely useful in resolving day-to-day legal problems.<sup>3</sup>

Using pedagogical styles enables a teacher an effective interpersonal interface with the learners, a skill that is required to effectively convey concepts, ideas, and facts to learners. It is very important for a teacher of law to know and be able to distinguish between pedagogical styles in teaching different areas of the law; because a teacher should use a holistic and comprehensive approach in the teaching and learning process.<sup>4</sup> Therefore, to develop a teaching style, the teacher has to understand the pedagogical approaches, learning theories, and diversity of learners. Thus, to motivate learning, critical thinking, diverse opinions, logical reasoning, and argumentative skills, and to undertake the virtuous obligation of producing nascent lawyers that possess sound knowledge and professional competence, legal education must encourage various teaching techniques and methods since a common method of teaching cannot all these goals altogether.<sup>5</sup> Also, to withstand global standards, legal education has to embrace innovation in teaching styles in addition to the traditional styles of lecture and Socratic methods that have primarily driven the development of legal education in Uganda.

The challenge facing legal education is that the law teachers are not trained teachers and are not familiar with the various pedagogies which can be employed in teaching specific content and are therefore constrained to the traditional methods of teaching. This article will guide law teachers with a basic understanding of teaching-learning theories, and pedagogical approaches so that they make informed decisions about their instructions and models to apply in legal education. Besides, understanding how humans learn should help law teachers become more effective and achieve the goal of education and legal education, of students learning.<sup>6</sup>

There is no doubt that effective teaching requires the teacher to possess a wide knowledge base of teaching.<sup>7</sup> However, most college instructors do not receive any preparation for their teaching role. The professional training they got – during

<sup>22</sup> Hess GF, And and Friedland S, 'Techniques for Teaching Law' 70 (1999)

<sup>3</sup> https://www.britannica.com/topic/legal-education

 $<sup>^{\</sup>rm 1}$  Bajpai, G. S., & Kapur, N. (n.d.). Innovative teaching pedagogies in law: a critical analysis of methods and tools.

<sup>&</sup>lt;sup>4</sup> Kris Franklin, "Do we need Subject Matter-Specific Pedagogies?", JOURNAL OF LEGAL EDUCATION, Vol. 65, No. 4, 2016,

<sup>&</sup>lt;sup>5</sup> Bajpai, G. S., & Kapur, N. (n.d.). Innovative teaching pedagogies in law: a critical analysis of methods and tools.

<sup>&</sup>lt;sup>6</sup> Hess, G. F., & Friedland, S. (n.d.). *Techniques for Teaching Law*. <sup>7</sup> (Shulman, 1987)

their graduate studies was aimed almost solely at promoting their knowledge of the subject matter and research capabilities, rather than their teaching.<sup>8</sup> So how do college instructors acquire their pedagogical knowledge and how do they learn to apply it in the classroom? They do this primarily through trial and error, reflecting on their teaching by means of students' evaluations and feedback. However, for purposes of generating appropriate pedagogical knowledge and for its beneficial application in actual classroom instruction in many cases, this nonsystematic unplanned 'training' for teaching is insufficient. They get on-the-job training with practically no supervision and without peer group input. This may lead to maladjusted instruction methods and a clash between students and the teacher.

The teacher of law like any other educator must possess (i) general pedagogical knowledge, i.e., knowledge of pedagogical principles and techniques that is not bound by topic or subject matter; and (ii) knowledge of self, i.e., teachers' knowledge of their personal values, dispositions, strengths and weaknesses, and their educational philosophy, goals for students, and purposes for teaching.<sup>9</sup>

#### 2. LEARNING THEORIES AND PEDAGOGICAL APPROACHES IN LEGAL EDUCATION

A theory is a construction and interpretation of a field or aspects of cognition, it can be a set of related propositions that explain, describe, predict, and control phenomena.<sup>10</sup> Therefore, learning theories are a set of related propositions which explain describe and control the teaching and learning process.<sup>11</sup> It is important to understand the theories that form the core of educational psychology, to help us in improving

<sup>8</sup> (Hativa, 1997).

<sup>9</sup> Hativa N, 'Becoming a Better Teacher: A Case of Changing the Pedagogical Knowledge and Beliefs of Law Professors' (2000) 28 Instructional Science 491

<sup>10</sup> Shabani, H. Teaching -Learning approach: Concepts, Foundation and theories. Mashhad: BehNashr; 2000.

<sup>11</sup> Sobhaninejad, M. Theories of Learning and Their Applications in Process of Teaching Humanities. Journal of Research and Planning in Higher Education, 2005;10:1-9

<sup>12</sup> Joyce BR, Weil M, Calhoun E. Models of teaching. Trans Behrangi MR. Tehran: Kamale Tarbiat; 2005.

<sup>13</sup> Joyce BR, Weil M, Calhoun E. Models of teaching. Trans Behrangi MR. Tehran: Kamale Tarbiat; 2005.

 <sup>14</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion
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<http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp: //www.pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC 4355834>

<sup>1515</sup> Zargham A. Learning Theories and their use in education. Isfahan; National Congress of Modern Education in Nursing and Midwifery; 2004.

<sup>16</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health

and providing an effective and conducive learning environment.<sup>12</sup> This article examines the various viewpoints of different theories which guide the teaching and learning process in general and law in particular.<sup>13</sup>

Besides a person's profession, Knowledge about the learning process is basically associated with the everyday life of the teachers of the law.<sup>14</sup> Understanding of learning theories and their evolution is necessary to qualify for insight into learning and its application.<sup>15</sup> <sup>16</sup>

## 2.1 BEHAVIORIST THEORY

Advanced by Guthrie, Hull, Pavlov, Skinner, Thorndikeand, Tolman, Watson. The theory Views the learning process as a **'Change in behaviour'.**<sup>17</sup> They believe that learning is a change in observable behavior and it happens when communication occurs between two events, a stimulus and a response.<sup>18</sup> They insist on the importance of practice and repetition in learning. They believe that the final behavior would make it to repeat again. Accordingly, positive or negative reinforcement can be used to encourage the repetition of the behavior. Thus, one learns by experiencing the consequences of their own behaviour, whereby fear and anxiety may result from bad experience for similar situations in the future.<sup>19</sup>

## 2.2 Pavlov Conditioning Theory

According to Pavlov, Classical conditioning can remove the reactions of fear–anxiety in such a way that they put a person gradually against small and light stages.<sup>20</sup> The desired position and within each stage without consequences of fear

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<sup>17</sup> Kay D and Kibble J, 'Learning Theories 101: Application to Everyday Teaching and Scholarship' (2016) 40 Advances in Physiology Education 17

 <sup>18</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion
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<http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp: //www.pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC 4355834>

<sup>19</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2

<http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp: //www.pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC 4355834>

<sup>20</sup> Kay D and Kibble J, 'Learning Theories 101: Application to Everyday Teaching and Scholarship' (2016) 40 Advances in Physiology Education 17

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and anxiety, fear from the desired position gradually disappears. Thus, it is possible to use this method for procedures of student training.<sup>21</sup>

#### 2.3 Thorndike Theory

learning method was named learning through trial and error. <sup>22</sup> that in a learning or problem-solving situation, the learner answers repeatedly up to an appropriate position for one of the responses (or to solve the problem).<sup>23</sup> The system relies on continuous repetition and "skill and drill" exercise. This happens in small chunks and builds up leading to change in behavior.<sup>24</sup> In legal education, problem method of teaching is often used as a major alternative to the case method teaching. It can be defined as a method which uses hypothetical fact situations as the centre piece for student analysis and discussions. The problems typically present plausible situations of varying detail and complexity. Students then select a course of conduct or predict a court's decision based on a variety of legal and non-legal materials either provided to the students or readily available to them. The materials which can be utilized to solve problems are court's opinions, statutory materials, administrative regulations, legal documents, articles and other materials relevant to the solving of the problem. Requiring students to present their solutions to the class and then to discuss those solutions in class is an integral part of the method. The problem method helps in imparting the knowledge of substantive law, judgment and analysis, lawyering skills and professional responsibility. The merit of the problem method is that it more effectively forces the law students to reflect on the application of pertinent materials to new situations and accustoms them to thinking of cases and statutory laws as something to be used, rather than as something merely to be assimilated for its own sake.

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Thorndike's opinion on the main principles of educational providing includes the clarity of objectives in education, organizing the contents from simple to complex, emphasis on the evaluation process, providing correct answers to questions, preparing the students for learning in an orderly environment, creating a disciplined environment for training, repeating the correct answer and rewarding the learners after their correct answer to the questions.<sup>26</sup> In this theory, the role of an instructor or a manager is to provide stimuli, manipulate the learning environment, provide reinforcement, and transfer information and the students are passive recipients of information and knowledge and execute the commands. In this theory, the environment is stimulating and enhancing. Consequently, its role is vital and the role of the environment in learning is more than the role of heredity.

#### 2.4 Skinner Conditioning Theory

Skinner looked at the final result of the behavior, except that he knew the behavior as a voluntary action, which is formed by its outcome. Therefore, by reinforcing the desired behavior, it is possible to increase the chance of recurrent onset and finally reach the learning goals (agent conditioning).<sup>27</sup> Skinner's conditioning theory can be used for behavior therapy in educational environments, social organizations and law enforcement agencies, entitled as"changing methods of behavior modification". Behavior therapy techniques are used for the treatment of psychological problems, methods for improvement, behavior modification conflicts, disorders and criminal behavior, and mental retardation. Change and modification of behavior techniques are used for training and change of students' academic and

 <sup>&</sup>lt;sup>21</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion

<sup>&</sup>lt;sup>23</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2 <http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>

<sup>&</sup>lt;sup>24</sup> Badyal D and Singh T, 'Learning Theories: The Basics to Learn in Medical Education' (2017) 7 International Journal of Applied and Basic Medical Research 1

<sup>&</sup>lt;sup>25</sup> Kay D and Kibble J, 'Learning Theories 101: Application to Everyday Teaching and Scholarship' (2016) 40 Advances in Physiology Education 17

<sup>&</sup>lt;sup>26</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2 <http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>

<sup>&</sup>lt;sup>27</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2 <http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>

social behavior in educational environments. At first, the initial behaviors of each procedure are encouraged in order to implement the procedures fully. Then, they will be encouraged to fully understand and implement the correct procedures and gradually increase the distance of encouragements. Encouraging at this stage is desirable to establish and maintain behavioral conduct. Teachers can teach each procedure by giving information or clues to the student before starting the procedures. For example, they can remind them for having appropriate or expected behaviors for accessing to the desired behavior in less time.<sup>28</sup> It stated that the favorable results of others' behaviors could simulate the behavior of the students. Conversely, the undesirable results make the observers to refrain from that behavior. In legal practice setting, these results may be desirable and pleasing such as client satisfaction and admiration of the classmates.<sup>29</sup> These behavioral objectives are very important in clinical training in law, in particular, in the mental-motive area because it can be used as a guide for teaching and evaluation of students' clerkship performance. The foundation of education is based on the behaviorism competence.<sup>30</sup> Behaviorism psychologists believe that for the study of learning complex phenomena, they should be analyzed into simple components and through studying these basic components, it would be possible to realize the detection of a complex phenomenon.

#### 2.5 The clinical approach

This is a practical course that exposes the students to real legal and court room practices. It covers the skills and procedures that are necessary for legal practice. This course is designed to provide you with practical skills and "hands on" experiences concerning both the practice and business of law. It covers the skills and procedures that are necessary for legal practice. It enables students to learn by participating in real cases as advisors, defendants or plaintiffs. A major substantive component of this course is legal ethics and professionalism. Ethical concerns and requirements are an important part of the day-to-day practice of law. This course will provide you with a firm foundation in legal ethics and professionalism in the Ugandan context.<sup>31</sup>

Under this model, law students are trained to be productive members of a community of lawyers that have the refined skills needed to develop and implement creative strategies for addressing the pressing demand for social justice in the country. Among the principal aspects of this method, students are confronted with problem situations of the sort that lawyers confront in practice; they deal with the problem in role; they are required to interact with others in attempts to identify and

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<sup>29</sup> (Bigge & Shermis 1999; Armitage et al. 2003)
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solve the problem; Clinical programs introduce students to the competencies they will need, strategies for building expertise and critical assessment of the lawyer's role. The skills that clinical exercises aim to build include interviewing, fact investigation, an extensive application of problem-solving skills, attorney-client relations, negotiation and other alternative dispute resolution methods, ethical considerations, pre-trial and trial skills. They are taught using methods that include role-playing, simulations, brainstorming, highly interactive discussions, regular in-depth feedback, and direct client representation.<sup>32</sup>

Further, clinical courses expose students to opportunities to use legal expertise to address issues of social concern, particularly the needs of the poor. Regardless of whether students intend to work in public interest law, they need to be aware of their obligations to contribute to their communities and of the special role they are becoming equipped to play in addressing a range of social problems. While the classroom can raise theoretical issues about social justice, access to legal interventions and reform, understanding the problems in terms of access, application, and sufficiency comes from wellsupervised work with poor people.

The students also perform paralegal aid services, such as visiting jails, registering marriages, births, and deaths, obtaining ration cards, and preparing affidavits. They also prepare and file documents that are required for obtaining benefits under various welfare schemes. Students also work with faculty members to petition relevant authorities who are obliged under the law to provide remedy for injustice. If relief is not provided, the students work with lawyers to file a petition before the High Court. Students can argue these cases under special rules that allow any member of the public to present such cases.

## **3. COGNITIVIST THEORY**

Proposed by Ausubel, Bruner, Gagne, Koffka, Kohler, Lewin, (Piaget); - Gestalt psychologists insisted on the person's ability to organize and transforming what is taught into a general pattern (or Gestalt). They believed that the whole is greater than the sum of its parts and breaking the behavior into its components, generally destroy the whole concept of behavior. Wertheimer said that the perception of the individual by using the principle of Pragnanz plan is structured or organized into simplest possible form in order to be able to understand its meaning. It is composed of four laws of understanding: Similarity, vicinity, relevance, and continuity. Kafka believed that these laws of understanding could be used as well as learning rules. Thus, it created the

<sup>&</sup>lt;sup>28</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2 <http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>

<sup>&</sup>lt;sup>30</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2

<sup>&</sup>lt;http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834> <sup>31</sup> <u>Clinical Legal Education | Makerere University Courses</u>

<sup>&</sup>lt;sup>32</sup> Chekour M, Laafou M and Janati-Idrissi R, 'What Are the Adequate Pedagogical Approaches for Teaching Scientific Disciplines? Physics as a Case Study' (2018) 8 Journal of Educational and Social Research 141

Gestalt theory of learning with insight. cognitive psychologists, the behaviorists believe that the study of learning should be observable and learning theories and empirical findings should be the result of experimental researches. Their main difference with the behaviorists is in this key aspect that they believe that by the observation of behavioral responses, it would be possible to realize the nature of internal cognitive processes, which cause those answers.

Through experiential learning, law students gain practical skills and deliver legal services in a social justice environment. During the process, students are confronted with real-life situations and play the role of lawyers to solve the problems. They do it by interacting with clients or each other to identify and resolve a legal issue and are subject to critical review by their teachers or peers. Although clinical legal education learning methods are traditionally used to teach such lawyering skills as interviewing and counseling, legal writing and drafting, fact-finding, case analysis, trial preparation, and trial advocacy, they can also be used to teach substantive and procedural law courses. Some of the most common interactive learning methods include role plays, simulations, moots, mock trials, case studies, small group discussions, debates, and 'taking a stand'. Role-playing typically involves taking sides on a case. From there, groups can present opposing perspectives on the facts, simulate oral advocacy, or even re-enact oral arguments. On research and citation assignments, student groups can complete exercises, as well as complete research pertinent to their memorandum or brief assignments.

Cognitive psychologists, believe that learning is a targeted internal process and focus on thinking, understanding, organizing, and consciousness. They say that this type of learning cannot be observed directly and it is associated with the change in capacity and capability of the person to respond. Essentially, it does not immediately change the behavior. Fundamentalists believe that the students must be equipped with questioning skills and problem solving, so by exploration and information processing, they will be able to learn actively, solving and searching for new information, and reviewing their previous experiences for better understanding. Cognitive psychology attempts to explain mental processes such as memory, thinking, problem solving, and decision-making. The goals of cognitive psychology are to illuminate meaningful, not rote, learning and to develop theories that explain comprehension and knowledge utilization. In describing meaningful learning, cognitive psychology has emphasized four areas: (a) information processing, (b) knowledge structure, (c) thinking about thinking, and (d) social processes.<sup>33</sup>

This theory views the key aspect of human information processing as specialized for both verbal and visual information. The information processing view states that, when students encounter information both verbally and visually, they are more likely to encode and recall it later.<sup>34</sup> that Memory becomes much more stable once the new knowledge is recorded in long-term memory stores. Consequently, to acquire new knowledge, humans need to attend to the new information and maintain it until it can be encoded in long-term memory. Isolated bits of information that students try to memorize by rote are not likely to reach long-term memory. Instead, knowledge is much more likely to be encoded and recalled later if it is meaningful if the new concepts can be linked together in a framework. Many students are able to make sense of new concepts and encode them only after they can see the "big picture.

## 3.1 THE LECTURE METHOD

This is a method of continuing oral presentation of information and ideas by the teacher; it is presumably a synthesis of his own reading, research and experiences, interpreted in light of his own insights.<sup>35</sup> Theoretically, in the true lecture, little or no active student participation is involved. In practice there can be much variation in how closely this format is adhered to. Lectures are often used to teach organized bodies of knowledge which is an important part of the school curriculum at all levels, and they have continued as a primary form of instruction in colleges and universities even at different school stages.<sup>36</sup> According to Perrott (1982) in almost all lessons or learning sequences, the teacher has to present information and ideas. He has to introduce topics, summarize the main points of the learning activity and stimulate further learning. All these activities require the use of lecture-explanation techniques.

Bruner in learning theory believes that: Training should be designed and implemented to be compatible with learners' thinking and has forced them to think. It is better for the teacher to offer the training with all three intellectual systems of enactive, iconic and symbolic image. For example, when a student earns the motion skills of the crime of murder without knowing its importance, he/she is located in the inactive stage. Then the student will begin taking the elements of the crime of murder by thinking about the image of a crime scene of murder and the motive. This is the iconic stage. The student who gradually reaches into symbolic stage can define the crime of murder, and explain the importance of crime scene and circumstantial evidence. Therefore, the teacher can use this illustration or an example from daily things help the learners in learning. In addition, there is also a coding system, which the given facts were grouped by it and are related to

<sup>&</sup>lt;sup>33</sup> Hess GF, And and Friedland S, 'Techniques for Teaching Law' 70
<sup>34</sup> Hess GF, And and Friedland S, 'Techniques for Teaching Law' 70
<sup>35</sup> Good and Merkel (1959) suggest lecture as a method of teaching by which the instructor gives an oral presentation of facts or principles to learners and the class usually being responsible for note taking, usually implies little or no class participation by such

means as questioning or discussion during the class period. (Howe, 1980) gave same definition as lecture occurs whenever a teacher is talking and students are listening. And finally Monroe (1991) considers that, formal disclosure of presentation of knowledge to students may be included under the lecture method. <sup>36</sup> (Cuban, 1984, Goodlod, 1984)

each other. This system allows the learner to go beyond the given information and by inference from the previously learned principles, which were stored in the system, to create new ideas. For example, if it is said to a student who understood crime and its defenses, and its causes, he/she could come to the result that it will lead to problems such as lawlessness and fear and panic in public.

As Kauchak and Eggen (1988) concluded, lectures remain popular for several reasons as follows:

1. They are efficient, planning time is devoted to organizing the context. Less attention has to be devoted to teaching strategy.

2. they can be used profitably when the instructor feels the essence of supplying students with variations in view points and scholarly analyses or with multiple points of view that are not readily available.

It can be used when the instructor wishes to teach the content of a factual or perpetual nature to produce greater learning.

3. They are flexible and can be adapted to a wide range of subjects most especially when the instructor wishes to give students a historical background and the development of the subject.

4. They are easier for teacher due to simply "telling" students about the subject.

5. Empowers the audience and keeps them focused because it will give the students a complete and logical structured approach to an academic discipline. Cognitive psychologists name the process of thinking about thinking "metacognition Student control involves whether the student can plan, monitor, and alter learning strategies appropriate for the applicable subject matter and teaching style. Student performance is enhanced when students are conscious of their learning strategies and they can modify those strategies to accommodate the subject and teaching style. Teachers can facilitate students' metacognition by drawing attention to the process of learning, modeling different ways to approach a problem, and providing feedback to students on the effectiveness of their learning strategies. For example, when beginning law students brief a case, the teacher can collect the briefs, give oral feedback to the class on the briefs, provide several samples of effective briefs, and ask students to evaluate whether their briefing is effective.<sup>37</sup>

6. the method inspires people and engages them as it is an excellent way of explaining definitions, labels, and terms essential to an understanding of the discipline. David Ausubel's learning theory (1963, 1968) has been developed in principle to explain verbal learning problems in materials. Several of its principles can be used directly to improve the learning-teaching process in the classroom, for example, controlling the contributing factors in learning and retention of meaningful material. Learning is the relationship between new content and the learner's cognitive structure. Thus, the

learner's cognitive structure during the learning time has the most important influence on the learning and retention of new material and one of the educational strategies for doing this is using the pre-organizers in training. It may be offered as a diagram, a flowchart, a general word, or a phrase. Ausubel perspective is helpful especially in teaching the relationship between concepts or the introduction of unfamiliar or difficult material. It is also effective in legal education with more knowledge and the ability to manipulate ideas in legal education. Explaining crime and elements of each crime, the *actus reus* and *mens rea*, the challenges criminal justice are among the usages of pre-organizers in models of information processing.

7. moves the audience and makes them more willing to learn more about the topics discussed; 8. provides new insight and stimulates thinking and analysis;

9. makes people think and motivates them to develop new skills;

10. gives the audience a desire to listen to it again and again.<sup>38</sup> So, Lecture method also can be considered as a popular teaching model in different subjects. The lecture model is the traditional style of teaching still found in many schools and colleges,<sup>39</sup> and still the most common method of teaching in universities throughout the world. This has to be noted that the lecture method just like any other method is inappropriate as all-purpose method, but it can serve many useful instructional functions. The lecture-explanation approach, when used properly can inspire enthusiasm and capture the student imagination.<sup>40</sup> We can deduce Four main features suggested for the process of lecturing.

1. *Intention:* The lecturer's intentions may be considered to provide coverage of a topic, to generate understanding and to stimulate interest. Consideration of these goals of lecturing as also the knowledge of the earlier learning of the students are essential constituents of lecture preparation.

2. *Transmission*: A lecture sends a message verbally, extra verbally and nonverbally to the learners. The verbal messages may consist of definitions, descriptions, examples, explanations or comments. The 'extra verbal' component is the lecturer's vocal qualities, hesitations, errors and use of pauses and silence. The 'non verbal' component consists of the teacher's gestures, facial expressions. All of these types of messages may be received by the students, and what they perceive as the important messages may be noted.

3. *Receipt of Information*: The information, meaning, and attitudes conveyed by the lecturer may or may not be perceived by the students. Attention fluctuates throughout the process of the lecture. The attention of students can be increased if the lecture includes some short activities for students such as brief small-group discussions or simple problem-solving. Any change of activity may renew attention. Therefore, the receipt of information is an important feature

 <sup>&</sup>lt;sup>37</sup> Hess GF, And and Friedland S, 'Techniques for Teaching Law' 70
 <sup>38</sup> Kaur G, 'Study and Analysis of Lecture Model of Teaching' (2011)
 1 International Journal of Educational Planning & Administration 9
 <a href="http://www.ripublication.com/ijepa.htm">http://www.ripublication.com/ijepa.htm</a>

<sup>&</sup>lt;sup>39</sup> (Dececco and Grawford, 1977)

 <sup>&</sup>lt;sup>40</sup> Kaur G, 'Study and Analysis of Lecture Model of Teaching' (2011)
 1 International Journal of Educational Planning & Administration 9
 <a href="http://www.ripublication.com/ijepa.htm">http://www.ripublication.com/ijepa.htm</a>

in the process of lecturing which has to be considered by the instructor

4. *Output*: Any instructional strategy should lead directly to the objectives and interrelated goals for a course of study (Gropper, 1976). So the student's response or "output" is very essential in the process of lecturing and it may occur in immediate reactions to the lecture and the lecturer. But more important than the immediately observable responses to n lecture are the long-term changes in students. A lecture may change a student's insight, and it may stimulate the student to read, think, and discuss ideas with others. The probabilities of these events are depending upon the student's knowledge, attitudes, and motivation to learn and on the lecturer's preparation, lecture structure, and presentation.<sup>41</sup>

Clearly then, the key to a good lecture is the degree to which students are encouraged to think for themselves and to engage in deep versus surface approaches to learning. Lectures should thus be participative and engaging, as well as challenging and thought-provoking. But is this really what makes lectures 'unmissable'-or are there any other more practical factors involved in ensuring high levels of attendance? Perhaps it does not matter how inspiring or engaging a lecture is; if students feel they are under acute time pressures, they may attend classes 'tactically' so that they are present only for those lectures that link directly to a piece of coursework or examination question. Or perhaps students see lectures as eminently 'missable' if they believe that all they have to do is read the handouts in order to pass the course.<sup>42</sup>

#### 3.2 THE PROJECT/CASE STUDY METHOD

Piaget's cognitive development Teaching method is based on exploratory learning. In this method, the learners will discover the concepts and principles personally and not by the explanation and description of the teacher. Piaget proposed learning method emphasizes activity and experience and the teachers are discouraged from persuading the learners into maintaining a parrot-like material and accumulation of the mind with unfamiliar and abstract topics. For example, in legal education, before teaching human rights topics, the students will be asked to explain whatever comes into their mind regarding the relationship between the different human rights. The students are asked to express how human rights are violated and by whom. The theory Represents internal cognitive restructuring due to changes in an individual's schemata (knowledge). The learner uses cognitive tools, such as insight, information processing, perceptions, and memory to facilitate learning. It involves acquiring, storing, and retrieving information.<sup>43</sup> The learner develops the capacity and skills for effective self-directed learning. The teacher facilitates the learner to "learn how to learn."<sup>44</sup>

The Cognitive theory also structures knowledge in three declarative encoding, proceduralization, and stages: composition. Knowledge is first encoded as a set of facts. For example, through the project /case study method "a complaint must contain a short plain statement of the claim showing that the pleader is entitled to relief" or "an environmental impact statement must be prepared on proposals for major federal actions significantly affecting the quality of the human environment." Student performance with the new knowledge (drafting a complaint, for example) is slow at best. In the next step, proceduralization, students gain familiarity with the basic concepts and the relationships between concepts. Students integrate the new knowledge with existing knowledge. Knowledge becomes available for problem solving and students can more easily translate knowledge into action. For example, students can draft a complaint that states a claim and can analyze whether an action is likely to require an environmental impact statement. Composition is the final step in transforming and using knowledge. Students continue to improve their ability to carry out complex cognitive skills. Composition may occur over many months or years. For example, students' ability to make sophisticated and persuasive arguments may develop throughout law school and the students' subsequent professional careers.45

#### **3.3 The Socratic Methods**

The Socratic Method is a form of a cooperative argumentative dialogue between individuals, based on asking and answering questions to stimulate critical thinking and to draw out ideas and underlying presumptions. "The Socratic method comes from the Greek philosopher Socrates," teaching students by asking question after question, can help them think critically about their ideas and refine their beliefs." the Modern method is one that goes deeper, producing the specific knowledge of those topics. People are questioning their own ideas and thus developing their critical thinking. The Modern Socratic method makes a situation in which the students are not ignorant and in which they know the answer. One of the benefits of the Socratic method is that it draws the student and the teacher into an intimacy which cannot be achieved by lecturing as they both become active participants in the teaching and learning process. The emphasis is on asking

<sup>&</sup>lt;sup>41</sup> Hean S, Craddock D and O'Halloran C, 'Learning Theories and Interprofessional Education: A User's Guide' (2009) 8 Learning in Health and Social Care 250

<sup>&</sup>lt;sup>42</sup> Hean S, Craddock D and O'Halloran C, 'Learning Theories and Interprofessional Education: A User's Guide' (2009) 8 Learning in Health and Social Care 250

<sup>&</sup>lt;sup>43</sup> Kay D and Kibble J, 'Learning Theories 101: Application to Everyday Teaching and Scholarship' (2016) 40 Advances in Physiology Education 17

 <sup>&</sup>lt;sup>44</sup> 'Badyal D and Singh T, 'Learning Theories: The Basics to Learn in Medical Education' (2017) 7 International Journal of Applied and Basic Medical Research 1
 <sup>45</sup> Hess GF, And and Friedland S, 'Techniques for Teaching Law' 70

wellformed questions and continuing the investigation, not on finding absolute answers.<sup>46</sup>

The Method has been praised for many reasons such as it aims to develop crucial legal analytic skills, to accustom the student to the lawyer's adversary style of exchange, and to provide a forum in which the student speaks in public. There are three very important benefits of the Socratic Method: first, it gives professors the ability to teach large bodies of students in an active manner; second, it is instrumental in teaching cognitive skill development i.e. to teach students to "think like a lawyer"; and finally, it helps students to hone their verbal skills. Even as the Socratic Method is increasingly surrounded by innovation, it still persists and endures in legal education and reframing the Socratic Method as attorney-client lawyering would help align this teaching method with other law teaching innovations. law lecturers often use the traditional Socratic method to help students understand the rationale behind legal decisions. One benefit of the Socratic method is that it allows students to imagine themselves as judges and envision how they would resolve legal disputes. This method is used today by law lecturers because it is similar to cross-examination. Series of question are asked to expose contradictions in students' ideas and guided towards the most appropriate conclusions while learning how to critique and find flaws in another person's thinking. It also shows law students what the most compelling arguments are on both sides of important legal questions so that, once they become attorneys, they can win legal debates and effectively represent their clients.47

## 3.4 Humanist Theory

Humanists Maslow, and Rogers in learning, they respect feelings and experiences. They Say that learning is more related to one's own growth as a lawyer and human being. During this learning, there are challenges like exploration of one's emotions and changing identify of one's self.<sup>48</sup> The goal of this approach is for the learner to become autonomous and self-directed. Self-directed learning is one of the most important principles of this theory.<sup>49</sup> According to Maslow's theory, the human in order to achieve self-actualization should be somewhat satisfied with the lower level of requirements (safety and convenience). Therefore, the ultimate goal of education is reaching to the final limit of the individual growth potential.<sup>50</sup> Carl Rogers supports the learner-centered perspective and believes into a semantic continuum, which some substances are located on one side of it without having a personal meaning for the learner. Their learning only engages the mind and is not related to the person feeling and is not devised. At the other end, experiential learning continuum is located, conceptual and meaningful, which uses the mind and feelings.<sup>51</sup>

Humanist perspective knows the human with freedom of choice and not under the influence of unconscious forces or external reinforcement. They have assumed similar to idealists that the people are free to choose their targets and they try to get around the individual limitations in order to develop their mental capabilities. They do not fit the scientific method for human study. They disagree that objective external observer is not able to understand human behavior. They believe that only a person can explain his own behavior and he is an aware individual and not a researcher or advocate. The humanists in both research and law have regard into the phenomenological method.<sup>52</sup>

Knowles has presented the theory of Andragogy. This theory is based on this principle that adults have a wide range of experiences, which provides the basis for new learning. Therefore, the usual approach in teaching the children is not suitable for adult education.<sup>53</sup>

In the methods based on humanism, the student-teacher relationship should be based on mutual respect. Lindman emphasize on this point: "People who do not have any other option other than humility, could be a good teacher for adults". According to Knowles: "Adult students must participate in setting the training program, not to conform them to it".<sup>54</sup>

In summary, humanism is a perspective in psychology (and the psychology of learning) that insists upon totality of human existence as a free person who tries to maximize its capabilities. In humanism perspective, the teacher gives the

<sup>&</sup>lt;sup>46</sup> Delic H, 'Socratic Method as an Approach to Teaching' (2016) 111 European Researcher

<sup>&</sup>lt;sup>47</sup> https://www.usnews.com/education/best-graduate-schools/toplaw-schools/articles/2019-04-04/what-is-the-socratic-method-andwhy-do-law-schools-use-it

<sup>&</sup>lt;sup>48</sup> Kay D and Kibble J, 'Learning Theories 101: Application to Everyday Teaching and Scholarship' (2016) 40 Advances in Physiology Education 17

<sup>&</sup>lt;sup>49</sup> Badyal D and Singh T, 'Learning Theories: The Basics to Learn in Medical Education' (2017) 7 International Journal of Applied and Basic Medical Research 1

<sup>&</sup>lt;sup>50</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2 <http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>

<sup>&</sup>lt;sup>51</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2 <http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>

<sup>&</sup>lt;sup>52</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2 <http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>

 <sup>&</sup>lt;sup>53</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2
 <a href="http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www">http://www">http://www</a>.pubmedcentral.nih.gov/pubmed/25767813%0Ahttp://www
 .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>
 <sup>54</sup> Aliakbari F and others, 'Learning Theories Application in Nursing

Education.' (2015) 4 Journal of education and health promotion 2 <a href="http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www">http://www</a>.pubmedcentral.nih.gov/pubmed/25767813%0Ahttp://www</a>.pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>

priority to the students to learn by their curiosity. The teacher gives them the responsibility and freedom to learn as they wish and willing to learn. However, there is often a clear structure as minimum required limits, which there are tips for getting started. It is possible to achieve by the needs of the curriculum, but the process of learning will be remained open.<sup>55</sup>

The main problems of this approach is that It needs a teacher who has had self-discovery and should be emotionally ready to be honest with the students, share his/her expectations and feeling with them comfortably and value their feelings and desires (the role of a teacher from a teacher and an evaluator changes into a facilitator of learning and should also be a part of the community of learners). It may be difficult for the teachers who are used to the traditional method of teaching for several years.<sup>56</sup>

## 3.5 Social Learning

This is a learning theory proposed by Bandura, Rotter, Engestrom, Eraut, Lave and Wenger, Salomon, (Vygotsky) (Piaget) and (Boud). Their View of the learning process assumes learning to be a social process where learning happens in a social context. The learner is involved in apprenticeship in the community practice or as a full member in the community. Learning is in relationship between people and environment.57 An increasing amount of medical education occurs in workplace contexts; hence, this learning theory can be an appropriate explanation in this setting.58 Critical theory explains how to change society to make it equal for all by encouraging participation of all learners especially those who are marginalized or oppressed.59 Interaction with and observation of, others in a social context, situated learning, communities of practice, distributed cognition.

Social learning theory is a useful tool for legal education and has wide applications. One of the important aspects of law, which should be earned by a new student, is the professional role and it would be possible by allowing the students to observe professional legal practices. The students not only observe the performance of the legal practitioners, but also they would see the interactions between practitioners, client and other team members as well. Therefore, their attitudes are formed regarding the practice and simultaneous skills and techniques should transfer this attitude to the students and prepare them to perform their professional skills.

Lev Vygotsky's theory of cognitive development- is important in the interaction between the learner and social environment. Lev Vygotsky believed that schools should consider language as a core subject and the teachers should have seriousness into language education. Language materials should be taught in a cultural-social context not far from the social and cultural issues at all of educational levels. Cognitive - social learning Observational learning theory can help the teacher in training the skills and various topics. Its applications are included, teaching new behaviors and skills, encouraging and persuading previously learned behaviors, drawing the attention of learners, creating strong and emotional responses, or weakening the effect of deterrents. For example, if the learners violated the school rules and were not be punished for it, maybe other students do the same behavior, because this could be a model for others. Therefore, it should be treated vigorously with the person who broke the law.

Students' working in groups can strengthen the weak persons through working with others. The central aspect of this theory is the focus on the internal aspects rather than external aspects. Regarding the focus of this theory on the social aspects of learning, it is very suitable for teaching and using this theory can be helpful in a group environment.[30] It is worth mentioning that the mentioned theory is based on learning through observation, example, or pattern and it plays an important role in learning. The applications of this theory are including learning new behaviors and skills, encouraging previously learned behaviors, and drawing learners' attention in legal education. The role of the instructor as a model is very important for the learners, not only for performing the procedures, but also for teaching the way of communication with clients and legal team partners and compliance with ethical principles, as well.

## Field action/project Law

This is an instrument of social control and constitutes as an important variable in any social investigation. Law and society are not divisible in water-tight compartments. The quantitative research method is often used to inquire the efficacy and implementation of a statute and measure its impact on the society. Field action projects can be used as a method to investigate and inquire issues affecting the society and suggest remedial measures to solve them. In this method, the law students are associated with the members of social work group to conduct an inquiry on social issues particularly relating to women and children. At this stage students are comfortable and prepared to take a stand on their own particular professional perspective but show an awareness

 <sup>&</sup>lt;sup>55</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2
 <a href="http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www">http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www</a>.pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>
 <sup>56</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2
 <a href="http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www">http://www</a>.pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>
 <sup>56</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2
 <a href="http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www">http://www</a>.pubmedcentral.nih.gov/pubmed/25767813%0Ahttp://www

<sup>&</sup>lt;sup>57</sup> Kay D and Kibble J, 'Learning Theories 101: Application to Everyday Teaching and Scholarship' (2016) 40 Advances in Physiology Education 17

<sup>&</sup>lt;sup>58</sup> Badyal D and Singh T, 'Learning Theories: The Basics to Learn in Medical Education' (2017) 7 International Journal of Applied and Basic Medical Research 1

<sup>&</sup>lt;sup>59</sup> Badyal D and Singh T, 'Learning Theories: The Basics to Learn in Medical Education' (2017) 7 International Journal of Applied and Basic Medical Research 1

that their perspective is governed by a system of values and beliefs and recognize that others may have committed to a different, but equally valid, perspective based on their own value and belief systems.<sup>60</sup>

## 4. THE CONSTRUCTIVIST THEORY

This is a theory proposed by C Dewey 1966; Piaget 1973; Burns 1995; and Atherton 2005. Their View of the learning process is that, Constructivism theory explains how new understanding develops by building on individual's existing understanding. Learner constructs knowledge based on their experiences and that how they do so is related to their biological, physical, and mental stage of development.<sup>61</sup> Learner assimilates, accommodates, and adapts knowledge to develop new understanding. The learning process involves construction of meaning from experiences through critical reflection.<sup>62</sup>

Piaget (1973) proposed that children's cognitive development progressed with age (maturation) beginning with basic sensory-motor functioning and progressing to formal operational stages of development;<sup>63</sup> he also proposed two processes involved in knowledge acquisition, namely assimilation and accommodation. The former is the process whereby a student will take in and filter information from their environment. This information interacts or comes into conflict with existing knowledge held by the individual. This interaction between existing and new knowledge is important in learning and has led to the recognition that teaching must take account of students' existing knowledge.<sup>64</sup>

Constructivism takes account of the process of learning. The constructivist family encompasses both cognitive constructivist and socio-constructivist approaches to learning. Some of these theories have a particular emphasis on the process of reflection in learning, e.g. transformative learning, the reflective practitione, experiential learning. In order to make meaning of the wide number of adult learning theory applied to law, it is important to recognize that many adult learning theories, experiential learning, and inquiry based learning, are constructivist in their origins. The key assumptions of adult learning theory holds that adults:<sup>65</sup>

1. are independent and self directing; 2. have accumulated vast experiences, which are rich resources for learning; 3. value learning that integrates with the demands of their daily

lives; 4. are more interested in immediate problem-centred approaches than in subject-centred ones; 5. are more motivated to learn by internal as opposed to external drivers.<sup>66</sup> *Cognitive Constructivism*- Developmental/stage theory Selfdirected, experiential, problem based, discovery learning, and *Social Constructivism*- Social conflict theory Socio-cultural learning Situated learning Collaborative learning Interprofessional learning; Learning is not a purely individually constructed process and social constructivists view individual learning as being mediated by the environment.

Social constructivism, in contrast to cognitive constructivism, emphasizes how social encounters influence learners' meanings and understanding.<sup>67</sup> The learner is more actively involved in constructing new meaning in a collaborative enterprise, particularly with the facilitator.<sup>68</sup> Here student learning is perceived to be mediated through socio-cultural tools such as language. This is the level of development that students can achieve via facilitated problem solving or in collaboration with more able peers. In other words, this is the difference between what a student can learn alone and what they can learn with the assistance of an external other. Vygotsky's belief was that individuals have varying potentials for ZPD in specific contexts which can be developed via teaching.<sup>69</sup> Scaffolding systems can be employed. Scaffolds may take the form of more knowledgeable people or cultural resources external to the student and which support their leaning. This enables them to build on their own existing knowledge and internalize new information. Scaffolds, by their nature, are temporary support structures and will be slowly removed as students master the concepts in question and become independent learners.<sup>70</sup>

This article provided clear and practical guidance on how the concepts of scaffolding could be applied to legal education via a range of student tasks of ever increasing complexity. These become progressively more complex in two ways: 1 From working on paper-based scenarios to those set in real life practice settings. From simple interaction between two professionals, to a case in which a range of professionals are involved. They maintain that when the scaffolding of these guided tasks is removed (i.e. the tasks are completed), students should be able to apply or transfer their learning independently 'to novel cases and situations'.<sup>71</sup>

<sup>&</sup>lt;sup>60</sup> Hean S, Craddock D and O'Halloran C, 'Learning Theories and Interprofessional Education: A User's Guide' (2009) 8 Learning in Health and Social Care 250

<sup>&</sup>lt;sup>61</sup> Kay D and Kibble J, 'Learning Theories 101: Application to Everyday Teaching and Scholarship' (2016) 40 Advances in Physiology Education 17

<sup>&</sup>lt;sup>62</sup> Badyal D and Singh T, 'Learning Theories: The Basics to Learn in Medical Education' (2017) 7 International Journal of Applied and Basic Medical Research 1

<sup>63</sup> Bigge & Shermis 1999; Jarvis, Holford & Griffin 2003

<sup>64</sup> Bigge & Shermis 1999

<sup>&</sup>lt;sup>65</sup> Knowles et al. 1984; Knowles 1990; Kaufman 2003

<sup>&</sup>lt;sup>66</sup> Hean S, Craddock D and O'Halloran C, 'Learning Theories and Interprofessional Education: A User's Guide' (2009) 8 Learning in Health and Social Care 250

<sup>67</sup> Atherton 2005

<sup>&</sup>lt;sup>68</sup> This approach is best characterized by the theory of socio-cultural learning theory developed mainly through the work of Vygotsky (1978)

<sup>&</sup>lt;sup>69</sup> Jarvis et al. 2003.

<sup>&</sup>lt;sup>70</sup> Vygotsky 1978; Jarvis et al. 2003

<sup>&</sup>lt;sup>71</sup> Hean S, Craddock D and O'Halloran C, 'Learning Theories and Interprofessional Education: A User's Guide' (2009) 8 Learning in Health and Social Care 250

These theories are considered the reality of the universe independent of the mind and outside the learner and learning. They know the transfer of the independent reality out of the learner's mind. In the theory of constructiveness, the objective reality of the outside world transferred from the learner has not been granted and it is not assumed that the learner keeps a version of this world in mind by learning. Educational approach based on constructive theory or building the tendency of learning must be emphasized on the activity of the learner during the construction of knowledge and it is commonly apprentice-based. Therefore, it can be pointed that the best training method arising from this theory is a training method based on exploratory learning. Therefore, it can be said that in legal education, this theory can be used as well and it is very useful in giving the learners actively to participate in discussions and placing the students with different perspectives against a subject and survey them. Creating a group discussion and selection of one person as a coordinator in theory sessions and at the client's case can help to shape and strengthen the cooperation.<sup>72</sup>

## 4.1 Social Constructivism

This is an approach of pedagogy which centres on the idea that, knowledge construction in children/learners is based/influenced by their own understanding the surrounding environment, experiences and the world around them, which is the basis for selecting and transforming information from past, present into new personal understanding and knowledge.<sup>73</sup> This method is in line with most of the aims of legal education of, ensuring a type of education that is not rigorously theoretical but practical enough to be genuinely useful in resolving day-to-day legal problems and to creating an understanding of law in its economic, scientific, social, and political contexts. As such, this constructivist approach is capable of promoting these objectives as it advocates for learning in of active the process knowledge construction. Studies has proven that this method also foster critical thinking by proving learner with a learning environment that enables them to connect learning and practice.<sup>74</sup> It is no doubt that some of the methods of, project work, inquiry-based learning, case studies, and outdoor activities employed in this approach are those required to achieve the goals of legal education (learningjournals.co.uk).

## 4.2 Decided cases/Judicial decisions aproach

By this method, law students are able to learn better as they are asked to reach their own conclusions about the meaning of the court's judgment. The study of cases on every subject helps students in deciphering the Obiter Dicta and Ratio Decidendi of the judgment. It makes them read, analyze, learn how to extract the ruling principle of law from an adjudicated case; and interpret cases themselves.75 The student has to review the cases analysed in class. From these materials, he tries to construct an orderly statement of the legal rules and principles in the course's field. The student learns the rules and principles developed by Courts and learn to relate those rules to legal doctrines and to facts and vice-versa. The case method assumes prime importance because of the common law being included in many courses like Law of Torts, Commercial Law etc. The case method of teaching law is based on the principle that the best way to learn law (particularly common law) is to analyze the actual judicial opinions which become binding under the rule of stare decisis. Thus, the method enables students to understand legal principles on their own through carefully framed questions. For example, the case of Woolmington v DPP.<sup>76</sup> This is a landmark case that held that in a criminal trial, the prosecution has the burden to prove his case beyond reasonable doubt and where the presumption of innocence was re-consolidated (for application across the Commonwealth). In criminal law, the case identifies the metaphorical " golden thread " running through that domain of the presumption of innocence.

Many cognitive processes, such as strategic thinking, articulating reasons, clearly expressing ideas, writing, and speaking, are developed best through social interaction. Students learn higher-level thinking, problem solving, and sophisticated argument by observing and working with others. Group activities can provide immediate feedback on the quality of students' thinking, ideas, and expression. More highly skilled thinkers, such as teachers and advanced peers, model high-level skills. Students working in groups can collectively reach levels none of them could have reached alone. Finally, tasks that connect to the real world, such as clinical work and externships, create a potent environment for the development of thinking, speaking, and writing skills in context rather than in isolation.<sup>77</sup>

## 5. CONCLUSION

Legal education in its true sense has not been viewed from the perspective of students learning styles and the pedagogy of imparting instruction. Eventually, the students and teachers have been facing a number of issues due to the lack of a tool kit in teaching the subject. The research has been carried on the premise that there is ample scope of improvement in imparting legal education if a methodical way of teaching is introduced. A clear and comprehensive understanding of methods, Field Action Projects, Clinical Method, Socratic and the problem-solving approach. would enhance the student participation in the teaching learning process and fulfil the goal of legal education in the country. Thus, developing

21

 <sup>&</sup>lt;sup>72</sup> Aliakbari F and others, 'Learning Theories Application in Nursing Education.' (2015) 4 Journal of education and health promotion 2
 <a href="http://www.ncbi.nlm.nih.gov/pubmed/25767813%0Ahttp://www">http://www">http://www</a>.pubmed/25767813%0Ahttp://www
 .pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4355834>
 <sup>73</sup> Bognar et al.. 2015

<sup>&</sup>lt;sup>74</sup> Semerci & Batdi, 2015

 $<sup>^{75}</sup>$  Hess GF, And and Friedland S, 'Techniques for Teaching Law' 70  $^{76}$  [1935] AC 462

<sup>&</sup>lt;sup>77</sup> Hess GF, And and Friedland S, 'Techniques for Teaching Law' 70

innovative teaching pedagogies will lead to training and mentoring of future generations in a better manner. In short, the combination of traditional teaching based on experimental activities, can be the most effective strategy for teaching law. However, this strategy needs continuous trainings law teachers.

They complement each other or are a part of evolutionary sequences in learning, for example, as learner memories and understands (cognitivism) he/she tries to build up connections between various issues (constructivism), during this process learning is influenced by context (sociocultural), some behavioral changes might have happened by this time (behaviorism). This leads him/her to think about changes in society (critical) and he/she might start thinking about one's growth as a lawyer as a good human being (humanism). Even at these stages, more behavioral changes might happen. In almost all of these theories, learner is actively involved and hence, this seems to be a common factor. Active involvement may be reflected in various ways such as trying to understand, discussing, processing information, working in community, modulating feelings during learning, and during corrective actions.78

Similarly, comprehending/understanding seems to be related with all theories as without understanding it is very difficult to construct, and think about sociocultural issues and make justice in society and to change society for betterment. The cognition, i.e., knowledge component is involved in all theories, however the extent and context is different. Although there are overlaps in these theories, still they are individual characteristics in these theories which make them unique as single theories. The humanism theory is quite specific for thinking about emotions and one's growth as human being; critical theory is more inclined for justice and equality in the society; learning through involvement in community is quite specific for socioculturalism theory.<sup>79</sup>

The role of teacher also changes in these theories, e.g., in behaviorism theory the teacher should have a good knowledge of subject and be active. Teacher arranges the appropriate learning environment to elicit correct responses. In cognitivism theory, a teacher structures content of learning activity. In constructivism theory, teacher acts more like a facilitator and guides the learning of the students. Therefore, the behaviorism theory is teacher-centered; cognitivism, humanism, and constructivism theory are learner-centered. These theories can provide rational basis for the selection of specific teaching-learning methods/strategies, framing learning objectives, and select/design evaluation strategies. Remember that learners have different interests, different learning preferences, and different backgrounds. Integrate various positive aspects of these theories in the classroom environment to optimize learning. $^{80}$ 

#### 6. ACKNOWLEDGMENT (HEADING 5)

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Vol. 6 Issue 9, September - 2022, Pages: 11-23

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