

DECOLONISING THE LAW CURRICULA AT UNIVERSITIES OF TECHNOLOGY: STUDENTS' PERSPECTIVE ON CONTENT

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ABSTRACT

Universities of technologies (UoT's) unlike most traditional universities in South Africa do not have law faculties and therefore only certain law modules such as commercial law, corporate law and other business law courses are offered to students. This article seeks to examine the extent to which Africanist epistemologies and perspectives should be included in the content of the business law curricula in UoT's. The article applies the mixed methods research approach. Questionnaires with both closed and open-ended questions are administered to second year business law students of the Durban University of Technology (DUT). A semi-structured interview is conducted with third year business law students to ascertain their perceptions of the first year business law curricula and the content they would like to see included in the curricula. The results indicates that African students desire the inclusion of their lived experiences and epistemologies in the business law curricula. Students desire the inclusion of the indigenous jurisprudence of *Ubuntu*, traditional dispute settlement mechanisms, and other indigenous traditional contractual practices in the business law curricula. The findings will assist higher education managers and university curricula developers in developing an inclusive curricula that will meet the demands of African students.

Keywords: decolonisation, law, curricula, higher education, Africanism, University of Technology, students

INTRODUCTION

The Black Lives Matter (BLM) movement currently sweeping across the United States of America (USA) and some European countries, coupled with the South African “#fallist movements” such as the “#FeesMustFall” and “#RhodesMust Fall” movements, described by Waghid (2019, 1), as an alter-globalisation movement urging for the decolonisation of the knowledge spheres in the South African higher education landscape, has once again brought into focus the need to revisit the demands of students for the decolonisation of university curricula. Whereas in the USA the BLM is about a more inclusive democracy that values the marginalised population (Updegrave et al. 2020, 86), in South Africa the

“fallist movements” are about a more inclusive higher education curricula that integrates African epistemologies into university curricula (Mashiya 2020, 151).

Twenty-five years after the dismantling of the apartheid system of governance in South Africa and the opening up of higher education to the majority of the Black populace, the South African higher education curriculum is still largely dominated by “White, male, Western, capitalist, and European worldviews” (Kamanzi 2016; Malik 2016; Himonga and Diallo 2017; Mampane, Omidire, and Aluko 2018; Dreyer 2017; Griffiths 2019; Waghid 2019). This inherited colonial education system had instilled within it the notion of the inferiority of indigenous languages and institutions, leading to African students feeling disconnected and alienated from the education system and the content of the curricula from which they were being taught (Wa Thiong'o 1986; Mampane et al. 2018).

Even with the transition from the apartheid regime to a democratic government in 1994, higher education curricula continued to be rooted in colonial and apartheid systems (Zembylas 2018, 3), despite the African National Congress (ANC) directives on the transformation of the country's higher education (Mampane et al. 2018, 1). Authors on decolonisation of higher education curricula have agreed that there is something profoundly wrong when curricula designed to meet the needs of colonialism and apartheid are allowed to continue well into the liberation and democratic era (Mbembe 2016; Jansen 2017; Heleta 2016; Padayachee, Matimolane, and Ganas 2018). According to Mashiya (2020, 153), decolonization will not happen without the transformation of higher education, it is therefore imperative that the voices and perceptions of the students be heard and taken into consideration. This article focuses on determining from the student's perspective the extent to which Africanist epistemologies and perspectives may be included in the content of the business law curricula at UoT's.

Like most traditional universities in South Africa, the design and content of the law curricula in most UoT's are dominated solely by the common and civil laws of the European settlers, to the exclusion of the customary legal order of indigenous Black people (Nienaber 2018, 26). Unlike the traditional universities where law students are exposed to African Customary Laws as a module, UoT's in South Africa do not offer such courses. UoT law students are mostly offered courses in commercial, corporate and business laws. The UoT law curricula is aimed primarily at preparing students for the business or corporate world, a phenomenon described by Fomunyam and Teferra (2017, 197) as “economic responsiveness” a situation whereby the curriculum is designed to only respond to the economic needs of the country hence students are trained to become skilled professionals for the different sectors of the economy without equally responding to the society in which they

find themselves.

The decolonisation of the law curricula in UoTs in South Africa requires the encompassing of the traditions and customs of the African people into the methodologies, epistemologies, scholarships, content and process of how law is taught in these universities (Himonga and Diallo 2017; Nienaber 2018). Traditional and customary laws must be recognized and taught as valid sources of laws in UoT law curricula. Traditional legal institutions such as the “lekgotla” of the Sesotho and Setswana-speaking people of South Africa, the “Imbizo” which is relative to the isiZulu speakers and take on the roles of dispute resolution and communal decision making processes, whose rulings are well respected and understood by the communities, should be incorporated into the law curriculum along with other indigenous legal practices in South Africa as well as on the African continent (Van den Heuvel and Wels 2004; Coertze and De Beer 2007; Griffiths 2017).

PROBLEM STATEMENT AND RESEARCH QUESTION

Most published work and research on the decolonisation of Higher education curricula in South Africa are written from the perspective of traditional university curricula developers (Mashiya 2020; Martinez-Vargas 2020; Le Grange 2016; Musitha and Mafukata 2018). Research on students' perspectives on the content and process of decolonising the curricula of UoT's in South Africa is sparse. This article is therefore to examine the student's perspective in terms of the extent to which Africanist epistemologies and perspectives may be included in the content of the law curricula in a UoT. The article interrogates second and third year business Law students from the Durban University of Technology (DUT) to ascertain from their perspectives those indigenous knowledge's, systems and jurisprudence they would like to see included in the business law module.

DECOLONISING THE LAW CURRICULUM AT THE DURBAN UNIVERSITY OF TECHNOLOGY

A review of the law curriculum at the DUT indicated that it is mostly based on Roman Dutch jurisprudence, common laws and English Laws. There is hardly a mention of any indigenous laws or practices in the curricula of the law modules. Where there is a mention of indigenous practices, it is based on the premise of harmful practices. For example, in one of the first-year law modules, the first mention of a customary or traditional content is when students are introduced to sources of laws wherein the Constitution is highlighted to students as the primary source of law. Students are informed that any other law that is inconsistent with its provisions is unconstitutional and hence null and void.

To enforce this point, students are introduced to the case of *Bhe and Others v The Magistrate, Khayelitsha and Others*, 2004 (2) SA 544 (C) wherein the court held that section 23 of the Black Administration Act, in applying the system of male primogeniture, was incompatible with sections 9 (equality) and 10 (dignity) of the Constitution. It is within this context that first-year students are exposed to customary laws and practices as a negative, primitive practice that needed to be rescued by the Constitution, which in itself is reflective of European laws (Taiwo 2009, 109). Many law curricula of various African universities tend to tow this line, whereby indigenous legal systems are totally excluded from the curricula and only mentioned when used as examples to showcase the superiority of European laws as being based on humanity and natural justice, whereas indigenous legal systems are showcased as incompatible, barbaric, repugnant or inconsistent with “civilized” European legal systems.

In South Africa, Section 11 of the Black Administration Act No 38 of 1927 contained similar provisions in relation to the application of the repugnancy clause. Although section 31(1) of the 1996 Constitution provides for the recognition and application of customary laws by providing that “persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community, to enjoy their culture, practice their religion and use their language”, section 31(2) provides that such may not be exercised in a manner inconsistent with any provision of the Bill of Rights, hence giving the courts access to reviving the repugnancy clause, which in itself has been used to “cleanse” customary law and impose hegemonic foreign culture on indigenous African peoples (Church and Church 2007; Taiwo 2009).

Church and Church (2007, 57) object to the application of provisions of the Constitution in this manner. They contend that when interpreting the Constitution, it should be in line with the judgement of Justice Sachs in *S v Mhlungu* (1995 7 BCLR 793 (CC) at 917), in which the court stated that there was a need to develop an appropriate South African way of dealing with the Constitution, one that starts with acknowledging the way the Constitution came into being:

“... it’s language, spirit, style and inner logic, the interests it protects and the painful experiences it guards against, its place in the evolution of our country, our society and our legal system, and its existence as part of a global development of constitutionalism and human rights.”

South African judicial systems and higher education curricula have failed to adopt this approach in the application of indigenous laws (Nhlapo 2017). Indigenous legal systems are taught to students in terms of their barbarity and as repugnant to natural justice and good conscience (Hewitt 2016, 70). University law curricula, like the judiciary and legislature have shied away from protecting and projecting the deep values embedded in the customs and traditions of the

indigenous people of South Africa and have readily imbibed the western notions of law to the exclusion of the legal orders of the indigenous peoples (Nhlapo 2017).

Law students at DUT are not exposed to indigenous jurisprudence such as “*Ubuntu*” in the law curricula. Even in areas of recognised marriage practices, students are usually only taught about marriages in or out of community of property, a notion that is alien to most African people who are mostly married in terms of their customary practices. The customs of the payment of “*lobola*” and other customary practices of marriage in terms of African indigenous marriages are not included in the law modules taught at the DUT. Hence, this section of the law curricula is in direct contrast with the lived experiences of African students and as a result becomes alien to students whose parents and other relatives are in relationships according to the dictates of their customs and traditions. According to Baron (2017, 1568), the exclusion of one’s cultural identity and knowledge in a culturally diverse country such as South Africa is hurtful, condescending and hostile to students. Ramrathan (2016, 5) contends that South African higher education requires deep curricula transformation with a drive to explore and privilege indigenous epistemologies and indigenous knowledge systems. Nowhere is this needed more than within the law curricula of UoTs in South Africa hence the need for law departments in UoT’s to include indigenous epistemologies and indigenous legal systems into the law curricula.

CHALLENGES OF DECOLONISING THE LAW CURRICULUM IN UOT’S

Mheta, Lungu, and Govender (2018, 3) identifies several challenges to the decolonisation of South African higher education. This article discusses three main challenges that are peculiar to UoT’s in South Africa, namely the language challenge, the challenge of resistance to decolonisation by academics, and the challenge as to what content should be decolonised?

Language challenge

The loss or exclusion of indigenous languages in the higher educational systems in South Africa is identified as a major challenge in the decolonisation of higher education curricula (Mheta et al. 2018, 4). Prior to 1994, English and Afrikaans were the only officially recognised languages in South Africa. These two languages were the only languages of research and publishing. During the apartheid regime, African languages were marginalized and considered as inferior to English and Afrikaans (Ngcobo 2007, 2). Although, South Africa officially recognized 11 official languages after 1994, it has been unsuccessful in implementing its language policies, especially at the higher education levels hence, the languages of instruction in all South African universities remain English or Afrikaans. This is due mainly to the fact that sufficient resources

have not been allocated to the implementation of the language policies. As noted by Ngcobo (2007, 10), “the main challenge to the South African language policy is the problem of implementation”. The author further notes that “socio-economic pressures, the need for international communication standards and stable geo-political relations” has led to the failure of the development of indigenous languages hence, in order to successfully decolonise the law curricula in UoTs, the introduction of African languages and phrases to replace some of the Latin, English and Afrikaans legal phrases should be attempted (Phewa 2015).

Challenge of resistance to decolonisation by academics

Law academics must end the resistance to curricula transformation and rather begin to imagine an alternative curriculum which is devoid of the Eurocentric boundaries of their existing law knowledge. Fomunyam and Teferra (2017, 201) identifies this type of resistance as “disciplinary responsiveness”. According to the authors’, researchers and academics in South Africa who are largely responsible for developing new knowledge are often highly systematised, and thus tend to keep the body of knowledge within globalised systems that are removed from the everyday lived experiences of African students thus enabling higher education learning in South Africa to become highly “Westernised” or “Eurocentric” (Postma 2019). According to Mbembe (2016), this type of learning attributes truth only to the “Western way of knowledge production”, and completely disregards other epistemic traditions.

The time has come for law academics to expand the boundaries of their students’ knowledge (Nienaber 2018, 26). Quite often during the discourse on the decolonisation of higher education, questions often arise as to which indigenous systems will be taught? Who will teach these modules? Hewitt (2016, 72) contends that the development of an indigenous law curriculum, will need to start with the acceptance of and training in indigenous methodologies, along with direct relationships with indigenous communities by academics. Faris (2015, 172) posits that adherence to an interpretative paradigm of African customary laws within an African renaissance model would advance restorative justice and curriculum transformation. Hewitt (2016, 70) proposed a framework whereby all legal scholars are engaged in legal research methodologies that apply to indigenous legal orders in order to develop and advance customary laws and customary legal systems.

Challenge as to what content should be decolonised

Although the decolonisation of higher education may mean different things to different people, there is consensus on the need to decolonise higher education in South Africa. On the question of what content should be decolonised, Musitha and Mafukata (2018, 2) maintain that this must

be seen within the context of the content that was inherited from the apartheid Bantu education which was designed to entrench the dependency of the African people on the white minority colonisers. The authors note that colonial education destroyed scholars' identity and "squeezed into their brain all forms of content which was beneficial only to the coloniser and not the colonised people" hence, according to the authors' content of curricula should be decolonised in such a way that it brings creativity, as well as allows for identity (Musitha and Mafukata 2018, 1). However, as observed by Griffiths (2019, 147) a radical approach to content decolonisation would itself be "hypocritical and inauthentic" for it would be denying or erasing the South African history which already exist, and would be implying that White or Indian South African's are settlers and foreigners in South Africa. Hence, it must be emphasised that content decolonisation is not an attempt to negate white or Indian historical experiences in South Africa, but about not silencing the African voice, narratives, experiences and knowledge's.

RESEARCH DESIGN

A mixed method approach is used in this study incorporating both quantitative methods, implemented by using questionnaires and qualitative methods that were applied by conducting semi-structured interviews. A self-completion questionnaire with pre-determined questions using a Likert scale was administered to 60 second year Business Law students in the Applied Law Department of DUT to obtain the quantitative data. The questionnaire is divided into four themes, each aimed at determining students' perceptions of the content of the first-year law curriculum within the context of decolonisation and to ascertain from the students' perspective which Africanist epistemologies, knowledge's, systems and jurisprudence they would like to see included in the law module. The qualitative data were obtained by conducting semi-structured interviews with 10 third year business law students in order to gain an in-depth understanding of their perception of the first year law curricula and to ascertain from their perspective which indigenous legal knowledge should be included in the content of the first year business law module.

Participation was limited to students who were 18 years and older in accordance with the stipulations in the ethical clearance guidelines obtained from the Institutional Research Ethics Committee (IREC). In terms of the gender of participants 58, 3 per cent were female and 41, 7 per cent were male. Demographically 92 per cent of participants were African students, 2 per cent Indians, 5 per cent Coloured (mixed race) and 2 per cent White. This adequately represents the racial demographics of students studying business law at DUT.

FINDINGS

Theme one (T1): Students' perceptions of the first-year law curricula

The objective of this theme was to determine students' perceptions of the first-year law curricula in the context of decolonising the content. Table 1 presents the questions students were asked to respond to. Figure 1 presents the graphical analysis of the results which indicates that a majority of students (61,7%) strongly disagreed/disagreed that the law modules contained indigenous legal systems which they were familiar with; 68,3 per cent felt that the law modules made no mention of traditional practices peculiar to African people. On the issue of modules exposing students to traditional sources of law, 66,7 per cent felt they had no exposure to indigenous African laws. The same number of students 66,7 per cent were of the view that the law modules made no comparisons or references to traditional practices or systems.

Table 1: Students' perceptions of the first-year law curricula

B1	The curricula contained indigenous legal systems which I am familiar with.
B2	The curricula made mention of traditional practices which are peculiar to African people.
B3	The curricula exposed me to become aware of traditional sources of law.
B4	The curricula made comparisons with traditional practices or systems when discussing certain legal topics.

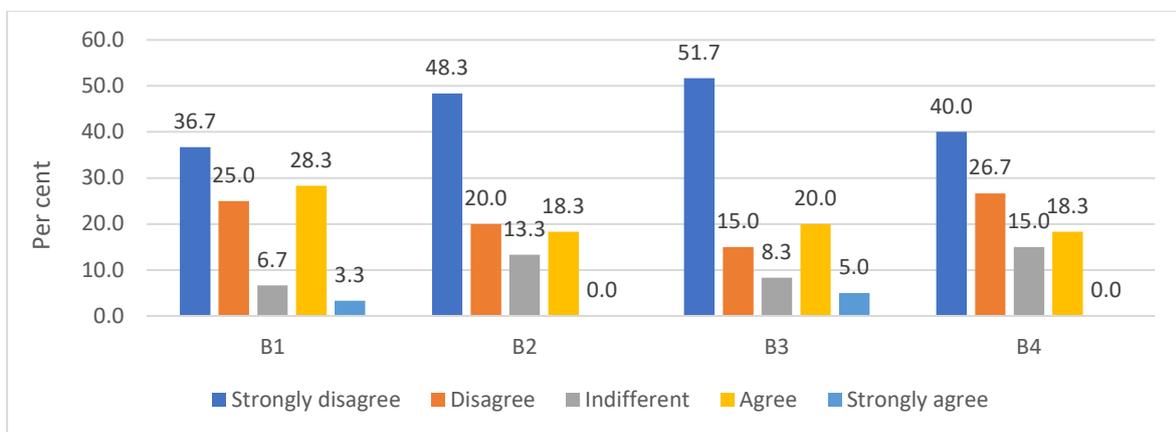


Figure 1: Students' perceptions of the first-year law curricula

During the interviews all 10 of the third year business law students asserted that they were not exposed to any indigenous legal knowledge during their studies in the first year. They emphasized that there were no mention of indigenous traditions, systems or knowledge in their first year law modules. On the question of how this made them feel. They all affirmed that the exclusion made them feel that their indigenous legal customs were inferior.

Theme two (T2): Effects of the exclusion of indigenous content on students learning

This theme sought to understand the effect of the exclusion of traditional legal knowledge and systems from the business law curricula on students learning. The results indicate that 48,3 per cent of students felt that the exclusion of indigenous traditional legal knowledge from the law module made the module feel foreign to them; 51,7 per cent of students agreed/strongly agreed that the exclusion of local content made them feel that Africa had no prior laws before the arrival of the Europeans; 51,7 per cent were not bothered by the exclusions. This was difficult to rationalise, perhaps, the students may have viewed the question from the point of view of an excessive study workload rather than the merit of decolonisation of the module. A significant 71,7 per cent of students felt that the exclusion of indigenous laws made them feel that African traditional legal systems were not recognized, whilst 61,7 per cent felt that the exclusions made them feel inferior as African students. See table below for questions students were asked to rate. Figure 2 is the graphical representation of the results obtained.

Table 2: Effect of exclusion of indigenous content on student learning

C9.1	It felt foreign to me.
C9.2	I felt that we did not have laws in Africa before the arrival of Europeans.
C9.3	It didn't bother me.
C9.4	I felt that our traditional legal systems were not recognized.
C9.5	The exclusion made me feel inferior as an African student.

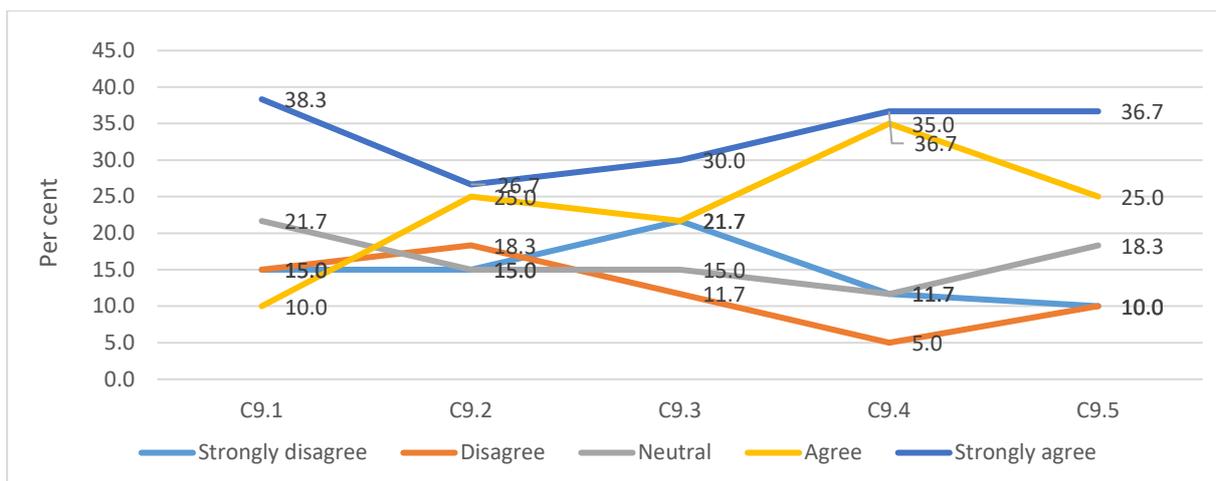


Figure 2: Effect of exclusion of indigenous content on student learning

During the interviews again all 10 respondents stated that they were concerned that there was no mention of indigenous knowledge in the first year law curricula. One student noted:

“I hated having to memorise those Latin phrases. I often asked myself why this couldn't be translated into isiZulu.”

Theme three (T3): Indigenous content to be included in the curriculum

This theme sought to identify from a student's perspective the indigenous legal knowledge that students would want to be included in the law curricula. Table 3 reflects the questions asked and Figure 2 is the graphical representation of the results.

Table 3: Questions on indigenous content to be included in the curriculum

D11.1	When teaching legal capacity <i>lobola</i> payment and other customary marriage practices should be included.
D11.2	When teaching contracts and other aspects of law <i>Ubuntu</i> should be included
D11.3	When teaching courts and dispute settlements authorities indigenous practices such as <i>lekgotla</i> and <i>imbizo</i> should be included.
D11.4	Traditional officers such as elders, chiefs, and African monarchs should be included when teaching about the legal systems.

The results indicate that 81,7 per cent of students want the inclusion of *lobola* payments and other customary marriage practices, included in the curricula. A further 81,7 per cent of students want the African jurisprudence of *Ubuntu* and other indigenous legal jurisprudences included in the law module. 70 per cent of students want the inclusion of indigenous courts and dispute settlements authorities such as *lekgotla* and *imbizo* included in the law curricula. Seventy-five per cent of students would like to be taught about traditional officers and authorities such as the council of elders, chiefs, African monarchs and their role within the modern legal systems. Table 6 reflects the questions students responded to and Figure 3 is the graphical analysis of the responses.

All 10 students at the interview, stated they would have loved to learn about their traditional legal institutions in the law modules.

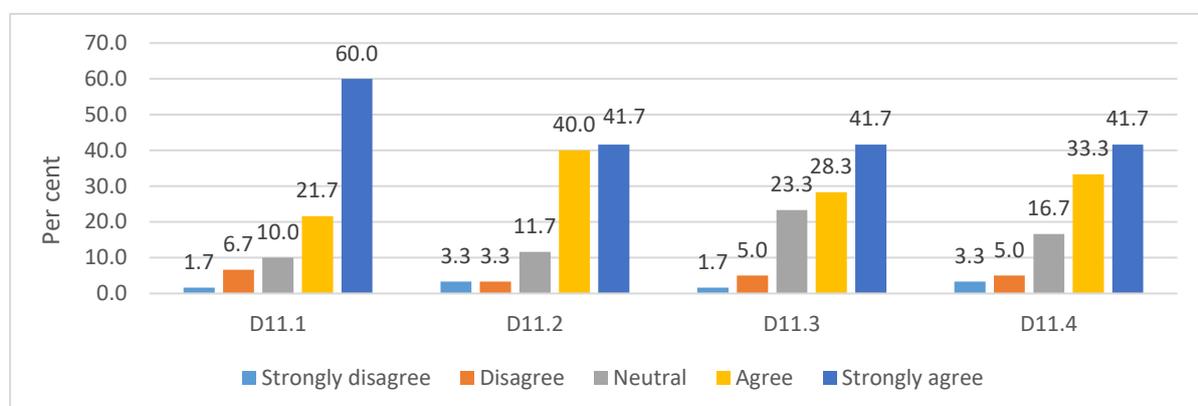


Figure 3: Indigenous content that should be included in the curriculum

Theme four (T4): Extent to which curricula should be decolonized

The objective of the theme is to identify from a student's perspective the extent to which the business law curricula should be decolonised. The results indicated that 55 per cent of students agreed/strongly agreed that all Western and European content should be removed from the law curricula; 75 per cent prefer an equality of inclusion of African indigenous and Western knowledge in the curriculum; and 54 per cent agreed/strongly agreed that there should be at least 20 per cent of African indigenous knowledge included in the law curricula. Although 67 per cent of respondents agreed/strongly agreed that in their opinion there was no need for the decolonisation of the law curricula, again this could be as a result of respondent's interpretation of this question.

Table 4: Extent to which the curricula should be decolonized

E12.1	All Western and European content should be removed from the law curricula.
E12.2	There should be an equality of inclusion of African indigenous knowledge in the curriculum.
E12.3	I will accept at least 20% of inclusion of African indigenous knowledge.
E12.4	The curricula should remain the same as there is no need for decolonisation of the law curricula

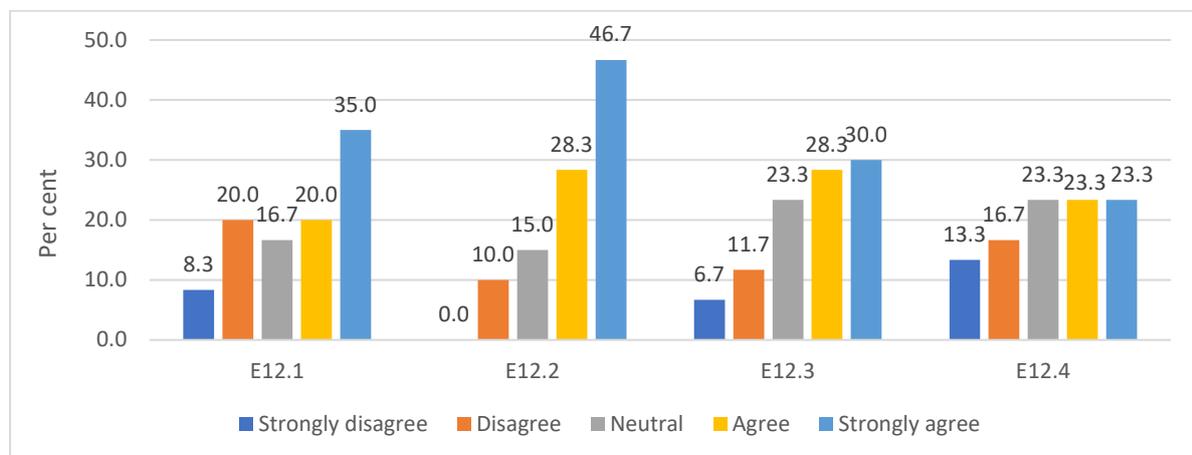


Figure 4: Extent to which curricula should be decolonised

DISCUSSION OF FINDINGS

In relation to T1, the study found that majority of the students felt that the first year business law curricula, did not contain any indigenous legal knowledge neither did it make mention of traditional practices peculiar to African people thus leaving students with the feeling that their lived experiences were totally left out of their own classrooms. The study also found that students felt that the curricula did not expose them to any awareness of their traditional sources of law nor were there any comparisons to their traditional practices or systems when discussing

legal topics. These findings support the views of Begum and Saini (2019, 196) who postulate that the ways in “which knowledge is produced, propagated and perpetuated through White, Western perspectives also spawn related campaigns”, such as the “fallist movements” in South Africa (Waghid 2019, 1) and the “Why Is My Professor White” campaigns from students who are increasingly questioning why their curricula excludes their lived experiences.

Findings in T2 indicated that, some students viewed the law curriculum as foreign to them (48,3%, $p = 0,005$) and felt that Africa did not have laws until the arrival of the Europeans (51,7%, $p = 0,453$). Findings also showed that (71,7%, $p = 0,000$) of students felt that African traditional legal systems were not recognised in their classrooms and that the exclusion made them feel inferior as African students 61,7% ($p = 0,004$). These findings are consistent with the views of Baron (2017, 1568) who contends that the exclusion of one’s culture in a country that is culturally diverse is hurtful, condescending and hostile. The author maintains that a refusal to decolonise the knowledge acquired in South African universities could be described as being prejudicial to African students and the generation of people who were impacted by the segregation of the apartheid educational policies. The findings also support the views of Mbembe (2016, 34), who opines that the exclusion of Africanist perspectives from the content of university curricula, as well as the architecture, pictures and sculptures erected on most university campuses, causes African students to feel like foreigners on their university campuses.

T3 sought to enquire from a student’s perspective the indigenous legal knowledge that should be included in the law curricula. According to the findings, 81,7 per cent of students would like to see the inclusion of traditional practices such as *lobola* payments, which is a widely recognised traditional marriage practice in all African communities within the country. An equal number of students (81,7%) would like the inclusion of the African jurisprudence of *Ubuntu* in the law curricula; 70 per cent of students would like the inclusion of indigenous dispute settlement in the law curricula and 75 per cent of students indicated that they want the inclusion of indigenous institutions such as African traditional monarchs and chiefs included in the law curriculum. These findings support the views of Nienaber (2018, 26), who contends that a narrow and un-reformed curriculum leaves Black South African students feeling like unwelcomed outsiders in their universities and calls for an expansion of curricula to remove the entrenched Eurocentric canons and to include contributions from other civilization, particularly those of pre-colonial Africa.

T4 sought to understand from a student’s perspective the extent to which the curricula should be decolonised. According to the findings on this theme, a total of 55 per cent ($p = 0,025$) of students felt that all Eurocentric content should be removed from the law curricula. However,

the majority of students, (75%, $p = 0,000$) wanted an equality of African and Western knowledge in the curriculum. In contrast, 58,3 per cent ($p = 0,012$) of respondents would accept at least 20 per cent of African indigenous knowledge in the law curricula and 46,6 per cent ($p = 0,615$) felt that there was no need for decolonising the law curricula. The fact that the majority of respondents agreed to an equality of content in the decolonised curricula supports the views of Himonga and Diallo (2017, 5) that the decolonisation of the law curriculum in higher education does not mean developing a pristine law curriculum free from all Western or Eurocentric content. Rather, it means developing a more inclusive law curriculum to be taught to African students. Motshabi (2018, 110) calls for a pluriversality of knowledge that permits a true search for truth.

CONCLUSIONS AND RECOMMENDATIONS

From the findings it is clear that business law students from DUT would like to see the inclusion of their traditional legal institutions, traditional jurisprudence of *Ubuntu*, traditional marriage practices, traditional dispute resolution practices and traditional leadership institutions amongst others included in the business law curricula and taught to them in their university classrooms. The findings have confirmed that the colonised curricula fosters resentment amongst African students as they feel like foreigners in their own universities and classrooms. It makes them feel that their traditions are inferior or that they did not have a history before the arrival of the colonialist. It is also clear that majority of African students do not want to do away with all of the Western or Eurocentric content of the curricula, rather they seek an inclusion of their own epistemologies, knowledge's, lived experiences, cultures and traditions in the university curricula (Himonga and Diallo 2017; Mbembe 2016; Baron 2017; Motshabi 2018; Waghid 2019).

According to Karabinos (2019, 129) decolonisation is an arduous process, but nevertheless one that must be undertaken. Baron (2017, 1574) maintains that the decolonisation of higher education curricula in South Africa will take time as it will require careful planning and the involvement of all stakeholders, from curriculum developers to students as well as higher education managers. However, it cannot be delayed any further, hence students and lecturers will have to work together towards its success Baron (2017, 1575). From the findings of this study the following recommendations are made for the decolonisation of the law curricula in DUT as well as other South African UoT's.

Translation of legal doctrines to Isizulu and other indigenous languages

The law curricula at UoTs in South Africa continue to teach legal doctrines, phrases and maxims

mostly in English, Latin and sometimes in Afrikaans. These doctrines should have equivalent translations in isiZulu and other indigenous languages (Motshabi 2018). As noted by Wa Thiong'o (1986, 13), the benefits of the mother tongue in the classroom and their impact on teaching and learning cannot be over-emphasized.

Inclusion of indigenous legal epistemologies in the law curricula

Indigenous legal epistemologies, philosophies and jurisprudence should be incorporated into the business law curricula at DUT. Students should be exposed and introduced to the work of African scholars such as Taslin O. Elias, U. O. Umozurike and Steve Biko, to name a few (Nienaber 2018, 25).

Bye-in by academia

The concept of decolonisation needs to gain credibility and traction within academia, not only in terms of the curriculum but in hiring, promotions and publishing. Universities need to insist that a large percentage of the curricula should contain elements of indigenous knowledge. They should train and retrain academic staff members on African epistemology and jurisprudence (Begum and Saini 2019, 198). South African universities' curricula developers and academics, as well as legal practitioners, must broaden and incorporate epistemic perspectives of knowledge and thinking from the African continent and begin to recognise the need to include these systems and many more in the law curriculum in all South African universities as well as its legal institutions (Heleta 2016; Griffiths 2017).

LIMITATIONS

This study has several limitations. Firstly, it uses data collected from second-year business law students at DUT, which is located in the KwaZulu-Natal Province of South Africa. Although the law curriculum is in line with recommendations from the Department of Higher Education in South Africa (DHET), it is still not adequately representative of all UoT's in South Africa. Secondly, the policies on decolonisation from DHET is generalized to all universities in South Africa and not specific to UoT's hence the findings cannot be generalized.

FUTURE RESEARCH

As stated in the analysis of findings section of the article, the demographics of the majority of students at DUT are those who identify as Black Africans. It would be pertinent to conduct a similar research in other universities in South Africa, particularly universities where other demographics are in the majority or have significant numerical representation. It would be

interesting to investigate what other student demographics within South Africa (language, tribes, religious beliefs etc.) feel about the decolonisation of the university curricula in terms of the content.

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