

Learning Styles and Development – A Legal Analysis in South Africa

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Abstract

Outcomes Based Education (OBE) forms part of Curriculum 2005 and is aimed at activating the minds of young people in a way that these young people are better able to participate in the economic and social spheres of life. South Africa's OBE system is intended to ensure that everyone is able to achieve his or her maximum ability and is equipped for lifelong learning. Attempts have been made in this paper to show the shift from traditional outcomes-based education (hereafter OBE), transitional OBE and transformational OBE. The deductive and inductive strategies are noted in this paper and the different learning styles that can be applied in the field of law.

Keywords: Outcomes Based Education, Deductive strategy, Inductive strategy and Learning styles.

1. Introduction

This paper discusses the three outcomes-based approaches in education, and will distinguish between traditional outcomes-based education (hereafter OBE), transitional OBE and transformational OBE. The paper will further differentiate between the inductive and deductive strategies. After the discussion, the authors will indicate the preferred learning style that in their opinion students will benefit most from, whereafter a discussion of the teaching strategies will follow. After this discussion and interpretation, a conclusion will be drawn. The paper consists of a literature review of the relevant textbooks and articles. Primary and secondary source material will be subjected to critical analysis, which will give rise to the conclusion.

The first part of this paper defines the relevant concepts. The discussion then shifts to the literature review. Finally, the authors will give their findings on what they learned, after which a conclusion will be drawn.

OBE forms part of Curriculum 2005 and is aimed at activating the minds of young people in a way that these young people are better able to participate in the economic and social spheres of life. South Africa's OBE system is intended to ensure that everyone is able to achieve his or her maximum ability and is equipped for lifelong learning. OBE can be seen as:

- A learner-centred process;
- A developmental process which encompasses both what learners learn and are able to do at the end of the learning process;
- An activity based approach to education that is designed to promote problem solving and critical thinking;
- An approach to education which uses its outcomes to shape the learning process itself – this very process of learning is considered as important as what is learnt;
- Emphasising high expectations of all learners and what they can achieve (Heinemann 2013:1).

The South African system of OBE is based on the critical outcomes and developmental outcomes. These outcomes are based on the South African Constitution (the *Constitution of the Republic of South Africa*, 1996), and have been approved by the South African Qualifications Authority (SAQA) (Heinemann 2013:1).

Critical outcomes include and state that learners will:

- Identify and solve problems and make decisions using critical and creative thinking.
- Work effectively with others as members of a team, group, organisation and community.

- Organise and manage themselves and their activities responsibly and effectively.
- Collect, analyse, organise and critically evaluate information.
- Communicate effectively using visual, symbolic and/or language skills in various modes.
- Use science and technology effectively and critically showing responsibility towards the environment and the health of others.
- Demonstrate an understanding of the world as a set of related systems by recognising that problem-solving contexts do not exist in isolation (Heinemann 2013:1).

These critical outcomes are supported by five developmental outcomes. Therefore teachers and learners must be aware that it is important to:

- Reflect on and explore a variety of strategies to learn more effectively.
- Participate as responsible citizens in the life of local, national and global communities.
- Be culturally and aesthetically sensitive across a range of social contexts.
- Explore education and career opportunities.
- Develop entrepreneurial opportunities (Heinemann 2013:1).

Based on the foregoing discussion, this paper looks at the three outcomes based approaches. To develop a logical argument, traditional OBE will first be discussed, whereafter an interrogation of transitional OBE will follow. Finally, a discussion of transformational OBE will be entered into.

2. The Three Outcomes Based Approaches

What began as the segmented, content-specific OBE thinking of the 1970's evolved into an integrated approach to learning in the 1980's. The 1970's approach was called the traditional OBE; the 1980's approach was named the transitional OBE and the approach of the 1990's and beyond, is known as the transformational OBE (Spady 2008:4).

2.1 Traditional OBE

With traditional OBE, the existing curriculum was used as starting point in order to formulate outcomes (North-West University s.a.:40). Traditional OBE, according to William Spady, would use the new methodology to teach traditional content in areas such as maths, history and science (Closson 2001:1).

2.2 Transitional OBE

The term "interdisciplinary" characterises this approach. The focus is on higher order competencies, the syllabus is content-focussed and different kinds of knowledge and information is emphasised (North-West University s.a.:40).

2.3 Transformational OBE

Transformational OBE subordinates course content to key issues, concepts and processes. Central to the idea of transformational OBE is the notion of outcomes of significance. Spady supports transformational OBE due to the fact that it is future oriented and is based on descriptions of future conditions that Spady feels should serve as the starting point for all OBE designs (Closson 2001:1).

The following table explains the difference between the three types of outcomes based education (adapted from Spady and Marshall 2009:1):

	Envisioned outcome:	Exit outcomes derived from:	Intended curriculum result:	Use of outcomes:	Measures/ Indicators:
Traditional OBE	Academically competent students	Academic subject orientation	Subject structure maintained	Focus and align existing programs	Test results and papers
Transitional OBE	Broadly competent persons and competencies	School/future oriented generic	Subject structure integrated	Incorporate across program processes	Problems and observable/measurable
Transformational OBE	Competent future citizens	Future context challenges/ Opportunities	Subject structure redefined	Fundamentally restructure programs	Projects, products and performances

Figure 1

As seen above, the three outcomes based approaches differ from one another especially based on how they are applied in an educational context. The next paragraph will address the inductive and deductive strategies in education.

3. Comparing and Contrasting the Inductive and the Deductive Strategies

3.1 Inductive strategy

The inductive strategy is also called “discovery teaching” or “inquiry teaching”, and is based on the claim that knowledge is built primarily from the students’ experiences and interactions with the phenomena. If a teacher/lecturer uses this approach it begins with exposing the students to a concrete instance of a concept after which the students are encouraged to observe the patterns or to raise questions. The role of the teacher/lecturer is to create the opportunities and the context in which the students can successfully make the appropriate generalisations and only guide the students if necessary (National Institute – Landmark College 2005:1)

3.2 Deductive strategy

In contrast with the inductive method, the deductive strategy is more teacher-centered than the inductive strategy. This supposes that the teacher or the lecturer gives the learners or the students a new concept, explains the concept and then they must practice using the concept that the teacher/lecturer taught them. Adamson states that the “deductive method is often criticised because: (a) it teaches grammar in an isolated way; (b) little attention is paid to meaning; (c) practice is often mechanical.” (Bilash 2009:1).

Inductive method	Deductive method
It gives new knowledge	It does not give any new knowledge
It is a method of discovery	It is a method of verification
It is a method of teaching	It is a method of instruction
The student acquires first-hand knowledge and information by actual observation	The student gets ready made information and makes use of it
It is a slow process	It is a quick process
It trains the mind and gives self confidence and initiative	It encourages dependence on other sources
It is full of activity	There is less scope of activity in it
It is an upward process of thought and leads to principles	It is a downward process of thought and leads to useful results

(Adapted from Marwaha 2009:1)

Figure 2

The inductive method can be seen as a predecessor of the deductive method. Therefore, students must always understand inductively and apply the work deductively. The following paragraph will name and identify the learning styles the authors are of opinion that best serve learning.

4. Learning Styles

There are three basic types of learning styles namely; visual, auditory and kinesthetic. When people learn, they depend on their senses to process the information. It can also happen that people use one of their senses more than the others. It also happens that people use different learning styles for different tasks (Instructor 2009:1). The seven other learning styles include; visual (spatial), aural (auditory-musical), verbal (linguistic), physical (kinesthetic), logical (mathematical), social (interpersonal) and solitary (intrapersonal) (Ezoic 2013:1). The authors are of the opinion that the learning style that best suits them is visual, although the other learning styles are also present when personal studies are undertaken.

4.1 The Visual (spatial) learning style

Visual learning refers to the process where students gain knowledge and understanding through explicitly visual tools. It is also stated that the vast majority of people learn through the visual learning style (About.com 2013:1) The visual

learning style is when a student prefers using images, pictures, colours and maps to organise information and when communicating to others. The authors find it easy to visualise objects, plans and outcomes in their minds' eyes (Ezoic 2013:1).

When the visual learner studies, the student will read the textbook carefully and will note important ideas by highlighting, making marginal notes or by taking notes. The visual learner will develop good note taking ability during the lectures because it helps the student process what is heard. The student will also compare notes with fellow peers to ensure that important information is not missed. If a point is confusing and the student struggles to understand some of the content, the textbook will be used to clear things up. This student will also have a preference for professors or lecturers who use visuals, such as PowerPoint presentations, in their lectures and who give assignments in writing (Houghton College 2013:1).

The authors can relate to the above mentioned facts. In law there are facts that are of great importance and if these facts don't appear on the notes taken during a lecture or are not thoroughly comprehended, it can be crucial in whether the case law, for instance, is correctly interpreted. Therefore the authors are firm believers in comparing notes with fellow peers and taking additional notes in class during lectures. When a certain concept was not understood, relevant text books would be consulted first. If a proper solution or explanation could still not be found, a referral would be made to case law and other material in order to solve the problem.

Visual learners can help themselves by finding diagrams, sketches, schematics, photographs, flow charts or any other visual representation of course material. The student can ask the teacher/lecturer, consult reference books and see if any videotapes of the course material are available. The student can list key points, encircling them and drawing lines with arrows between concepts to show how they are connected. It is helpful to colour-code notes with highlighters in order to indicate the same topic in the same colour (Felder *et al* 2012:1).

The authors visualised case law by drawing the specific case that was discussed. An example of this can be seen in *The State v Pistorius* [Unreported]. The authors sketched where Pistorius allegedly shot his girlfriend in the bathroom. By seeing the sketches the authors envisioned how everything could have happened and visualised the events that took place. Because there are a lot of facts (of which many are unnecessary details) in the field of law to consider, the authors usually apply three techniques to aid memory: firstly, all the information is summarised, then important facts are encircled with coloured marker pens and lastly key words are underlined.

The characteristics of a visual learner include according to Kreger Silverman (2002:1);

- The learner is a whole-part learner (because the whole case must be understood before a conclusion can be drawn according to the authors);
- Learns complex concepts easily but struggles with easy skills (the authors are of the opinion that more time is spent on getting to understand difficult concepts because the less complex concepts will be understood more easily and therefore require less time);
- Creates unique methods of organising;
- Has good long-term visual memory;
- Is sensitive to teachers'/lecturers' attitudes (the authors notice when the teacher/lecturer is comfortable with the subject matter and when the teacher/lecturer is uncomfortable, the authors won't see the need to study the subject unless the teacher/lecturer makes it interesting);
- May have uneven grades; and
- Is creative (the authors enjoy crafting and spending time making art).

As seen above the authors prefer the visual learning style above the other kinds of learning styles, but the authors also realise that the other learning styles are indeed used in different situations. In the paragraph that follows the teaching strategy that was preferred in a lesson plan, will be discussed.

5. Teaching Strategies

Higher learning institutions across the country must respond to political, economical, social and technological pressures to be more responsive to the needs of the students and these institutions should be more concerned with how well the students are prepared to assume future societal roles. Universities are feeling the pressures to lecture less, and to make learning environments more interactive in order to integrate technology into the learning experience the students receive and to use collaborative learning strategies when appropriate (GMU 2009:1).

The following table summarises some of the different teaching strategies. Then follows a discussion of the authors' own preferred teaching strategy.

Case method	Students have the opportunity to apply what they have learnt in the classroom to real-life experiences. In this way the students both disseminate and integrate the knowledge (GMU 2009:1).
Discussion	This is done when the whole group of students start the lesson with a discussion in order to refresh the students' memories. Another way of discussion is when the students discuss critical points or emerging issues (GMU 2009:1).
Integrating technology	Educators realise that nowadays computer literacy is an important part of students' education and integrate technology into the course curriculum (GMU 2009:1).
The jigsaw strategy	The class is divided into several teams, with each team preparing separate but related assignments. When the teams are prepared the class is re-divided into mixed groups with one member from each team in each group. Then each person in the group teaches the rest of the group what they have learned from the assignment (Tewksbury and Macdonald 2005:1).
Gallery walk	This is a cooperative learning strategy in which the teacher/instructor devises several questions or problems and post these questions or problems at different tables or different places on the walls. The students walk to the first problem/question and write a response. The group then rotates to the next position (Tewksbury and Macdonald 2005:1).
Case studies	The students actively engage in problem solving of the relevant discipline (Tewksbury and Macdonald 2005:1).
Role playing	This teaching strategy can be used effectively in order to engage the students (Tewksbury and Macdonald 2005:1).
Debates	Debates force students to deal with complex problems and "gray areas" and they are deeply embedded in the content. Debates can also help to provide relevancy of the course material to everyday issues (Tewksbury and Macdonald 2005:1).

Figure 3

The paragraphs that follow will describe the teaching strategies that are in the opinion of the authors best to accommodate learners in the field of law.

5.1 Teaching strategies at undergraduate level

Lecturing is a teaching method where an instructor is the central focus of information transfer. The instructor, typically, will stand in front of a class and present information to the students to learn. The instructors can make use of blackboards or use an overhead projector to provide visuals for the students, and the students are expected to take notes while listening to the instructors. Usually, very little exchange occurs between the instructor and the students during the lecture (Kelly 2013:1). Freire calls this type of education the "banking concept of approach to adult education" (Freire 1970:59).

Lecturing a 50 minute lecture remains the core teaching method for most undergraduate courses. The roles are best suited to provide an overview of the subject matter and to stimulate an interest in the subject rather than to disseminating the facts. The key ingredient for good quality lectures include;

- To clear the objectives of the lecture
- Clear overhead acetated or slides
- A paced delivery
- Appropriate handouts which provide students with complex diagrams or difficult or critical text. This should not be seen as "spoon feeding" but rather as part of the process of ensuring that students take away the important elements from the lecture, irrespective of how well the lecture was delivered on the day (University of Oxford date unknown:69).

It is often stated that lecturing is a poor teaching method, a last resort of instruction. Lecturers do not know how to impart information or stimulate interest effectively, and that lecturing tends to keep students passive. But the whole aim of teaching is to make students think, which requires personal activity. Gleitman is in favour of lecturing as a traditional teaching method, and states that we can't expect an introductory student to debate for instance the anatomy of the brain or certain methods of how to measure learning in a rat. Students will be expected to discuss these types of issues at a later stage. Gleitman also states that when it is the objective of the lecturer to communicate basic facts, terminology or some initial understanding about a certain field, teaching can be very useful (Gleitman 2010:1).

The authors tend to agree with Gleitman due to the fact that in the field of law, you need an introductory teaching. One never gets to study law at school, so when you get to tertiary level, this is a vast field that you as a student don't know anything about, and if nobody teaches you, how could one know what to expect from him/her as a student. The

lecturer for example must teach you, that firstly you judge according to the *Constitution of the Republic of South Africa, 1996*, then you follow legislation according to importance in the specific field and after that one should look at case law. If nobody teaches the students these basic concepts, they may end up losing many cases in real life unnecessarily.

Tutorials and seminars are probably the next most widely known teaching method after lecturing. The nature of a tutorial or seminar makes it the main source for a student to acquire some of the personal transferable skills example in a presentation and group work (University of Oxford s.a.:70).

A tutorial is a class figuration in which a small group of students interact to discuss the content of a previous lecture under the guidance of a tutor. In the English system at Oxford or Cambridge the tutorial system was a one-on-one or a small group explanation of the lecturing content, with the main aim of clarification and to respond to questions from students. However most of the tutorials nowadays are for groups of 25-30 students and are structured according to the discipline. A tutorial may involve a weekly case study in law or a set of prepared questions about the lecture (UNSW Australia 2012:1).

The benefit of a tutorial is that it requires active participation by the student. Students must become engaged with the course content in order to process and to build on it, and more importantly to express their own understanding of the topics that are discussed (UNSW Australia 2012:1).

The challenges to teaching in a tutorial context is that the students find the interactivity of tutorials threatening or intimidating and are uncomfortable when they have to propose an opinion, taking part in the debate or to critically evaluate material, such as reading material by an expert or ideas put forward by a peer (UNSW Australia 2012:1).

Teaching can be effective in a tutorial when the students are engaged in the discussion and the teacher doesn't degenerate into a mini-lecture where the students are told what to think. To make expectations clear to the students and articulate the aims and learning outcomes for each tutorial. The use of variety of learning activities and the collection of feedback from the students can also be effective. When tutoring, use peer tutoring (other students at the same level or of a similar age lead the discussion) (UNSW Australia 2012:1).

The authors encourage tutoring or facilitation. The groups are smaller and usually a master's student provides facilitation. Students who attend facilitation groups already have the basic knowledge of a specific subject, due to the fact that the lecturing already took place, and they now have the liberty to ask questions regarding subject matter that wasn't previously clearly understood. The tutor is more or less the same age as the students and can therefore explain subject matter on a level to which the student can relate and therefore also better comprehend.

Laboratory and practical classes are mostly used for science subjects and is essential for the course, in addition to the experience of working in the laboratory, students often derive a lot from the contact with the staff in the laboratory setting (University of Oxford 70).

The pros of lecturing as a teaching method include:

- Lectures are a straight forward way to impart knowledge to students quickly (Kelly 2013:1).
- Instructors have control over what is being taught in the classrooms because they are the sole source of information (Kelly 2013:1).
- Students who are auditory learners (learning by listening and talking aloud, they are good at remembering things that they hear) find that lectures appeal to their type of learning style (Kelly 2013:1).
- Logistically, a lecture is often easier to create than other methods of instruction (Kelly 2013:1).
- Lecturing is a method that is familiar to most teachers because it was typically the way the teachers were taught (Kelly 2013:1).
- Due to the fact that most college courses are lecture-based, students gain experience in this predominant instructional delivery method (Kelly 2013:1).
- It has a less rigid space requirement (Makokha & Ongwae s.a.:1).

Looking at the above pros of lecturing as a teaching method, it is stated that auditory learners find that lectures appeal to their type of learning style. The authors find lecturing appealing due to the fact that in law there are a lot of facts that need to be memorised, but if the authors attended a lecture on case law, that specific case could be memorised better by taking notes during the lecture. Afterwards, at the tutoring session, questions could be asked according to the notes that were taken.

The cons of lecturing as a teaching method include:

- Students strong in learning styles (all individuals are most effective when they are taught in their personal learning style which include visual, auditory and tactile/kinaesthetic) other than auditory learning will have a difficult time being engaged by lectures (Kelly 2013:1).
- It involves one way communication (Makokha & Ongwae s.a.:1).

- Students who are weak in note-taking skills will have trouble understanding what they should remember from lectures (Kelly 2013:1).
- It poses a problem when skills should be taught (Makokha & Ongwae s.a.:1).
- Students can find lectures boring causing them to lose interest (Kelly 2013:1).
- Students may feel that they are unable to ask questions as they arise during the lectures (Kelly 2013:1).
- Teachers may not get a realistic idea of how much students really comprehend because there aren't ample opportunities for exchanges during lectures (Kelly 2013:1).

5.2 Teaching strategies at postgraduate level

Facilitated learning involves encouraging students to take more control of their learning process. The instructor's (teacher's) role becomes that of a facilitator and organiser providing resources and support to learners. In turn, the participants learn with and from each other as they identify and implement solutions to challenges, problems or other developmental issues. The students might also set their own objectives and be responsible for learning assessment (ICA-SAE 2005:1).

The technique of facilitated learning is mostly used in university education and more formal studies. It is probably not a methodology that instructors (teachers) in the archive field will be able to use exclusively, but it offers some techniques and approaches that can be incorporated into training courses that run over several days. Facilitated learning is based on the premise that the more responsibility a student takes for his/her own learning, the more effective the training or education will be (ICA-SAE 2005:1).

The discussion method (through facilitation learning) involves two-way communication between participants. In the classroom, the lecturer and the students all participate in the discussion. During the discussion the lecturer spends some time listening while the students spend some time talking and *vice versa* (Makokha & Ongwae s.a.:1).

The advantages of facilitated learning:

- There is an increase in student interest (Makokha & Ongwae s.a.:1).
- The method increases acceptance and commitment (Makokha & Ongwae s.a.:1).
- It utilises student knowledge and experience (Makokha & Ongwae s.a.:1).
- It results in more permanent learning because of a high degree of student participation (Makokha & Ongwae s.a.:1).
- Students use skills like synthesis and analysis (ICA-SAE 2005:1).
- The student is actively involved (ICA-SAE 2005:1).
- Students interact with and learn from each other (ICA-SAE 2005:1).
- There is no need for large amounts of learning materials (ICA-SAE 2005:1).
- Learners can work in an environment similar to that of the real world (ICA-SAE 2005:1).

The disadvantages of facilitated learning:

- Time is required (Makokha & Ongwae s.a.:1).
- There is a need for leaders or facilitators within each sub-group (Makokha & Ongwae s.a.:1).
- The need to have tables and chairs arranged for quick and easy discussion (Makokha & Ongwae s.a.:1).
- It requires preparation by the student (Makokha & Ongwae s.a.:1).
- Facilitated learning can be, or is seen to be, more expensive (ICA-SAE 2005:1).
- The pace of instruction is based on the group, rather than that of the individual learner (ICA-SAE 2005:1).
- The teacher's role is not clearly defined (ICA-SAE 2005:1).
- Facilitated learning is not appropriate in some cultural contexts (ICA-SAE 2005:1).

The teacher's role in facilitated learning is to create and manage collaborative learning experiences, or group learning in which exchanges between the instructor and learners and among learners occur over a period of time, but still the teacher's role is not clearly defined (ICA-SAE 2005:1).

Group facilitation defined by Roger Schwarz "is a process in which a person whose selection is acceptable to all members of the group, who is substantively neutral, and who has no substantive decision-making authority diagnoses and intervenes to help a group improve how it identifies and solves problems and makes decisions, to increase the group effectiveness. The facilitator's main task is to encourage the group effectiveness by improving its process and structure (2002:5)". According to Schwarz the facilitators have to stand apart from groups but be acceptable to them. The second thing is that group members have to allow facilitators to facilitate. The third is that the facilitators are not the decision-

makers, nor the mediator. The fourth point being that the facilitators are experts on, and advocates the process (Schwarz 2002: 41). Facilitated learning in its purist form is likely to occur in a well-resourced environment with participants who are highly motivated and pro-active. The training environments that South Africa has are unlikely to be able to offer the necessary conditions (ICA-SAE 2005:1). The authors agree with this statement due to the fact that South African universities are not equipped to do learning facilitation at undergraduate level. The first reason for this being that the authors have personally experienced that facilitators are often unable to motivate students, which leads to a negative attitude within students when group work is expected. Also, the impression is created that facilitators use group work to "make up time" when they themselves did not prepare properly for a lesson. A second disadvantage of group work is that there are usually one or two students who do all the work and the rest simply ride on their backs, while receiving credits, but without delivering any real contributions. Thirdly, group members sometimes have to evaluate one another based on the specific contribution made to the group work. This often leads to unfair mark allocation because when the person who previously did not contribute joins the group during a specific session, and he or she for instance "could not find the time" to do the work, the rest of the group may feel sorry for him or her and still allocate marks for work not done. In the process the student still receives good marks, but does not gain any knowledge.

Therefore the authors will apply learning facilitation at post-graduate level, because these students are intrinsically motivated and progressed to post-graduate level because they want to study. They can benefit from facilitation learning because the knowledge they gain is not new or unfamiliar, and they get a chance to debate with other peers as well as the instructor.

Learning aids can help in achieving the intended goals of facilitation learning and in achieving the intended outcomes of the OBET. Such a learning aid is role playing. In role playing the participants use their own experiences to play out a real life situation. Role plays increase the participants' self-confidence, give them the opportunity to understand or even feel empathy for other people's viewpoints or roles and usually end with practical answers, solutions or even guidelines (Makokha & Ongwae s.a.:1). Role playing can also be a fun way of studying case law. Students divide into groups of two and one can be the plaintiff and the other the respondent and role play the specific case. Other learning aids include on-demand tutorials, presentations, and keynote addresses, online or face-to-face group discussions and exchanges, handouts, readings, and links to relevant websites, file and link sharing, surveys and polls, virtual real-time or physical classrooms sessions, lectures and seminars, brainstorming sessions, group activities such as role play and games, field trips and projects and case studies (ICA-SAE 2005:1).

5.3 The promotion of action learning processes

According to Moore (2009:143) the following factors should be taken into consideration when choosing the best strategy:

- The needs of the students – adult learners possess highly diversified needs that motivate them and give them reasons to learn.
- The age of the students – younger learners in schools use the pedagogy method and adult learners use the androgogy method.
- The intellectual abilities of the students – adult learners possess a wide source of knowledge and have lived personal experiences.
- The physical and mental characteristics of students – adult learners experience gradual physical deterioration on account of age.
- The purpose of the lesson – students should understand where they are going with the study and how they will reach the final destination.

Knowles identifies five key characteristics of adult learners:

- Self concept: as a person matures his/her self-concept moves from one of being a dependant personality towards one of a self-directed human being.
- Experience: as a person matures he/she accumulates a growing reservoir of experience that becomes an increasing resource of learning.
- Readiness to learn: as a person matures his/her readiness to learn increasingly becomes orientated to the developmental task of his social roles.
- Orientation to learning: as a person matures his/her time perspective changes from one of postponed application of knowledge to immediacy of application, and accordingly his/her learning orientation shifts from subject-centeredness to problem-centeredness.
- Motivation to learn: as a person matures the motivation to learn is internal. (Knowles 1984:1).

This focus implies that the practice of teaching requires a more student-centred, flexible and meaningful approach to designing learning and assessment strategies and processes (Knowles 1984). Therefore when working with grown and matured people, individual work is more important than group work, due to the fact that the student then has experience in his/her specific field, and during group work that individualism may be overlooked.

Tutoring can promote the learning process, through the following tips;

- Encouraging participation from all students – if the class is too large, consider splitting the class into subgroups for certain tasks or topics. Use the think-pair-share strategy. Begin by asking students to consider an issue individually, then ask them to form pairs to discuss it and then groups of four to summarise the ideas.
- Monitor your contribution as tutor – wait before you as tutor jump in to fill silences in the room and avoid mini-lectures in tutorials.
- Encourage interaction between students – help students to communicate with each other by encouraging them to ask each other questions, clarify each other's points, build on each other's contributions and give examples of other people's ideas.
- Encourage critical thinking in students – by deflecting their question to you, and not correcting them straight away if they are not on the right track.
- Addressing dominant students – if the class has a dominant student you may use non-verbal communication to discourage the student. Glance around the whole class, in order to open the conversation to everybody and allow yourself to monitor the reactions of others. Overtly encouraging or asking students to contribute, and by asking the students to wait awhile while the class hears from others. By asking the students to take a recording role for a while and to establish rules for contributions.
- Encourage students to clarify their ideas - encourage active listening and reflecting, rather than always questioning (UNSW Australia 2012:1).

Therefore, the authors are of the opinion that when lecturing in higher education occurs, specifically in the field of law, the lecturer should teach the students the specific principles (using the lecturing strategy), whereafter a tutorial can take place at undergraduate level. The students can then ask the necessary questions and the tutor of the group can help in finding answers. At postgraduate level, the assumption is that the students already have the basic knowledge and then the facilitation learning can take place.

6. Conclusion

Lectures are one tool in a teacher's arsenal of teaching methods. Just as with all the other strategies, it should only be used when that method is most appropriate. Instruction should be varied from day to day to help to reach as many of the students as possible (Kelly 2013:1). Both facilitation and the traditional instruction have advantages and disadvantages as seen above. In situations of traditional instruction, the transferring of information from the instructor to the students has to take place because the instructor knows substantially more about the subject than the students. In facilitation the emphasis is on applying existing knowledge and gaining insights (Dismukes *et al* s.a.:8). An important point that is made is that facilitation takes place when applying existing knowledge. In the field of law a new student won't have any knowledge of law so in order to gain knowledge someone (the instructor) has to teach him or her. Facilitation can be applied only at master's and doctoral level (post graduate level) when specialisation takes place, because only then, in the field of law, can one apply existing knowledge.

Traditional instruction as a teaching strategy, typically requires the testing of students to ascertain whether students have correctly assimilated the information. During facilitation the facilitator deals with the fact that there usually isn't any one right answer (Dismukes *et al* s.a.:8). Again in law, one must apply facts, and usually when applying the legislation there will only be one answer.

Looking at the outcome of OBE, to provide a qualitative system in terms of relevance, learner-centeredness, critical thinking, economic growth and development, social responsibility, integration and *ubuntu*, can be achieved in the field of law when the traditional method of teaching and facilitation learning is combined. Teaching can take place in the classroom and after the lecture a tutoring class can take place. The tutor will lead group sessions (groups of no more than five people), and the students can then ask questions and study together or do group assignments. The tutoring session won't be compulsory therefore the students can decide whether they want to join or not.

The Latin phrase *docendo discimus* clarifies what the authors want to establish in this assignment: "by teaching, we learn".

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