## UNIVERSITY OF PRETORIA

## FACULTY OF LAW

THE IMPACT OF POSTGRADUATE DEGREES IN LAW AWARDED BY THE UNIVERSITY OF PRETORIA ON THE TEACHING OF LAW IN SOUTH AFRICA

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# **REPORT**

This is a report on a study to establish how the University of Pretoria compares with other universities as far as postgraduate (master’s and doctoral) training and research is concerned, measured in terms of the question at which South African universities did those who currently teach law in the country obtain their postgraduate degrees in law.

The conclusion we reach is that UP is the leader in this field. The most salient outcomes are as follows: **A total of 19 % of the doctoral degrees held by current law teachers in South Africa were obtained from UP, and 20 % of the masters’ degrees. Next in line is Stellenbosch, which awarded 13% of the doctorates and 9% of the masters’ degrees, followed by UKZN with 5% of the doctorates and 13% of the masters’ degrees**. It can thus be said that the researchers at UP enjoy the highest trust from their peers in the country in respect of research at the advanced level.

We conducted a similar study four years ago, which is available upon request, and conclude that UP is in an even stronger position now than before.

The results of this study should be seen in a broader context. The Faculty of Law of the University of Pretoria is ranked as the number one law faculty on the continent by Times Higher Education,[[1]](#footnote-1) and by all indications houses the largest postgraduate programme in law on the continent. Whether there are larger programmes in the world has not been investigated.

Although there is ample anecdotal evidence about the impact of the work done by the postgraduate alumni of the faculty, this is difficult to measure in a meaningful way, and as a result this has not been investigated. The current scope of the postgraduate programme is evident from the following: There are currently 240 doctoral students registered in the faculty (30 are expected to graduate this year) , and 640 masters’ students (230 are expected to graduate).

**The above conclusion has several implications for the Faculty. It is submitted that it demonstrates that advanced capacity in the field of postgraduate studies is a unique feature of the faculty, which should be nurtured and used to enhance the contribution of the Faculty to its broader society.** In particular:

The focus on postgraduate studies – particularly doctoral studies - in terms of priorities should be retained. All faculties have limited capacity to grow in terms of number, and where it is possible, the postgraduate component should be strengthened.

A concerted effort should be made to strengthen the postgraduate programme of the faculty. Some reflection is needed on its strengths and weaknesses to plan the future. Consideration should for example be given to expanding the seminars for research students, opportunities for overseas research, and internships. Methodologies to expand research capacity should be explored (e.g. co-supervision). Collaboration with international universities should be explored. The same applies to multi-disciplinary research. It may be useful to identify focus areas.

Funding should be raised. The wide impact of the programme on the continent, and its ability to advance the role and rule of law, can be used to persuade donors to support the programme.

Opportunities to link up with other global programmes which provide especially doctoral students with the opportunity to meet others in their fields should be sought. UP can host some of these gatherings.

The faculty should consciously market itself as the destination for those on the African continent who wish to pursue post-doctoral studies. This should be prominent on the webpage, which should be updated to make it easy for potential students to see the opportunities. PULP could also advertise that it publishes winning doctoral dissertations as books.

# **OVERVIEW OF THE INFORMATION PROVIDED IN THIS REPORT**

The following tables and graphs set out the information contained in the report. Most readers will find graphs 1 and 2 to be the most interesting.

**GRAPH 1: NUMBER OF LLMS ISSUED PER FACULTY TO SA LAW TEACHERS**

**GRAPH 2: NUMBER OF LLDS ISSUED PER FACULTY TO SA LAW TEACHERS**

**GRAPH 3: NUMBER OF DEGREES (UNDER AND POSTGRADUATE COMBINED) ISSUED PER FACULTY TO SA LAW TEACHERS**

**TABLE 1: LAW FACULTIES WHERE SA LAW TEACHERS OBTAINED THEIR LAW DEGREES (ALL DEGREES)**

**TABLE 2: NUMBER OF DEGREES (LLB AND POSTGRADUATE) HELD BY LAW TEACHERS**

**TABLE 3: ABILITY OF FACULTIES TO SUPERVISE DOCTORAL STUDENTS VERSUS OUTPUT OF DOCTORAL GRADUATES WHO TEACH LAW**

**ANNEXURE 1: SOURCES CONSULTED IN CONDUCTING THIS STUDY**

# **TABLE 1: LAW FACULTIES WHERE SA LAW TEACHERS OBTAINED THEIR LAW DEGREES (ALL DEGREES)**

***Law faculties where staff members are based***

***Law faculties issuing degree***

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| INSTITUTE | STAFF MEMBERS | UCT | UFS | UKZN | UJ | NMMU | NWU | UP | Rhodes | STEL | UNISA | Venda | UWC | Wits | Foreign | Other | **TOTAL** |
| **UCT** | 49 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors | 21 | 1 | 6 | 1 |  |  | 2 | 1 | 7 |  |  | 1 | 1 | 7 | 1 | 49 |
| Masters | 19 |  | 1 | 1 |  |  | 2 |  | 5 |  |  | 2 | 1 | 17 |  | 48 |
| Doctorate | 11 |  | 1 | 1 |  |  |  |  | 2 |  |  | 2 |  | 9 |  | 26 |
| Total (degrees) | 51 | 1 | 8 | 4 |  |  | 4 | 1 | 14 |  |  | 5 | 2 | 33 | 1 | 123 |
| **UFS** | 22 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors |  | 17 |  |  |  |  | 2 |  | 2 | 1 |  |  |  |  |  | 22 |
| Masters |  | 16 |  |  |  |  | 1 |  | 1 |  |  |  |  | 4 |  | 22 |
| Doctorate |  | 10 |  |  |  | 1 | 1 |  | 1 |  |  |  |  | 2 |  | 15 |
| Total |  | 43 |  |  |  | 1 | 4 |  | 4 | 1 |  |  |  | 6 |  | 59 |
| **UKZN** | 50 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors | 1 | 1 | 31 |  |  |  | 1 | 2 |  | 1 |  | 1 | 2 |  | 9 | 49 |
| Masters | 2 |  | 30 |  | 1 |  |  |  |  | 2 |  | 1 | 2 | 6 | 3 | 47 |
| Doctorate | 2 |  | 7 |  | 1 |  |  | 2 |  | 1 |  |  |  | 2 | 1 | 16 |
| Total | 5 | 1 | 68 |  | 2 |  | 1 | 4 |  | 4 |  | 2 | 4 | 8 | 13 | 112 |
| **UJ** | 43 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors | 1 | 2 | 1 | 11 |  | 1 | 8 |  | 1 | 1 | 1 | 2 | 6 |  | 6 | 41 |
| Masters | 2 | 1 | 1 | 10 |  | 1 | 3 |  | 2 | 5 | 1 |  | 5 | 4 | 4 | 39 |
| Doctorate | 1 |  |  | 6 |  | 1 | 6 |  | 1 | 4 | 1 |  |  | 3 | 3 | 27 |
| Total | 4 | 3 | 1 | 27 |  | 3 | 17 |  | 4 | 10 | 3 | 2 | 11 | 7 | 13 | 107 |
| **NMMU** | 19 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors |  |  | 1 |  | 1 |  |  | 2 | 1 | 2 | 2 | 1 |  | 2 | 7 | 19 |
| Masters |  |  | 1 |  | 3 |  | 2 |  | 1 | 3 |  | 1 |  | 1 | 4 | 16 |
| Doctorate | 2 |  |  |  | 5 |  |  |  |  |  |  |  |  |  | 1 | 8 |
| Total | 2 |  | 2 |  | 9 |  | 2 | 2 | 2 | 5 | 2 | 2 |  | 3 | 12 | 43 |
| **NWU** | 50 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors | 1 | 2 | 3 | 2 |  | 23 | 1 |  | 2 | 6 |  |  | 1 | 1 | 2 | 44 |
| Masters | 1 |  | 3 | 1 |  | 19 | 2 |  | 1 | 5 | 3 |  | 3 | 3 | 3 | 44 |
| Doctorate |  | 1 | 1 |  |  | 13 |  |  | 1 |  | 1 | 2 |  | 4 | 1 | 24 |
| Total |  | 2 | 3 | 7 | 3 |  | 55 | 3 |  | 4 | 11 | 4 | 2 | 4 | 8 | 6 | 112 |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | UCT | UFS | UKZN | UJ | NNMU | NWU | UP | Rhodes | Stel | UNISA | Venda | UWC | Wits | Foreign | Other |  |
| **UP** | 61 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors | 2 | 1 | 2 | 1 | 1 |  | 41 |  | 3 | 5 |  | 1 | 1 |  | 1 | 59 |
| Masters | 2 |  |  | 1 |  |  | 30 |  | 1 | 5 |  | 1 | 2 | 3 | 1 | 46 |
| Doctorate  *Institution where the personnel member is currently employed as a law educator* | 1 | 1 |  | 1 |  | 1 | 25 |  | 2 | 7 |  |  |  | 1 | 1 | 40 |
| Total | 5 | 2 | 2 | 3 | 1 | 1 | 96 |  | 6 | 17 |  | 2 | 3 | 4 | 3 | 145 |
| **RHODES** | 15 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors | 1 | 1 | 2 |  | 1 |  | 1 | 5 |  |  |  |  | 1 | 1 | 2 | 15 |
| Masters | 1 | 1 | 1 |  |  |  | 1 | 1 | 1 | 2 |  |  |  | 2 |  | 10 |
| Doctorate |  |  |  | 1 |  |  |  | 3 |  |  |  |  |  |  | 1 | 5 |
| Total | 2 | 2 | 3 | 1 | 1 |  | 2 | 8 | 1 | 2 |  |  | 1 | 3 | 3 | 30 |
| **Stel** | 36 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors | 3 |  |  |  |  |  | 5 | 1 | 22 |  |  | 1 |  | 3 | 1 | 36 |
| Masters | 2 |  |  | 1 |  |  | 1 |  | 13 | 1 |  |  |  | 8 | 2 | 28 |
| Doctorate |  |  |  | 2 |  |  | 1 |  | 16 |  |  |  | 1 | 5 | 2 | 27 |
| Total | 5 |  |  | 3 |  |  | 7 | 1 | 51 | 1 |  | 1 | 1 | 16 | 4 | 91 |
| **UNISA** | 51 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors |  |  | 4 | 1 |  | 1 | 21 |  |  | 15 | 1 | 1 | 1 | 1 | 3 | 49 |
| Masters |  |  | 1 | 1 |  | 1 | 9 |  |  | 16 |  | 1 | 2 | 1 | 3 | 35 |
| Doctorate |  | 2 |  | 2 |  |  | 4 |  |  | 16 |  |  |  |  | 1 | 25 |
| Total |  | 2 | 5 | 4 |  | 2 | 34 |  |  | 47 | 1 | 2 | 3 | 1 | 7 | 109 |
| **VENDA** | 14 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors |  |  |  |  | 1 |  |  |  | 1 | 1 | 6 |  |  | 3 |  | 12 |
| Masters |  |  |  |  | 1 |  | 1 |  |  | 1 | 2 |  |  |  | 1 | 6 |
| Doctorate |  |  |  |  |  |  | 1 |  |  |  |  |  |  |  |  | 1 |
| Total |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | **19** |
| **UWC** | 47 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors |  | 1 |  |  |  | 1 | 1 |  | 7 |  |  | 18 | 1 | 5 | 4 | 38 |
| Masters | 4 | 3 |  | 1 |  |  | 4 |  | 4 |  |  | 16 |  | 6 |  | 38 |
| Doctorate | 4 |  |  |  |  | 1 |  |  | 3 |  |  | 13 | 2 | 2 |  | 25 |
| Total | 8 | 4 |  | 1 |  | 2 | 5 |  | 14 |  |  | 47 | 3 | 13 |  | 101 |
| **WITS** | 41 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Bachelors | 2 |  | 3 |  |  |  | 2 |  |  |  |  |  | 3 | 2 |  | 12 |
| Masters | 1 |  | 2 |  |  |  | 2 |  |  |  |  | 1 | 1 | 4 |  | 11 |
| Doctorate |  |  |  |  |  |  | 1 |  |  |  |  | 1 | 2 | 7 |  | 11 |
| Total | 3 |  | 5 |  |  |  | 5 |  |  |  |  | 2 | 6 | 13 |  | 34 |

# **TABLE 2: NUMBER OF DEGREES (LLB AND POSTGRADUATE) HELD BY LAW TEACHERS**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **UCT** |  |  | **NWU** |  |  | **UNISA** |  |  |
| Bachelors | 32 | Bachelors | 26 | Bachelors | 32 |
| Masters | 34 | Masters | 21 | Masters | 40 |
| Doctorate | 21 | Doctorate | 17 | Doctorate | 16 |
|  | **87** |  | **64** |  | **88** |
| **UFS** |  | **UP** |  | **VENDA** |  |
| Bachelors | 27 | Bachelors | 80 | Bachelors | 10 |
| Masters | 21 | Masters | 58 | Masters | 4 |
| Doctorate | 21 | Doctorate | 38 | Doctorate | 2 |
|  | **69** |  | **176** |  | **16** |
| **UKZN** |  | **Rhodes** |  | **UWC** |  |
| Bachelors | 53 | Bachelors | 11 | Bachelors | 26 |
| Masters | 40 | Masters | 1 | Masters | 23 |
| Doctorate | 9 | Doctorate | 5 | Doctorate | 18 |
|  | **107** |  | **17** |  | **67** |
| **UJ** |  | **STEL** |  | **Wits** |  |
| Bachelors | 16 | Bachelors | 45 | Bachelors | 17 |
| Masters | 15 | Masters | 28 | Masters | 16 |
| Doctorate | 13 | Doctorate | 26 | Doctorate | 4 |
|  | **44** |  | **99** |  | **37** |
| **NMMU** |  |  | |  | |
| Bachelors | 13 |
| Masters | 5 |
| Doctorate | 6 |
|  | **24** |

# **TABLE 3: ABILITY OF FACULTIES TO SUPERVISE DOCTORAL STUDENTS VERSUS OUTPUT OF DOCTORAL GRADUATES WHO TEACH LAW**

|  |  |  |  |
| --- | --- | --- | --- |
| **Institution** | **Potential doctoral supervisors in faculty[[2]](#footnote-2)** | **Law teachers who have obtained doctorate from institute (real output)** | **Influence on law education coefficient**  **(doctorate per potential doctoral supervisor)** |
| **Stellenbosch** | 27 | 26 | 1.038 |
| **UP** | 40 | 38 | 1.052 |
| **UNISA** | 25 | 16 | 1.016 |
| **Wits** | 11 | 4 | 2.75 |
| **UFS** | 15 | 21 | 0.714 |
| **UWC** | 25 | 18 | 1.388 |
| **NWU** | 24 | 17 | 1.411 |
| **Rhodes** | 5 | 5 | 1 |
| **UJ** | 27 | 13 | 2.076 |
| **UKZN** | 16 | 9 | 1.777 |
| **UCT** | 26 | 21 | 1.238 |
| **NMMU** | 8 | 6 | 1.333 |
| **Venda** | 1 | 2 | 0.5 |

# **ANNEXURE 1: SOURCES CONSULTED IN CONDUCTING THIS STUDY**

The information used is taken from the websites of the various law faculties (the term ‘law faculty’ is used here, for practical reasons, also to include law schools). This is broken down into numbers per institution. The aim is to establish in real numbers (not keeping in mind the size of the institutions) which law faculty in SA’s postgraduate programme is the most influential in the field of legal education and research as measured in terms of the number of law degrees held by those who teach law on a permanent basis countrywide. The websites of 13 law faculties (listed below) that seem to provide reasonably comprehensive information on their staff members were used. A total of 653 staff members, according to these websites, teach law on a permanent basis at these institutions.

Several constraints and features of the assessment bear emphasis:

* To the extent that the websites of the faculties probed are incorrect, or incomplete, the data provided here could be incorrect or incomplete. If the relevant website did not list the person’s qualifications, reasonable measures were undertaken to obtain such information. Such measures included attempting to access archived websites from previous years listing staff and a cursory search for the information in law publications by the person and other faculty sources (like programme brochures).
* A recently appointed junior lecturer’s degree counts as much as that of a senior professor who has taught for years, though the impact of the latter may have been much greater.
* To get a clearer picture of the impact of postgraduate programmes on the legal research done in South Africa, it will also be useful to look at the qualifications of those who publish in accredited journals – a study not done here, but one that should be done in future.
* As far as PhD’s are concerned, except if the website indicates otherwise, it is assumed that they are in law.
* The degrees that staff members obtained from their home institutions are also included.
* Persons who were indicated on the relevant website to a have a doctorate, but with no listing of a master’s, were considered to have obtained a masters level degree from the same institution where they obtained their doctorate, and these assumed master’s degree were also counted.
* Degrees obtained from higher education institutions which merged with other institutions or transformed into a new institution (eg. Vista and RAU which both form part of UJ) was noted to have been obtained from the new institution.
* Institutions which present law courses but do not award law degrees (such as Varsity College) were not captured in the study.
* Although this is a study about postgraduate qualifications, we also included information on where LLB degrees were obtained (other undergraduate law degrees such as BCom (Law); BA (Law); and BProc were excluded).

The claim is not made that this is a study conducted by specialists in the field. However, it is submitted that this document does provide evidence of general trends which could be useful in taking strategic decisions in the Faculty of Law of the University of Pretoria. Concrete suggestions in this regard are made at the end of this document.

**Websites used:**

**University of Cape Town:**

* [**http://www.publiclaw.uct.ac.za/pbl/staff/overview**](http://www.publiclaw.uct.ac.za/pbl/staff/overview)
* [**http://www.commerciallaw.uct.ac.za/claw/staff/overview**](http://www.commerciallaw.uct.ac.za/claw/staff/overview)
* [**http://www.privatelaw.uct.ac.za/pvl/staff/overview**](http://www.privatelaw.uct.ac.za/pvl/staff/overview)

**University of Free State:**

* [**https://www.ufs.ac.za/law/faculty-of-law-home/general/staff**](https://www.ufs.ac.za/law/faculty-of-law-home/general/staff)

**University of Kwa-Zulu Natal:**

* [**https://law.ukzn.ac.za/school-staff/academicstaff/law-staff/**](https://law.ukzn.ac.za/school-staff/academicstaff/law-staff/)
* [**https://law.ukzn.ac.za/school-staff/academicstaff/lawstaffpmb/**](https://law.ukzn.ac.za/school-staff/academicstaff/lawstaffpmb/)

**University of Johannesburg:**

* [**https://www.uj.ac.za/faculties/law/Pages/Staff.aspx**](https://www.uj.ac.za/faculties/law/Pages/Staff.aspx)

**Nelson Mandela Metropolitan University:**

* <https://publiclaw.mandela.ac.za/Staff>
* <https://mercantilelaw.mandela.ac.za/Staff>
* <https://crimproclaw.mandela.ac.za/Staff>

**North-West University:**

* <http://law.nwu.ac.za/law/academic-staff>

**University of Pretoria:**

* <https://www.up.ac.za/faculty-of-law/article/31520/staff>

**Rhodes University:**

* [**http://www.ru.ac.za/law/**people**/**](http://www.ru.ac.za/law/people/)

**University of Stellenbosch:**

* [**http://blogs.sun.ac.za/law/staff/a-z/**](http://blogs.sun.ac.za/law/staff/a-z/)

**University of South Africa:**

* <https://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centres-&-institute/School-of-Law/Department-of-Public,-Constitutional-and-International%C2%A0Law/Staff-members>
* <https://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centres-&-institute/School-of-Law/Department-of-Private-Law/Staff-members>
* <https://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centres-&-institute/School-of-Law/Department-of-Mercantile-Law/Staff-members>
* <https://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centres-&-institute/School-of-Law/Department-of-Public,-Constitutional-and-International%C2%A0Law>

**University of Venda:**

* <http://www.univen.ac.za/about-univen/schools/school-of-law/criminal-and-procedural-law/>
* <http://www.univen.ac.za/about-univen/schools/school-of-law/criminal-justice/>
* <http://www.univen.ac.za/about-univen/schools/school-of-law/jurisprudence/>
* <http://www.univen.ac.za/about-univen/schools/school-of-law/mercantile-law/>

**University of Western Cape:**

* <https://www.uwc.ac.za/Faculties/LAW/Pages/People.aspx>

**University of Witwatersrand:**

* [**http://www.wits.ac.za/academic/clm/law/about/staff/11122/staff.html**](http://www.wits.ac.za/academic/clm/law/about/staff/11122/staff.html)

1. [https://www.timeshighereducation.com/world-university-rankings/2019/subject ranking/law#!/page/0/length/25/name/University%20of%20Pre/sort\_by/rank/sort\_order/asc/cols/stats](https://www.timeshighereducation.com/world-university-rankings/2019/subject%20ranking/law#!/page/0/length/25/name/University%20of%20Pre/sort_by/rank/sort_order/asc/cols/stats) [↑](#footnote-ref-1)
2. *Only someone with a doctorate may supervise doctoral studies.*  [↑](#footnote-ref-2)