

Reflections on Self: Guidelines on Reflective Writing and Decoloniality

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Abstract

This article offers basic guidelines on how to engage in reflective writing. The author draws from his experiences with this writing type in North America, India, and Southern Africa to counsel students and their educators-mentors on how to achieve this difficult task from the standpoint of decoloniality.

The author argues that reflective writing must rest on decoloniality because doing so presents students and educators with one of the best occasions to think critically about learning and legal education. This is because decoloniality constitutes today one of the most critical forms of critical thinking. Indeed, very few theories challenge as radically as decoloniality the status quo, the premises of ‘modern’ education, its origins in the Humboldtian model in the 19th century, and its Eurocentric slant.

Though research on reflective writing abounds, higher-education experts have not probed the nexus between reflective writing and coloniality. Their studies did deploy personal reflections to fulfil decolonial agendas, but they have not elevated and prescribed decoloniality as the ideal shape of reflective writing in higher education. This is the shortcoming that this Article strives to overcome.

Although this article addresses and benefits students and teachers in the humanities and the social sciences, it nonetheless focuses on internship reports in legal education, where coloniality takes the form of doctrinalism. Also known as ‘black-letter law’, doctrinalism

induces students, their teachers, and practicing lawyers to write by heavily citing authorities. This encourages them to ‘speak with authority’, but at the same time to sound like technicians, who draft reports quite uncritically and unimaginatively.

The author therefore proposes what he calls ‘decolonial selfies’, which underscores the role of student’s self-reflection and mentor’s participation in reflective writing. Those selfies translate the humanizing pedagogy that should inform decoloniality in personal reflections.

1. Introduction

This article lays down a few guidelines on how law students and students in the social sciences could write reflectively. It also aims to assist educators in optimizing their students’ learning through reflective writing. In the discipline of law, from whose vantagepoint I write this piece, an ideal place for reflective writing arises in the drafting of internship reports. I myself experienced this type of writing in 2007 when I interned at Ithaca City Court in the United States of America (US), in some of my publications over the past decade, and more recently at Alliance University when I recommended it to law students.

In early September 2022, when asked to review the internship reports written and submitted by LL.B students, I noticed from a small sample that I browsed through that the “personal experiences” sections of those reports *merely described experiences* and events, and *offered nothing by way of personal reflections*. Rather, they purported to sum up those internships; but, instead of abstracting those summaries from the parts of the reports where they described and listed the activities they did daily, they littered their personal-experience sections with generalities and platitudes about internships. This dearth of reflection on themselves and their experience made it impossible for students to measure precisely how much they have learned from their internships and for lecturers to assess whether and, if so, to what extent they have internalized any lessons learned from that exercise.

To prove my point about writing reflectively or thinking of one's self through writing, I wrote and wrapped this Article entirely in the form of reflective writing. In that manner, I practice what I preach. In my exit journal entry for the Ithaca City Court internship mentioned above, I framed the value of internships – in this case, a “judicial externship” – as follows:

For my part, the only thing I can say is that the judicial externship has been an invaluable experience. And like all invaluable experiences, the benefit that I have derived from it cannot be accurately quantified or fairly evaluated until maybe later in life when I will be able to draw on it.

2. Legal Writing in Traditional Legal Education

The latest opportunity to draw on my “invaluable experience” with internships and reflective writing at Ithaca City Court, New York State, came this year when the Law School at Alliance University requested that I examine the internship reports submitted by LL.B honors students. The internship reports that students had to write comprised two major parts: a daily log and a “personal experience” section. Given that the daily log typically consisted of entries describing the interns' activities – entries that often took on the form of resembled telegraphs, the personal-experience section was the only opportunity for the student interns to reflect on their activities and experiences. And yet few students used that section to engage in any form of thoughtful ‘reflection’, let alone self-reflection.

Unsurprisingly, therefore, after reviewing five reports and listening to five students presenting them, I realized that *students were merely reciting facts and describing events*. To make matters worse, the guidelines that I shared with them on how to employ reflective writing in the personal-experience section hardly improved the reports of some students. For instance, in the concluding personal-experience section of his report, a student I shall call “R” wrote the following:

During this internship period, I learnt[sic] many new dimensions of law and about being a successful advocate. I got to meet new people from different regions, each one taught me how to work to be a successful advocate. As advocates they were really helpful in making issues and facts of the proceedings cases more understandable for the interns under them, as well as it was a good working condition and I got to work on my professional skills as well as case reading skills under good guidance. I learned that before arguing a case any advocate should be well prepared with his arguments as well as the question that the Judge as well as the opposite counsel are going to ask. I learnt[sic] that the documents have to be clear and to the point so that there can't be any room for confusions and also understood the importance of evidence in all kinds of cases. It was a great experience to attend the virtual case proceedings and got to know the atmosphere of the court rooms during the proceedings. I got to learn a lot in those every 4 weeks of internships and the working experience with those Advocates and my overall experience was great and I got a whole lot to[sic] knowledge from this internships[sic].

Through this brief section, R may seem to display some thinking by summarizing his experiences. But any attentive reader will quickly notice that his text mostly contains commonplaces (i.e., learning a lot, learning to be a successful advocate, learning from different people from different regions, and so forth), so much so that these experiences are anything but personal. The absence of examples to illustrate the series of generalities in R's text aggravates its banality. Besides, if required on short notice to explain the lessons learned from an internship, any student can blurt out these generalities effortlessly... and thoughtlessly.

More worryingly, as you will see in Section 4 of this Article, R failed to follow the guidelines I shared with the group of student interns I was examining. I attribute these propensities – to

describe rather than to think critically – to doctrinalism. Dating back from the Roman empire in the 5th century AD (see Bhat, 152-153) and inherited from European settlers, this phenomenon has come to define and characterize ‘traditional’ legal education across the globe (see Hutchinson, 8), from civil law countries like Burkina Faso to common law nations like Sri Lanka, from Montréal in Canada to Bengaluru in India.

Also known as ‘black-letter law’, doctrinalism entails that one builds arguments from formal sources of authority, primarily statutes and published court decisions. Doctrinalism asks of students and lawyers to speak ‘with authority’. Writing or speaking by citing these authorities is what they generally mean when they say that someone ‘thinks like a lawyer’.

These habits of citing authorities undermines students’ critical-thinking skills. In South Africa, the higher-education regulator (Council on Higher Education, 35), lamented that almost half of the country’s 17 law faculties did a poor job in inculcating critical skills. The Council on Higher Education (CHE) (57 and 61) attributed these deficiencies to large classes and, more significantly, to the manner law faculties assessed students. It found that, too often, faculties evaluate students based on their ability to rote-learn facts and legal rules (see *ibid.*).

I attribute these rote-learning tendencies to doctrinalism, just like I blame it for students’ impulses to simply describe activities and events in the internship reports mentioned above. Accordingly, faculties and lecturers should steer clear of doctrinalism. I submit that faculties and lecturers must invest more resources to assess their students by testing thinking skills more directly by methods such as reflective writing.

In the copy-paste culture of the digital era, more than ever before education should involve teaching students *how to think*, far more than what to know (i.e., the subject matter). As Robinson and Aronica (2016) recommended, in this era educators must teach their students competencies instead of focusing exclusively on subjects. Given the information overload students confront daily, educators must instill in them ‘criticism’ – the ability to discern facts,

question data, and separate information from irrelevant noise (ibid.). Decoloniality lays the groundwork for such criticism competency.

3. The Absolute Necessity to Decolonize Legal Writing

‘Thinking like a lawyer’ in the traditional or doctrinal sense has major drawbacks to such an extent that an educator can question whether such ‘thinking’ amounts to thinking at all. For one thing, ‘thinking like a lawyer’ by relying on sources of authority often means that the writer reproduces existing knowledge. Indeed, the provisions of statutes or court decisions are typically in the public domain, such that basing one’s argument on such sources rarely, if ever, yield any original ideas or arguments.

For another, arguments or ideas based on those formal sources of authority tend to be obvious. As Volokh (see Chapter I of his book) correctly points out, those arguments sound pretty obvious to other lawyers, since they can find similar formulations in formal sources (for example, statutes) available in the public domain. As a result, only laypersons and the uninitiated might see any originality or traces of imagination in those doctrines-based claims.

Hence, doctrinal legal writing needs decoloniality. Ndlovu-Gatsheni (11) introduces ‘decoloniality’ as a project preoccupied with politics and knowledge, and that aims to emancipate peoples from the Global South by ‘unmasking, resisting, and destroying’ coloniality. In his opinion, coloniality has fostered a world order that can only be sustained by combining violence with deceit and hypocrisy (ibid.). To borrow Atallah and Dutta’s (2021) phrase, decoloniality ‘decenters Whiteman academic institutions as hubs of knowledge’.

To unshackle and decolonize legal writing, students and those who educate them must embrace a humanizing pedagogy because this pedagogy effectively relays the broad tenets of

decoloniality. The concept of ‘humanizing pedagogy’ finds its roots in the work of Brazilian thinker Paulo Freire, especially his magnum opus *Pedagogy of the Oppressed* (1970).

Humanizing pedagogy (HP) approaches instruction, not as “an instrument by which teachers can manipulate students”, but as a way to “[express] the consciousness of the students themselves” (Freire, 51). HP “builds on the sociocultural realities of students’ lives, examines the sociohistorical and political dimensions of education, and casts students as critically engaged, active participants in the co-construction of knowledge” (Salazar, 128).

HP entails four elements:

- locating the student in the *contexts* in which she lives,
- understanding the history, sociology and politics of education,
- empowering her to become a *critical thinker*, and
- enabling her to actively *participating in knowledge* construction.

In short, HP is all about *contextualizing* and *thinking*. It is all about contextualizing the student and education, as well as empowering the student to think critically and creatively. These two types of thinking deserve special mention: Stolker (149), a former Dean at Leiden University Law School, considers “the powerful ability to imagine numerous scenarios” “a crucial skill for anyone involved with law”. For its part, the South African higher-education regulator, the CHE, values critical thinking above everything else because it believes that critical thinking encompasses all other skills (57).

Concretely, HP implies that educators, including myself, should factor a student’s past educational experiences and how these weigh heavily in that student’s ability to think and write reflectively. In that sense, I agree that merely admitting students to a postgraduate program or a LL.B honors’ degree program does not ensure that the students will access ways

of thinking reflectively. Furthermore, circumstances like race, gender, caste, and social class mark a student's past educational experiences, which in turn will affect their access to the ways of being and knowing that characterize knowledge creation. HP motivates me to proceed in this fashion for two weighty reasons: To decolonize and humanize (as in 'individualize') postgraduate supervision. This strategy appears especially suited to the historically disadvantaged circumstances in which the vast majority of postgraduate students in the Global South find themselves.

In the face of 'dehumanization' in classrooms, HP serves to 're-humanize' the student. University administrators and educators-mentors cannot dispense with HP if they genuinely wish to heighten students' participation, retention, and throughput.

4. Reflective Writing and Its Difficulties

In reviewing the internship reports at Alliance University, I urged students to turn their "personal experience" sections into personal reflections. I recommended that those descriptive sections of their reports take the form of reflective writing because reflective writing offers them a golden opportunity to reflect on their experiences, thus maximizing their learning. Like Rogers (2001) observed, reflective writing enhances students' lifelong learning and professional practice.

However, while research on reflective writing abounds, scholars have not yet explored the nexus between reflective writing and decoloniality. Researchers did use reflective writing to pursue a decolonial agenda in a variety of subjects, but they have not deployed reflective writing as a powerful means to decolonize the learning of students generally and law students specifically.

The absence of such research on reflective writing and decoloniality should not surprise readers: Teachers will find both reflective writing and decoloniality hard to master and impart on others. Particularly, though universities widely accept the value of reflective writing (see,

for example, Williams et al.), this type of writing has proved complex while expecting that teachers possess consummate skills in rhetoric. (See also Ryan, 99; and Rodgers, 845)

So what is 'reflective writing'? Scholars generally view John Dewey (2) as the genitor of this concept. Rodgers (844) defines 'reflective writing', which she also calls 'reflective inquiry' or simply 'inquiry', by interpreting four criteria that Dewey put forth. Thus, she (844-863) characterizes 'reflective writing' as (1) a *process* whereby one makes meaning, (2) by *thinking rigorously*, (3) in *community* and (4) driven by a set of *attitudes* (such as whole-heartedness, directness, open-mindedness, and responsibility). (See also Williams et al., 2.) For Dewey (1-2), 'reflective thought' is the only type of thinking "truly educative in value".

Ordinarily, reflective writing appears in case studies or internship reports. Reflective writing is typically used by students and researchers in the social sciences and some fields of natural sciences, such as medicine, to express the writer's thoughts about himself or herself, and about his or her writing. Thus, students writing from the field of medicine or case studies usually write reflectively to explain how the case studies or the experience have been resolved and how, more importantly, it has changed them as professionals or students.

5. Guidelines on How to Write Reflectively

Typically written by heavily relying on first-person pronouns ("I", "we", "my", "our", etc.), good reflective writing involves at least seven elements:

- a concrete learning ***experience*** or an action;
- a comparison of the ***choice(s)*** or action(s) made during that experience to alternatives;
- ***assumptions***, motivations, beliefs about that experience or action;
- an ***evaluation*** of that experience and of self;
- a ***contextualization*** or theorization of that experience;
- ***lessons*** for *future* conduct; and

- an understanding of the *importance* of the lessons learned.

These seven elements embody decoloniality and the humanizing pedagogy that I am advocating. With respect to evaluation aspect of this conception of reflection writing that I have just outlined above, decoloniality means that students ought to call in question the Eurocentric assumptions of modern education. Law students must seek to destabilize the doctrinal foundations of their learning.

Through this Article, I argue that reflective writing must rest on decoloniality because doing so presents students and educators with one of the best occasions to think critically about learning and legal education. This is because decoloniality constitutes today one of the most critical forms of critical thinking. Indeed, very few theories challenge as radically as decoloniality the status quo, the premises of ‘modern’ education, its origins in the Humboldtian model in the 19th century, and its Eurocentric slant. Students must remain skeptical of their educational environment, of doctrinalism, and even of decoloniality. They must go as far as doubting reflective writing itself. Ironically, Dewey – the man who pioneered the ‘reflective writing’ idea – purveyed coloniality through the Eurocentrism of his writing and his dim view of non-European peoples as “savages” (see Rodgers, 846).

In structuring their personal-experience sections, students could reflect on their internships through stories. For instance, Atallah and Dutta (2022) weaved ‘stories of refusal and community’ based on their research in Palestine and India to decolonize patterns of dominance and violence. Likewise, Zongwe (2021) resorted to decoloniality to propose that social scientists in Africa use stories to analyze questions of law.

In the LL.B internship reports that I have assessed, I relied on those six criteria to gauge students’ personal reflections. These six criteria comprise:

- language

- relevance
- analysis
- clarity
- interconnections
- self-critique

Language

With regard to language, a teacher considers, at least, five things. First, the teacher must consider whether and, if so, to what extent, a student has used his or her *own voice*. Second, the teacher must examine how a student has employed *tenses*: the past tense for things the student experienced; the present tense for theories or regular patterns; the future tense for lessons learned or what the student might do differently in the future. Furthermore, the teacher must check whether the student has used *signposting language* and whether he or she cared to distinguish between *fact and opinion*. Lastly, the teacher must assess whether you have employed *grammar and spelling* correctly.

Relevance

The learning experience must be relevant to the prior learning the student acquired in a course or module.

Analysis

The reflection moves beyond a mere description of experiences to an analysis of how the experience contributed to a student's understanding of self, others, and the concepts he or she learned in a course or module. To overcome doctrinalism, mastering the grammar and the rules of a colonial language does not suffice. Students need to learn how to think creatively

and connect ideas; they should not behave like the unimaginative technicians that doctrinalism would like them to morph into.

Interconnections

The reflection connects the experience in question to the material covered in class or other modules, to his or her past experiences, or to his or her personal goals.

Self-criticism

Crucially, reflective writing demonstrates a student's ability to challenge his or own biases, stereotypes, preconceptions, and assumptions. It also displays his or her ability to define new ways of thinking as a consequence of challenging those past assumptions.

Decolonial selfies

Two key essential elements of 'decolonial selfies' or reflexivity are student's self-reflection and mentor's participation. Reflective writing is a type of writing that induces the writer to think about himself or herself, and about the process of his or her own writing. One of the students whose internship report I examined produced a fairly good personal-experience section:

I have been an average person all my life, it always felt like whatever I do, someone might always have better, a lot of someone's would have it better and this always made me feel like maybe I don't belong, that maybe I am yet not able to see what others already do. But internships have made me feel a little more confident about myself. I believe myself to be very self-conscious, which always pulls me back. But it was first day of this internship, and just because the first week was online, I was sceptical about the time and my work which made me reach out to them very confidently. Now, for people unlike me, it might really seem not big of a task but it was just me putting myself out of my comfort zone.

As the internship proceeded, I felt that even though I am strict about deadlines, yet I found myself to be lazy at times. Working one day and working for weeks is completely different. Staying motivated to work at times seemed big of a task but I really wanted to do it. I used to ask for work and talk to my immediate superior if anything came up that I found difficult. Maybe in the end I felt that I am not perfect, but I don't have to be. As long as I learn with everything that I am, I feel that I would be alright. At the end of the internship, I was informed about a lot of areas that I need to be improved and I think that nothing can be better than me knowing where to start.

To complement, a student's personal reflection, his or her teacher-mentor must enter in a dialogue with him or her. My own lecturer-mentor, Glenn Galbreath, used to comment on my journal entries by inserting his input in boldface. Mentor's participation goes a long way in humanizing a student while deepening and validating the student's thoughts, thereby boosting the student's confidence in his or her own cognitive potential and capacity to think independently.

6. Conclusion: Decolonial Selfies

This article has shown how students in the social sciences, and law students in particular, can go about writing reflectively. Reflective writing is a tool at the disposal of the student to affirm its independent thoughts. It realizes both decoloniality and the humanizing pedagogy that should guide efforts to educate students from the Global South, including India and South Africa. Even students from the Global North could benefit from research like this in becoming aware of the ways in which the dominant structures that have molded their education can be subverted so that they can think and write in a way that pays rapt attention to the inequities and historical legacies of coloniality, as conveyed by doctrinalism and the positivistic paradigm that seem to dominate legal education today.

The core argument of this Article is that, to think reflectively, students should first identify the elements of coloniality that are often couched in terms of universal, global truths. These ‘truths’ have ossified and have been passed off as ‘common sense’, ‘rational’, ‘objective’ truths which no one can no longer dispute. Then, the students must confront these global truths with their own personal truths, based on their experiences, histories, and personal viewpoints. Only by going about writing in this manner can they truly think reflectively while dismantling the Eurocentric, colonial premises that have dictated the norms of legal writing for eons.

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