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Creating safe(r) spaces for difficult conversations in law classrooms: guidelines for university lecturers

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Difficult conversations often take place in university classrooms. While intellectual debate has always been part of higher education's remit, the complexity around uncomfortable and difficult conversations has been compounded by cancel culture and virtue signaling —phenomena that are both closely associated with the information age. Difficult classroom conversations are an unavoidable part of the development of critical thinking. However, the present-day phenomenon of safe spaces often works against this ideal in that students can feel unsafe when confronted with uncomfortable topics and choose to avoid them. The question therefore arises: How can safe spaces be created within classrooms to best develop the required critical thinking skills and graduate attributes? This article delves into the notion of safe spaces at universities and offers some strategies for safe(r) spaces where lecturers are intentional about their classroom practices before, during and after lectures.

KEYWORDS

safe spaces, higher education, difficult conversation, legal education, freedom of expression

Introduction

University classroom discussions can prompt difficult conversations about topics that can make one uncomfortable. For many students, the university is a space where their identity and deeply rooted perspectives are questioned as classrooms are geared toward the attainment of critical thinking skills (Sherman, 2021, p. 5; Parker-Shandal, 2023, p. 11). Additionally, the university setting presents new responsibilities and interactions, which can be confronting (Haktanir et al., 2021, p. 10). Topics such as identity politics, power relations and religion are frequently discussed in university classrooms, leading to divergent and polarized viewpoints (Koopman and Seliga, 2021, p. 3; Martinueau and Cyr, 2025, p. 583–584; Hanafi, 2025, p. 3). The complexity around these conversations is compounded by the information age phenomena of cancel culture and virtue signaling (Norris, 2023, p. 146; Zembylas, 2024, p. 1496).

University lecturers often find themselves confused about navigating these potentially difficult conversations in their classrooms (Martinueau and Cyr, 2025, p. 581–582; Sue et al., 2009, p. 1100–1101; Hanafi, 2025, p. 4). While a better understanding of how to do this would benefit many disciplines, this research focuses on the law classroom with its own needs and contexts. Within the realm of law, potential difficult conversations that may arise include affirmative action, land redistribution, LGBTQIA+ rights and religious associations, freedom of speech, the rights of foreign nationals and reproductive rights, among others.

Although a plethora of research has been done on legal education in general, the research on difficult conversations within the South African law context is limited. Among the few studies published about this topic, Van Niekerk (2019) has explored the use of the difficult dialogues technique in law classrooms and Mitchell (2021) has written about developing the critical thinking skills of law students in the virtual law classroom. There is still considerable scope for researching how to foster safe spaces for difficult dialogues, especially considering that the local and global environment continues to shift.

Drawing from existing literature, this article aims to present guidelines to university law lecturers on dealing with difficult conversations in university classrooms. Before presenting these guidelines, the discussion is first contextualized by giving an overview of the current global and South African landscapes regarding freedom of expression at universities. This is then followed by a discussion of the need for difficult conversations as part of the process of developing the critical thinking skills of law students. Thirdly, the term "safe spaces" is explored within the context of the university. After all of this preliminary context and argument, the article finally presents guidelines for creating safe(r) spaces for difficult conversations in law classrooms.

The higher education landscape

Both locally and globally, the landscape of higher education has been jarring and undergone many upheavals. Seen as a microcosm of society, universities have faced many challenges in the last decade. Foremost among these are problems with student retention and completion rates, a massive drop in enrollment in the humanities (to the point that many departments have been shuttered and their staff laid off), adaptation to the Fourth Industrial Revolution, massive decreases in government funding coupled with ever-increasing student fees, protests related to issues like decolonization, #MeToo, or the war in Gaza, student wellbeing and the COVID-19 pandemic (Garcia-Morales et al., 2021, p. 3–6; Mintz, 2021; Heller, 2023; Puciarelli and Kaplan, 2016, p. 5; Sheldon, 2016; Mendes et al., 2018; Trowell, 2025, p. 202). In South Africa, in particular, these challenges have included severe budgetary and resource constraints, mismanagement of the governmental funds for student bursaries, oftentimes militant protests, and inequitable and insufficient access to higher education (Nyoni and Ngqila, 2022, p. 178; Bradbury, 2023, p. 154). In 2015, South African students also protested against a Eurocentric and colonial curriculum. This has culminated in the # RhodesMustFall protest movement, which was widespread at South African universities and had a small iteration at Oriel College, Oxford (where Cecil John Rhodes was a student) as well (Bosch, 2016, p. 1–3; Mpofu, 2017, p. 353).

Amidst all the calamities and debates at universities worldwide, a question that has become increasingly prominent is how freedom of expression relates to the creation of safe spaces on university campuses. Many speakers have been banned from campuses or booed off stage by university students in several countries (Satta, 2021, p. 94). At Sussex University in the UK, the philosophy professor Kathleen Stock was protested

by students for her views on transgender rights to such an extent that she eventually resigned from her post at the university (Adams, 2021). In the US, various professors have been protested against and some even dismissed after stating their own political and moral viewpoints (Schlott, 2022). And in South Africa, universities have disinvited certain speakers on account of their political views (Davids and Waghid, 2019, p. 43).

Apart from the views of people who visit university campuses, there has also been continuous debate about what is discussed inside classrooms. Examples of these incidents include the request for trigger warnings for certain content in modules, such as rape law (Gersen, 2014) and Ovid's *Metamorphosis* depicting rape (Docktermann, 2015). In the wake of the abovementioned events, John Ellison, the then dean of students at the University of Chicago, issued a much-discussed statement to the university's incoming students in 2016:

> "Our commitment to academic freedom means that we do not support so-called 'trigger warnings,' we do not cancel invited speakers because their topics might prove controversial, and we do not condone the creation of intellectual 'safe spaces' where individuals can retreat from ideas and perspectives at odds with their own." (Lips, 2016)

Students have had legitimate demands for creating safe spaces on campuses. Examples of these demands include addressing racism, colonialism, sexual assault and the challenges faced by sexual minorities. Students have raised important issues of inclusion since universities frequently represent a Eurocentric, patriarchal ideal of society and a space that disregards marginalized students. However, even though there are many instances of clearly unacceptable behavior on campuses and in classrooms throughout the world, does this necessarily mean that there is no space for learning or debate on university campuses and in classrooms?

While universities have always been politically contested spaces, the marketization of higher education has influenced the current university landscape in this context. Because students are increasingly seen as consumers in higher education, their opinions and wishes impact what should or should not be discussed in classrooms and effectively lead to the shutdown of debates in classrooms (Skea, 2023, p. 1353).

The aim of this article is not to analyse the nature of academic freedom and freedom of speech. It is rather to discuss the importance of difficult conversations in developing critical thinking skills and the best way to create safer spaces for these conversations in classrooms. This discussion is then also framed against the background of the current political climate on university campuses.

In contrast to what the abovementioned letter from the University of Chicago's dean of students would imply, safe spaces and intellectual debate are actually not mutually exclusive. Critical thinking skills are important, as is creating the safest possible places to do so. Given the history of exclusion at many institutions of higher education, these institutions bear a continuing responsibility to consider how conversations might occur in the safest possible ways. Against this background of the current university landscape, the following section considers the purpose of a legal education at South African universities.

A legal education

At the end of a law degree programme in South Africa, students are required to have attained certain knowledge, skills and applied competencies. The required skills include critical thinking skills, research skills, ethics and integrity, communication skills and literacy, numeracy, information technology, problem-solving, self-management and collaboration, transfer of acquired knowledge, agency, accountability and service to the community (Council on Higher Education, 2015). It is important to note that legal education is not only aimed at preparing students for the job market but also for the public good and to make them better citizens. The LLB Standards Framework document sets out the following in this regard:

> "Legal education as a public good should be responsive to the needs of the economy, the legal profession and broader society. It must produce skilled graduates who are critical thinkers and enlightened citizens with a profound understanding of the impact of the Constitution on the development of the law, and advancing the course of social justice in South Africa." (Council on Higher Education, 2015)

In the context of the current discussion on difficult classroom discussions, the key graduate attributes for law students are the ability to think critically and to respond in a socially responsive manner. Critical thinking is one of the oft-used but under-interrogated terms. It is frequently used as an objective throughout curricula but seldom defined or sufficiently unpacked for educators and students at universities to understand or implement in practical terms. For the present discussion, it is useful to consider some understandings of critical thinking.

Sweet and Michaelsen (2012, p. 8)—in reference to Halpern (2013)—define critical thinking as "a habitual willingness or commitment to engage in purposeful deliberation about claims or ideas rather than simply accepting them at face value". James et al. (2010, p. 287) have the following understanding:

> "More specifically—and perhaps paradoxically—critical thinking is the art of *knowledgeable and skilful disobedience*. Critical thinking is often inconsistent with orthodox thinking, that is, critical thinkers must think for themselves and form their own views, opinions and conclusions."

It also appears from the literature that critical thinking should be understood as a process rather than a one-time event. In this regard, Cottrell (2023) notes that thinking is a complex process of deliberation that involves a variety of skills and attitudes. James and Burton (2017), on the other hand, identify four stages of critical thinking: interpretation, analysis, evaluation and synthesis. Interpretation involves the identification of issues; analysis, the breaking down of a particular issue; evaluation, the judging concepts; and synthesis, the creation of one's idea/argument in relation to the issue at hand.

Within the legal sphere, there has been a conflation between analytical thinking and critical thinking. As pointed out by James and Burton (2017), analytical thinking is part of the process of critical thinking but does not encapsulate its entirety. Analysis involves breaking down information whereas critical thinking involves the evaluation of critical thinking with the synthesis of one's own argument. And as critical thinking culminates in the synthesis of one's own argument, presenting that argument—whether orally or verbally—is equally an important aspect of developing critical thinking. While critical thinking is possible on one's own, an engagement with others and their viewpoints is highly beneficial for the development of this skill.

Critical thinking is a necessary skill for law students. They need to decipher information, identify the relevant issues and present well-formulated legal and ethical arguments. During this process, they are confronted with divergent views and have to persuade a variety of others of the validity of their own views. However, it is often taken for granted that such skills will be developed throughout a curriculum but this is not a guaranteed outcome.

There are many factors that could weigh against the creation of spaces that are conducive to critical thinking. Twemlow (2023, p. 242) has stated that where law teachers have anxiety about being knowledgeable on a subject, it might make them hesitant to open up a discussion for critical debate. Twemlow (2023, p. 242) adds that forces such as the commercialization of higher education and the pressures to meet external metrics are added factors that hinder critical thinking.

The conversations that are needed to foster critical thinking often involve uncomfortable and difficult confrontations. In addition, unintentional factors such as module content, resource constraints and anxiety also exist.

Apart from critical thinking, law students also need to be socially responsive and have a sense of social justice. These skills are focused on a contextual awareness and understanding of South Africa and its legal system. Embedded within the notion of social justice is the pursuit of transformative constitutionalism. According to Klare (1998), transformative constitutionalism is the idea that the law should be used to create a more equal society. The operation and daily working of the law are in many instances not aligned with social justice. Nevertheless, a sense of social justice requires students to point out the shortcomings of the South African legal system and be open to its development. They are required to view the law as dynamic and not static. Furthermore, as the content of the law continually changes there is a sense of uncertainty that students must accustom themselves to. Openness to social justice and critical thinking are closely related modes of thinking.

The above discussion pointed out the important skills and characteristics that law students need to acquire to flourish in their professions and as citizens. It was also shown that exposure to different viewpoints is necessary to develop critical thinking skills and a sense of social responsiveness. For these skills to be developed, the right environment must be created. Creating safe spaces for difficult conversations is essential if we are serious about developing critical thinking skills and the various other skills related to them. The following section explores ways to ensure safe spaces for those conversations.

Safe(r) spaces

Akin to "critical thinking", the term "safe spaces" has been used often. But what do we mean when we talk about safe spaces? According to the Merriam-Webster Dictionary (2025), a safe space has been defined as "a place (as on a college campus) intended to be free of bias, conflict, criticism, or potentially threatening actions, ideas, or conversations". Although safe spaces have more recently been used in the context of university spaces, the term originally referred to spaces of safety for minority groups on and off campuses (Harpalani, 2018; Verduzco–Baker, 2018).

Hunter (2008) describes a safe space as being characterized by four elements. Firstly, it should be physically safe. Secondly, it should be metaphorically safe in the sense that discriminatory activities are prohibited. Thirdly, it is characterized by a sense of familiarity. And finally, safe spaces have creative risk, which involves a healthy tension between known processes and unknown outcomes.

However, some authors have approached the term "safe space" with some circumspection, much of which lies with the worry that "safe" might indicate a space where students will not be challenged or uncomfortable in any way or form. Brigley Thompson (2020, p. 398) says the following in this regard:

> "'Safe' is a misleading adjective to apply to this kind of learning space. Learning in higher education is based on the exposure of inquisitive minds to subjects that might be uncomfortable, or even disturbing at times, and it may be impossible, or even undesirable, to shield students from views that are prejudiced."

In a similar vein, Fecho et al. (2010, p. 445) state the following: "The paradox is that creating a space where it is *safe to* engage, inquire, and dialogue may feel very *un*safe."

In trying to find a definition of a safe space, it is useful to think of instances that might seem unsafe but are not. Firstly, as argued by Fecho et al. (2010), a safe space does not mean creating a neutral zone. Educators might feel the need to steer clear from taking a viewpoint or expressing an opinion so as not to seem biased or cause conflict. However, it can be argued that raising a viewpoint or opinion does not create an unsafe space—provided such a viewpoint is open to criticism. It is the disposition with which the viewpoint is raised that is of importance. Neutrality is not tantamount to safety.

Secondly, experiencing moments where one is confronted or challenged is also not necessarily unsafe. Brigley Thompson (2020) states that moments of confrontation can be teachable moments as the classroom is a microcosm of the bigger world. Confrontation within the classroom can also prepare students for confrontations that they might face in the world of work one day. Here, confrontation is understood as a situation where a person is directly engaged concerning their positions by, for example, being asked their opinions about certain topics or questioned about those opinions.

Conflict, similarly to confrontation, often arises within classrooms. In and of itself, conflict is not a problem. Hooks (2010, p. 87) challenges the assumption that safety and agreement are synonymous and instead proposes that safety be understood as knowing how to deal with situations that present disagreement or conflict. Hooks opens up the possibility of not fearing the conflict but instead focusing on the skills needed to create safe spaces.

While the above discussion focuses on scenarios that seem unsafe but are not, there are also spaces that would be unsafe. It is worth pausing and considering which scenarios would fall into this category: Spaces where students feel physically unsafe (for example, by the threat of violence) or classrooms without proper resources are unsafe. Moreover, any space where a student does not feel dignified is also unsafe (Callan, 2016; Harless, 2018).

In the latter regard, Callan (2016) distinguishes between "dignity safety" and "intellectual safety". With dignity safety, he means being secure that others will not treat you as inferior to them.

Instances where certain students are unfairly burdened can also be regarded as unsafe. An example of the latter would be if a lecturer were to struggle talking about racism and then expect the only black student in the class to convey their opinions about racism.

Judging from the abovementioned literature, the term "safe spaces" should not be taken at face value. It is also best to steer away from extreme arguments when discussing safe spaces. On the one extreme, many conservatives regard the creation of safe spaces as coddling students and infantilising them. On the other extreme one finds progressives who censor viewpoints that are not aligned with politically correct views.

The merit and value of safe spaces should preferably not be contemplated from any of these positionalities. They denote an idea rather than a checklist. Many other preferred terms convey the same idea, such as "brave space" (Arao and Clemens, 2013), "contested space" (Ludlow, 2004) or "classroom civility" (Barrett, 2010). Brigley Thompson (2020, p. 408) is not altogether in favor of the term safe spaces but argues that what should be created in university classrooms is a sense of "readiness". Part of that readiness is learning how to deal with strong emotions that arise during difficult conversations. Furthermore, even if a space is not safe, it should at least interrogate oppressive narratives.

Whatever terminology one uses to formulate the concept of "safe spaces", it would be better to understand the concept according to its aims—specifically what it aims to achieve and what it aims to avoid. Most importantly, one should understand that it does not mean "anything goes" nor does it mean "nothing goes".

Some authors have argued that teachers cannot truly provide a sense of safety, especially since less privileged groups face so much danger and insecurity outside the classroom (Ludlow, 2004; Barrett, 2010). Sykes and Gachago (2018, p. 95–96) argue that we will never be able to create perfectly safe spaces where everyone is equally comfortable, but instead they suggest building spaces where no one is too comfortable that they are never challenged but also that the space is not so uncomfortable that it drives them to despair or violence.

In securing a university classroom as a safe space for difficult conversations, university educators have an important role to play by creating and modeling the proper classroom atmosphere. Lecturers cannot control everything, but the creation of safe(r) classrooms requires them to be intentional. It cannot simply be assumed that the right conditions will be present.

It is worth recognizing that in the context of the current conversation, that "safe classrooms spaces" refers not only to the physical environment but to the virtual environment as well. In recent years, many classrooms have adopted hybrid formats (Little and Feldhaus, 2015, p. 98; Smith and Hill, 2019, p. 383) Accordingly, the proposed guidelines are intended to apply equally to both online and in-person learning environments.

From the discussion above, some preliminary conclusions can be made about the aims of a safe space. It is not desirable to think about these spaces as being either safe or unsafe, but rather as being more or less safe. Also, a safe space is not a space that is free from judgment or criticism. Any classroom will naturally involve conflict and confrontation, just as any other space in the world does. However, the conflict and confrontation in a classroom should happen in a carefully constructed environment where the foremost aim should be learning.

The following section contains guidelines, as deduced from the relevant scholarly literature, to ensure that classrooms are constructed to be safe(r) spaces that develop the abovementioned graduate attributes.

Guidelines for safe(r) spaces

From what has already been discussed, it is clear that lecturers cannot create an environment that is safe from all risk. In this light, lecturers often have anxiety about difficult conversations and the ideal of creating the best possible environment for learning. The recommendations below are intended to assist law lecturers (and lecturers in general) in creating the most conducive environment for learning. These recommendations are not an exhaustive list but rather guidelines gathered from scholarly literature to best manage difficult classroom conversations. In general, they can be separated into strategies before, during and after the class.

Strategies before the class

Minimizing the amount of real-time decisions

Planning is crucial for the success of any module. Although one cannot foresee every situation or difficult conversation, it can be beneficial to plan as far as possible. Bohannan (2017), a law professor, mentions the following concerning planning for difficult conversations:

> "First, you're making these decisions in real time. That's the hardest part. The key is to take more of the decisions out of real time. In other words, plan more so you're not making so many decisions in that heated moment".

Also within the context of law classrooms, Graham (2021) adds that university professors should anticipate and carefully plan for difficult conversations that might take place. Several aspects can be planned before a class, including diversity of reading material and preparatory exercises to frame the conversation.

It is helpful to prepare students for a classroom topic. Preparatory reading and exercises are especially useful in this

regard. Henry et al. (2007) suggest that courses be designed in a way where one session is lecturer-centered and the second student-centered, together with exercises to prepare the students for potential experiences of cognitive dissonance. Part of this preparation involves readying students for the possibility that a conversation can be emotional and therefore difficult. This is possibly even more important after the COVID-19 pandemic, which led to students spending large amounts of their academic time not engaged in dialogue with their peers.

Burton and Furr (2014) suggest a useful de-escalation technique for difficult conversations, namely acknowledging the difficulty of some of the topics in the course and normalizing the sensation of feeling intense emotions. There may very well be students who do not find a particular discussion difficult or emotional, but those students could then prepare themselves for the ensuing conversation. Lecturers could even go further and provide useful tips on how to self-regulate when having difficult conversations. These learned skills will eventually help students in their professional lives as well: legal practitioners have to consult on complex, difficult issues and staying calm and level-headed is important during these professional situations.

Preparation relates to many of the other points mentioned in this article. The planning phase includes preparing reading material, preparing students before class for discussions, establishing ground rules and receiving diversity training. These strategies are discussed below. Lecturers could put some guiding ground rules in place for themselves. For example: what will I do if the discussion gets too heated? What will I do if the discussion veers too far off topic? It might not be the best thing to have a class that is too scripted, but having strategies for anticipated situations is likely to ease the anxiety of entering into difficult situations.

Diversity of viewpoints in reading material

Incorporating a variety of viewpoints into the course material is one of the forms of creating inclusion and safety in a classroom (Reddy, 2018, p. 168; Ajani, 2024, p. 229; Graham, 2021). In this regard, Twemlow (2023, p. 242) views "[d]iversity of perspectives and critical thinking [as] essential elements of the legal classroom". Similarly, Raitt (2019, p. 69) argues that "legal practice introduces us to the range of opinions on legal matters that are reasonably open. It is usually quite a wide range!" The fact that court judgments can have minority and majority judgments also serves as evidence of the existence of diverse viewpoints within the law. Accordingly, one can see that familiarity with different viewpoints is indispensable to a legal education. Law students should be able to approach an issue from various angles. Exposure to many different viewpoints encourages them to think creatively when exploring solutions to complex legal problems.

Apart from the abovementioned reasons, it is important to ensure diversity of viewpoints and experiences in prescribed reading material so that the responsibility for introducing the relevant insights does not unfairly fall on marginalized students in the class. For example, where a classroom discussion deals

with the rights of LGBTIQ+ persons in religious associations and the reading material only represents the viewpoints of religious associations, the LGBTIQ+ students within a classroom would feel obliged to raise the other side of the argument. That would be reasonable if they were already familiar with this topic as concerns its cultural and legal implications. But in this context, they are students who are still learning the relevant information and can only offer their own lived experiences as a contribution to the classroom discussion. Requiring them to bring to a classroom discussion what they have not yet been taught is unreasonable, especially when there is not a similar expectation of heterosexual and cisgendered students.

Jackson (2014) has argued that part of a safe space, amongst other things, is challenging ideas and not people. Ensuring that diverse viewpoints are represented in the prescribed literature thus helps mitigate *ad hominem* arguments; which is to say, avoid arguments that are aimed at specific people or aspects of those people rather than the argument itself. For example, when a class topic deals with race, students might presume that an educator holds a certain viewpoint based on their perceived racial identity. However, where different viewpoints are raised by different authors, it creates some needed distance between the viewpoints of the author and their identity.

A diversity of viewpoints also encourages students to participate. Bohannan (2017) points out that students are more likely to engage when they see their viewpoints reflected in the reading material. Prescribed reading material that represents a range of perspectives is a *sine qua non* for safe(r) spaces.

Diversity training

There is an inherent discomfort associated with teaching on multicultural issues (Burton and Furr, 2014; Abrams and Gibson, 2007). Accordingly, the importance of diversity training for difficult dialogues cannot be overstated. Often, lecturers report that they are uncomfortable with difficult dialogues and therefore avoid them (Sue et al., 2009; Love et al., 2016; Costandius et al., 2018). A positive correlation has been found between university staff who attend diversity training and more inclusive practices in a pedagogical context (Apgar et al., 2024, p. 6; Arday et al., 2020, p. 307). While diversity training is important, it is not a silver bullet. It does not mean that difficult conversations will not arise in the classroom or that a lecturer will not have to continuously navigate the classroom space.

During the class

Ground rules

Ground rules are the so-called rules of engagement in a classroom. It is often taken for granted that students are implicitly aware of the ground rules that regulate interactions in a classroom. However, research has indicated the importance of explicitly setting such rules (Burton and Furr, 2014; Quaye, 2012; Arao and Clemens,

2013; Flesner and Von der Lippe, 2019). As Sykes and Gachago (2018) point out, being explicit about ground rules is a simple but effective method to create a safer space. They must be created from the beginning of a course and, for the most part, stuck to throughout. For example, students should know that class attendance is important or that mutual respect is an expectation.

It is useful to create the ground rules of a course in collaboration with its students and to ask them what they would like to add to the basic class rules. In instances where students have a part in making the rules for a class, they are more likely to adhere to them. In this regard, Fecho et al. (2010, p. 434) report the following comment from a student:

> "At the beginning of the semester, we had created some class rules. At the time, it seemed a little funny, just like the whole wobble thing. To make rules like "be brave," "be willing to talk even when doing so feels uncomfortable," and "allow dialogue to help you form ideas" seemed a little ridiculous before we had even started discussing anything. But the syllabus said "Trust the process," so I did. I thought about those rules when I arrived in class the night of the discussion about tracking, knowing my views would be unpopular with some. I knew several people in the class had deeply passionate views against tracking, including the instructor. I prepared myself as best I could. My instinct is not to talk in class, but I thought I was ready for an interesting discussion, one that abided by the rules we had set up".

Although some students might add out of the ordinary rules, such as "be brave" and "allow dialogue to help you form ideas" (Fecho et al., 2010, p. 434), there are some basic rules which would be hard to abandon in creating safe(r) spaces. These would include mutual respect, attendance, punctuality, open-mindedness and active listening. It is up to each group to decide which behavior would be acceptable, but also difficult to see any movement away from the abovementioned basic rules.

Quaye (2012) speaks of a continual return to the group rules and students will likely have to be reminded of them continually.

Dialogue

A dialogue is an exchange of communication between two or more people. In order for a dialogue to take place, it presupposes that lines of communication are open. Moreover, dialogue cannot be assumed to automatically exist in a classroom, especially in the traditional classroom where the lecturer is mostly the only person speaking (Nystrand et al., 1997; Waghid, 2004). The latter transmission-style teaching is particularly prevalent in large classes (Wang, 2023).

Freire (2005) writes about creating dialogue to create critical thinking and free students from oppressive regimes. He adds that dialogue is an important component of communication without which education is impossible (Freire, 2005, p. 92). The dialogue that Freire (2005, p. 92–93) proffers is based on freedom and a relational activity. Freire (2005, p. 92–93) maintains that the process of dialogue does not begin when the class begins but when

the teacher starts to consider what the content of the dialogue will be.

To this, he adds that the vital components of dialogue are love (profound love for the world and for people), humility, faith (in humankind), hope and critical thinking Freire (2005, p. 89–90).

Creating dialogue in the classroom must be an intentional act since the power relationship between lecturer and student skews the power toward the lecturer. Students are often not confident enough to speak up or raise their opinions. Initially, one might have to find other ways to stimulate dialogue, such as conducting anonymous surveys, asking students to convey their opinions in writing, or breaking into smaller groups for them to become more comfortable with interacting in the classroom environment. It is imperative that the lecturer continually creates opportunities for reflection and feedback. Van Niekerk (2019, p. 150) writes of the effectiveness of allowing students to write down their thoughts and feelings when a difficult dialogue arises.

Law classrooms are usually large. Because of these overwhelming numbers, blogs or journals can be a useful way to stimulate dialogue with such large groups of students. Creating safe(r) spaces also means that students should not be unnecessarily pressurized to raise their opinions about issues when they feel uncomfortable. Whereas this can be a legitimate expectation in exams or assignments, it is not the case in a classroom in front of their peers.

In the case of virtual classrooms, online platforms like Zoom also present many opportunities to foster dialogue. Students can be split into breakout rooms on these platforms. Generally, they are also more confident to raise written opinions through the online chat functionality. Mitchell (2021) also suggests anonymous polling to stimulate dialogue in a virtual classroom.

It might be unrealistic to expect in-depth dialogue at the beginning of a module. Hooks (2010, p. 87) conveys the idea that dialogue is dependent on trust and that it must be cultivated. Hooks (2010, p. 87) links trust to accountability, in that we should be able to have confidence in someone's ability to speak thoughtfully and to consider the impact that their words will have on others.

:In a similar vein, Freire (2005, p. 91) concurs that trust is linked to accountability, which can only exist when people's words are linked to their actions.

Consequently, dialogue is dependent on trust. As stated by Quaye (2012), trust is built up with little actions over time within the classroom. This process requires patience from lecturers.

Following up and calling in

While it is impossible to follow up on all incidents that arise from difficult conversations, or even be aware of an incident when it is clear, it remains prudent to follow up with students in such cases. In the context of difficult conversations around race and feminism, Faber and Williams (2023) advise lecturers to check in with affected students individually to find a way forward and receive valuable feedback. A lecturer may follow up with an adversely affected student or one whose behavior disrupted the classroom. However, some authors warn that following up on issues outside the classroom should not become a way to avoid dealing

with them in the classroom (Burton and Furr, 2014; Sue et al., 2009).

A practice that is not identical but similar to checking in is "calling in" (Verduzco–Baker, 2018; Trowell, 2025). Verduzco–Baker (2018) uses this technique to facilitate difficult conversations in the classroom. Verduzco–Baker (2018, p. 589) describes calling-in as using problematic situations as learning opportunities. Instead of dismissing or shutting down a student who has made a problematic remark, the instructor can use the opportunity to make a meaningful connection to the course material (Verduzco–Baker, 2018, p. 589).

In this sense, "calling-in" is a follow-up to a problematic incident or comment, just within a shorter space of time. As a guideline for "calling-in", Verduzco–Baker (2018, p. 589) recommends the following steps: repeating the statement, identifying the assumption, identifying the harm and finally relating it back to the study material. Graham (2021) stresses the importance of guiding law students through difficult conversations rather than suppressing them as they will frequently encounter conflict in their professional lives.

"Calling in" can be an effective way to make use of teachable moments. Where contentious or problematic statements are made, lecturers can make good use of this valuable method to create and maintain safe(r) spaces in their classrooms.

Awareness of bias and embodiment

University educators must be aware of their own inherent biases (Leonardo and Zembylas, 2013; Sue et al., 2009; Vandeyar and Swart, 2019, p. 776; Trowell, 2025, p. 198). Furthermore, they should also be aware of their embodiment. When an educator tries to deny that they are biased, or to portray an entirely neutral stance, it can do more harm than good. Here, diversity training can be useful.

Occasionally, it can be helpful for lecturers to talk about their own learning experiences. Research indicates that doing this can model the process of learning to students (Goodman, 1995). It can also open them up to engaging with their own biases. However, these instances of sharing should be used sparingly. Lecturers should consider which stories they share with the utmost care and always link them to specific learning objectives. Students should also not be made to feel burdened by a lecturer's experiences.

After the class

Invite feedback on learning experiences

It can be exceptionally helpful for educators to request feedback on learning experiences (Makondo and Ndebele, 2014; Ravhuhali et al., 2020). No semester is ever perfect. It is a process of trial and error. Law classrooms are often large classrooms. Courses can easily have 250–400 students registered for a course. It is easy to lose track of students or for students to leave

that their voices are not heard. Going through feedback on classes or courses can help lecturers get a sense of the student experience. It is also true that student experience is not always a true reflection of events in the classroom. At a minimum, lecturers are expected to honestly reflect on class evaluations and feedback. While student feedback is helpful, it does not always convey the bigger picture of the teaching and learning process throughout a semester. It can be helpful to invite peers to evaluate lectures and module content. Feedback should thus be considered wholistically.

Conclusion

This article set out to present guidelines to create safer spaces for difficult conversations in the law classroom. The university landscape has shifted globally and locally. The discussion started off with establishing critical thinking as a key element of legal education. It was argued that difficult conversations are an inherent part of the development of critical thinking.

Various recommendations were made relating to the time before, during and after the class. The guidelines are not a restrictive list. Creating safe(r) spaces requires constant evaluation and iteration. There are many variables in the process that change over time. It is hoped that lecturers will continually investigate practices that improve difficult conversations.

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