CHAPTER 9

REFLECTIONS

9.1 Introduction

The final chapter in this research returns to the primary question of this study: how can an account of first-year undergraduate students' development of the concept 'law' in an introductory course on law be provided, such that the analysis enables an understanding of the role of the social domain in ontogenesis? This chapter attempts to address this question by firstly examining the extent to which social impact has been made evident through this study, and secondly, by examining whether the method that was adopted in this research enabled such a description.

In the first instance, the empirical findings of the research are examined. The chapter provides an analysis of the findings in Chapter 8: in that chapter the findings of the analysis of development in individual texts was presented. Although informed by the frame of this research, the analysis in that instance did not connect directly to the task in this project: to attempt to track the role of the social in individual development. This chapter attempts that analysis, and draws from this some implications for understanding teaching and learning in this context.

The second task of the chapter is to examine how the process and methodology developed in this study contribute to development of the field. Thus, in the second part of the chapter, an account is provided of the research process that was followed, and the understandings that were derived. The insights provided by this research are discussed and directions for future research suggested by this research are examined.

9.2 Analysis of findings

The theoretical frame adopted in this research has provided a means of enabling a description of individual development such that the role of the social domain in that development is fore-grounded: it has provided an understanding of language as the primary means whereby the social becomes the individual, and Discourse as the primary means whereby the cultural becomes the psychological. The frame has provided an empirical language for description, and has allowed, at an individual level, for a description of the concept development-in-context evident in student writing (see Chapter 8). In Fairclough's terms, the account that has been provided thus far lies in the realm of interpretation (see Chapter 2). In order that this account move toward description, it is necessary to include a level which is concerned with "the social determination of the processes of production and interpretation, and their social effects" (1989, p.26). Thus, in order for this account to move beyond description and toward explanation, it is necessary to re-examine the role of the social domain in this development. This is explored below.

9.2.1 The role of the social in an instance of individual development

It has been suggested that the social domain influences individual development in any specific instance of learning in two ways. The first is through determination by the context: it has been suggested that the broader social context acts, through Discourse, to position text in context, and that this text constructs the learning situation, firstly, in line with the broader context, and secondly, in a means that positions the individuals acting within it. In this research, the social meanings that appear to be conveyed in this context have been described in chapters 6 and 8 and have been explored both through a discussion of the broader context surrounding the learning in this instance and through an examination of the mediation in the specific context of interaction. What is received by students, through their differing understandings of this context, is important to understanding individual

development. The findings obtained through the analysis of individual texts in this regard are examined below under the heading 'learning context'.

The second means in which the social acts in the specific instance is at the level of the individual: the positions set up through individual history or trajectory act to constrain or enable possibilities for individual action in a specific context. It has been suggested that the everyday meanings that an individual connects to a concept are not individually determined, but rather are influenced by the cultural models to which the individual subscribes, which themselves will then be reflected in the situated meanings that the individual brings to the task. It has been suggested that the extent to which these meanings correlate with the meanings attached to the task in the target Discourse will influence the ease with which an individual may make the transition to the new understanding. Meanings brought to the task may not only position students in ways that allow for differential success with regard to the task, but may also bring into play value systems different to those anticipated in the context. These differing values allow for different choices to be made in the situation: thus, at this level, the social domain does not act deterministically on individual action and choice. An exploration of the situated meanings attached to the task and cultural models attached to the concept by students at the outset of study in this instance was the subject of chapter 7. The question of how the initial understandings brought to this learning context by students may have shaped the choices and responses they have made in this context is examined below under the heading 'cultural models and trajectory'.

The social domain thus impacts on instances of learning and development both directly, through learning context, which positions text and individuals acting within it, and indirectly, through trajectory, in which cultural models understandings will play a role. The extent to which this impact is evident in the findings of this research is examined below.

9.2.2 Learning context

This section first examines student uptake of the ideational components of the mediation provided and examines how, or whether, the content, form and values of the task which were transmitted in the interaction are received, or differentially received, and adopted by students. Secondly, the question of how the relational values in the interaction, particularly those regarding context authority and student positioning, are assimilated by students and are reproduced or resisted in student writings is examined. (Note that the textual features examined in analysis are not independently reported: this was not the main focus of the research. Rather, aspects of these features are picked up where relevant under the sections below.)

a) Content, value and form

The most explicit part of any pedagogical interaction is that surrounding the overt content transmission: this is very often the apparent focus of the interaction and it is by reference to explicit content that assessment judgments are, apparently, made. Given the explicitness and the importance of this aspect, it could be expected that student learning or development could most easily be plotted on this dimension. However, although, as could be expected, all students presented accounts in their second essays that were based on the content coverage presented in the course, in most instances this coverage was incomplete and poorly linked. This may be a function of the mediation itself: concept coverage and structure in the mediation was found to be unclear, and connections and distinctions were not well drawn. The poor linkage and structuring of the concept in the course mediation may have led, in some cases, to concept confusion for students. The lack of focus on comprehensiveness and 'accuracy' in the course may, in these instances, have the effect of obscuring the object of the learning.

Two other interpretations of the poor concept coverage evidenced by students are possible. The first relates to the value placed in the course itself on concept difficulty; a value that appeared to be emphasized through the indeterminacy of the discussion. Students may either be echoing, or have internalized, this value. A second interpretation may result from a second value suggested in the analysis of the mediation texts: a strong value was placed in these texts on student participation and argument construction. From an insider's perspective, this value could outweigh the value placed on 'accuracy' of content, and may have led students to adopt a content selection strategy in their argument constructions.

The latter interpretation is strongly suggested in the case of student 17, who provided an account that was restricted in its areas of focus, but was detailed and well-argued within these areas. This student received the highest grade in this sample for this assignment: clearly, in this instance comprehensiveness of coverage was not an evaluation priority by the lecturer. However, the majority of students who did not provide adequate coverage also did not provide adequate accounts within the coverage that they did provide. Poorer results awarded to these students indicate that, in this context, the value placed on argument construction is not at the expense of a certain level of concept coverage and accuracy, a value that could have been hidden in the mediation.

The lack of comprehensiveness of coverage in student accounts, in many instances, was compounded by the strong use by students of content summary and deletion strategies. Reproduction of content, rather than argument construction, appears to be the strategy adopted in these instances. This is not an unusual tactic for a student to adopt and may speak more to student positioning-as-student than to their content understanding and ability to construct an argument. However, it may also speak to the evidenced contradiction in the mediation between the espoused model of appropriate argument construction and the lack of such structuring in the mediation accounts: the point-form evident particularly in the course pack is mirrored in student accounts where summary strategies have been used.

Although more accomplished in certain cases than in others, all students showed recognition of Discourse-appropriate form in the textual features of their essays. Formality of presentation increased in all cases from the first essays, as did formality of style, along with the use of 'grammar 2' features associated with academic Discourse. For African black students, however, in three cases the increase in surface grammatical error was pronounced, possibly indicating both lack of familiarity with the style and concept confusion. For white students, the shift to grammatical form appropriate to academic Discourse appeared more easily achieved.

The specific content values identified in the mediation were, for the most part, evident also in student texts. The strong value placed on the difficulty of the concept in the course is overtly referred to by three students: in at least two other cases (that of student 3 and 4) this value, although not overtly discussed, appears to have been internalized, and is expressed through explicitly acknowledged concept uncertainty. As in the mediation, there was a poor differentiation in student texts between the abstract and concrete concepts, with the concrete concept often not mentioned. There was a strong valuing in student texts of the abstract concept, with the 'theories of law' section being the only section that was addressed by all students. Within this section, the positivist / natural law distinction was mentioned by all students (echoing the value placed on this distinction and on these two schools of thought in the course-pack and lectures respectively), although other schools of thought were often omitted. Students tended not to adopt a position with regard to the different schools, in general tending to use a summary-style exposition (perhaps indicating by this some confusion with this section).

There were interesting differences found between the two student groups in the manner in which they handle two core topics in the course, both of which connect to the Western values underpinning the legal system in this country: the justice concept, as an ideal and not a basis of law, was covered by all of the white students, two of whom also covered the sub-concepts associated with this topic in the

course (formal and substantive justice). In contrast, two of the African black students did not mention this topic at all, and a third raised the topic but established commonality rather than difference between this topic and law. Only one student from this group provided coverage of the topic as it was covered in the course, but even in this case, some misunderstandings were evidenced (it is interesting to note that this student was the only one in this group to have raised the justice theme in the first essay).

In the second instance of difference between the groups, the distinction between religion and law in Western society was clearly drawn by all of the white students, and a connection was made between religion and the origin (history) of law. Not directly related, but identified in the analysis of the mediation as a possible source of confusion, was the topic 'source' (authority) of law: two white students did not mention this topic, however, the disconnection of 'origin' and 'source' was clearly drawn by the other two students. Although three of the African black students spoke of the 'origins' of law, the disconnection between religion and law in Western society was not clearly established by this group. Three students in this group did not mention 'sources' of law, and a confusion of the terms 'origin' and 'source' was evident for the fourth student. This confusion undoubtedly stemmed from the lack of clear distinction of these terms in the course itself; however, the fact that the African black students did not disconnect the concepts of religion and law, a distinction that was clearly drawn in the course itself, may be evidence of a different cultural model understanding.

Although the account offered above is brief, it does allow for certain hypotheses to be drawn regarding student uptake of ideational components of the mediation in this context. Firstly, it seems that explicit Western values in the content may be problematic for students from other backgrounds. Secondly, although students from both groups correctly read the values transmitted in the mediation, where confusion or contradictions were evident in the mediation, it was predominately the African black students that tended to pick up on this, with resulting confusion in their texts. Greater precision may be necessary to prevent this confusion. Thirdly, it appears that the form of the Discourse is more

successfully appropriated where rudiments of this form exist already. Whilst this provides some support for Gee's suggestion that the extent of Discourse overlap influences success of acquisition, the fact that students from other home discourses were able, to some extent, to appropriate this form, suggests that this is not a severe limitation – time may be the critical element here.

b) Positioning in context: identity and authority

The context of culture within which this study locates has been described in terms of the high level of authority exerted in that context, and in typical high levels of content classification and framing. Daniels (1989; 1993) suggests that high classification and framing in an educational context might be manifest in a pedagogical context in the form of a high focus on the individual (rather than the communal), and a strong emphasis on performance and on context-framed criteria for this performance. He suggests that "the stronger the framing of the pedagogic practice, the more likely the pupils would be to acquire the criteria of competence expected by the teacher" (1993, p64). A focus on the summative dimension of the task, framed in terms of the teacher's expectations and value systems, could thus be expected in this context.

In Daniels' research, children at a school where the classification and framing was high, paid "particular attention to the labelling of their work (and) the purpose of that work" (1989, p. 137). This overt focus on the form of the task can be understood, in Vygotskian terms, as an internalization of regulation: it w as suggested in chapter 2 that it is not only the task, but also the structural relations surrounding the task that is internalized. In this research, a strong focus on presentation and form was indeed found in student texts, and suggests both the internalization of regulation, and a focus on the summative aspects of the task. With regard to presentation, a text which is typewritten, has a coversheet with strong specification of naming details (student name, course name, assignment name and number etc.), and, in this context, ends appropriately with a reference list, signifies production for

evaluation rather than learning. Since evaluation was a primary purpose of the essays examined, it would be unrealistic not to expect this focus in student texts. However, the extent to which formality of presentation increased between the two essays studied for each student indicates a high focus on this dimension, and thus a compliance with context values. Student 3 in particular, both through presentation and wording, emphasized a summative orientation to the task.

This summative orientation was evident also in the focus in student texts on the textual and structural features of the essays. At a textual level, an increase in formality of style and the use of appropriate academic 'grammar 2' features was found for all students. Similarly, attempts to formally structure texts according to the requirements set out in the course were evident in most student texts. Students thus apparently possess the recognition rules governing the context boundaries. However, the attempt to use academic Discourse forms was not well sustained in many cases, suggesting that realization (the "principles … for the creation and production of specialized communication within contexts", Daniels, 1993, p61), was not achieved. This realization, in the case of second-language speakers, was hampered by the increase in surface error found; the fact that the level of these errors was so high speaks again to a high focus on, and thus anxiety about, the summative aspects of the task.

High context authority, it has been suggested, is likely to result in a strong determination of appropriate identity form. This was found to be evident in the mediation in this context in an explicit prescription of appropriate 'student' behaviour: punctuality, compliance, hard work, attending lectures, and applying the mind are, apparently, what is valued. Explicit positioning of students as 'students' in the context, in a means that goes beyond behaviour labelling and conveys a sense of the imbalance in the power relations in the context (by definition a student has lesser status as 'not an expert') was also apparent throughout the lectures analyzed. Although in the lecture mediation, this student positioning as 'less-than-expert' was high, the effect of this was reduced in that context by high interactivity and a strong value on student participation. In the course-pack mediation, although initially students were strongly positioned as 'students' in a similar manner to the lectures, an

increasingly inclusive means of addressing students through the use of an inclusive 'we' (we the insider legal academic community) signalled a shift in this positioning as the text progressed. The positioning messages sent by the mediation texts thus appear mixed: they could perhaps be read as follows: from the lectures, 'you are a student. You need to participate; you need to become involved at a deep level of identity. You need time and hard work, before you can become an insider'. From the course-pack, 'you are a student, but as you come to understand (with modelling of appropriate understanding and forms of that understanding), you will become an insider'. The resulting focus could be read to be that of community development.

The apparent contradictions between the two mediation texts might be expected to send mixed messages to students regarding appropriate identity forms, or could result in direct misinterpretation of what is required. How texts position students directly is, however, perhaps less important than how they position students to differentially access meaning, and what conflicts are set up for students in the process. Student choices regarding personal location will be affected by these positioning moves. In light of the messages transmitted in the two mediation texts, in this context, student identity conflicts could be expected either with regard to the level of commitment necessary for success, or at the level of understanding of the meanings necessary for that success.

As might be expected, differing positions were adopted by students in their writing. Two students adopted the apparent safety of a student position in the context: student 3 explicitly located himself as a student in the context, expressing with this explicitness uncertainty regarding his understanding of the concept. Student 16 showed familiarity with the textual structures of the Discourse, but did not position herself strongly as an insider to the context and used a reproductive mode of dealing with content that implicitly signalled a student position. In comparison with other members of their groups, neither of these students performed particularly well in the essay (in terms of marks received).

Evidence of conflicts in identity positioning was found for two students. Student 4 explicitly located

herself as a student in the context, but showed evidence of conflict in identity positioning through the essay, ultimately appearing to adopt an outsider 'community' membership position. Strong structuring, good content coverage and a move to a relativist position with respect to the concept perhaps help to explain the high mark received by this student for the essay (the highest in her group). Student 9, although explicitly adopting an insider position at the start of her essay, similarly showed conflict in positioning and ultimately signified outsider 'community' membership. This student struggled with task recognition and textual form, and received the lowest mark of the group for her essay.

Insider positions, not always sustained, were adopted by three students. Students 19 and 7 both explicitly signalled academic community membership, but contrasted this with a strong use of the present tense categorical mode, implicitly indicating a student position. Marks received by these two students in comparison with their groups were good (in both instances, the second best mark in the group). An 'insider' position, indicated by an explicit and consistent use of 'we' to signify insider group membership, by lack of evident conflict in that position, and by familiarity with Discourse grammatical structures, was adopted by student 17, who received the highest mark in the sample for his essay.

Student 11's position was difficult to classify: no explicit position was adopted and clear familiarity with Discourse textual requirements was evident. However, the impression created was one of lack of deep involvement, and the use by the student of phrases more commonly associated with a literary genre was felt in analysis to possibly indicate her affinity to an academic discourse other than law. She received the lowest mark in her group for her essay (this mark was in fact the same as the highest mark received by students in the African black group), and did not continue with law study.

Positions adopted by students, either in response to text and context, or in response to positional conflicts experienced, or as a result of personal choices made, undoubtedly influence their success in

that context. However, the relationship between personal position and success is not simple and direct. Whilst adopting an insider position, as student 17 did, is important to success, it is not sufficient for success, as the case of student 9 demonstrates. Identity conflict, whilst presumably detracting from success, is not necessarily determinative of failure, as is evident in the case of students 4 and 7, both of who subsequently went on to postgraduate legal study (and were the only students in this sample to do so). Explicit lack of commitment (as in the case of student 11) might ultimately be a greater hurdle to success in this context.

In contrast to what might be suggested in the mediation, strong student positioning-as-student does not seem to be highly valued in this context. At odds with this position in this context is an apparent valuing of the development of authority in writing: in the small sample of scripts studied it appears that authority in writing may well be a critical element of context success. This may explain why, for example, in the white group students 17 and 19 outperformed students 11 and 16, and in the African black group, students 4 and 7 outperformed student 3. Although there is no direct evidence to link the two, it is likely that there is a strong connection between authority in context and authority in text, with development of authorial authority indicating an increasing insider positioning.

However, although certain students correctly recognized the authority-in-text value, in other cases, an inappropriate means of developing this authority was used, resulting in a substitution of 'authoritative' for 'authority'. Inappropriate use of this authoritative voice detracts from true achievement, as demonstrated in the case of students 7 and 9. It may be no coincidence that both of these students emanate from the African black group, and that both were identified in the first essay analysis as bringing to the task a strong situated meaning regarding context authority, and a task definition as being to locate themselves within that authoritative context. It may be that this reading of the authoritativeness of the context for these students either proves overwhelming, or positions students to reproduce rather than to work within the high framing of the context. In contrast, students for whom authorial presence developed in a more Discourse-appropriate manner began with situated

meanings that had a relativistic base. In these instances, authority development, as opposed to authoritative tone, is linked to personal location in context, and to personal choice regarding the adoption of an insider position, and is at odds with an explicit student location in the context.

As this section has shown, there is no simple relation between student positioning and success. Community development strategies were evident in the mediation provided, both through direct address to students and through a positive value placed on student participation. Nonetheless, identity conflicts appeared evident in student texts in at least two instances: it is possible that these may have arisen from contradiction in the mediation itself. In the small sample of texts studied it appears that the development of an insider position is highly correlative with student success (although not necessarily determinative of that success). An even stronger relation with success appears to result from the development of authority in student writing (although this is an area where misreading of authoritative for authority can detract from performance). The particular form of the identity developed in this context is probably strongly related to that authority.

9.2.3 Cultural models and trajectory

It has been suggested that an individual will be positioned within any context not only by that context, but also by the previous contexts within which that individual has been situated. Each individual, over the course of their lifetime, will be subject to many such positionings and situations, the whole of which will make up the trajectory of that individual. The effect of these positionings and this trajectory will be to enable, for the individual, specific understandings or relations to meanings within the current context. The individual trajectory is thus a sum of the historical contexts within which an individual has been located; however, the understanding adopted in this research is that the individual is more than this sum, and that the psychological is thus not reducible to a regression analysis of all possible context influences. Rather, historical context interactions position the individual in a means

that provides possibilities and constraints within the current context, but do not act deterministically on learning; an individual may choose which resources to bring to bear on which aspects of the situation. An understanding of an individual's historical context location may thus facilitate understanding of their response to the current situation, but does not provide a tool for prediction of how an individual will perform in a particular circumstance.

Although an individual trajectory will contain many positions and might be reflected in multiple forms, the principal location of the individual will be within their primary Discourse. This Discourse will determine (or influence) the cultural models to which the individual subscribes, and these cultural models will, in turn, shape the individual's understanding of the current context. The cultural models held by a group in society comprise a complex compound of content, form and values that underlie the ideational, relational or textual meanings that an individual brings to the task. Cultural models are not directly accessible to empirical analysis; however one can examine the situated meanings brought by a participant to a task or activity for clues to the cultural model meanings that they may espouse. In chapter 7, an attempt was made to read the situated meanings, and thus to gain an insight into the cultural models held by two groups of students at the outset of study.

An examination of the findings of that chapter against the analysis of individual texts in this chapter shows some overlaps in student understandings between the two. Prior to examining these overlaps, a caution must be sounded regarding this discussion: there is a need to guard against over-interpretation of results and inappropriate use of descriptive data to yield explanatory dimensions. Note that all findings within chapter 7 and in this chapter are tentative, and are interpretative rather than absolute: beyond the theoretical frame of this research, no claim is made regarding the validity of these findings.

The analysis in chapter 7 provided, as an indication of the situated meanings held by the African black group of students at the outset of this course, the following finding:

> The context is interpreted in terms of its formal Discourse requirements, but, for the most part, although there is recognition of these requirements, the ability to work within these is inconsistently achieved. Moreover, there is an attributing to the context of authority, seen not only in terms of its power / expertise dimensions, but also in a validity / accuracy sense. There is a 'right answer' that must be sought, regardless of the explicit instruction to provide 'own ideas'. The task is thus interpreted as a very explicit situating of self in the context and as an alignment of self with that context, in the context's terms. At another level of identity, this leads to a distancing of self from the context, due not only to lack of familiarity with the context, but also to the nature of the concept.
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> The concept itself is defined fairly simply (2-level structure), predominately through function, with complexity created through the assimilation of additional themes, rather than through analysis of themes. At a content level, the concept is seen primarily in terms of its social functions to maintain and regulate, with the functions at the individual level of protection, guidance and control. The origin of law is seen to be an important construct, with an exploration of its imposed or developed nature. Also important is an exploration of the authoritative nature of law: the level of determination by law, or individual choice with respect to compliance with law. The model of law adopted tends to be that of a process, seen in terms of an implementation account. The predominant contrast outlined is in terms of an opposition between the social power effects of law, and its individual shielding effects.

Student responses to the second essay in this study showed recurrence of some of these dimensions. In particular, although there was a clear increase in the extent to which grammatical structures typical of legal academic Discourse were used in all four scripts examined, this remained an area where inconsistent achievement was found. Competence on this dimension was not fully established in any instance. As with the first essay, in two of the second texts examined (student 7 and 9), some confusion was evident between ‘authority’ and ‘authoritative’, and the analysis suggested that artificial authority had been ascribed to and drawn from context in these instances. If this interpretation were correct, it would suggest that a particular perception of context brought into the

situation by students might be affecting their ability to participate meaningfully in that situation. Reproductive modes of learning adopted in that situation may not only be an indicator of bad learning habits, but may also, and more fundamentally, indicate a particular subservience to a perceived dominant context. The 'right answer' orientation strongly evident in the case of one other student from this group (student 3) would be a further example of this.

Although students from the two groups adopted a range of personal positions in the second essay (including a position as 'student'), the position was more likely to be adopted explicitly for students from the African black group (in all cases except student 9). The use by these students of references to the first person singular in their academic essays could be a result of lack of Discourse familiarity, but may also indicate a different understanding of the relation of self to context. Some explicit distancing of self from context also seemed evident in the case of two students from this group, both of who had a strong leaning towards a 'community' orientation. Although this 'community' orientation was not picked up as a major theme in the initial analysis in this research, it is likely that this was the result of a specific interpretative focus and that this 'community identification' is a major element in the broader cultural models ascribed to by this group.

At a content level, few overlaps were found for this group between understandings espoused in the first essay and those given in the second. The 'functional' orientation of the first essay was not as strong in the second, although both students 4 and 7 made brief mention of the theme. Within function, the themes of protection, guidance and control were not raised in the second essay. The 'origin of law' theme that was frequently alluded to in the first essays was not directly picked up in the second, except by student 3 who used this theme to discuss the history of law. The authoritative nature of law was directly mentioned in the second essay only by student 4, but could be evident in the summative focus given to the task itself and in the authoritative tone adopted by two of the students in this group (student 7 and 9, see discussion above). Themes identified as of importance in the contrasts identified for students in this group were not repeated in the second essay.

The situated meaning understandings found for the white group in the analysis in chapter 7 were as follows:

> There is strong Discourse familiarity evident, both in recognition of the formal Discourse context, and in the ability to operate easily within this context. Although the task is interpreted as being to provide opinion, the situation of this opinion within the formal Discourse style, as well as the provision of justification or reflection with regard to that opinion, provide further evidence of Discourse familiarity. Location of self within this context tends to be implicit rather than explicit, and there is no obvious distancing or disconnection of identity from the context.
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> Although the concept is defined primarily in terms of function, the concept structure relies as much on integration as it does on assimilation (three-level structure). With regard to content, the social function of the concept is seen in terms of regulation and creation, and the function at the individual level as guidance and protection. Variation is seen as an important aspect of the nature of law: this is explored in terms of diversity, evolution or differentiated form. A further important construct of law is its basis, which is explored in terms of understandings of ethics and justice. The model of law that is adopted is that of a practice, at either an applied or a theoretical level. The predominant contrast evident is between the social power effects of law and its relational nature: this contrast is not resolved, but is rather accepted.

Analysis of the second essays confirmed the finding of Discourse context recognition for this group. The grammar two structures of academic Discourse were displayed in all four of the essays; the tone of the essays typically showed little informal slippage; and text and argument structuring were fairly competently achieved (measured by the Discourse's standards). Although no direct evidence of conflict in the process of enculturation to this form were identified, two students in this group (students 11 and 16) did not explicitly adopt legal academic insider positions in their second essays. In both instances this appeared to result from personal choice rather than conceptual limitation.

Although the themes referred to by these students in their first essays were not raised in the same form in the second essays, the fact that some of these themes provided a precursor to the content covered in the course itself undoubtedly aided students in the acquisition of that content: thus where a student had raised a theme in the first essay which subsequently was covered in course content, the coverage of that topic in the second essay was invariably at a greater level of depth than that of other topics. Themes that were raised in the first essay that had some relevance for the second included justice, morality, form differentiation and diversity. In particular, the 'basis' theme used in the first essay, whilst not used in a thematic sense in the second essay, had strong overlaps with the 'related topics' section of the course: all students in this group raised this theme in the first essay and explored the topic at some depth in the second.

As with the African black group, functional definitions of law were, for the most part, not repeated in the second essay, although two students (student 11 and 17) briefly mentioned social maintenance or control functions. Variation remained a key theme for this group, with all students mentioning aspects of this theme: multiple interpretations of law, the substance-imperfect nature of law, form differentiation, and evolution were all themes repeated in the second essay. The relational understanding which was felt to underlie this theme thus appeared to be continued in the second essay.

Given the specific race / power configuration of the society within which this research is based, it is to be expected that the cultural model of law held by the white group of students would be closer to that held by the 'insider' (legal academic) Discourse community that that held by the African black students. This appears to be confirmed in this study: familiarity with textual forms, content foregrounding, and lack of conflict at a personal level are all features of the situated meanings brought to the task by the white students and not by the African black students. Given the differential in performance (marks received) on the task by the two groups of students (with the highest mark

received by an African black student being identical to the lowest mark received by a white student), the study does seem to provide some empirical support for Gee's suggestion that differing cultural model perspectives can explain differential student performance. On the basis of this very brief analysis in this section, however, it appears that content may play a smaller role in Discourse acquisition than other identified dimensions of cultural models: on the whole, themes identified as significant in cultural model understandings, either through the frequency with which they were addressed or through their use in the contrasts identified in essay one, except in instances where that theme served a purpose in content foregrounding, do not appear to have played a strong role in second essay understandings. However, familiarity or lack of familiarity with Discourse form speaks strongly to ease of access to this form. Personal location as an insider or an outsider to the Discourse similarly leads to conflict or ease in acquisition.

Not explored in this research, but of significant interest for further research, is the manner in which thematic structure is used as an organizing principle in student texts.

9.2.4 Implications for pedagogy

A caution must be sounded regarding the analysis above: given the small sample size used in this instance, the data cannot be read quantitatively and cannot be used to derive generalizations. Moreover, it is difficult to prize apart the dimensions examined in this research. Categories derived for analysis are, to some extent, artificial, and development cannot be sharply differentiated between them. Rather, development may be simultaneous on different dimensions, and holistic in nature. However, and although the account offered above is brief, it does provide an indication of possible interpretations that can be drawn from the data. These interpretations allow for certain propositions to be set up regarding student uptake of the mediation in this context, and suggest directions for further research.

Firstly, there is some support in this research for the suggestion that the ease with which a student develops context-appropriate content knowledge is linked to prior knowledge structures. Although this dimension appears less critical to subsequent success than might have been imagined, familiarity with the types of understandings brought by different students to the context would be an advantage for teachers and may enable greater linkage to be drawn between new knowledge and old knowledge structures. This research provides some indication of the types of understandings brought to the legal education task by students.

Second, in this context there is an apparent contradiction between the high value on content that might be expected within a context that is highly framed, and the lack of content focus found in student texts. It has been suggested that a higher value is placed in this context on argument structure than on content. However, an over-reading or misreading of this value, or possibly confusion resulting from a lack of structuring in the mediation, appears to lead students, in some instances, to undervalue content coverage at their own cost.

Third, although students from both groups correctly read the values transmitted in the mediation, where contradictions were evident in the mediation, or where the mediation was not clear, in this research it was the African black students that tended to most pick up on this, with resulting confusion in their texts. Greater precision in mediation may be necessary to prevent this type of confusion for students from Discourse models not closely related to the academic.

Fourth, it seems that explicit Western values in the content may be problematic for students from other backgrounds. This is compounded where terms used in the mediation are not clearly defined. Greater awareness in the mediation of possible sources of term confusion (‘origin’ versus ‘source’), as well as awareness of different cultural value systems (justice versus social maintenance, for example) may aid in preventing misunderstandings in this regard.

Fifth, there appears to be some link between success in this context and a relational / relativistic understanding of context and content. This finding is tentative and could be an over-reading of variation and subjectivity themes in the texts. However, it appears that students who fail to recognise this relativity have a greater focus in their texts on 'rules' and context authority, which appears to obstruct success. An explicit focus in mediation on the 'variation' theme might aid in developing these understandings.

Sixth, although all students showed recognition and some realization of Discourse-appropriate form, it appears that the form of the Discourse is more successfully appropriated where rudiments of this form exist already. Whilst this provides some support for Gee's suggestion that the extent of Discourse overlap influences success of acquisition, the fact that students whose primary Discourses are less closely related to academia were able, to some extent, to appropriate this form, suggests that this is not a severe limitation: time may be the critical element here.

Seventh, the manner in which students position themselves in context, and the extent to which they identify with that context may have implications for student success. Although initial conflict in identity position does not preclude subsequent success, a level of personal commitment to the context is necessary. Choices on the affective domain in this regard, however, do not preclude the need for cognitive achievement on other domains.

Finally, the analysis suggests that there is much still to be understood regarding the role of authority in student writing in this context. How context authority positions students, and differentially enables them to appropriate or develop authorial authority, is an area that appears critical to understanding student success.

9.3 Research overview

The final task of this chapter is to reflect on the research process that has been followed in this account. This section thus provides a review of the research logic that has been followed, and of the findings of this study. In the following section, questions are raised regarding the success of this research, and the extent to which the research met its own aims.

This account has been framed, historically, in terms of the particular challenges facing South African higher education at present. The primary challenge faced by the system has been described as that posed by the transformation needs of the new South African society: the question of transformation and achievement of equity, in meaningful terms, is a priority. Simultaneously, there is a challenge being faced that is driven from factors external to the system itself. Globalisation, and the impact of a global market economy on education provision, raises challenges to the system that are framed pedagogically in terms of notions such as quality, efficiency and massification. Both sets of challenges raise questions about how and what we do in academia. Both pressures place the system under scrutiny: it is no longer acceptable that the institution remains unaffected, whilst students adapt or fail to adapt to its practices. Rather, the institution itself needs to adapt its practices to new demands and new constraints.

It is evident through this study that, certainly as late as 2000 when the data for the study where collected, and unlikely to be significantly changed since, the shifts necessary to achieve the new goals of the system have not yet been obtained. In part, this may be due to the resistance to change typical of the particular culture of this study. In part also though, this is likely to be due to a lack of understanding of what is necessary in the context to achieve these changes. Detailed research, at the level of student understandings, concept development, and conceptual impediments to that development, may well provide the insights necessary to enrich our practices and to ensure that

students are all given an equal chance at success.

What we do, and how we do it, in a particular instance of practice, has been the subject of this research. The research project aimed to examine a specific instance of concept development, in particular aiming to examine the role of the social domain in that development. The question that framed the research, as stated in Chapter 1, was: how can an account of first-year undergraduate students' development of the concept 'law' in an introductory course on Law be provided, such that the analysis enables an understanding of the role of the social domain in ontogenesis? This research has attempted to address that question in the following manner:

Theoretically, from a developmental psychology perspective, the work of Vygotsky has been used to explain how it is that knowledge is passed from the social to the individual domain. In this account, development occurs through the internalization of interaction, in a process in which regulation by others becomes self-regulation. Semiotic mediation plays a crucial role in internalization, and language is the most important semiotic system for this purpose.

The work of Gee has been used to show how language itself carries a range of cultural meanings, and that the relationship between language and meaning is not directly correlative. The meaning of a word or phrase linguistically is a feature of the context of its use, and the choices made with regard to that use will, to some extent, be determined by the broader context, by the cultural meanings assigned to specific usages by specific groups. Underlying these choices and assumption are cultural models: views of the world that are both cultural and ideological. Specific cultures reflect specific communities of language use: these differing forms of language use are termed Discourses, and a Discourse understanding is a particular way of viewing the world which will include content, form, relations and associated values.

It has been suggested that the two theories are not incompatible: both stress the role of language as a

culture bearer and as a foundation of individual thought. The theories complement each other: to the extent that social determination of meaning is under-theorised in Vygotsky's account, Gee provides a valuable addition; to the extent that the level of the individual is under-theorised in Gee's account, this is provided in Vygotsky's theory. The addition of Gee's understandings to a Vygotskian paradigm, in addition, brings to the project some pointers towards a method for analysis of language in context and mediation.

However, in order that the two accounts operate together to provide an understanding of how the social, manifest in Discourse, becomes the individual, an integration of Gee's account of concept development with an understanding of the function of the interpsychological sphere in the Zone of Potential Development is necessary. In order to do this, Wertsch's clarification of operations in the ZPD has been modified in a means that connects his notion of a 'situation definition' closely to Gee's understanding of 'situated meanings', where these are seen as a collection of patterns of experience which draw from particular cultural model understanding and which are tied to a particular context. Concept development in this view involves a negotiation and subsequent change in the situated meanings associated with a task. Changes in situated meanings suggest cultural model changes, which in turn indicate a Discourse shift. Thus concept development in this view is read broadly as Discourse development.

At an empirical level, the study sought to describe an instance of concept development in an introductory law course, using the framework adopted. The specific Discourse of acquisition in this study has been identified as that of legal academia: a Discourse that, it has been suggested, is fundamentally connected to Western rhetorical norms and power structures. In order to address the research question posed this research sought to question how, within this Discourse, broader social relations are made evident, and how these are transmitted within the mediation itself. The research also sought to examine whether different cultural model understandings were evident in the differing

situated meanings brought to the task by different students. Through these constructs individual concept development in the six months of this study was examined. In this regard the question posed was 'what the relation is between students' understanding of the concept 'law' held at entry to the course and the Discourse context of interaction in their concept development?'

It has been suggested, through the work of Bernstein, that the context of culture within which a study is located does not arbitrarily constrain possibilities for action in the particular circumstance; rather pedagogical structure itself acts to constrain possibilities in context. The context of culture of this study has been described as one which is characterized by strong authority and convergent community, by an insularity of content, by a mystification of pedagogy, by an inaccessibility of language, and by a strong framing of knowledge by the domain itself, with a resulting lack of control by students. It has been suggested that this context is likely to generate strong expectations regarding identity frames or class membership.

Within the context of situation, the work of Fairclough has been used to explain how text reflects societal power relations through meanings or values attached to text. The text thus simultaneously reproduces particular value systems (Discourses) whilst acting to position individuals in context. The texts that mediate Discourse in the interpsychological sphere of this study have been examined, and the content, form and encoded values of these texts have been outlined: the structure of the scientific concept, the form in which this knowledge is appropriately conveyed (including both linguistic and macro-structural elements), and the values coded in the texts themselves have been described. Of specific interest in this analysis is the reproduction of context authority within the texts: this was evident in power imbalance in the mediation, as well as in, for example, the focus in the course on assessment. The texts are not unambiguous though, and it was found that there are clear contradictions between the two mediatory means. Particularly with regard to structure, there are also contradictions between the espoused model presented in the texts, and the form modeled by the texts. On the relational level, it was found that there is an apparent contradiction between the

authoritativeness of the context and the value placed on participation and 'opinion'. It has been suggested that this contradiction is, in fact, a means of community formation in the context, and the means whereby identity framing is regulated.

It has been suggested that the meanings an individual assigns to a situation will be determined by that individual's cultural location: by the meanings assigned to aspects of that situation by the individuals' primary Discourse, and by the secondary Discourses to which they have been exposed. This specific individual placement will determine the individual's situation definition at the outset of instruction. Following Gee, it has been hypothesized that the extent to which this situation definition, and the cultural models which influence it, is similar to that held by 'insiders' to the target Discourse will determine the ease of acquisition or learning of the new Discourse. In this research, an attempt was made to read the situated meanings connected to the task by two groups of students in the class. Although the research in this instance is exploratory rather than definitive, some evidence was found of the possible existence of differing understandings of the concept. At an ideational level, themes used to define the concept were examined and differences were found between the two groups, with white students more likely to raise themes concerned with variation in law, and those connected to the basis of law (ethics or justice). African black students were more likely to contrast social power with individual shield in their theme contrasts, were more likely to explore themes of the origin of law (with explorations of the imposed or developed nature of this law), and were more likely to speak of the determinative or authoritative nature of law. At a relational level, the task interpretations brought to the task by the two groups were examined and it was suggested that, whilst white students were more likely to show Discourse familiarity in the tone and style adopted in writing, and were less likely to show evidence of distancing in the identity positioning strategies used, African black students were likely to show inconsistent use of Discourse textual structures, and to show a distancing of self from, what is perceived to be, an authoritative context.

An individual reading of concept development in this research has yielded a rich picture of the differences for each student between their understandings of the task at the outset and at the end of study in this course. Dimensions on which these differences were sought included the textual, ideational and relational, and texts were compared, not only against earlier writings by the same student, but also against understandings of the concept presented in the course itself and situated meaning understandings identified for the group of which the student is a part. Although the primary aim of this research was to facilitate this description at the level of the individual, an examination of an overview of the changes found in individual writings provided certain insights into the manner in which students differentially work with context, Discourse and concept, and has facilitated greater understanding regarding the factors likely to be associated with success in this context. These include a personal identification with an insider location; familiarity with Discourse context and most importantly with Discourse grammatical forms; a relational understanding of context and content; the development of authority in writing (if this is not artificially derived); and content foregrounding. Factors found to be likely to obstruct success were found to be a lack of a certain level of accuracy in the content coverage (although comprehensive content coverage was not found to be essential); a lack of recognition of task constraints (content framing); a strong 'other' community identification (outside or other academic community); an excessive student location (situation of self in context as student); a lack of familiarity with Discourse context (form) and its requirements (this is likely to lead to slower uptake but is not an absolute limitation); and a strong focus on rules and context authority. Most importantly, the analysis highlighted that success in the context is not dependent on any one single factor: rather, success is likely to depend on a 'whole' that includes content, argument structure, personal location, authority, and situated meaning as well as a relative knowledge base and Western understandings of justice.

The analysis has shown that differences in approaches to the task, as well as in concept understandings, do appear to exist between the two groups of students examined. It must be noted that the distinction between the two groups in this research is ideal rather than absolute: there is

overlap within the groups and it is likely that, particularly as our students come to us from increasingly similar educational backgrounds, the lines between the models may become increasingly blurred. However, although providing support for the hypothesis that familiarity with the Discourse will facilitate ease with its acquisition, the research also has shown that Discourse locations removed from those of the task do not deterministically impede success in the context. In this, the findings support Zamel's (1998) contention: acquisition of Discourses removed from the primary is not 'impossible' (see chapter 4).

9.4 Lessons learnt and directions for further research

This research has provided an understanding of how the social acts on the individual and has provided empirical tools for analysis of that action. The inclusion of a discourse model in this study facilitated greater understanding of student concept development; in particular, it provided a language for description and a tool for examining the impact of the social domain on the individual. The resulting account has shown how concept development occurs, not as an isolated piece of mental functioning, but rather as a whole, as acquisition of a range of skills and understandings which together constitute a Discourse understanding.

This research has also shown how, through language, content, form and values bind together to reproduce context and in so doing, reproduce power relations implicit in the legal domain and necessary for its continuance. These relations act, not only at the social, but also at the individual level, and are not only cultural, but also psychological.

Perhaps most importantly with regard to the empirical rationale of this study, it has been shown that what develops, in individual concept development, is not just content knowledge. Form and content interact in development in a way which is critical to understanding how situated meanings and

Discourse understandings change. Although the empirical data examined in this study relate only to a single course at a particular time, this analysis shows the complexity of development: attempts to understand processes in teaching and learning in the academy must take this complexity into account.

Finally, through this analysis it has also been possible to see how identity as a construct is critical in development of concept understanding, and how power relations in context are reproduced, not through overt control, but rather through a subtle form of coercion that involves full identity immersion in the target discourse.

Findings from this analysis cannot be extrapolated more broadly: no evidence has been provided that the model found in this classroom is typical of that found in other law classrooms, or that the interactivity and strong identity involvement created in this context is similarly created elsewhere. Even within this particular context, there is no suggestion that the results obtained provide insights that can be extrapolated to other classes at other times. However, the results obtained have suggested some possible interpretations of differential performance by students in the context.

More important than these findings with regard to this specific instance of legal education is a methodological finding of this study: the methodology adopted in the study was sufficiently broad to expose a number of the dimensions which together determine an individual's success in the context. What the study makes obvious is that a methodology that focused on any one of these dimensions alone would not be able to provide an adequate account of development. Specifically, any study that examined concept development in terms of the content of that concept alone, would not have exposed the other dimensions crucial to a full reading of development in this context. The methodology adopted not only allowed for an understanding of how reproduction of meanings, values, and power relations occurs in context and is internalised by the individual, but also showed that different student positions with regard to any of these dimensions may have consequences for success.

Some specific directions for further research have been suggested in section 9.2.4. These concern the empirical findings of this study, and suggest means in which the mediation provided in the interpsychological sphere could be enhanced to facilitate greater student success in the context. The findings are not themselves conclusive: rather the suggestion is that the interpretations offered might prove profitable as avenues for further exploration. An additional area identified in this research which could prove fruitful in further study is an analysis of the means in which themes used by individual students to explore the concept in their first text are used as structuring devices in later texts (even though content has changed and views held are not similar).

Theoretically, it has been suggested that what is social becomes structure at the level of the individual through internalisation: mediation, negotiation, and active reconstruction on the part of the individual. Although this study has looked at meanings transmitted in the interpsychological sphere and has examined evidence of the result of the internalisation process, it has not specifically focused on that process. Although the understanding adopted in this research is that the social does not act deterministically on individual action, the lack of such a focus leads to a danger that in this research, explanation may be seen to reside in the social realm. This suggests that what is necessary in the context of this study, and perhaps in the broader project of developmental psychology, is a critical return to the concept of internalisation.

This investigation would need to re-examine the Vygotskian understanding of semiotic mediation-as-tool in individual thought in the light of the understandings developed in this research, and question whether Discourse can similarly be described as a 'tool' in human thought. Whilst this it is not impossible to conceive, it would raise critical questions regarding Discourse shifts, and whether such shifts are a change in the mediatory means of thought itself. Whether, or when, task becomes tool would need significant exploration.

In addition, if what is internalised is not derived directly from the mediation or tool itself, but rather from negotiation, further exploration of the negotiation principle is necessary. This focus on negotiation would have empirical consequences: it is likely that if, in a specific context, the negotiation is not strong, the reliance in learning would be placed on implicit modelling and on student interpretative ability to move beyond current understandings. Put another way, since context and trajectory interact in learning, where trajectory lacks overlap with Discourse of context, learning situation assumes greater importance. There is some support for this contention in the findings of this study in the fact that students from primary Discourses at a remove from academia were more likely to be susceptible to contradictions in the mediation texts.

Finally, the question of 'active reconstruction' should also be re-examined: is this reconstructive process purely a result of historical context positioning (as the trajectory notion would seem to imply), or can principles for this reconstruction be identified such that this component can acquire explanatory power?

In this, as in all other investigations of this nature, it is worth bearing Wenger's caution in mind:

> Learning cannot be designed. Ultimately it belongs to the realm of experience and practice. It follows the negotiation of meaning; it moves on its own terms. It slips through the cracks; it creates its own cracks. Learning happens, design or no design. (1998, p.225)

9.5 Afterword

This research is interpretative in orientation (see Chapter 2), and does not make claims that can be extrapolated to other spheres. Validity in this study, as suggested in chapter 2, is thus more a question

of trustworthiness than one of 'truth', 'reality' or empirical regularity. However, to the extent that each section of this research provided possibilities for interpretation at other levels of the analysis, and thus fulfilled the 'coverage' criterion outlined by Gee as necessary for validity (see chapter 2), and to the extent that convergence in interpretation was found within and between sections of the research, some claims regarding analysis validity can be made. Whether the research as a whole similarly provides insights which can act as a platform for further research remains to be seen. Moreover, credibility has yet to be tested.

The highly situated and tentative nature of the research presented in this study may be open to critique as to its purpose and value. It has been suggested above that the significance of this research lies less in the empirical findings of the study than in the methodology: in the understanding adopted that allowed for the rich description in this study to be created. It is in this way that the study provides possibilities for further research in this or related areas. That understandings of this nature are important is pointed to by Gee:

> it is highly improbable that answers to many of the questions facing those concerned about learning in social contexts require generalised strategies or recommendations. It is more probable that they require local, situated answers. Indeed, if a teacher is faced with decisions about what to do for Sue and what to do for Sonia the answers needed may be quite different. From this perspective then, equal treatment, if it means the one-size-fits-all model, may not be equitable. Therefore what is needed is not a single recommendation or definition of learning but, rather, a way of examining the individual-collective relationships that constitute the 'local' opportunities for learning that students and others experience in educational settings and examining how and what students gain from such opportunities… such an approach must be able to answer different questions, provide a means of analysing data from different sources and be able to account for

> differences in the perspectives of different 'inside' and 'outside' observers. In addition, it must provide a basis for the analyst to move across types of data in theoretically coherent ways…" (Gee, 1998, p.160).

It is my belief that this research contributes to nuanced understandings of concept development in this context. There is much, however, that remains unexplored.