

CHAPTER 8

READING STUDENT DEVELOPMENT

8.1 Introduction

Development, in this research, has been described as an internalisation of culturally determined meanings, resulting in a shift of cultural model understandings. It has been suggested (see Chapter 3 and 4) that these meanings relate to not just overt knowledge, or to the substantive content of the concept, but also to the form in which that knowledge is presented and understood in the culture within which it is significant. It has further been suggested that these meanings reflect relations within society itself, and will position students with respect to those relations.

Thus far, this research has examined the context within which this study is located. This context has been described broadly (Chapter 5), as well as specifically through an examination of the mediation provided in the pedagogical situation (Chapter 7). The research has also examined the situated meanings brought to the task by students, and through these has attempted to sketch the cultural models which may be operating in the context (Chapter 6). The aim of this chapter is to examine individual instances of student writing and to attempt to construct for each student, an account of 'development' in the context of the study.

The research in this chapter thus examines a small sample of student scripts and describes the changes evident between instances of that writing at the outset and at the end of instruction: evidence is sought of changes in the form and structure of the knowledge that students bring to bear on the concept. Changes found in student texts are examined in the light of the models presented in the course of appropriate Discourse use: if development is seen as an internalisation of culturally determined meanings, change and development are not synonymous but development must be seen relative to a

particular goal or task. Discourse-appropriate change is therefore what is sought.

The chapter is divided into two main sections. In the first section, the data used, and the tools used in analysis of this data, are examined. The second section of the chapter provides a summary of the analysis findings for each of the students in this sample: the full analysis transcript is given in Appendix 19 (volume 2). A detailed analysis of these findings with regard to the aims of the study is provided in Chapter 9 and is not examined in any depth here, however, this chapter concludes by providing a speculative reading of the features in the texts most likely to be associated with success, or lack of success, for each student.

8.2 Data

The task set for students with regard to the first essay was described in Chapter 6, and the first essay data and analysis of that data was presented in Appendix 2 (volume 2). These essays provide the individual point of reference against which the later essays are compared in this chapter. The full task description for the second of the two essays analysed, as given to students, was:

The third assignment is due on 18th May 2000 and will make up 20% of your mark for the course. The topic for this assignment will be the same as that for the first assignment i.e. “What is Law?”. For this assignment, however, students should include research and insights drawn from the course itself. Evaluation criteria will include content knowledge, argument construction and independent thinking in addition to writing skills and formulation. This assignment will ... be content based and will be a fully researched essay, which should reflect use of the library as a resource in problem solving, basic referencing skills and innovative thinking in addition to essay writing skills. This essay should preferably be typed. (Extract from course outline, 2000)

A comparison of the two task descriptions shows that, although the topic is identical in each instance, the task is not. In the first instance, students are requested to “write their own ideas on the topic”. In the second, although ‘independent thought’ is required, this is set within the context-specific criteria of content knowledge and argument construction. The summative element of the task, in the first essay, is downplayed: the “main objective” is to give students “feedback” on their performance. In contrast, for the second essay, students are expected to “include research” and course content. “Evaluation criteria” are specified, and the task is framed in directive terms: the assignment “will” be content based, and “will” be researched. Also in contrast to the first essay, no indication of required length is given for the second essay.

Eight students form the sample for this analysis: as discussed in Chapter 2, the small sample was selected in order to allow for depth, rather than breadth, in analysis. Individual students were selected on a stratified random basis, and four sets of student scripts from each of the African black and white groups were selected for the analysis. Individual student details are reported in the descriptions below. The full texts of the second essay for the eight students selected as part of this sample are provided in Appendix 18 (volume 2). These essays are transcribed in paragraph form with natural line numbering: the line and stanza structure used in transcription for the first essays was not used in this instance due to the length of the data, and the fact that the analysis in this chapter places more emphasis on content (in relation to what has been taught) than on theme. The full comparative analysis of the two scripts for each of the eight students used in this sample is provided in Appendix 19 (volume 2).

8.3 Tools for analysis

In order to empirically examine change in student writings, the two essays provided by each student

were explicitly compared and evidence of change, on a number of dimensions, was sought. The analysis was primarily descriptive, and was informed by the theoretical framework adopted in this study (see Chapters 3 and 4), as well as by accounts offered in this study of concept mediation in the interpsychological sphere and of the situated meanings associated with the task by students at the outset of study. The analysis aimed to examine form, content, and value in student texts: levels for examination were thus selected to provide a full account of the textual, ideational and relational functions of the text. Within these three levels of analysis, parameters for examination within which change was sought were as follows: at the textual level, parameters examined included presentation, surface structure, style, word usage, ‘grammar 2’ features and referencing technique. At the ideational level, logical structure; concept elucidation, and themes used were analyzed (note that these three categories, which clearly fall within the ideational level, are reported independently in analysis due to their importance in the analysis). At the relational level, the parameter ‘voice’ was used to describe student location and authorial presence. These parameters, and examples of features sought within each of the levels, are described below.

8.3.1 Textual features

The focus of analysis in this research is not primarily on the linguistic features of student texts. However, it has been suggested that form and meanings are inextricably intertwined in Discourse, and that form provides the constraints within which meaning is constructed (see Chapter 3). A brief analysis of the textual features of student texts was therefore performed. Some of the specific features identified through a literature search and expected to emerge in analysis are examined below.

Following from Halliday (1989), the understanding of ‘text’ that is adopted in this research is that of a process, or a “social exchange of meanings” (p.11). The text thus is more than just the words on the page, but rather incorporates all of the total semiotic meanings that the object carries (Graddol, 1994, see chapter 4). Of some interest then is what the presentation of the text as a whole is signalling, and

the interplay between this presentation and the actual script (op cit). Myers (1999) suggests that such a focus places emphasis on “specifics of particular encounters of people with texts” (p.60), and can provide an insight into the “social worlds in which these texts live” (p.59). The first dimension of the text that is examined is thus the basic appearance, or presentation, of the script.

A basic proficiency in grammar is necessary to convey meaning in any context: form and content are not independent (e.g. Taylor, 1988; Nightingale, 1988; Leibowitz, 2000). The basic grammatical structures used by students in their writings are of less interest in this research than the ‘grammar 2’ patterns evident of Discourse acquisition, however, surface grammatical features, such as fluency, coherency, and sentence complexity may reveal, comparatively, the sense of competence that a student has over the content in that work. Bock (1988), for example, shows how “coming to terms with a new concept of writing increases the number of surface errors in the writing” (p.29). Kutz (1998, p.45) describes the resulting form as ‘interlanguage’, and suggests that it is a normal feature as part of the process of Discourse acquisition.

Williams (1991) describes, in addition to this ‘apparent temporary loss of linguistic skills’, other surface features that are typical of the initial writings of legal students. These include: stating the unnecessary (what would be taken for granted by an expert writer); display of concrete behaviour (seizing on concrete aspects of the question asked, using texts in a way that may be regarded as plagiarism; deference to authority; lack of conceptual links); and an inability to use the ‘language of the law’ in a competent way, and which may include a focus on the surface features (‘legalisms’) of that discourse.

The problem of temporary lapses of grammatical structure is compounded where a student is working in a second language. Certain grammatical irregularities are typical of second-language usage, and may become more frequent when the content itself has not been fully mastered. These errors may arise from direct translation (for example, the use of the word ‘all’ resulting from a lack of the word

‘both’ in the vernacular), or from the grammatical structure of the first language (such as the use of double subjects as in ‘the teacher he goes out’ or a lack of subject, since the subject is combined with the verb in vernacular, Case, 1968). Operating in a second language may lead also to formulation which is not incorrect, but which is clumsy. Milton (1999) shows how certain lexical phrases (for example, ‘on the other hand’; and ‘in my opinion’) are overused by second language speakers, and are always used in sentence-initial position: other lexical phrases typical of academic writing are not used at all. He suggests also that the texts of second language writers are more likely to show register confusion (between oral and written modes), and to be grammatically simpler in sentence structure, with less use of ‘hedged’ expressions.

A further surface feature of relevance is that of word usage. Not only does the vocabulary used signal specific values that may be conveyed through the text (e.g. Janks, 1988), but, at its basic level vocabulary is essential to conveying meaning. As Wenger (1998) points out,

“(a)n adequate vocabulary is important because the concepts we use to make sense of the world direct both our perception and our actions. We pay attention to what we expect to see, we hear what we can place in our understanding, and we act according to our worldviews.” (p.8)

Features typical of academic writing, or the ‘grammar 2’ of academic discourse, were also sought in student writings. Hyland (1999), through a quantitative analysis of academic writing, identifies expression of stance as one of the most important features of this writing (where stance is one aspect of author positioning). These expressions of stance include hedges, attitude markers, emphatics, person markers, and relational markers, and are more frequent in ‘soft’ knowledge systems (with hard knowledges often using attribute hedges which allow for greater knowledge claims) (pp.106 – 108). ‘Succinctness and precision’ are more valued in hard knowledge systems, with social sciences tending to produce “interpretative discourses which often recast knowledge as sympathetic

understanding, promoting tolerance in readers through an ethical rather than a cognitive progression” (p.109). Hard knowledges show more minimized authorship and appeals to the reader (p.111), whilst soft knowledges show “greater variability in the use of affective signals” (propositional attitudes and evaluation) and are more likely to indicate subjectivity of evaluations (p.116). “(E)ffective academic writing” thus, in his view, “depends on rhetorical decisions about interpersonal intrusion and involves writers’ selecting and deploying community-sensitive linguistic resources to represent themselves, their positions and their readers” (p.120).

Common characteristic surface features of this ‘grammar 2’ identified by Elbow (1998) include explicitness, both in respect of ‘signposted’ text, and in terms of intellectual position taken (although text is generally indirect on an emotive level); ‘author-evacuated’ or detached style; formality; use of technical terms; and reference to authority. However, he suggests that academic discourse is not significantly different from some forms of non-academic discourse in its deep structure: intellectual writing that is, to some extent, decontextualised-but-situated (pp.149 – 150). Note that what Elbow calls ‘signposted’ text has, in other work, been referred to as ‘sequential’ marking (e.g. Hatch, 1992) and the terms are used interchangeably in analysis. Further ‘grammar 2’ features identified by Gee (1999b) include “a heavy subject... deverbal nouns... complex compound nouns... a ‘low transitive’ relational predicate... passive or passive-like voice... the absence of agency... an abstract noun... and an assertive modifier to the verb” (p.30).

The style of writing in academic texts is widely regarded as formal. Chang and Swales (1999) provide a list of characteristics associated with an informal style, and which are not considered appropriate in academic texts. These include: the use of broad reference anaphoric pronouns; ending sentences with a proposition; ‘run-on sentences’ (ending, for example, in ‘etc.’); sentence fragments; contractions, direct questions; exclamations; split infinitives, beginning sentences with a conjunction, and the use of the first person pronoun in writing. Different disciplines may have different ‘rules of appropriateness’ regarding these characteristics and, they suggest, there is a recent trend towards the

acceptance of greater informality in writing (with the last two characteristics, in particular, finding widespread acceptance in recent years). Nonetheless, inappropriate use of style by a student to a discipline may evidence a lack of recognition of the formal Discourse requirements.

A final textual feature of relevance to the analysis is the use of referencing techniques (described, for students, in the course-pack), or, in their absence, the use of plagiarism. Plagiarism is a complex problem in academia, and should not necessarily be seen as an instance of student dishonesty. Bock, for example, suggests that plagiarism is often ‘unwitting’ because student reading of the text “has not been sufficiently discriminating (for them to) structure a referential framework around the sources used” (1988, p.29; see also Pennycook, 1998, and Angelil-Carter, 2000). Plagiarism may, in addition, arise from an attempt to learn by imitation; thus:

In general, students learn to write formal academic essays by absorbing the language of their texts and by modelling their language use upon that of their teachers, their lecturers in particular. Using nothing but these subconscious methods, most students undergo an explosive language development during their first three years of undergraduate study. (Bock, 1988, p.30)

8.3.2 Ideational features

The ideational features contained in the texts, relating to the content of the concept, as well as to the logical form in which that content was presented, was examined in analysis under three parameters: logical structure, content elucidation, and thematic analysis. These are described below:

a) Logical structure

Development of appropriate reasoning structures is crucial to competence in any academic domain. These reasoning structures are primarily evident in the macro-, or logical, structure of a text, and are the reason for the emphasis placed in teaching on appropriate essay structure. In terms of Geissler's (1994) bi-furcated problem space, this structure indicates development on the rhetorical dimension:

in the domain content problem space, experts develop the abstractions that enable them to go beyond everyday understanding. But it is through the rhetorical problem space that they develop the reasoning structures that enable them to bring these abstractions to bear upon the contexts in which they work. (p.84)

Techniques do exist for thorough analysis of rhetorical structure (for example, techniques drawn from Rhetorical Structure theory, see Candlin and Plum, 1999, p.200), however, the use of such techniques was not felt necessary for the purpose of this analysis. Rather, the focus in analysis was on explicit logical structuring of texts, and no attempt was made to examine reasoning structures at a more tacit level. It is worth noting, however, that second language speakers may use different rhetorical structures and "connect their ideas differently" to first language speakers (Land and Whitley, 1998).

An argument structure, or analytical exposition, is typical of legal writing. Although different forms of argument structure can be identified (e.g. Hatch, 1992), the typical form for such exposition is outlined by Martin (1989) as follows: "(i)n mature Exposition, each Argument for the Thesis tends to form a paragraph, and the Arguments and Thesis may be summed up in a final paragraph or Conclusion." (p.14). This description accords with the guidance provided to students in the course-pack on essay structuring (see chapter 8), and student writings are thus examined for the extent to which they accord with the instructions given in the course-pack.

b) Content elucidation

An essay is a display of appropriate knowledge, and almost by definition requires, or is perceived to require, a student to provide coverage of the same content as was covered in the course itself. This leads to a problem in analysis: how much of the content ‘told’ is purely reproductive, and how much of that content is meaningfully integrated into the students knowledge systems is difficult to tell. In a review of literature of ‘knowledge retelling’ strategies, Geissler (1994, p.38) suggests that these range from summary strategies (which range from information deletion, through information combination to information recombination), to synthesis strategies, to construction strategies. Even at the highest levels of study, however, when faced with the knowledge-retelling task, students often exhibit lower order strategies. This is not surprising if writing is seen as a social process: “reality is seen as constructed through processes that are essentially social; involving authority, credibility and disciplinary appeal” (Hyland, 1999, p.100). “(W)riting what you think” (Lea and Street, 1999, p.78), thus poses difficulties for students, and may even be an unfair expectation.

However, at lower levels of operation, even simple summary strategies may display a lack of adequate concept understanding. Content deletion may be evidence of this; more critical, however, is the means in which the relations between concepts are dealt with. The technique of concept mapping, developed in the 1970s and well documented within science education writings since then (e.g. Novak, 1990; Wandersee, 1990; Wallace and Mintzes, 1990; Ruiz-Primo et al, 1999; Fong, 1999), provides a means of sketching these relations: the basic principle in this technique is that knowledge is organised hierarchically and not in a linear fashion, and can be represented as such. This understanding accords well with Vygotsky’s description of the scientific concept as a network of related concepts. Although the technique has not been adopted in its entirety in this research, a comparison of a rough concept map created from the course-pack understandings described in chapter 7 to the concepts covered and the types of relations that students appear to be drawing between

concepts in their essays, proved productive.

c) Thematic analysis

In order to determine the extent to which prior understandings of the concept might be facilitating or impeding further development, an examination of the extent to which themes addressed in the first student essays were repeated in the second essays was made. These themes were compared with course content coverage, and with situated meanings associated with the concept at the outset of study by the group of which the student is a part.

8.3.3 Relational features

It has been suggested that learning and development in a Discourse account involve identity and identity shifts (see Chapter 4). Understanding development as a function of student identity necessitates an understanding that it is not simply shifts in appropriate form that are at issue, but rather how such shifts in form position the writers (Ivanic and Weldon, 1999), or how a writer's position may facilitate or impede shifts in form (see chapter 4). Student positioning in the texts, as evidence of an identity shift, is thus sought. The focus in analysis in this instance is on discoursal self (shifts in explicit location or values and beliefs which provide an indication of community membership), and on the development of authorial self (establishment of or referral to authority). These indices provide some indication of the extent to which the student situates him- or herself in context, and the extent to which there is congruence between this location and the context model. This analysis parameter is referred to in analysis as 'voice'.

8.3.4 Summary

This section has provided a set of tools which are used in analysis of student texts in Appendix 19. A summary of the analysis findings for each student is presented below. Note that although all analysis parameters were examined in each case, this is not necessarily reported in all instances: the focus in this section is rather on broad description, with attention drawn to specific features where these are of interest.

8.4 **Analysis**

The full analysis of the student texts is provided in Appendix 19. This section provides a summary description of the findings regarding the changes evident between the two texts provided by each writer. The following caution is worth bearing in mind in this analysis:

It is important not to think simplistically about ‘the acquisition of academic discourse’. There is no such single-tracked process: it’s not a smooth progression towards possession... It would be wrong to see the heterogeneous discursual choices in this data as marking transition: a single path from one less powerful, less efficient, inferior discourse to another, more powerful and efficient, superior one. The situation is much more complicated. (Ivanic, 1997, p.52)

The intent in this analysis is not to generically characterise a student’s writing as ‘good’ or ‘bad’: Bock (1988) makes the point that if literacy is defined “in functional terms as the attainment of professional standards of writing in specific disciplines”(p.25) then academic literacy is the goal rather than the starting point of ‘studentness’. However, to the extent that the intent in analysis is to find points of convergence or divergence between the Discourse models espoused by the student and

those mediated in the interaction, some characterisation as ‘insider’ or ‘outsider’ is necessary. No value outside of this study is intended to be conveyed through this characterisation.

8.4.1 Student 3

Student 3 is a black male, who arrived at university after having matriculated at a historically advantaged school (there is no record of the length of time that he had spent at this school). He had obtained a matriculation rating of 20, which, although not adequate to gain him automatic entrance to the degree, was, in the year of this study, a reasonably good performance for an African black candidate. The student had written a selection test for admission to law study, and had been admitted to the 4-year curriculum LLB degree.

In his first essay, the student provided a confident (“I have come to perceive law in my own way”, line 5), although brief, account of law as a system of rules within a system for the implementation of these rules. He located himself within the law context as a law student, with optimism (“I think there is a great future”, line 19). He showed some evidence of Discourse context recognition through the justificatory strategy employed in the essay, but did not display the tone and style of writing typical of academic discourse. The essay was not typical in terms of the group analysis: the student used a three, rather than a two, level structure, used a non-contradictory contrast in which neither of the themes identified as predominant for the group were raised, and did not allude to function as a theme in explanation. He did, however, use the typical device of explicitly locating himself in the context (as a law student), whilst using a distancing structure (framed content).

In the second essay, the student uses a striking metaphor of ‘el Nino’ to describe the threatened position in which he finds himself. Confidence has been replaced by confusion: the student, in two places in the essay, admits honestly that he has not understood the content. The essay itself displays

this confusion both in its content (the long and irrelevant section on Roman Law) and in its structure (or lack of structure, particularly within the ‘theories’ section). There is, however, a stronger location-in-context in this essay than is the first, with frequent first-person references throughout all sections apart from the Roman Law section.

The comparison of the two essays provided in Appendix 18 shows that there is a stronger awareness in the second essay of the summative dimensions of the task. This is evidenced in the essay presentation (a focus on the formality of assignment number, rather than title) and in the explicit reference within the essay to “answer(ing) the question on what law is” (paragraph 4). This awareness of the summative seems to accord with the threatened position adopted, and the overall impression created is of a student who is aware that he is not coping. The decline in the fluency of surface grammatical structure in the second essay from the first essay is further evidence of this struggle. Although the second essay does show some of the features typical of academic Discourse, most particularly in word usage, the use of this discourse is not sustained or competent. Although the student uses a knowledge-retelling strategy in the Roman Law section, there is an oral, rather than academic, tone to the section dealing with course content proper. In addition, the student does not use the academic technique of referencing to establish authority.

There are structural similarities between the two texts with the same macro-structure and pre-structuring techniques evidenced in both. Both lack adequate post-structuring in the conclusion. There is however an evident attempt in the second essay to structure the body of the text: this attempt is not sustained through the entire text. There is also in this essay clear use of paragraph-level structuring not evident in the first text, and which, in conjunction with the position-taking approach suggests the development of an argument structure.

On a content level, the student spends a considerable portion of the second essay on the ‘origin and development’ of law. The content he covers in this section is, however, that of a different course (the

Foundations of Law course, which covers Roman Law) and is not relevant to this one. 'Origin' is not a theme which is stressed in the course itself, except as a distancing strategy within the 'law and religion' section. 'Sources of law', which could be confused with origin, is not mentioned by the student, nor are any of the other distinctions related to the concrete object (with the exception of 'divisions' of law which are mentioned only as 'confusing'). The value that the student thereby places on the abstract object is an interesting choice, particularly given the strong understanding of law as a 'body of rules' espoused in his first essay. It seems likely that the student has picked up on the value associated with this section in the mediation itself. However, the means in which the abstract object is worked with in the student's search for the 'correct' approach shows that the abstract concept has in this instance been worked with in a concrete manner: in this there is both continuity with his first essay and ascription to the validity / accuracy task definition typical of the African black student group.

The thematic structures of the two essays produced by this student are very similar. In the second essay, the theme of 'choice' has been replaced by the theme of 'consequence', and the theme of 'implementation' has been replaced by the theme of 'theory', however, the sequence of thematic relations remains the same. As with the first essay, the second essay does not show evidence of the types of themes found to be typically associated with the African black group. However, in the second essay, a clear additional level of abstraction is created through the student's critique of his own initial definition of law.

The student locates himself as student in both essays. There is both an explicit and an implicit change of task definition in the second essay, from opinion-stating in the first essay, to argument construction combined with an implicit acknowledgement of the Discourse requirements of formality and explicit structuring in the second. However, despite these shifts, and the evident shift in level of abstraction of definition, the student does not establish authority in his writing. Moreover, the uncertainty which he experiences with regard to task requirements is explicitly fore-grounded in his writing and from his

student positioning.

This student received a mark of 50% for both the first and the second essay. He did not pass the course overall though, with a final mark of 41%. In the same year he also did not pass all four of his other law courses with marks ranging from 38% to 47%. He returned the following year to re-attempt these courses, but again failed all with the exception of one. At second attempt, he received 16% for the introductory course used in this study. He dropped out of university at this stage.

8.4.2 Student 4

Student 4 is an African black female who had arrived at university from an educationally disadvantaged background. She had obtained a matriculation rating of 20 points, sufficient to gain her entry into a Bachelor of Arts degree. She had chosen to study law as a major in this degree.

The cultural model evidenced by this student in her first essay, at the thematic level, was typical of that found for the African black group, with a strong contrast drawn between the social power and individual shield dimensions. In keeping with findings for the general group, the essay showed evidence of distanced identity location in its use of a framed act / task structure and explicit outsider location. Rather than a two-level prepositional structure, however, the student used a three- level structure. Also unusual was amount of movement displayed within themes, and the fact that the student did not appeal to a 'right answer' orientation. No evidence was found in this essay of recognition of Discourse requirements.

The second essay provided by the student maintains the disconnection of identity and task with a personal, informal introduction and impersonal, more formal content section (although there is some slippage within this). Recognition of the requirements for formality are evident in this essay (for

example, in word choice and structural marking), but are not competently maintained throughout. The recognition of these requirements is evident also in the 'factual' presentation style of the second essay.

The strong outsider positioning in the first essay, expressed in the student's express acknowledgement of her failure to adequately define the concept, is transformed in the second essay to a broader 'difficulty of definition' value, which strongly accords with the value placed on this dimension in the course itself. There is a strong structuring attempt in the second essay both at macro- and paragraph level: logical sequencing and integration of sub-concepts are apparent. This structuring was evident also in the first essay, but was achieved in a more discursive than analytical style. Although the student's grammar usage in the second essay can not be described as competent, it is apparent that she has 'used her own words' in the content section. This indicates that she has, to some extent, assimilated this content to her own mental structures.

Topic coverage in the second essay includes 'theories of law' and 'related concepts'. There is some confusion evident in the distinction between the two topics, both in terms of content coverage and the structural placement of the topics. Within the related topics section, the student does not disconnect the concepts of religion and law. The concrete concept 'law' is covered only in definition (paragraph 3) and in the conclusion to the essay.

The 'justice' theme was raised in first essay, and provided some foregrounding of course content. Evident in the second essay is some development of this concept, with a disconnection of justice and equality, but a reconnection (not well established) between justice and substantive equality. The placement of this theme in the overall essay structure suggests a rejection of the rational justice ideal of the first essay in favour of a 'variation' theme: thus the ideal notion of justice has been replaced by an understanding of the subjective nature of law, and the student is experiencing a subsequent disillusionment.

The 'social determination' evident in the first essay appears to be strengthened in the second, and appears to also be connected to identity conflict and disillusionment. The 'individual protection' function from the first essay is not repeated in the second. Although the theme plays from the first essay are evident in the second essay, content replaces the themes addressed in this essay.

In essay 1 the student did explicitly refer to herself, but did not show strong student placement. There is, however, a strong student placement in the second essay: along with this there is a sense of loss of confidence, mirrored in the occasional lapses of style. She does, however, at least at the beginning of the second essay, show her recognition of authorial authority requirements: she both uses references to establish authority and speaks with a strong authorial presence. This is not maintained throughout the essay though, possibly due to identity conflict experienced.

Much of the second essay reflects this conflict in individual positioning. The conflict the student is going through is shown through her movement from an initial location of self in an academic / philosophers group (line 2) with a concurrent disconnection of self from general public (line 4). However, her discussion of the social effect of law (paragraph 4) displays strong negative value, and it is no surprise that she distances herself from the academic / philosophers group in the same paragraph. This same conflict is repeated in paragraph 9 of the essay, and in paragraph 11 there is a strong association of self with the general public. The explicit means by which this conflict is made evident to the reader is itself an indication of the task definition attributed to the context by the African black group.

This student obtained 60% for her first essay and 63% for her second essay. She passed this course with a final mark of 55%, passing the majority of her Humanities courses in this year but failing her other two law courses. She returned the following year and repeated the failed law courses, registering for an additional four law courses in the same year and passed all of these courses. She

graduated with her Bachelor of Arts degree in 2003, and registered in 2004 for postgraduate LLB study.

8.4.3 Student 7

Student 7 is an African black male, who arrived at university from an educationally disadvantaged background and with a matriculation rating of 19. In terms of the students comprising the restricted sample for analysis in this chapter, this student had the highest disadvantage factor and the lowest matriculation score. The student wrote an admission test for entry to law, and was accepted to the LLB degree.

The first essay provided by this student showed a direct reference to the cultural model themes identified as of particular importance to this group: social control was thus an important theme in this essay combined with a ‘community origin’ theme, and the opposing theme raised was individual protection. Unlike other members of the group, however, the student did not attempt to explicitly locate himself in the context in this essay. The understanding of law provided in the essay was at the concrete level of ‘rules’.

There was a marked improvement in presentation between the two essays provided by this student: the use of a cover sheet with the second essay, combined with fewer spelling and grammatical errors gives a more ‘professional’ feel to the essay. The surface structure of the second essay, however, retains many of the grammatical flaws typical of a second language speaker. Although neither essay provided by this student was strongly informal in style, there is a marked shift to a more formal style in essay 2: only one direct question is used, with no contractions, exclamations, initial conjunctions or end propositions. Both essays show the use of references, although in the first this is un-attributed and in the second quotation marks are not used. The second essay, however, shows a strong attempt

to research and draw from sources, and a thorough attempt to cite the references which have been drawn upon. The end-noting technique used in this essay is not included in the transcription, but as an example, both sentence 1 and 4 are referenced.

Although both essays show the use of introduction and conclusion structures, there is a stronger attempt in the second essay to formally structure the contents. This attempt relies on the use of headings and sub-headings, rather than topic sentences. There is, however, no linkage between paragraphs and sections in the essay, and the overall impression provided is of a series of points. Content linkage is therefore not well established in the essay.

There was no reference in the first essay provided by the student to any of the concepts to be covered in the course. In the second essay, the student does not refer to the concrete object 'law' although this was the basis of his understanding in the first essay. There is value accorded to abstract object in this essay through the devotion of two sections of the essay to this topic. The distinction between these two sections ('theories of law' and 'philosophers understanding of law'), however, suggests that the student has not understood the relation between theories and philosophies. The student does discuss the topic 'related concepts', but in the discussion establishes commonality with law rather than difference from law. The lack of structural linkage in the account both between and within sections leads to a sense that the relations between concepts are not well-established: the knowledge is thus presented in a 'point form' style and appears to be additive rather than integrated. Nonetheless, the account given of the content within the 'theories of law' section, although brief, is not incorrect, suggesting that the student has at least understood the content at this level. The student does not attempt position-taking in the essay.

There is no repetition in the second essay of the themes raised in the first. The strong functional definition provided in the first account, whilst not repeated in the second, is raised twice within subtopic discussions (sociological theory and law and religion sections): in both instances this is a

possible indication of content struggle. Both essays provide definitional introductions and idealistic conclusions.

There is movement from community identification in the first essay to insider identification in the second. This is primarily established through use of the authorial 'we', and simultaneously serves to establish group identification and authority in writing. Authority in writing is further established through the strong use of authority (references) to establish authority. However, although there is no direct evidence within the text of overt student positioning, this position is indicated through the strong use of a categorical mode and lack of hedging which indicates a reproductive account. The strong authority in writing, in this instance, rather than indicating the development of authorial authority, may be an indication of the strong authority attributed to the context by the student.

The student received 40% for his first essay, 55% for the second and passed the course overall with a mark of 53%. However, he failed all other law courses in this year, with marks in the high 40%s. He returned to the same year of study in 2001 attempting all failed courses and two additional law courses, and passed all courses in that year with marks ranging from 57% to 72%. His subsequent progress through the degree was marred by only one course failure and he graduated with the LLB degree in 2003. This student is currently registered for a masters degree in law (LLM).

8.4.4 Student 9

Student 9 is an African black female student who had arrived at university having had a single year of experience at an educationally advantaged school, but who prior to this had had a disadvantaged schooling. The matriculation rating that she received was 20, and she was automatically accepted, and registered, for a BA degree. All of the courses for which she registered were, however, commercial courses, and it is likely that the student intended after one year of study to transfer to a

BCom degree (for which law is a compulsory course).

This student, in her first essay, presented a fairly idealistic conception of law as protector (“invisible blanket”, line 13) and “moral fibre” (line 21). The primary contrast in the essay is a protection versus regulation one, and the essay was classified as strongly indicative of the power/shield theme identified as important for the African black group. The concept structure in this essay contained 4 levels, an unusual amount for this group of students. The essay contained few surface errors.

In contrast, the second essay provided by this student is marked by the frequency of surface error. Paragraphing is poor, and sentence construction is clumsy. Partly this may be due to an increased attempt to use a formal style in the essay: the essay in places seems to almost mimic academic Discourse to the point of incomprehensiveness. However, although the reading of the essay as being an attempt at academic Discourse is reinforced by formal word and phrase choice throughout the essay, there are frequent lapses to an informal style. Thus it appears that, although some recognition of the Discourse content is evidenced, the student has an incomplete understanding of the requirements of that context.

There is a contrast also in the structure of the two essays presented by this student. Although both show a predominant single-sentence paragraph structure, there is a logical ‘flow’, and a rudimentary argument structure to the first essay that is absent in the second. Although there are paragraphs within the second essay (paragraphs 4, 13 and 18) which fore-ground the content of the following paragraphs and thus appear to be serving a structuring function, these are not well-marked, and the essay gives a confused impression. This is further compounded by the lack of relations between sub-concepts discussed.

The student made no reference in the first essay to any of the concepts covered in the second. The second essay, in attempting to cover the content of the whole course, rather than the relevant sections

of the course, shows a lack of recognition of the task requirements and sets, for the student, a task which is not achievable. There is a lack of differentiation of sub-concepts within the second essay: 'roots' and 'sources' are conflated, as are 'related topics', 'forms' and 'divisions'. The abstract concept is worked with in a concrete manner, suggesting that this distinction has also not been drawn. There is much misunderstanding evident within each section, and, within the 'theories of law' section an idealistic addition of a new, 'neutral' category. The conclusion to the essay shows a further misunderstanding of task requirements: this conclusion is couched in terms of the student's own views on the topic unrelated to course concepts, rather than as a position-taking in terms of concepts discussed.

The two essays submitted by this student do not show a high overlap of themes addressed. However, there is a frequent reference in both essays to 'community', through direct and frequent use of the term in essay 1, and through an indirect reference to culture or cultural difference in essay 2. Although this community / culture theme was raised in the first essay by African black students more frequently than by white students, it was not identified as a theme in its own right, but rather tended to be connected to the 'origin-developed theme'. However, literature consulted (e.g. van Niekerk, 1998, see Chapter 5) indicated that a community orientation is likely to be an important component of a cultural model understanding for this group. The recurrence of this theme in the second essay may therefore indicate, for this student, continuity in cultural model understandings. There is no other evidence within this student's second essay of the contrast outlined in essay 1.

The student's second essay, through the terminology adopted, the style, and the tone, as well as through the content covered, suggests that the student has some recognition of the Discourse context requirements, but not full recognition or realisation. The terminology and style used, as discussed, show formality but lack coherence. With regard to the tone, for much of the essay the student appears to be speaking in an authoritative manner; however, she fails to establish this authority either through reference to external authority or in terms of her own concept coverage. She explicitly distances

herself, in the first two paragraphs of the essay, from the layperson, but at a later point of the essay (paragraphs 17 and 19) uses an inclusive pronoun in a manner that seems to suggest her membership of that community. This suggests a conflict in personal location: the student has not clearly identified which community she is a member of, and is clearly loathe to reject the broader community membership which she holds dear.

This student obtained a mark of 50% for the first essay and for the second essay, but failed the course overall at 48%. She also failed her two other law courses in this year, with marks of 41% and 48%, and failed all of her commercial courses. She did not return to university the following year.

8.4.5 Student 11

Student 11 is a female white student, from an educationally advantaged background, who arrived at university with a matriculation rating of 33. She registered in her first year for a B.Com degree.

The first essay provided by this student has a poetic and literary feel, created at the beginning of the essay with a scenario of a society without law (visual imagery), and maintained throughout the essay through a tight stanza structure. The themes of the essay are typical of those associated with the white group, contrasting social power with the relational (evolutionary) nature of the concept. The essay is unusual in that sets up justice as an ideal of law, rather than as a basis of law: this fore-shadows the understanding of the justice theme provided in the course.

The second essay provided by the student retains some of the literary quality of the first: the essay again begins strongly, this time with a quotation. Phrases used, such as “just (and) righteous future” (line 94 - 95) and “heart of the legal system” (line 105), and a reference to a theatrical production (line 55), contribute further to this tone, and lend a slightly informal feel to the essay, which in other

respects, evidences a formal style. There is evidence within both essays of a recognition of Discourse requirements, primarily in the use of conjunctives and structural markers which clearly signpost the text, and allow, at sentence level, for relations between themes to be established.

This strong structuring feature is echoed in both paragraph and full-text level in the second essay. Paragraphs are strongly linked, and the essay as a whole is strongly structured, with introductory and concluding paragraphs to each section. This is in contrast to the first essay provided by this student, which, although having a natural flow, did not show strong paragraph or full text structuring.

The only theme in the first essay connected to the concept coverage in the course is that of justice as an ideal of law. In the second essay, this sub-concept is, interestingly, not well explored (justice is seen as ‘subjective’, line 24), and the distinction between formal and substantive justice is not drawn. Although most of the concepts of the course are outlined in the essay, there are other areas which show a lack of depth: the discussion on positivism does not go into different theories within this field; the concrete / abstract distinction is not entirely established, and there is no explicit differentiation between the ‘forms’ and ‘sources’ topics. In other respects, however, the second essay provides a brief, but comprehensive account of the course concept and sub-concepts.

There is a strong relation between the thematic structures of the two essays produced by this student. Examination of these structures, moreover, shows that the student has modified previous themes in terms of her new understanding: thus social / individual control themes from essay one become social / individual searches for concept meaning in essay two. In the first essay, a denotative definition of law as rules which guide and control (lines 13 – 14) is provided, in the second, in the same position structurally, the problem is rendered complex (“where the law should come from and what it ought to constitute”, lines 17 - 18), as it is in the course itself. Although choice is a theme in both essays, in the first, the choice is whether to uphold the law or not, whereas in the second, it is in adopting a particular theory or perspective on law. Justice is used as a theme, not as a basis for law, but rather as

an ideal, in both essays: in the second, this ideal is seen to be particularly relevant to current South African society (paragraph 15).

The student does not explicitly position herself in either of the essays: there is no obvious student positioning in either, but also no clear development of authority. Where the student speaks authoritatively, particularly in the second essay, tends to be in places where the style lapses into hyperbole, or a literary genre. The student appears to use this device to connect course learning with her own prior knowledge, and the impression conveyed is that she is dealing with the content in a non-reproductive manner, although not entirely in a Discourse-competent manner. It is possible, however, that her Discourse recognition connects to academic Discourses other than those of legal study, and that this may be a personal choice that she has made.

This student obtained 60% for the first essay, 63% for the second essay, and passed the course overall with 55%. She also passed all of her other courses in this year (commerce courses, with a psychology major), and in the two subsequent years, and graduated from the B.Com in 2003, with a simultaneous registration for and graduation from a B.A. (honours) in psychology.

8.4.6 Student 16

Student 16 is a white female, who arrived at university with a matriculation rating of 27, and who registered for a BA degree.

This student, in her first essay, used an informal style of writing to justify her opinion of law. Her first essay had an easy flow to it that, to some extent, masked the tight paragraph structure in the essay: paragraphs were clearly defined and followed the 'initial topic sentence' rule. The student situated herself explicitly in that essay as a law student. It was suggested in analysis of this essay that

the student was attempting to deal with a relativistic position by looking to the ‘certainty’ of law.

The second essay, in contrast, showed some formality of style, particularly in its lack of expression of personal stance. There are, however, lapses into informality within the text, particularly in the section on justice. Although paragraph structuring remained tight in this essay, textual structure was not clearly signposted in the text: there is no explicit connection between paragraphs, and no foregrounding of content (an exception being in paragraph 14 where the section on ‘related concepts’ is introduced). There is thus no clear argument structure or position-taking within the text. This may have been a deliberate choice: the student’s ‘position’ (given in the penultimate paragraph) is that a definition of law is dependent on individual perspective.

The text of the second essay, as a whole, has a factual and reproductive feel, which derives, in some part from an extensive reliance on the present tense categorical mode (“natural law ... is”, line 16; “justice is...”, line 54). This is further created through the fact that the content of the essay is drawn extensively from course materials with no additional sources consulted (the course-pack is the only reference cited), and personal experience is not extensively drawn into the discussion.

Although the student used two course-related concepts in her first essay (justice and the constitution), both were used in a superficial (not course-relevant) manner. Concept coverage in the second essay is fairly thorough (the only concept not covered is sources of law): however there is little depth in the discussion in most areas. The topic allocated the most space, and thus weight, in the essay is the ‘related concepts’ topic: within this section justice is explored at length, and is set up, contrary to course teachings, as an ‘ideal result’ of law. As in the first essay, indeterminacy is a strong theme in this essay: in this instance established through form variability and individual belief.

There is a remarkable parallel in thematic structure between the two essays presented by this student. Definition and consequence are the opening themes, the basis of law follows (in the first essay used in

the sense of a values basis, in the second as an origin), the imperfect nature of law is then explored, followed by justice (used in a course-informed manner in the second essay), and impact is addressed in the final paragraph, with a final reference to value (absolute in the first essay, relative in the second). Although the themes remain the same, there is thus movement between the essays in terms of the understandings adopted within those themes.

The student explicitly located herself as a student in the first essay. In the second, this positioning is retained, but is not made explicit. Rather it can be read through the lack of development of authority within the text, and through the reproductive nature of the text. The increased formality of the representation of the second text further underscores the summative dimension of the task (as the student perceives it). The student seems to have a familiarity with the textual requirements of the Discourse, however, her lack of position-taking and her subsequent lack of argument development indicate either that she does not have full control over this Discourse, or that she does not wish to locate herself personally in the context. The latter interpretation is suggested by the student's use of the word 'our' (lines 4 and 109) to mark a societal rather than a legal community membership.

This student received a mark of 50% for her first essay, a mark of 65% for her second essay, and passed the course with a final percentage of 53%. She also passed her other two law courses in this years (with marks of 50% and 64%), and passed all of her Humanities courses (with marks ranging from 62% to 72%). She did not return to law study in the following year, but continued with her BA studies, and graduated in 2002.

8.4.7 Student 17

Student 17 is a white male, who had obtained a matriculation with a rating of 29 points, and who had registered for the LLB degree.

This student's first essay combined an opinion tone with a formal style which evidenced recognition of the textual requirements of the Discourse context. Moreover, in this essay many of the references to the concept law were at an abstract, rather than concrete level, which showed further recognition of the Discourse task requirements. The thematic contrast provided was typical of that for the white group, with social power and variation being the main themes within the contrast and its resolution.

The second essay provided by this student is most remarkable for the complexity of the grammar and word usage. Although there are errors in the text, the language used is clearly distinguishable from that used in other student essays, and shows, not just complexity, but academic and legal Discourse textual features uncommon at first-year level. The form of the Discourse, although not totally mastered, is well established in this writing.

The transition to Discourse textual requirements is evidenced, not just in the language of that text, but also in its presentation: the second essay, in contrast to the first, is typewritten, has a coversheet, content page and end-notes. A number of sources additional to the course-pack have been consulted and are referenced. Although there are structural markers within the text, the structure of the second text does not show the structuring features typical of an argument construction. Paragraphs are linked, but there is no clear signposting of ideas and the introduction and conclusion do not perform the functions that they should in this regard. Whilst there is a logical flow of ideas in this essay, the lack of structuring makes reading the essay difficult: it is discursively constructed rather than logically constructed.

There is a link in content coverage between the two essays on the morality topic: this is very briefly touched on in essay one as connected with the changing nature of law. In essay two this topic is accorded strong weight (allocated four paragraphs), and is explored in considerably more depth than in the course itself. There are other areas in which the second essay goes beyond course content: the

notion of legal certainty is introduced and discussed in two paragraphs, and the discussion on the link between law and religion includes mention of 'visible similarity' as a factor. Although there is depth in discussion in the 'related concepts' and 'theories' section, this is at the expense of content coverage: 'divisions' and 'forms' of law are mentioned but not discussed, and 'sources of law' is not covered.

Although there is some connection between the themes expressed in the first essay and those expressed in the second, this is not evident in the sequence of themes addressed. The primary thematic connection between the two is in the themes of individual-intention-guide and in the evolution theme. With regard to the first, there is a differentiation in the second essay between the social control / individual guide themes, with the first being connected to law itself, and the second being connected to morality. This understanding is not evident in the first essay. The evolution theme, which was particularly strong in the first essay, is downplayed in the second, with a strong focus on the predictability of law.

Although there was evidence in this student's first essay of recognition of Discourse requirements in the familiarity with which the student dealt with a formal style, the move from this position to the position in which he situates himself in the second essay is remarkable. In the second essay, a very strong authorial presence is established, and there is strong evidence of both academic and legal Discourse textual features. There are more surface errors in the second essay than in the first, which may indicate that the transition to the new Discourse is not complete, but these errors are not lapses in style, and there is thus no evidence of identity conflict in the context.

This student received 60% for his first essay, 80% for his second essay and 75% for the course overall. He passed all of his other courses in that year of study, with marks ranging from 60% to 79%. He subsequently passed all courses that he attempted, and graduated from the degree in 2003.

8.4.8 Student 19

Student 19 is a white female, who arrived at university with a matriculation rating of 25, and who registered for the LLB degree.

The first essay provided by this student was couched as an opinion, but was written in a formal style which indicated some familiarity with the Discourse context. Although the understanding of law presented was fairly idealistic, the concept was presented as a changing system, rather than a fixed and concrete body. This indeterminacy foregrounds at least some of the course content material: other foregrounding was found in the student's reference to concepts such as morality, ethics, form differentiation and definitional uncertainty. The contrast identified was one of power versus protection, and the resolution to the contrast is found in the basis for law (its underlying principles), given that there is variation between different systems.

The second essay is similar to the first in its formality of tone and extends this formality also to appearance: in contrast to the first essay the second is typed with a cover sheet and numbered bibliography. There is a focus on precision in this presentation which extends also to the content of the essay: although the essay is clearly couched in the student's own terms, it has a definitional quality about it (highlighted through the use of the present tense categorical mode) that gives it a 'knowledge-retelling' feel. The idealism expressed in the first essay is entirely lacking in the second, and there is no reference in this essay to the student's own beliefs with regard to the concept.

Structuring, in the first essay, is not explicit at any level, although paragraphs do 'flow' into one another. In the second essay, however, the student has made a strong attempt to structure: there is a clear introduction and conclusion, sections are introduced and the content of each section is pre-structured, and paragraphs clearly follow the topic sentence rule (there is some overuse of this

strategy, leading to a lack of linkage between paragraphs). The structure of the essay closely follows the structure of the course-pack itself.

The course content covered in the first essay fore-grounded some of the topics covered in the course itself. In the second essay, content coverage is comprehensive: all major content areas covered in the course are discussed. Although the distinction between procedural and substantive justice is not covered, the distinction between natural law based on religion and that based on reason is, which is not commonly discussed by other students. There is also an understanding provided in the essay that there are disciplinary differences in conceptions of law: this understanding is at a level above the 'philosophical approaches' understanding provided in the course. The distinction between the concrete and abstract object 'law' is well established. It appears that the student has built on prior knowledge during the course to create a solid understanding of course content.

Although there is little similarity in the thematic structures of the two essays provided by this student, three themes (which also link to course content) are repeated. Denotative definition is used in both, in the first, connected to an understanding of national variation, and in the second, connected to differing perspectives. Ethics and morality are discussed in both, but in the second, the distinction is more clearly drawn between these concepts and law. Justice is briefly mentioned in the first essay, in the second, the discussion serves again to disconnect the concepts. The penultimate sentence of the second essay reiterates this distinction through the addition of a substance-imperfect theme which was not raised in the first essay ("Law is not an ideal justice, but human justice defined by those who control it", lines 101 - 102).

Although the first essay provided by this student has a strong personal tone, the student speaks easily and authoritatively within this tone. The second essay is again competently presented in the student's own words. In this instance, however, the opinion tone is lacking, and reference to the personal is reduced through the author-detached style adopted. There is some evidence in this essay that a

student location has been adopted through the ‘knowledge retelling’ strategy and factual tone adopted. However, the use of appropriate Discourse, and the explicit identification with the legal community (in the reference group ‘we’ used twice in the essay), suggests that the student is moving toward an insider positioning in the context.

The student received 60% for her first essay, 70% for her second essay and passed the course overall with a percentage of 68%. She passed all, except one, of her other courses in that year of study, proceeded in the following year to the following year of study and graduated from the degree in 2003.

8.5 Discussion

The analysis of the individual texts which is provided in Appendix 19 and summarized above shows, for different students, different pictures of ‘development’. There is a richness and complexity to this picture which captures at least some of the richness and complexity of the data. The levels and parameters used in analysis of the individual texts, although not in any sense definitive, have thus provided a means of data description which is both adequate for the purpose of this study and coherent with its theoretical frame.

Appendix 20 (volume 2) provides for the reader a brief overview and comparison of the changes found in individual texts. An analysis of the findings in this chapter with regard to the overall aims of the study is presented in Chapter 9. That analysis suggests certain factors which are likely to act as facilitators of success in this context, and some that are likely to obstruct success. These are as follows:

What is likely to act as a facilitator of success in this context:

- Familiarity with Discourse context, most importantly with Discourse grammatical forms;

- Content foregrounding in student's prior knowledge;
- A relational understanding of context and content;
- The development of authority in writing (if this is not artificially derived);
- The adoption of an 'insider' positioning.

What is likely to obstruct success:

- Specific thematic understandings from prior knowledge which conflict with Discourse understandings;
- A lack of recognition of task constraints (content framing);
- A strong identification with a different community (which could be a different academic community, or could be outside of academia);
- The lack of a certain level of accuracy in the content coverage (although comprehensive content coverage is not essential);
- Excessive student positioning-as-student;
- A strong focus on context authority;
- Over-specification of structure (point rather than discursive form);
- Confusion due to contradictions in the mediation;
- A lack of familiarity with Discourse context and its requirements (this seems to result in slower uptake, but is not causally restrictive).

The final section of this chapter uses the understandings suggested above to postulate, for each student examined in this chapter, the most critical factors (drawn from Appendix 20) related to that student's success in the legal education context of this study. These scenarios are highly speculative, but provide a grounding of the findings of this study in the data examined.

Why Student 3 did not succeed:

There was an implicit preference evident in this student's first essay for the orderliness

of clearly defined 'rules'. This appears to have followed through into the second essay in his search for 'correctness'. The lack of precise definition and the concept indeterminacy expressed in the course appear to have contributed to this confusion: uncertainty, rather than authority within a relativist knowledge base, is what has resulted. This uncertainty is underscored by a strong focus on the summative aspects of the task in the second essay, and the resulting anxiety is evident in the text both in grammar slippage and in the striking metaphor of 'el Niño' used.

Why Student 4 did succeed:

There was considerable movement evidenced in the two texts provided by this student. She moved, from an explicit position of 'outsider' in the first essay to an explicitly adopted 'student' position in the second. In the first essay, the style adopted was informal, and in the second, there were moves between formal and informal text. Within the second text, there was an evident move from authoritativeness (in tone) to initial attempts at authority, congruent with the student placement. Identity positioning, in the second essay moved from a position associated with the 'general public' to one associated with the 'legal academic / philosopher' domain. This movement entailed a rejection of the rational justice ideal, and a replacement of this with a variation theme, strongly connected to a sense of the subjectivity of the entire legal endeavour. Although this relativistic understanding seems to have left this student feeling disillusioned and occasioned, in the essay, a return to identification with the 'general public', it is evidence of a move towards an insider cultural model understanding.

Why Student 7 did not do well initially:

The insider positioning adopted by this student in the second essay allowed the student to establish a strong authorial presence in writing: the student speaks with and as authority. However, in contrast to this voice the student used grammatical structures typical of a student placement. The authority in writing that is evident in this case could thus be authority artificially drawn from context (due to an attribution of authority to the context). This stance may, in the short term, have interfered with the student's ability to interact with the context in a manner that allowed for meaningful learning. (However, this student was ultimately the only one of this sample to proceed to LLM study.)

What went wrong for Student 9:

The second text submitted by this student, unlike the first, displayed a breakdown of grammar and structure at all levels. In this essay, the student did not recognize content framing, and misinterpreted the task requirements. She appeared to be speaking with authority but did not establish her claim to that authority, either through external reference, or through competent discussion of the basic topics. In this, there was perhaps recognition of the value placed on authority, but no realization of its rules. The apparent 'insider-authority' stance adopted by the student appeared also to be at odds with the group identification that she adopted in the essay: for the most part, her identification was with the 'broader community'. The issue of 'community' was clearly important to the student and her understanding of community-as-basis for law may have interfered with concept acquisition in this case. Misreading of context, misinterpretation of requirements, and contradiction thus characterized this student's lack of recognition of context requirements.

Where Student 11's heart was:

This student provided in both essays, but particularly in the second, an account which was academically competent in terms of grammatical form, structure and concept coverage. However, the student made extensive use of literary phrases within both texts: these provided a personal feel to the text and appeared to function to connect new knowledge to existing knowledge. It is suggested that this student may have positioned herself as a member of the academic community, but not the legal academic community. This interpretation is supported by the lack of obvious legal discourse markers in the second text (and by the student's subsequent lack of registration for law courses, but successful graduation with a Masters of Arts degree).

Why Student 16 did not continue with law study:

Both essays provided by this student had a fluency of expression that indicated an ease with the Discourse. Textual structuring, in the second essay was high, and content coverage was thorough (although not particularly detailed). The student explicitly located herself as student in the first essay, and maintained this stance less overtly in the second: the grammatical structures used were typical of student-hood, and the text had a reproductive feel. There was no adoption of an inside positioning in the second text, no explicit attachment of value to any course topic, and no evident authority development.

The student thus, by choice, maintained her position as student and as outsider to the Discourse.

How Student 17 got top marks:

This student provided a second essay which displayed poor structuring and incomplete concept coverage. However, there was little doubt that the student had established authority, by appropriate means, in his writing. Moreover, formal academic style was displayed throughout the text in word choice and phrase structure: these textual features displayed evidence not only of academic discourse realization, but also of legal academic Discourse recognition. The Discourse recognition evident, and the authority established, positioned the student, not as student, but as a contributor to the field, and an insider to the Discourse.

Why Student 19 didn't:

Student 19 provided a second essay which showed strong structuring and comprehensive and detailed content coverage. Her use of use of grammatical and 'grammar 2' textual structures was competent. Content was dealt with in her own terms, and there was evidence of the development of authority in writing. The student's explicit signalling of academic community membership indicated her development into this community, and the fact that the student is comfortable with this positioning. However, there is some slippage out of formal style in the essay, and the device of knowledge demonstration used suggested a position in context as student. The location signalled thus appeared to be that of a competent legal student moving towards community membership.

Choice, competence, familiarity, and conflict are thus some of the ingredients which, in varying proportions, may determine student development-in-context.