

ABSTRACT

An understanding of how and what students learn is crucial to improving teaching and learning practices in universities. In the South African context, the need to achieve equity in outcome (success) gives this imperative a sharper urgency. This study investigates the development in student understandings of the concept 'law' during a semester of tertiary-level introductory legal study. The study begins from the understanding that ontogenetic development, in the Vygotskian sense, arises from interaction in the social domain, prior to becoming internalized as individual mental structure. The study is thus based on an understanding that the social domain plays a critical role in ontogenesis. In order to make the role of this domain evident, the study combines a Vygotskian frame, and a Vygotskian understanding of the role played by semiotic mediation in development, with a Discourse account of language. The work of Gee is used for this purpose. It is suggested that the two sets of theory are complementary, each providing a dimension that is comparatively lacking in the other. Additional literature is drawn on to further clarify the individual / social relation and it is suggested that the social domain influences individual development in at least two ways: first through the action of context, and how this acts to position text and individuals acting within it; and secondly through historical positioning: through the cultural model understandings brought to the task by the participants.

From this theory is drawn a framework for analysis of the empirical data studied. This data included two essays written by students on the topic 'What is Law', the first at the beginning, and the second after six months, of introductory legal study. Additional data studied included the course-pack materials of the course, and transcripts of the lecture series. The primary question addressed in the research is: 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? Specific questions addressed in analysis included whether cultural model understandings, which differed between the different groups studied, were evident in initial student writings, and if so, whether these understandings might help or hinder concept development; what power relations were evident in the context, and how these could be expected to position students; and finally, what Discourse appropriate changes (development) could be read in student texts, and how this could be related both to contextual positioning and prior knowledge held.

The findings of this study are specific to the study and cannot be extrapolated to different circumstances. However, at the empirical level the study suggests that factors likely to be associated with success in this context include Discourse familiarity, content foregrounding in prior knowledge structures, the development of authority in writing, and identity shifts towards an 'insider' position. Factors found to be associated with lack of success include conflicts of new knowledge with prior knowledge structures, a lack of recognition of the task constraints, a strong identification with a different community, and confusion resulting from contradictions in the mediation provided. These factors may help to understand differential performance in the context by students from different cultural backgrounds. At a broader level, the study suggests that the addition of a Discourse account to a Vygotskian understanding of development provides tools for analysis which are generative in contributing to understandings of how the social impacts on the individual in development. These tools make explicit the intractable nature of the content, form and values combination which functions in language to reproduce context, and through this positions individual development-in-context. This positioning does not act deterministically: through trajectory and choice, identity and individual positioning are a crucial construct in learning. Finally, the study provides evidence of the complexity of the interaction of this content, form, values combination in development: an analysis which focused on content alone would not have captured the richness of development which this method made evident.

KEYWORDS: ontogenesis, concept development, Vygotskian analysis, Discourse theory, legal education, tertiary education, academic development