Knowing and being:
A narrative inquiry into undergraduate students' experiences of learning law at a post-1992 university.

Rachel Wood

A thesis submitted in partial fulfilment of the requirements of the
University of the West of England, Bristol,
for the degree of
Doctor of Education.

School of Education and Childhood
College of Health Science and Society
The University of the West of England
Bristol

Submitted: September 2022

Acknowledgments

It has been a long road to submission and a lot has happened in the time since I began the EdD programme in 2015. The support I have had around me has been incredibly important in ensuring that the day of submission could finally arrive. My thanks go first to my nine participants for their generosity in sharing their rich and fascinating stories with me. I thank my Director of Studies, Richard Waller, and my supervisor, Catherine Rosenberg, for their continuing support and guidance and for putting up with me throughout this long process and all the ups and downs that have gone with it. Thanks go to my husband, Mark, and my sons, Ben and Sam, who haven't been sure what I have been up to in the spare room all these years, but have been encouraging and patient with me throughout. My EdD peers have been invaluable in being there (often with gin) and I would like to thank Laura Manison Shore and Joanne Seal in particular, I hope they will remain as lifelong friends. Finally, this has been a six cat thesis, with some sad losses along the way, and I thank Charlie, Billie, Beans, Ted, Georgie and Jasper who collectively have been physically there (at times sitting on the work or with head on the keyboard) and who have listened tolerantly to more nonsense than I care to recall.

Abstract

Knowing and being: A narrative inquiry into undergraduate students' experience of learning law at a post-1992 university

I kind of like the murkiness. It's very human. (Bea, participant)

This thesis presents a narrative inquiry into students' experience of learning law during a Bachelor of Laws (LLB) programme at an English, post-1992, university. It arises out of twenty years' experience of teaching law and developing curriculum on undergraduate and postgraduate programmes, which led to my curiosity about the ways in which students perceive and experience the law degree. The focus of the inquiry is to examine what it means to students to engage with law as a discipline, focusing on their formation of epistemic understanding, or 'ways of knowing' across their years of study. I also inquire into the ways in which study of law impacts on their wider intrapersonal and interpersonal development, examining the ways in which it impacts upon their approach towards their future, professional trajectories. I look to identify connections between their perceptions of 'ways of knowing' with their experience of 'ways of being'.

I adopt a qualitative methodology, narrative inquiry, to structure my research and explore the use of poetic representation to represent my participants' voices. I foreground the experiences of the student participants within a three-dimensional inquiry space of time, social relationships and place. I draw on theoretical literature in the field of personal epistemology which explores cognitive ways of knowing and the concept of self-authorship across cognitive, intrapersonal and interpersonal dimensions of development.

I claim an original contribution in my choice of narrative inquiry as a methodology and in the use of a form or poetic representation. My theoretical perspective also provides an original viewpoint on the law student experience. Taken together I suggest this thesis presents a new perspective on the experience of law students during the LLB which has value in informing development of legal education pedagogy.

My inquiry has had positive impact on my own professional practice in my work on the redesign of the LLB programme at my own university, I hope that the reporting of my study has potential to resonate and prove useful to other lecturers involved in teaching the LLB in other university settings in England and Wales who face similar challenges.

Abbreviations

BPTC   Bar Professional Training Course

BSB   Bar Standards Board

BTC   Bar Training Course

CPE   Common Professional Examination

DELHE Destination of Leavers from Higher Education

EdD   Doctorate in Education

GDL   Graduate Diploma in Law

GOS   Graduate Outcomes Survey

LLB   Bachelor of Laws

LPC   Legal Practice Course

NSS   National Student Survey

QAA   Quality Assurance Agency

QLD   Qualifying law degree

SQE   Solicitors Qualification Examination

SRA   Solicitors Regulation Authority

UNI   Pseudonym for the university setting in this inquiry

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Chapter One: Introduction to the Inquiry

Rachel …*where do you stop and law starts?*

Bea

I don't think you stop at all,
I think it's interwoven.
I know that there are rules in law,
it's a strict way to think and stuff.
But it's all around you,
you're kind of just in it,

For me it's every day.
There's not a day I'm not studying.
There's not a day I don't pick something up,
see something on the news,
speak about it.
It's kind of just my life now.

This thesis presents a narrative inquiry exploring students' perceptions of learning during a Bachelor of Laws (LLB) at a post-1992 university in England. The inquiry was conducted in the context of a Doctorate of Education (EdD). In accordance with the professional focus of the doctorate, my aims were to use the inquiry to generate recommendations to enhance my professional practice, that of others, but also to build my capacity as a researcher (Boud *et al.*, 2021).

Beginning with a research puzzle

> [A] law degree is not a general studies degree. There is something very special about law, about what lawyers do. We need to identify what makes law and the study of law unique.   (Huxley-Binns, 2011:296).

The narratives of my student participants sit at the heart of this inquiry. Clandinin and Connelly (2000) suggest that the focus for narrative inquiry comes from a 'research puzzle' (2000:xiii) rather than specific research questions. After more than twenty years teaching law in English universities the research puzzle for this inquiry grew out of my growing curiosity about the experiences of my undergraduate, LLB students. I was curious as to how they came to the LLB and why; what they understand they were

learning and why; and how their experiences of learning were supporting (or hindering) their development as knowers of law as a discipline. Were their experiences of learning helping them to determine who they were, and who they wanted to become? Laurillard describes how I was feeling when she suggests that:

> Teachers need to know much more than just their subject. They need to know the ways it can come to be understood, the ways it can be misunderstood, what counts as understanding. They need to know how individuals experience the subject. Moreover, our system of mass lectures, examinations and low staff:student ratios ensures that they will never find them out (2002:3)

Answers to my questions were not clear to me, nor did they appear clear to many of the students I worked with. As time passed I was feeling more strongly the challenge of guiding students:

> through territory they are unfamiliar with towards a common meeting point, but without knowing where they are coming from, how much baggage they are carrying and what kind of vehicle they are using (2002:3)

I wanted the opportunity to explore these questions with my students. My teaching had included opportunity to explore experiential approaches in the classroom in the context of dispute resolution (negotiation, mediation and advocacy). I was conscious that students needed to be epistemically agile, to adapt to different 'ways of knowing' (Belenky *et al.*, 1986), as they moved between application of the objective, rational analysis required in the traditional study of doctrinal, 'black letter' subjects (such as land law or equity and trusts) to the more individual, reflective, affective, approaches required in experiential settings. I was aware that in my classroom I was watching how the focus shifted from ways of intellectual knowing towards ways of being and becoming (Barnett, 2009), as students explored and enacted ethical meaning and values, moved beyond a focus on understanding of abstract legal concepts and beginning to internalise the process of knowing and doing law.

This starting point of the student experience in different settings led me to consider the curious nature of the LLB itself, and the significance of the Qualifying Law Degree (QLD), the common form of LLB delivered in England and Wales (LETR, 2013). I discuss the QLD in more detail in Chapter Two, but in brief it is an academic degree which has provided the first stage of preparation for professional legal practice in

England and Wales (QAA, 2019) since the early 1970s, although it does not, of itself, prepare students for practice. In fact, on graduation only 'a minority of undergraduate law students go on to enter the professions' (Bone and Maharg, 2019:2). Against this backdrop the question of what a law degree is for continues as a perennial debate in legal education circles (see for example, Huxley-Binns, 2011; 2016; Twining, 1994; 2018; Bradney, 2020). This question has become more pressing with the introduction in 2021 of a new route to qualification for solicitors, the Solicitors Qualifying Examination (SQE). One impact of this change is the removal of a requirement for most law students (with the exception of those intending to train to become a barrister) to undertake a QLD.

An important piece of my initial puzzle was the role of reflection in learning law, a theme I explored in some detail during the taught stage of my EdD programme. However, I realised that I wanted to inquire into what the students were reflecting on, their epistemic assumptions and beliefs, or 'ways of knowing' underpinning their study of law, rather than their specific modes of reflection. I was interested in the impact of their ways of knowing on how students' saw themselves in the world, the impact on their sense of 'being' (Barnett, 2009) arising out of their experience of learning law. I wanted to understand how this was influencing their conceptualisation of 'becoming' as they began to make decisions about their future professional directions at the end of their law degrees.

Knowing and being – forming ideas from wider literature

Barnett (2009) identifies challenges for all students in a higher education sector that has shifted towards neo-liberalism over successive decades. He points to the emergence of the 'performative student' (cf. Lyotard, 1984), 'replete with 'transferable skills', who 'contemplates with equanimity the prospect of multiple careers in the lifespan, is entrepreneurial and has an eye to the main chance.' (2009:431). Such a student must learn to thrive in a 'technologically rich and changing world' in which academic knowledge is being supplanted by a new form of knowledge that is 'interdisciplinary, team-based and short lived' (2009:432). This is a cynically framed, but familiar description of the growing importance of knowledge and more latterly

'employability' skills in higher education. focusing more on what a student can do (usually for an employer) and less on who they are becoming, and their motivations for achieving agency in the world. Barnett asks that we distinguish between knowledge and knowing, making a case for 'knowing' as an edifying state, with ethical properties, with propensity to encourage the formation of 'epistemic virtues', seeing this as the force behind the idea of a liberal education (2009:433). He proposes that in a world where:

> all significant matters have become inherently disputable (there is no retreat to a world of secure categories), a genuine higher education cannot content itself with a project either of knowledge or of skills, or even of both. It has to do with *being*, for it is being that is fundamentally challenged in and by a world of supercomplexity. (2009:439)

Dall'Alba addresses a similar theme, seeing the need to shift emphasis in education from 'knowing' (epistemology) towards 'being' (ontology) as an aim of professional education, suggesting that:

> While knowledge and skills are necessary, they are insufficient for skilful practice and for transformation of the self that is integral to achieving such practice. When we concentrate our attention on epistemology—or what students know and can do—we fail to facilitate and support such transformation. A focus on epistemology occurs at the expense of ontological considerations relating to who students are becoming. (2007:34)

I was interested in connections between the ideas put forward by Barnett and Dall'Alba and the definition of education by Biesta who proposes that educational purposes can be articulated in three domains:

> One is the domain of *qualification,* which has to do with acquisition of knowledge, skill, values, dispositions. The second is the domain of *socialization,* which has to do with the ways in which, through education, we become part of existing traditions and ways of doing and being. The third is the domain of *subjectification,* which has to do with the interest of education in the "subject-ness" of those we educate. It has to do with emancipation and freedom and the responsibility that comes with such freedom. (2016:5, his italics)

I could see aspects of qualification and socialization (in a disciplinary sense) in the approach we were taking to delivery of the LLB, but the element of subjectification

was harder to identify. I was uncomfortable with the ways in which I saw we were focusing on developing our students to fit in with the world, but not always focusing on equipping them to challenge and change it for the better.

I drew connections between Barnett, Dall'Alba's and Biesta's ideas with their potential for edification and ethical development and transformation of the self, into the field of legal education with the work in the US of the Carnegie report, *Educating Lawyers* (2007). The authors, Sullivan *et al.,* identified a need to address a 'disconnect' they saw as existing between study of law and professional practice in the US (mirrored in the UK system), due to a separation of academic and professional preparation for practice. The report proposed a three-stage apprenticeship, comprising cognitive, practical and ethical-social stages. The third stage was categorised as 'the apprenticeship of identity and purpose' (2007:132) involving professional identity formation, enabling students to develop 'conceptions of the personal meaning that legal work has for practicing attorneys and their sense of responsibility towards the profession' (2007:132).   The report recommended a pedagogic approach aligning the three stages, suggesting 'new possibilities for reconnecting the dimensions of craft and meaning with formal knowledge' (2007:8).

Elsewhere one of the report's authors, Shulman, in the context of his wider work on signature pedagogies for the professions, had already suggested that in a US context:

> Signature pedagogies in the professions connect thought and action. Law schools fail miserably at this because the emphasis is so heavily on learning to "think like a lawyer" that the students rarely are expected to *do* anything (2005:14)

He made a plea for a 'pedagogy of *formation*' which 'can build identity and character, dispositions and values', suggesting that a signature pedagogy for law had the potential to inculcate:

> *habits of mind* because of the power associated with the routinization of analysis. But I think in a very deep sense [it] also teaches *habits of the heart*, as well, because of the marriage of reason, interdependence and emotion. (2005:13)

This also looked to me something like a pedagogy of 'being' as articulated by Barnett and Dall' Alba, offering a potential way to inculcate the educative domains defined by Biesta.

In the UK, Professor Rebecca Huxley-Binns, chair of the QAA Benchmark Statement for Law panel in 2015, explored the contentious concept of 'thinking like a lawyer' in the 2016 Lord Upjohn lecture for the Association of Law Teachers. She proposed an approach to legal education that implied the importance of both knowing and being, suggesting that the ability to be 'prepared to be unsure, to be in doubt' (2016:5) in the liminal space between legal knowledge and know-how, could be seen as a threshold concept (Meyer and Land, 2003) for lawyers. She described an active state of being which requires 'preparation', suggesting deliberate cultivation of the internal qualities required to manage the discomfort of existing and acting in a liminal space.

Theoretical Framing: Ways of knowing and being

The writings discussed above gave me a focus on concepts of knowing and being, but I needed to establish an approach to explore these ideas through research in order to generate insights into the experiences of students, leading to recommendations at a more pragmatic level. My route in came from the work of Lucas and Tan (2007,;2013) and their study into the' ways of knowing' of accounting students. They introduced me to the theoretical literature of personal epistemology, in particular the work of Baxter Magolda and her epistemological reflection model (1992, 2004) and theory of self-authorship (2004b). of Lucas and Tan make particular connections between the role of personal epistemology and critical reflection, in particular the work of Mezirow (1990). They suggested that engaging in critical reflection required students to be able to 'take a stand, to question authority and to develop their own voice', recognising this as a form of learning 'comprising changing as a person' (2013:105):

> Ultimately critical reflection involves a capacity to move towards *critical* being, which will ultimately involve action (2013:105)

They proposed that understanding students' ways of knowing can provide insight into 'the lens through which they view the world' (2013:106), noting that students who have developed more complex ways of knowing are more likely to possess the capacity for

critical reflection. I could see potential in informing a narrative approach to inquiry with theoretical underpinnings drawn from the field of personal epistemology to explore ways of knowing and being. Baxter Magolda's work in particular offered me a way to support an inquiry, looking at how students form epistemic perspectives (ways of knowing) and also wider ways of being, through intrapersonal and interpersonal dimensions of development, in the context of learning law.

Lucas and Tan (2013) identified a lack of studies across the UK higher education literature in the field of personal epistemology. I could find scant reference in my own review of legal education literature. The three references I was able to locate were specific to particular learning contexts. They related to epistemic cognition in the process of reading comprehension in Scandinavian law students (Bräten and Stromso, 2010); the construction of a model of reflective practice using developmental theory in the US, (Casey, 2014); and a passing reference by Wegner (2009) in an article on 'wicked' problems in US legal education.

My exploration of the field of personal epistemology in this inquiry therefore offers an original contribution to the use of theoretical approaches to inform legal education research, offering new ways of conceptualising legal education design and delivery.

Situating my research in the legal education field

Where are the student voices?

Leighton noted in her 2006 review of forty years of the *The Law Teacher:*

> there is little dealing with [students'] distinctive attitudes, expectations and experiences of legal education. Why, for example, do students choose to study law or select particular options or specialisms? (2006:294)

In 2012 Florio and Hoffman suggested that 'There is currently a dearth of data on the law school experience' (2012:162) in Canada. When I began my EdD journey in 2015 I found law students' voices largely absent in the legal education literature, both in the UK and internationally. Yet, at the time, the most downloaded article in the international legal education journal, *The Law Teacher,* was Alison Bone's, *The Twenty*

First Century Law Student (2009), suggesting that students' experiences were of significant interest to those delivering legal education.   The position is gradually changing. There is growing work which includes research into student perspectives in the field of wellbeing (see for example Skead and Rogers, 2015; Bleasdale and Humphries, 2020; Jones, 2020) and in areas such as clinical legal education (for example Vol 27, No 2 of the *International Journal of Clinical Legal Education* which takes student perspectives on clinical legal education as a theme). This inquiry is therefore not alone in inquiring into students' experiences of legal education. However, I suggest it is original in its holistic framing, which aims to gather and analyse student narratives, spanning in time across the law degree, in a way not previously explored in legal education research.

Narrative inquiry as choice of methodology

> *I've told this story a lot....* **Mia**

I discuss my approach to narrative inquiry fully in Chapter Four.   Here I briefly situate my choice within legal education research.   The connection between law and narrative is well recognised within legal scholarship:

> law *is* narrative, its coherence dependent upon our collective understanding of how stories make meaning by connecting characters and events into histories both factual and fictional. (Wharton and Miller, 2019:295)

It has been used as an approach to enhance law teaching (Maharg, 1996; Wolff, 2014; Watkins, 2011; Watkins and Guihen, 2018). It has a well established place within legal scholarship in the field of Law and Literature (Boyd White, 1973; Ward, 1995; Posner, 1998; 2009) where, amongst other aims, it gives voice to the 'point of view of outsiders, those whose perspectives had been excluded in the law's construction of an official story' within the legal system (Scheppele, 1989:2077, in Wharton and Miller, 2019:296). Narrative inquiry has been used widely as a methodology to research aspects of education in other disciplines. (See as a small sample: mathematics (Butler *et al.*, 2019); music (Barrett and Stauffer, 2013; Nicholls, 2016); nursing (Schwind *et al.*, 2015; Ho *et al.,* 2019); physical education, (Dowling *et al.*, 2015); science (Hwang, 2011) and teaching, (Ciuffetelli Parker, 2010; Sarasa, 2015). However, I could find no examples of

narrative inquiry in the context of legal education. The closest was a recent article by Nicholson and Johnson exploring the value of a law degree from the student perspective, which adopts a qualitative approach that loosely 'could be described as a 'narrative inquiry" (2021:435). Cownie and Bradney (2017) note a predominance of articles writing about legal education, but an absence of significant 'research'. The use of methodologically grounded, qualitative approaches to research in legal education is limited. This is not surprising when, arguably, research into legal education occupies a niche position, and the wider field of research and scholarship in law has focused traditionally on doctrinal, approaches rather than social science methodologies (Roux, 2014).

My use of narrative inquiry therefore makes an original contribution to the field of legal education by providing insight into the potential offered by a qualitative methodology which might usefully be adopted by other researchers in legal education.

Research Questions

Generating research questions to frame my 'puzzle' was a 'reflective and interrogative' (Agee, 2009:431) process which evolved with the inquiry refining the scope of the inquiry through' reflexive, iterative and dialogic processes that are central to the theoretical and ethical positions taken up by the researcher' (Agee, 2009:446). For example, I added the first strand of my core research question after conducting the first interview with my participants, as it became clear how important this temporal stage was in informing their subsequent experiences.

My core research question approaches my research puzzle from the student perspective. It divides into three, linked, strands which explore the experiences of participant students as they enter into, are immersed in, and prepare to leave the LLB reflecting a temporal dimension which is in keeping with my narrative methodology (Clandinin and Connelly, 2000):

In the context of this inquiry:

- o **Ways of beginning**: What are the motivations that led students to study an LLB?
- o **Ways of knowing**: What epistemic understandings, assumptions and beliefs, develop through students' experiences of an LLB programme?
- o **Ways of being:** What impact does the experience of studying law have upon the capacity of students to determine their future professional trajectories as they prepare to transition from an LLB programme?

My second question approaches my puzzle from my perspective as a lecturer and focuses on the potential outcomes of the research:

- o **Impact on professional practice:** What implications do students' experiences of ways of beginning, knowing and being, as understood through this inquiry, have for the pedagogic design and delivery of the LLB?

My positioning in the inquiry

During the last 34 years I have been a post-graduate law student, solicitor and law lecturer, teaching and designing curriculum for undergraduate and postgraduate programmes.   My first degree, however, was in English Literature. Significantly, a part of me continues to feel like an outsider to the legal academic and professional worlds. My academic knowledge of law came through a one-year conversion course (the Common Professional Examination (CPE), now the Graduate Diploma in Law (GDL)). My formative educational years were spent critiquing English literature. I now recognise that many of my enduring perspectives on life and education came from that transformative experience, which sparked interest in the meaning that could be drawn from exploring people's experiences, contexts and ways of being through narrative and the use of language.

Knowing and Being in my own teaching

The ideas outlined above surfaced themes that had been bubbling tacitly within my own approach to developing legal pedagogy. Since 2010 my teaching practice had shifted across from professional legal education (the Legal Practice Course (LPC)) to

the LLB, where I had more freedom to explore pedagogic development. I combined my degree in English literature and legal background, in design of a Law and Literature module. I explored legal philosophy, ethics, rhetoric, critical analysis, advocacy and creative writing, creating space (I reflect now) for my students to focus on a sense of being, amongst their knowledge focused, traditional law subjects. I next created a module using experiential pedagogy to explore different approaches to Dispute Resolution Skills including negotiation, mediation and advocacy. The pedagogical ethos was also on the students' development of being, in particular how they brought themselves into alignment with legal issues through the relational nature of dispute resolution processes. Most recently (2020) I developed a law clinic module, Lawyering in Practice, designing it around three specific dimensions (personal, professional, and the legal environment). My aim is to help students to begin formation of positive professional identities (Field, Duffy and Huggins, 2014) through experience of working with clients in a university law clinic, enhancing their capacity for critical reflection (Mezirow, 1990). Development of this module has been significantly influenced by my work in this inquiry

Structure of Thesis

My thesis addresses the questions discussed above adopting the following structure:

In **Chapter Two: The Curious Case of the Qualifying Law Degree,** I explore the context of my inquiry, beginning with an account of the Qualifying Law Degree's (QLD) place within the legal education framework in England and Wales. I look ahead to the potential impact of the introduction of the Solicitors Qualifying Examination. I briefly examine the potential impact of knowing and being for students in the context of the rapidly changing legal services sector.

In **Chapter Three: Knowing and Being: Positioning in the personal epistemology literature**, I discus significant literature in the theoretical field of personal epistemology. I explore ways in which this field has developed since the early, seminal, work of Perry (1970). I discuss how I align my own use of the theory of personal epistemology with my study, focusing on the epistemological reflective

model and self-authorship theory developed by Baxter Magolda (1992;2004b). I contextualise my approach within the wider literature,

In **Chapter Four: Aligning to Narrative Inquiry,** I outline my approach to my methodology of narrative inquiry, situating my approach within the wider literature establishing narrative's place in the field of qualitative research. I discuss my adoption of Clandinin and Connelly's (2000) three-dimensional narrative inquiry space. I explore my approach to conduct of the inquiry, including: choice of setting; use of narrative interview as the primary research method; purposive sampling; the experience of interviewing; transcription; decisions about narrative analysis. I discuss my choice and use of poetic representation. I reflect on the ethical issues raised by the inquiry across all stages of working with participants and narrative data.

In **Chapter Five: Three Stories of Law**, I present narratives of three of the participants together with an individual reflection on each, framing the narratives to the strands of my core research question.

In **Chapter Six: Drawing out the threads: Presentation and discussion of the wider narratives,** I present narrative findings drawn from across the narratives of all the participants. I discuss analysis of wider 'threads' relating to the strands of my core research question, supporting my discussion with reference to wider theoretical literature.

In **Chapter Seven: Pulling the threads together: Conclusions, recommendations and reflective evaluation,** I address my second research question, shifting focus from the participants' experiences to the pedagogical perspective of those designing and delivering curriculum for the LLB. I outline key conclusions arising from my discussion in Chapter Six.   I set out recommendations, and discuss their implications for my own professional practice. I move on to a short evaluation of the process of the inquiry and my claims as to its value and originality. I conclude with a personal reflection on the transformative impact of undertaking doctoral study.

Chapter Two: The curious case of the Qualifying Law Degree

In this chapter I focus on the context for this inquiry, the LLB, and more specifically the Qualifying Law degree (QLD). I begin with a brief outline of historical and policy developments which have informed the design of the QLD. I explore changes happening within legal professional education, and in the legal sector which are impacting on the future of the LLB/QLD. I conclude by identifying particular issues which have informed my approach to my research 'puzzle' (Clandinin and Connelly, 2000), as expressed in three strands of my core research question.

Introducing the Bachelor of Laws (LLB) and the Qualifying Law Degree (QLD)

All my participants were studying on the same LLB programme, which enabled them to gain a 'Qualifying Law Degree' (QLD). This means that it fulfilled the regulatory requirements required at the time for completion of the first stage of professional training to become a solicitor or barrister (SRA, 2021) at the time of the inquiry. The participants' experiences were located within the context of one university setting (more information about the setting is included in Appendix Eleven). However, the participants shared a broader experience with a significant number of students undertaking an LLB/QLD programme in England and Wales. In 2013 (the publication date of the most recent large scale review of legal education) more than 100 law schools offered upwards of 600 QLD courses across the UK and the Republic of Ireland (LETR, 2013:19). Annual statistics published by the Law Society show a year on year rise in the number of law graduates. In 2020 17,076 students graduated from a law degree in England and Wales, up from 14,310 in 2010. (The Law Society, 2020:41). Law continues to be a very popular degree.

The QLD (or equivalent) was the first of three stages required, at the time of the inquiry, for professional qualification as a solicitor or barrister. The second stage was a post-graduate vocational period of study (the Legal Practice Course for solicitors, or a Bar Training Course for barristers). The third stage was a period of training in the workplace (a two-year training contract for solicitors; one year of 'pupillage' for

barristers) (SRA,2019; BSB, 2019). Whilst QLDs continue to be offered, the qualification requirements for solicitors changed in 2021 with the introduction of the Solicitors Qualifying Examination (SRA, 2021b). I return to this change below.

To qualify as a QLD 240 credits of the 360 credits in a typical three-year degree (or part time equivalent) must be based upon law subjects. These must include at least 180 credits for what are known as the seven 'Foundations of Legal Knowledge' (FLK) subjects. These are;

- Public law, including constitutional law, administrative law and human rights;
- Law of the European Union;
- Criminal law;
- Obligations, including Contract, Restitution and Tort (these count as two 'Foundations');
- Property law; and
- Equity and the Law of Trusts.

There must also be some element of legal research. The further legal study credits are left open to the 'study of law broadly interpreted', which can include socio-legal subjects and criminology (SRA, 2014:16).

Academic standards and quality for QLDs are achieved through compliance with the Quality Assurance Agency Quality Code for Higher Education, (2018) and the QAA Benchmark Statement for Law (2019), (SRA, 2014:1). A 'Joint Statement' maintained by the legal regulators, the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB), (SRA, 2021a) outlines broad requirements in terms of knowledge and general transferable skills. Teaching and learning should enable students to acquire knowledge and understanding of the 'fundamental doctrines and principles' underpinning the Law of England and Wales (SRA,2014:4). However, the Joint Statement does not dictate specific content, teaching and learning methodologies or mode of study.

This means that students who undertake a QLD study the same core subjects for at least half of their LLB programme. Whilst teaching methodologies may vary, there can

be a reasonable expectation of overlap between the experiences of students on different LLB/QLD programmes, which is of relevance when considering the implications of this inquiry in recommending approaches for the pedagogic delivery of the LLB.

A brief history of the QLD

Tensions around the purpose of legal education as an academic, scholarly, discipline (valuing cognitive approaches to knowing) and/or as preparation for professional practice (developing professional ways of knowing and being) have existed since legal education began in England and Wales (Boon and Webb, 2008) and continue to be debated (Bradney, 2020). The earliest study of law within the first English universities echoed the European tradition of a focus on civil and roman law (Clark, 1987). However, unlike many European jurisdictions, the legal system operating in England and Wales developed as a common law jurisdiction, based upon legislation and caselaw, from which the courts interpret the law and create precedent. The practical impact of this difference led to the emergence of a separate trajectory for professional legal education, beginning in medieval times in the Inns of Court in London), and more latterly falling under the auspices of the legal regulators (currently the SRA and BSB) (Boon and Webb, 2008).

The Ormrod Report

In 1971 a Committee of Legal Education report, chaired by Lord Ormrod, decided that:

> 'The traditional antithesis between 'academic' and 'vocational', 'theoretical' and 'practical', which has divided the universities from the professions in the past must be eliminated by adjustment from both sides.' (1971, para 85)

The report led to the introduction of the three-stage route to professional qualification outlined above, with the QLD recognised as the 'academic' stage. The QLD was therefore something of a curiosity from the outset. It has always been a degree designed around the acquisition of legal knowledge regarded as necessary for professional legal practice, but not actually about practice.

Against this background, the constraints of delivering the core QLD curriculum, have been criticised as a 'millstone' establishing 'an often tense dynamic around academic legal education' (Boon and Webb, 2008: 91 and offering 'a relatively narrow knowledge base on which vocational training could build' (2008:92), marginalising academic legal education in the process of professional formation. I suggest the critique could be extended further, to say that the process of professional formation itself has also been marginalised. The emphasis during the post-graduate second stage is on the development of procedural knowledge, legal skills and application of professional conduct requirements (SRA, 2019; BSB, 2019), but not explicitly on development of professional values, wider legal ethics or consideration of approaches to lawyering. The approach echoes criticism of legal education in the US by Sullivan *et al.* in the Carnegie Report (2007) in its disconnect between law school and professional practice, in particular the failure to inculcate a socio-ethical stage as part of the educational stage of professional preparation. Law students who progress into practice can find themselves (as I did) entering professional environments with little prior opportunity to consider formation of a professional identity, reflect on the wider issues involved in becoming a legal professional, or identifying their own values and intrinsic motivations in relation to their study of law for professional purposes. Put in the terms of this inquiry, the focus of undergraduate legal education is on knowing, not being.

The fifty years following Ormrod

> Schön characterized typical institutional tendency ...as 'dynamic conservatism – a tendency to fight to remain the same', and we can see this at work in much of the politics of legal education subsequent to Ormrod. (LETR, 2013:8)

The Ormrod Report 'set the tone and structure' for legal education in England and Wales, which has remained in place since the early 1970s (Leighton, 2014:79), The QLD was introduced in the liberal era of the Robbins Report (1963) with its emphasis on promotion of 'the general powers of the mind', creating graduates able to work on 'a plane of generality that makes possible their application to many problems' and valuing 'the transmission of a common culture and common standards of citizenship, significant to achieve equality of opportunity' (Robbins, 1963, Para 28).   The QLD has

survived into the neoliberal era, signalled in the field of higher education in the UK by the Dearing Report (1997), with its focus on education as a means of preparing individuals for an increasingly competitive, globalised, economic environment. In this new educational world 'learning should be increasingly responsive to employment needs and include the development of general skills, widely valued in employment' (Dearing, 1997:5).   The core content of the QLD has remained unchanged. However, wider university agendas have shifted and now place increasing weight on key performance indicators including student (consumer) satisfaction (in particular the National Student Survey (NSS, 2022)) and graduate outcomes (now reported by the Graduate Outcomes Survey (HESA, 2021)).   University strategy at my own institution increasingly foregrounds inculcation of employability, enterprise and entrepreneurship skills in students (QAA, 2018).   These agendas do not always sit comfortably together. For my purposes in this inquiry one of the aspects of my own 'research puzzle' is my experiences as a lecturer of balancing the tension between cognitive knowing, doing (skills) and being (Dall' Alba, 2007), encompassing wider relational capacities and internal commitment to values) within legal pedagogy.

Reform of the QLD has been debated over the years, for example, well received proposals supporting the strengthening of liberal aspects of the LLB were offered by the Lord Chancellor's Advisory Committee on Legal Education and Training (ACLEC, 1996), but were not enacted. The Legal Education Training Review Report, *Setting Standards, The Future of Legal Services Education and Training Regulation in England and Wales* (LETR) published in 2013, provided the first sector wide review of legal education since Ormrod. The LETR was commissioned by the legal regulatory bodies to act as a first, research based, stage to inform a wider 'fundamental' review by the regulators, with a view to reform of legal services education and training (LSET) in the context of neoliberal market conditions where:

> global economic conditions and increasing competition will continue to provide a challenging and uncertain context for the international and domestic markets (2013:viii)

Despite the gap in time, and significant ideological shift in higher education, the LETR Report found that the existing three stage system, supplemented by the existence of alternative routes to qualification (for example as a legal executive or through newly emerging apprenticeship routes), was still largely fit for purpose. The Report's most strongly worded recommendation was call for a new focus to 'strengthen requirements for education and training in legal ethics, values and professionalism, the development of management skills, communication skills, and equality and diversity' (LETR, 2013:ix). The authors also acknowledged the negative consequences in a split between academic and professional learning, identifying the 'arise of knowledge drift' between the two stages and the 'theory by which academic learning is applied to professional practice' (2013:8). They, in common with the Carnegie Report (2007), recognised the challenges of transforming academic knowledge into professional practice, using knowledge in a new context (Eraut 1985; 1994) which were not being successfully addressed through the separation of the educational stages, separating knowing from being.

The shock of the new – Introduction of the Solicitors Qualifying Examination

Following the LETR Report the Bar Standards Board has remained committed to the QLD and has retained a three-stage vocational training structure (BSB,2019). Those training to become a barrister continue to require a QLD (or equivalent Graduate Diploma in Law).

The SRA took a different approach to the qualification requirements for solicitors, largely ignoring the LETR report. In September 2021 it introduced the Solicitors Qualifying Examination (SQE). Candidates now need a degree (or equivalent) in any subject, rather than a QLD (or equivalent); a pass in the centrally administered SQE assessments; solicitor sign off on completion of two years of 'Qualifying Work Experience' in up to four practice settings; and to meet character and suitability requirements for practice. Fuller details of the SQE requirements are set out in Appendix Twelve, but in brief those wishing to qualify as a solicitor must pass SQE1, which comprises two exams based on 'single best answer' multiple choice questions

testing 'functioning legal knowledge'. They must then pass SQE2 which comprises a suite of legal skills assessments.

The introduction of the SQE led to significant debate within the legal education community. Whilst there is recognition that law schools are now potentially 'free to redesign their courses with distinct pedagogies and move out of the shadows' of the core subjects within the LLB (Unger, 2020:11), there is substantial critique of the potential impact of the SQE on undergraduate legal education. In a special edition of *The Law Teacher* (2018, Vol 4) the editors suggested that the reforms would do 'significant violence to law as an academic discipline' (Mason and Guth, 2018:379). Warnings were given about the impact of the SQE on diversity in the profession (Guth and Dutton, 2018). Concern was expressed about a shift towards the legal sector's preference for 'elite' university candidates, with their perceived advantages in terms of cultural capital (Davies, 2018), and risk that 'employers will still want to know *how* you qualified, or more simply *where* you studied' (Bowyer, 2019:117)   The assessments, in particular the heavy reliance on multiple choice 'best answer' questions to test legal and procedural 'functioning' knowledge, attracted criticism from several directions. They were perceived as steering legal education towards 'bleak legal realism' (Mason, 2018); stifling creativity in learning and assessment (Morrison, 2018), and risking 'an atomisation of competencies with the capacity to 'trivialise content and threaten validity" (Hall, 2018:462).   The authors of the LETR Report asked:

> Will the SQE as currently constructed help our students to bridge academic into professional learning, help them be responsible lifelong learners, help them be ethical practitioners, help law schools cooperate with each other, engender and sustain educational and professional innovation, encourage social mobility and diversity in legal education and in the profession? (2018:388-9)

They concluded 'the SQE will encourage none of these' (2018:389).   I echo the concerns expressed above and add as my own the focus on achieving a base level of competence to practise, which reduces further any explicit value attributable to the process of professional formation as part of legal education.

The possibility was raised that universities lacking 'elite' reputations (which would include my own post-1992 institution) may feel the push to develop more vocational degrees, to meet consumer demand for SQE preparation at the undergraduate stage (Davies, 2018; Unger, 2020). This possibility would come with an accompanying risk of a 'drift into narrow vocationalism' either by default or, worse, because vocationalism comes to be seen as the main principle underlying academic legal education (Sanders,2015:143). There is a risk that a focus on how to pass the SQE assessments could push even further away 'ethico-legal' apprenticeship possibilities (Sullivan et al., 2007) and the process of professional formation. At the same time a focus on SQE will not be of relevance for law students who wish to progress to the bar, or to the upwards of 50% of students who do not progress into professional law careers on graduation. Going forward, it appears that what may define the shape of law degrees will be the way in which law schools determine their mission in relation to the SQE (Guth and Ashford, 2014). This is a complex path for law schools to tread. It requires interrogation by law schools into their underlying assumptions about what a law degree should be, and the extent to which it should focus on intellectual and/or wider development of students, reconciling strong past influences with current and future student needs. My recommendations in Chapter Seven are made against this backdrop.

The Legal Services Market

Students going into legal practice are graduating into a sector that in recent years has been a 'state of transition, or rather, one of rapid evolution' (Edmonds,2011:5) affected by factors including changes to legal regulation, developing technology, social change, the impact of the removal of legal aid funding and, most recently, the impact of the Covid 19 pandemic and a growing cost of living crisis.

Two pieces of legislation have had significant impact on the legal sector in recent years. *The Legal Services Act, 2007* represented 'a sea change in the legal services market' signalling 'a paradigm shift in the way lawyers will work' (Huxley-Binns, 2011:296). It reduced the areas of work reserved to solicitors and enabled new forms of business model offering legal services to be authorised. This enabled 'alternative

business structures' (ABS) to be created, allowing lawyers to run businesses alongside other professionals including 'accountants, financial advisers, estate agents, taxation consultants, conveyancers, trade-mark attorneys' and others 'the list is potentially limitless' (Huxley-Binns, 2011:296).

 Implementation of the *Legal Aid, Sentencing and Punishment of Offenders Act, 2012* (LASPO, 2012) saw drastic cuts in legal aid funding criminal justice and in civil law private family matters; housing; employment; immigration; welfare and debt, which largely fell out of 'scope'. Lack of funding has in turn reduced opportunities for practitioners to work within these important fields of law, seeing the growth of geographical advice deserts across England and Wales (Law Society, 2022). This situation has created challenges for law schools in determining how to respond (Sommerlad *at al*, 2015; Burton and Watkins, 2020). One impact has been the growth of university law clinics (LawWorks, 2014, 2020), however, these do not replace the need for lawyers in practice in these legal areas and the increasing challenge for students who wish to work in these areas of law in finding professional opportunities. The Covid 19 pandemic has created new barriers in relation to inequality and access to justice in a system already struggling to cope with unmet need (Organ and Sigafoos, 2018; Cowan and Mumford, 2021).

Richard Susskind has been a dominant voice in predicting change in the legal services market, alerting students and academics that the legal world is in the process of a revolution; legal institutions and lawyers are at a crossroads and 'will change more radically in less than two decades than they have over the last two centuries. (Susskind, 2017:17). Susskind warns that 'the legal market is in a remarkable state of flux' and that:

> the bespoke specialist who handcrafts solutions for clients will be challenged by new working methods, characterized by lower labour costs, mass customization, recyclable legal knowledge, pervasive use of advanced technology, and more.   (2017:19)

He predicts impact in three key areas: the more for less challenge; liberalization, and new technology, which together will 'drive immense and irreversible change in the way that lawyers work' (2017:15).   The LETR authors suggest that:

capacities such as a proper understanding of legal tech, project management, and "design-thinking" are all examples of "new" areas of competence currently being emphasised in practice (2018:390)

They find that the SRA is 'potentially a step behind' in failing to take these into account in its approach to the competencies required to qualify as a solicitor. Organisations such as the 'O Shaped Lawyer' are challenging traditional views of lawyering skills and attributes (O Shaped, 2022)). Commercial law firms are setting up separate divisions offering digital solutions for client problems beyond traditional legal advice (for example, Osborne Clarke Solutions (2022)). Environment, Social, Governance (ESG) and pro bono projects are becoming more prominent in the marketing narratives presented on law firm webpages (for example Clifford Chance (2022)) signalling a move towards the need to publicly recognise wider values, sustainability agendas and the public good as an aspect of good business.

Susskind predicts the future offers 'exciting new jobs for lawyers who are sufficiently flexible, open-minded and entrepreneurial to adapt to changing market conditions' (2017:133) and 'who are able to transcend legal and professional boundaries' (2017:162). However, Yau *et al.* point to an information gap in the 'paucity' of information on the 'availability of opportunities in legal practice and other careers' in Australia and a 'lack of transparency' (2020:76) about recruitment criteria in the UK. They suggest that law students are not sufficiently aware of what entry into the legal sector will mean for them and that this has negative impact on their wellbeing.

Different forces operating within higher education sector and legal services market therefore meet, as law schools grapple with the challenges identified by Susskind, the LETR Report and others, and adapt their curricula to provide courses which can provide the best educational opportunities to prepare students to move forward successfully if they choose law as a professional destination. My own view when beginning this inquiry was that we were not helping students to develop sufficiently to thrive in an already highly challenging environment post-graduation and that the situation is continuing to get tougher.

Ways of Knowing and Being and the QLD

The following section explores a number of contextual elements underpinning delivery of the LLB programme, and which informed my initial research 'puzzle' as potentially having significant impact upon students' experiences of learning.   These provide an insight into themes that were of interest to me as I began the inquiry rather than a comprehensive discussion (which the thesis word limit prevents).

Cognitive ways of knowing

QAA Benchmark Statement for Law

The academic standards applied to law degrees in England and Wales are set out in in the QAA Benchmark Statement for Law (2019). It provides that a law degree 'involves the acquisition of legal knowledge, general intellectual skills and certain skills that are specific to the study of law' (2019:4).   The statement recognises that:

> Important abilities and qualities of mind are acquired through the study of law that are readily transferable to many occupations and careers. Some of these qualities and abilities are generic, in that they are imparted by most degree courses in the humanities and social sciences. But degree-level study in law also instils ways of thinking that are intrinsic to the subject, while being no less transferable (2019:5)

Law degrees need to 'give a preparation for a range of careers…in a variety of highly skilled and analytical roles ….in the UK and internationally'. (2019:4). A capacity for 'Self-management, including an ability to reflect on their own learning, make effective use of feedback, a willingness to acknowledge and correct errors' (2019:5) was introduced in 2015 and retained in 2019.   Reference to 'a requirement on the student to apply their understanding of legal principles, rules, doctrine, skills and values' (2019:4) as the 'common denominator' for law degrees still foregrounds the importance of a doctrinal approach to law. This is echoed in the Joint Statement which makes clear that the QLD is explicitly required to teach law students the 'fundamental doctrines and principles' underpinning English law (SRA,2014:4). Reference to 'important abilities and qualities of mind' that are 'transferable' and 'imparted by most degree courses in the humanities and social sciences' (2019:5)

implicitly nods to wider, liberal, educational aims. Applying Biesta's definition of education there is an emphasis on *qualification*, with the focus on academic knowledge and skills, less on values and dispositions; *socialization* into ways of thinking common to the discipline of law, but nothing explicitly addressing *subjectification* and the "subject-ness' of those we educate' (2016:4)

The Doctrinal Approach

Jones (2018) identifies the significance of doctrinal and liberal traditions within legal education developing since the 19th century. She sees a mirroring of Western, Cartesian dualism within both traditions, in their prizing of reason, rationality and the transformative value of the intellect. However, she suggests the two traditions can be distinguished in the ways of thinking and knowing that they promote.

As reflected in the Benchmark Statement for Law, the doctrinal tradition is commonly acknowledged as the dominant influence on legal academic scholarship, and by extension legal education more generally (Cownie, 2004). It can be understood as:

> based upon a conception of law as an internally coherent body of rules, analysed using the same techniques of precedent and statutory interpretation that are used by judges and courts. (Cownie, 2004:49)

It regards law as a scientific discipline, offering a 'seemingly neutral and objective, non-emotive, method of analysing and synthesising the law and extracting autonomous principles' (Jones, 2018:452).   Its subject matter is often referred to as 'black letter' law (Cownie, 2004).

Thornton suggests that doctrinalism is 'technocentric' (1998:372), a desciption which aligns it with Schön's view of 'technical rationality' as a 'positivist epistemology of practice' which has 'became institutionalized in the modern university', (Schön, 1983:31). The doctrinal approach to teaching law has been criticised for its potential effect of restricting critical and creative thinking beyond 'the formalistic creativity associated with rule-manipulation' and emphasising:

narrow and authoritarian ways of thinking, by focusing excessively on the same relatively narrow skills of legal analysis and problem solving. (Burridge and Webb, 2007:83).

This is not surprising if the teaching context is purely academic, separating the identification and application of doctrinal principles from the social environments in which legal rules operate.   My own concern in the context of this inquiry is the impact of developing understanding of complex and unfamiliar legal concepts (take for example the doctrine of recission in contract law, or the rules relating to the operation of mortgages in land law). There is a disciplinary challenge in navigating ways of knowing law as presented from a doctrinal perspective. In the first instance, particularly as a student new to the study of law, the knowledge itself is presented as a body of rules and authorities which can appear daunting to master, let alone approach as 'nuanced and subtle' (Huxley-Binns, 2016:4). This can make it tempting for students to seek black and white answers. What Baxter Magolda (1992) describes as 'absolute knowing', as discussed in Chapter Three.

Learning to 'think like a lawyer'

Cownie identifies a connection between the doctrinal approach and the process of learning to 'think like a lawyer', a process that she suggests involves 'learning how to separate 'legal' issues from the other types of issue (moral, political, social, and so on)' (2004:50).

'Thinking like a lawyer' has become a contested concept (Wegner,2009; Huxley-Binns, 2016; Jones, 2018). For Weresh 'Teaching students to "think like a lawyer" is the overall objective of legal education' (2014:689).   However, a theme running through the international legal education literature of the last twenty years is that learning to 'think like a lawyer' in the traditional, doctrinal, sense, can be a negative experience for students, because of its separation of knowing from being. The strength of the language used is striking. In a US context Mertz found the process of thinking like a lawyer to be 'dehumanizing', as students were:

> abruptly forced to set aside their sense of morality, fairness, and sensitivity to human suffering. . . . Fluidity of position, to enable arguing either side of an

issue, is encouraged and further promotes an instrumental, amoral mindset. (2007:95)

Hess, also writing in the US, portrays it as a reductive of way of knowing, in that it:

> teaches that tough-minded analysis, hard facts, and cold logic are the tools of a good lawyer and it has little room for emotion, imagination, and morality. For some students, "learning to think like a lawyer" means abandoning their ideals, ethical values, and sense of self. (Hess, 2002:78)

Huxley-Binns (2016) takes a more positive approach in a UK context. She describes how when a friend asks her to 'do that thing you do' in relation to unpicking an employment law issue, she found satisfaction in the process of unravelling and applying the law:

> I reflected on what she meant by "do that thing you do". She was asking me to absorb complex data, consider approaches to the problem, seek furthers and betters from her, consider her options and advise her, relevant to her circumstances, on them. (2016:12)

This was 'a major event' for her, building her confidence and enabling her to carry that confidence into her classroom, understanding that 'learning the law is personal' (2016:13) involving each student in an individual process of developing their knowledge, skills and attributes in more complex ways. Ashford reflects that:

> I kind of went through these stages of law being something artificial; law then evolving into a bit of a game, something to play, something that was fun; seeing law then as something that can impact on people's lives; and then it became really personal. It became something that was impacting on my life, that was shaping my life, and also something that could be shaped, something that isn't fixed, something that is contestable, something that we see all the time being contested (2016:11)

His analysis is particularly interesting when held up against Baxter Magolda's (1992) dimensions of ways of knowing, which are discussed in Chapter Three. Ashford describes a developmental process of moving from seeing law as fixed, to something to be understood and applied as a 'game' external to himself, then a process of internalisation as he realises how law impacts him personally, to his more complex understanding of the contextually situated significance of the law. He aligns these

ways of knowing to his own perspective of what it means to 'think like a lawyer' which incorporates his individual sense of being in relation to the law.

The QLD as a liberal arts degree?

As identified above the QLD emerged in the liberal educational period of Robbins. Twining suggests that:

> Within academic law there has been a constant tension between positivist and normative perspectives and between doctrinal and empirical approaches, but there is a quite accommodating mainstream committed to the values of liberal education. (2018:246)

What is meant by a liberal approach is, however, also hard to define and is also a contested concept in the legal education literature (see for example Birks, 1995; Bradney, 2003; James, 2004). Jones (2018) suggests that a liberal approach to legal education has involved prizing of reason and development of the intellect. Burridge and Webb propose that a liberal legal education should:

> develop the capacity of students to engage in rational debate about the law and to form their own independent judgement on matters that will enable their participation in society. (2007:75).

Guth and Ashford (2014) reflect that socio-legal studies might be seen as part of a wider framing of legal education, suggesting that a liberal approach should concern itself with:

> pursuing knowledge for knowledge's sake and developing skills of knowledge acquisition through research, critical thought and debate. (Guth and Ashford, 2014:6)

Haberberger (2018) suggests that in Western liberal democracies 'critical thinking and respect for different opinions is becoming increasingly ingrained in general society from primary education onwards' (2018:1053) but suggests that liberal education also requires the potential to 'transform their students into 'wize citizens'' (2018:1053), emphasizing the development of civic responsibility. This aspect of a liberal approach

might be seen as addressed by the QAA Benchmark's reference to coverage of ethics, justice and the rule of law (2019:5), but is not a direct focus of the LLB.

Guth and Ashford (2014) call for 'a more nuanced understanding of liberal legal education' which makes space for practice relevant subjects and professional knowledge and skills as part of the facilitation of 'wider learning' (Guth and Ashford, 2014:7). Their view of the possibility of accommodation of professional education within a liberal approach chimes with a call in the Carnegie Report (2007) to see as 'central themes of liberal education':

> self-reflexivity, the development of understanding of how the past has shaped the present and how one's own situation is related to the larger social world, as well as entertaining and probing possible models of identity (2007:32)

This view of the potential for connections between intellectual development and identity formation as part of a liberal approach to legal education is an important aspect of my own research puzzle, and is relevant in the context of my inquiry into how the cognitive, intrapersonal and interpersonal dimensions of development impact on students' development of self-authorship (Baxter Magolda, 2004b) discussed in Chapter Three.

The interpersonal dimension of learning law

The role of lecturers

Understanding the ways of knowing developed by law students through study of law involves exploration of the context of learning, including the influence of those teaching law on their students. Becher and Trowler (2001) approached the issue of disciplinary difference from the perspective of academic culture, through their metaphor of disciplinary 'tribes and territories', enquiring 'into the nature of the linkages between academic cultures ('the tribes') and disciplinary knowledge (their 'territories'), considering the importance of epistemological factors affecting culture, and how these shifted over time (2001:xiv). They identified a doctrinal approach as the starting point for academics in law, reporting perspectives from their data that 'the centre of the subject is a body of rules" but also identifying perspectives that took a

more complex approach, leaving open 'the possibility of a critical, ideological function' where there was 'room for shades of opinion' and 'an absence of certainty, no clear-cut rules' (2001:31).

Cownie's (2004) study into the lived experience of legal academics teaching and researching law in English universities, specifically explored the culture of legal academics, aiming to 'discover more about the discipline of law itself.', contributing to 'an ethnography of the disciplines' (2004:2).   Amongst many issues her qualitative study gave insight into how lecturers across different universities approached disciplinary approaches through their teaching.   Amongst her participants half described their approach as 'black-letter' (2004:54); forty percent aligned to a socio-legal approach and the remaining ten percent identified as taking a combined socio-legal/critical legal studies approach. However, a number of her participants went on to qualify what they meant by a black-letter approach stating that:

> this did not mean that they concentrated solely on legal rules. They also thought it was important to introduce contextual issues (social, political, economic and so forth). (2004:55)

Similarly, a number of the academics, identifying themselves as adopting a socio-legal approach, acknowledged the importance of 'a good grasp of the law' (2004:55). Cownie suggested that the terms 'socio-legal' and 'black-letter' now 'needed to be treated with caution' (2004:56) because of the fluidity in the way that these approaches were defined and the dilution of pure black-letter law in the delivery of teaching. In 2014 Trowler revisited his approach, now suggesting that disciplines have no 'essential', 'core characteristics' and should be viewed in a broader neoliberal context of 'technologies, ideologies, marketisation, globalisation and the rise of the evaluative state' (2014:1723). Academic law 'when viewed up close can have characteristics that are closer to gender studies than to other approaches to academic law' and 'there are often more similarities than differences between, say, critical legal studies and sociology with greater divisions inside academic law ...than there are between those two disciplines' (2014:1724). Students may therefore be exposed to very different epistemic approaches within a law degree, a point important in the context of this study.

The findings of Cownie (2004) and Becher and Trowler (2001, 2014) suggest the interesting possibility that the potentially negative impact on student experience of a pure, doctrinal approach, may not arise in a situation where the teaching approach is contextualised, beyond a focus on legal rules. Cownie concluded that 'doctrinal law no longer dominates the academy in the way it used to' and that 'law is a discipline in transition' away from the pure doctrinal tradition (2004:58).   What Trowler's later work points to is the changing backdrop against which the social practices of academics are situated and constantly shifting. Cownie's study focused specifically on academic lawyers, it did not address the culture, identity, or influence of those entering the academy from legal practice. Nor did it explore the influence of other directions in legal education, in particular clinical legal education, which (as noted above) has seen significant growth through the development of law clinics and clinic modules in university settings since her study was published (LawWorks, 2014; 2020).

Wegner finds that 'Few Faculty or students are conscious of their epistemological beliefs, let alone of ways in which they may change' (2009:903). In my own university setting my sense was that, whilst individual academics may have understanding of their own epistemic framings of law, there was no articulated understanding shared between lecturers and students as to what the holistic, epistemic, framing of the LLB/QLD programme is intended to be. The programme had developed over many years as a patchwork of optional modules around a QLD core, reflecting the research interests and practice experience of individual lecturers. The primary focus had been on subject content, and to a lesser extent academic skills.

A very brief word about legal education pedagogy

There are many examples of innovative pedagogy within UK legal education. *The Law Teacher* and *The International Journal for Clinical Legal Education* (IJCLE) and their associated annual conferences, explore these regularly. However, I would suggest that Baron and Corbin's 2012 description of the dominant pedagogical model in Australia as the 'transmissive model' still has resonance:

> This is slowly changing, but the majority of law courses are still taught by means of lectures and tutorials, or some variation on this traditional model. The transmissive model tends to focus upon the intellectual content of the course and to convey knowledge devoid of context (2012:107)

This description echoes Freire's (1970) 'banking' model of education, where students are metaphorical empty vessels to be filled with knowledge, without focus on critical thinking or reflection. I suspect it would be quietly familiar to lecturers in many law schools across the UK as the reality underpinning delivery of core QLD curriculum in particular. This is more likely to be the case where (as in the setting for this inquiry) there are substantial LLB cohorts to be taught and resourcing requires large scale delivery and assessment within increasingly tight faculty budgets. Thornton aligns the economic issues involved in resourcing legal education to the enactment of the wider neo-liberal agenda within higher education:

> Law fits within neo-liberal concepts of expansion, knowledge as the new land (Lyotard, 1984) and has advantage that the teaching of law required no more than a handful of teachers and a few law books, as opposed to the expensive infrastructure required for science and medicine. (2012:268)

James *et al.* (2019) suggest that academics are now struggling due to lack of resources:

> often teaching increased class sizes with reduced resources including fewer administrative support staff and related increases in administrative responsibilities (2019:77)

The standard teaching delivery for the programme attended by my participants was a weekly two-hour lecture for each of their four modules, and a fortnightly two-hour workshop attended by a group of up to 25 students. Lectures were recorded and made available online, and attendance was not formally monitored. My experience at that time was that attendance and engagement were variable (a trend that has worsened as we have returned to campus following the Covid 19 pandemic). This approach to delivery has implications for both the nature of the learning experienced by students (Gibbs, 2010), but also the interpersonal impact of other learners and of lecturers as a dimension of developing ways of knowing. It created a learning environment in which the opportunity for relationship building with lecturers and other students was challenged by a limited opportunity for interaction and the building of meaningful learning communities or communities of practice (Lave and Wenger, 1991).

The traditional model extended into the use of assessment methods. Bone and Maharg submit that whilst there are important and varied areas of innovation in assessment in legal education 'the majority of practice in most law schools is currently still conventional in structure and content' (2019:15). This was also the case at the time of the inquiry in my own setting. Whilst there were examples of innovative practice amongst optional modules, the primary assessment methods were closed book examinations and assignments involving elements of research or self-contained problem analysis. The use of exams in particular created an assessment environment which emphasised the testing of knowledge, rather than the promotion of assessment as a learning opportunity in itself (Schellekens *et al.,* 2021).

The intrapersonal dimension

The impact of law school on students' ways of knowing and being

A parallel theme to the impact of learning to 'think like a lawyer' in the doctrinal tradition, is the growing exploration of issues relating to the psychological traits of law students and the impact of their experiences of a law school environment. Daicoff (2004) suggested that in the US law students demonstrated particular psychological traits, as competitive, high achievers with high expectations of themselves. More recently Townes *et al.* (2011), focused on the shift in identity of law students as learners, finding that there can be a negative impact on wellbeing as students adapt to learning law, which may be attributed amongst other things to 'changes in values and motivation: stress caused by the competitive nature of law school and fear of failure' (2011:152). Their view aligns with that of Webley (2017) in the UK. Drawing on Dweck's theory of human motivation (1998), Webley suggests that law students have a tendency towards views of learning which align to fixed, rather than growth mindsets, as students see struggles with complexity and difficulty as a personal failing, not as an opportunity to engage with new ways of thinking. Tani and Vines (2009) found evidence in Australia that law students may be more influenced by external factors than students in other disciplines, suggesting that they may lack capacity for internally endorsed, autonomous decision-making (an issue of particular importance in this

inquiry). Issues of student wellbeing are highlighted in the UK legal education literature, where similar issues are identified as being at play (Strevens and Wilson, 2016; Jones *et al.*, 2019). Approaches to supporting wellbeing and the development of positive professional identities as law students have emerged in the Australian (Field, Duffy and Huggns, 2014) and UK literature (Strevens and Field, 2020). Attention has focused on theoretical approaches which can lead to well-being amongst law students and academics, focusing in particular on Deci and Ryan's Self Determination Theory (1985), which articulates the need to achieve balance between the dimensions of autonomy, competence and relatedness in order to achieve the psychological conditions needed to thrive (Strevens and Field, 2020; Strevens, 2020). I wanted to see how my participants approached this issue, seeing potential parallels between the dimensions of Self Determination Theory and the theory of self-authorship (Baxter Magolda, 2004) which I discuss in Chapter Three.

Chapter Three: Ways of knowing and being, positioning the inquiry in the personal epistemology literature

In this chapter I discuss theoretical literature in the field of personal epistemology, identifying areas that are of particular interest in the context of this inquiry. Clandinin and Connelly (2000) suggest that one of the central tensions involved in undertaking narrative inquiry involves the role of theory in inquiry, managing the boundary between narrative and formalistic thinking.

> Formalists begin inquiry in theory, whereas narrative inquirers tend to begin with experience as expressed in lived and told stories (2000:40)

The tension can appear 'between literature reviewed as a structuring framework and literature reviewed as a kind of conversation between theory and life' (2000:46). This methodological issue had practical implications for the inquiry. Clandinin and Connelly suggest that narrative researchers may weave literature throughout the inquiry to inform the analysis 'in an attempt to create a seamless link between the theory and the practice embodied in the inquiry.' (2000:46). I have chosen to include separate chapters discussing aspects of legal education and key theoretical literature in the field of personal epistemology. These chapters are intended to establish context an help to identify parameters around the 'conversation between theory and life' for myself and also for readers of this thesis, creating a background for the presentation of narratives and analysis which follow.

Baxter Magolda came to recognise in her longitudinal study that:

> the need to place participants' stories in the foreground meant moving my theoretical frameworks to the background. From that position they informed my understanding but did not presuppose a particular construction from participants' stories. (2004a:36)

In this inquiry theory is best described as sitting in the middle ground, in that it has provided an organising framework to structure aspects of analysis (as discussed in Chapter Four) but I have aimed to keep the narratives firmly in the foreground. Its use aligns with a view of theory as a 'device for *understanding*' helping in the 'deepening and broadening [of] everyday interpretations and experiences.' (Biesta, 2020:13).

In this chapter I have broken down the literature into sections to make the nature of the field clearer for the reader. What this disguises is the messy experience of circling the literature on an ongoing basis, reading iteratively across a complex and developing field, alongside the process of conducting narrative analysis.   I have aimed to remain true to the spirit of Clandinin and Connelly's approach in the reading and applying, if not in the presentation of the literature.   I found that, as a novice researcher, managing articulate presentation of participants' narratives, relevant literature and discussion as a blended text was too complex a task to approach with confidence.

Knowing and Being - my route into the personal epistemology literature

As mentioned in Chapter One, through earlier work exploring reflective practice I had read the work of Lucas and Tan (2013) who examine the development of reflective capacity in accounting students. Drawing on the work of (Mezirow, 1990) they made a connection between the ability to develop capacity to be critically reflective with the field of personal epistemology.   Through their work I became aware of Baxter Magolda's work on developmental personal epistemology and self-authorship (1992; 2004; 2007; 2009; 2014, 2020).   From there I gradually accessed the wider literature on personal epistemology, identifying it as providing an 'alternative interpretive lens' to explore my participants learning experiences (Hammer and Elby, 2002:169). I continued to read outwards into the literature throughout the inquiry.

The field of Personal Epistemology

Since the 1970s an interest amongst researchers in the nature of epistemological development and the role of epistemological understanding has led to a growing body of research in the field of personal epistemology amongst psychologists and educationalists as well as philosophers   Hofer and Pintrich, in their comprehensive 1997 review of the field, suggested that 'Epistemology is an area of philosophy concerned with the nature and justification of human knowledge'. Personal epistemology explores the way in which 'individuals come to know, as a way to understand how the theories and beliefs individuals hold about knowing influence the cognitive processes of reasoning and thinking' (1997:88).   In broad terms research in this field draws on the psychological understanding of knowledge by individuals

(Hofer and Pintrich, 1997; Buehl and Alexander, 2006). It explores conceptions of knowledge and knowing, including individuals' perceptions or beliefs about the certainty of knowledge, simplicity of knowledge, source of knowledge and justification for knowledge. (Hofer, 2001; Lahtinen and Pehkonen, 2013). It can be seen to extend to include 'reasoning and justification processes regarding knowledge' (Hofer and Pintrich, 1997:116). It is not a clear-cut domain, for example 'beliefs about learning and teaching are related to how knowledge is acquired' and are 'probably intertwined' in the wider psychological network of an individual's beliefs (Hofer and Pintrich, 1997:116). Processes such as argument and reasoning, which involve epistemic assumptions, may also be included in the definition, but can also be separated conceptually (Hofer and Pintrich, 1997).

Use of terminology - personal epistemology and 'ways of knowing'

Terms within the research literature have developed to make a conceptual distinction between 'epistemological beliefs', which have a philosophical basis, relating to the study of knowledge, and 'epistemic beliefs' (Schommer, 1990) which can be defined as 'individuals' beliefs about the nature of knowledge and the process of knowing" (Muis, Trevors and Chevrier, 2016:331). The term 'epistemic cognition' is commonly used to describe research which focuses upon thinking about what knowledge is to individuals and how they come to know, 'the processes involved in its definition, acquisition and use' (Greene *et al.*, 2008:143). There is potential for overlap in these definitions. I use the terms 'epistemic belief' and 'epistemic cognition' as arising in the literature, recognising that the meanings may vary between researchers.

I adopt the term 'ways of knowing' to define the approach to personal epistemology I am exploring in this inquiry, in recognition of the interest I have in exploring 'knowing' and its impact beyond specific beliefs or cognitive processes into 'being'. The expression 'ways of knowing' was used first in the field of personal epistemology by Belenky *et al.* (1986) in their seminal book *Women's Ways of Knowing,* which explored the development of personal epistemology by women. For Belenky *et al.* and for later theorists and researchers the phrase carries a meaning beyond the purely cognitive sphere, and is recognised as being intertwined with other dimensions of development. As a concept it:

Extends beyond critical thinking, or making informed judgments, because it is not a skill, it is rather, a way of making meaning of the world and oneself.' (Baxter Magolda, 1992:6).

'Ways of knowing' can be seen to 'describe different perspectives from which individuals view the world and draw conclusions about truth, knowledge and authority' and are also connected to self-concept (Lucas and Tan, 2013:108), and issues of 'identity and relationships' (Baxter Magolda, 2004:31b).   In her work on self-authorship Baxter Magolda (2004b) identified three interrelated dimensions which constitute ways of knowing;

- Cognitive   - making meaning of knowledge

- Interpersonal - viewing oneself in relation to others

- Intrapersonal - how one perceives one's sense of identity

'Ways of knowing' as defined in this way align with Barnett's concept of 'becoming', as discussed in Chapter One, where 'the process of coming to know has person-forming properties'. (2009:435). My core research question draws on these concepts:

In the context of this inquiry:

- o **Ways of beginning**: What are the motivations that led students to study an LLB?
- o **Ways of knowing**: What epistemic understandings, assumptions and beliefs, develop through students' experiences of an LLB programme?
- o **Ways of being:** What impact does the experience of studying law have upon the capacity of students to determine their future professional trajectories as they approach graduation?

How does personal epistemology relate to learning?

The ultimate aim of this inquiry is to make recommendations to inform pedagogic development of the LLB degree programme in order to support student learning and development. The extensive literature in the field of personal epistemology reflects research into a wide range of issues relating to the significance of personal

epistemology and learning. The connection between critical reflection and approaches to knowledge and knowing is addressed in different ways in the literature in terms of the processes involved (Kuhn, 1991; Baxter Magolda, 1992, 2004a; King and Kitchener, 1994; Hofer, 2004a). The research of Lucas and Tan (2013) as previously mentioned, specifically explores how epistemic beliefs impact upon reflective capacity in accounting students. Hofer (2010) edited a special issue of the journal *Metacognition and Learning,* exploring the relationship between epistemological beliefs, metacognition and its importance in learning. A number of studies have concluded that the level of students' understanding of epistemic beliefs can be linked to prediction of academic performance (see for example Hofer, 2000; Cano, 2005; Phan, 2008); self-regulation strategies in learning (Bråten *et al.,* 2005; Muis and Franco, 2009) and student motivation (Bråten and Stromso, 2004; Chen and Barger, 2016).

O'Siochru and Norton (2014) identify a connection between epistemic beliefs and assessment performance, in a study spread across eight university disciplines (including law). Their findings are supported in separate studies by and Dai and Cromley (2014) and Barger *et al.* (2018), signalling the importance of alignment between epistemic beliefs and the requirements of assessment of academic performance, with performance likely to be better where there is an 'epistemic match' between beliefs and assessment methods. This point is further impliedly endorsed by the study of O'Donovan (2017), who found a link between epistemic beliefs and students' sense of satisfaction with assessment and feedback (an ongoing area of contention for my own and other law schools in relation to the annual National Student Survey). O'Donovan (2017) suggested that 'only students who view knowledge as relative and mutable' (2017:630) can be seen to hold more sophisticated epistemic beliefs, and are more likely to be satisfied with their assessment and feedback experiences.

Epistemic beliefs have been shown to impact upon specific aspects of learning, including strategy use (Hofer, 1999; Schommer *et al.,* 1992); text comprehension (Kardash and Scholes, 1996); cognitive processing (Kardash and Howell, 2000),

conceptual change learning (Andre and Windschitl, 2003; Mason, 2003; Quian and Alvermann, 2000;); learning goals and motivation (Cavallo *et al.*, 2003); search strategies in digital environments (Whitmire, 2004); students' cognitive engagement and achievement goals (Ravindran, Greene and DeBacker, 2005); study strategies and communication styles (Schommer-Aikins, 2008) and propensity to engage in lifelong learning (Bath and Smith, 2009).

There is concern within the literature that educational practices and pressures on students can have a negative impact on epistemic development. Harrison and Luckett (2019) suggest that in a learning environment which is increasingly 'driven by performativity and individualism' students may:

> valorise epistemic certainty and avoid the uncertainties associated with liminal learning spaces where they are both learner and knowledge creator (Harrison and Luckett, 2019:264)

'Bhatt and Mackenzie, 2019) echo this point, identifying a student tendency towards 'epistemic dependency' as students become more reluctant to stray from marking expectations of markers. Cooper (2019) finds that fear of making mistakes makes students 'more likely to seek ready-made answers, rather than risking independent assessment of evidence' using their own judgements (2019:456-457). Supporting students to become comfortable in Huxley-Binns' (2016) vision of liminal learning spaces, where law students ability to live with discomfort is seen as a threshold concept, becomes more difficult if these scholars are correct.

The literature clearly connects the relevance of personal epistemology to learning, 'yet that does not necessarily make it obvious in the instructional setting' as it appears that 'the effect of epistemological beliefs are subtle' (Schommer-Aikins and Duell, 2013:328). This brings to mind Wegner's suggestion in the context of US legal education that 'Few Faculty or students are conscious of their epistemological beliefs, let alone of ways in which they may change' (2009:903). I suspect this may also be true in the UK.

Emergence of the field - developmental models of personal epistemology

The earliest work on epistemology and learning drew on Piaget's staged model of genetic epistemology (Hofer and Pintrich, 1997). The developmental theorists originally saw personal epistemology in terms of phases, or stages, with the possibility of sequential movement from one stage to the next through development from naive to more sophisticated epistemic understanding. (Sandoval *et al.*, 2016). Their work explored the ways in which people (in particular learners) use existing assumptions about knowing to make meaning of experience, assimilating changes to their assumptions when dissonance in their experiences requires them to revise those assumptions. Through this process individuals grow gradually towards more complex meaning making (Baxter Magolda, 2009).

The table below juxtaposes the developmental stages which informed the work of the key developmental theorists, starting with the seminal work of Perry (1970). Whilst the approaches are different, the table below indicates an alignment of understanding of personal epistemology as occupying a trajectory from naive to sophisticated, where the most sophisticated perspectives or positions involve evaluation, critical reflection and the ability to contextualise knowing, working with different sources of knowledge and experiences within different settings.

Perry (1970) Intellectual and Ethical Development – Positions							
Dualism	Multiplicity		Relativism		Commitment within relativism		
Basic duality	Multiplicity Pre-legitimate	Multiplicity subordinate	Relativism subordinate	Relativism correlate	Commitment Foreseen	Initial commitment	Orientation in implications of commitment	Developing commitment
King and Kitchener (1981) Stages of reflective judgement							
Pre-reflective thinking	Quasi-reflective thinking			Reflective Thinking			
Belenky *at al* (1986) Women's Ways of Knowing - Epistemological perspectives							
Silence/	Subjective Knowledge	Procedural knowledge	Constructed knowledge				

Received Knowledge		- Separate knowing - Connected knowing	
Kuhn (1991) Argumentive Reasoning - Epistemological Views			
Absolutist	Multiplist		Evaluatist
Baxter Magolda (1992) Epistemological Reflection model – ways of knowing			
Absolute knowing	Transitional knowing	Independent knowing	Contextual Knowing

Perry (1970) – Forms of Ethical and Intellectual Development in the College Years

Perry's work, published in 1970, was the first major study to explore student beliefs about knowledge. His work has been extremely influential, serving as a 'heuristic for understanding how college students make meaning of their educational experiences' (Hofer and Pintrich, 1997:89). Perry outlined a sequence of epistemic development in college students, based upon assumptions about the nature of knowledge, the construction of knowledge and epistemic beliefs. His scheme included nine, developmental, positions 'that appeared to provide transformation from one level to another' (Hofer and Pintrich, 1997:90). Perry organised the nine positions under four headings, on a developmental line showing growth from simple dualism to complex dualism; relativism and commitment within relativism (Perry, 1970). Dualists see knowledge as certain and possessed by authority. Multiplists see knowledge as more fluid, accepting the existence of different perspectives, and placing equal value on multiple opinions, without being able to evaluate between them. Relativists regard knowledge as constructed in context through a process of evaluation of evidence (Baxter Magolda, 1992; 2009) and make a commitment to their own view, based on analysis of evidence. Perry also included the possibility of positions of deflection (temporising, escape and retreat) within his scheme, reflecting:

> alternatives at critical points in the development. A person may have recourse to them whenever he feels unprepared, resentful alienated or overwhelmed to a

degree which makes his urge to conserve dominant over his urge to progress. (Perry, 1970:65).

This perspective reflects Perry's recognition of an affective dimension to the development of epistemic understanding. Perry recognised the ways in which personal epistemology impacted upon students' sense of identity and ways of being 'as students' thinking changed, so did their self-concept, their roles, their ways of interpreting the world around them' (Knefelcamp, 1999:xiii), this requires courage on the part of the students 'and a reciprocal demand that we *encourage* them' Knefelcamp, 1999:xiii)). Elsewhere Perry wrote about the requirement for the conditions of respect and recognition as necessary in relationships with students in order to make risk possible (Perry, 1970). Perry's scheme is recognised as more explicitly epistemic in its outlining of the lower positions than the upper positions, which move away 'from spatial-cognitive restructuring to emotional and aesthetic assessments' (Perry, 1970:205).   His scheme can be seen to encompass both ways of knowing and being, anticipating Baxter Magolda's (2004b) later holistic focus on cognitive knowing, intrapersonal and interpersonal development.

A major criticism of Perry's scheme has been its use of data drawn from an almost exclusively white, male, student sample at the elite US institution, Harvard University. (Hofer and Pintrich, 1997). Concerns have also been expressed as to whether the scheme reflects a true, developmental trajectory or is 'more an artifact of the socialization process of a Western liberal arts education' (Hofer and Pintrich, 1997:93).

Belenky *et al.*, Women's Ways of Knowing (1986)

The work of Belenky, Clinchy, Goldberger and Rule (1986) sought to address the issue of gender and epistemology raised by Perry's approach. The researchers included only women in their interview based, phenomenological, study.   They worked with 135 women, not all of whom were college students. The work resulted in *Women's Ways of Knowing, The Development of Self, Voice and Mind* (1986).   The researchers used Perry's scheme as an initial guide to organise their interview data. They came to recognise that 'the women's epistemological assumptions were central to their

perceptions of themselves and their worlds' and 'Epistemology became the organizing principle' (Belenky *at al.*, 1997:xiii).

Their analysis suggested another way to approach personal epistemology, that was based upon the metaphor of women's voices. They focused on the sources, rather than the nature, of knowledge, exploring the ways in which it was received and constructed by women, examining the influence of knowledge perceived as originating outside the self in contrast to that arising from the self as a maker of meaning (Hofer and Pintrich, 1997). Belenky *et al.* identified five different perspectives (with two subcategories) 'from which women view reality and draw conclusions about truth, knowledge and authority' (1997:3). They focused on how women saw themselves in relation to others in the understanding of knowledge. At one end of the scale they identified silent women, who struggled to find meaning in the words of others and felt 'passive, reactive and dependent' seeing authorities as 'all powerful' (Belenky *et al.*, 1997:27). At the other end were those who 'in the process of sorting out the pieces of the self and of searching for a unique and authentic voice' had 'come to the basic insights of constructivist thought: *All knowledge is constructed,* and *the knower is an intimate part of the known'* (Belenky *et al.*, 1997:137).

Their study has had significant influence, but it has also been critiqued. Its focus only on women both enabled it to create a scheme reflecting women's approach to personal epistemology but has also been seen as a limitation on the claims it makes. The inclusion of women outside the college experience and also the structuring of the interview process have also been a cause for concern. The focus on relationships in the interview questions before sections on education and 'ways of knowing' open up potential for priming towards findings of a 'relational. connected, way of knowing' (Hofer and Pintrich, 1997:96; Strack, Schwarz and Wanke, 1991). Their work has, however, had significant influence, for example, in the context of this study the concepts of separate and connected knowing are drawn upon by Schommer-Aikins and Easter (2009) in their study of argument and personal epistemology (discussed below). Their metaphor of voice remains powerful as a way of conceptualising the role of authority in relation to epistemic beliefs.

King and Kitchener - The Reflective Judgement Model

King and Kitchener's research focused on a narrower area of personal epistemology. Their reflective judgment model (RJM) (Kitchener and King, 1981; King and Kitchener, 1994) explored 'the ways that people understand the process of knowing and the corresponding ways they justify their beliefs about ill-structured problems' (1994:13). Their study also drew on the cognitive-developmental work of Piaget and Dewey's work (1933, 1938) on reflective thinking. King and Kitchener argued that reflective judgment is important as 'an ultimate outcome and developmental endpoint of reasoning and the ability to evaluate knowledge claims' (Hofer and Pintrich, 1997:99).

Their 10 year longitudinal study included participants drawn from across different groups of adults, from high school students to middle aged participants, allowing them to explore assumptions at different ages and stages of development beyond university experience. They formulated a seven-stage model, organised on three levels. At the Pre-reflective level (stages 1-3), knowledge is initially seen as concrete and absolute, obtained by observation, through the senses, or from authority figures. At the Quasi-reflective level (stages 4-5), knowledge can be uncertain and ambiguous,, beliefs are justified using evidence, but may be idiosyncratic. At the Reflective level (stages 6-7), knowledge is recognised as uncertain and contextual, but conclusions may be drawn across different perspectives Expert authority is evaluated critically against current evidence to construct solutions to ill-structured problems. Conclusions represent the 'most complete, plausible or compelling understanding of an issue on the basis of the available evidence; (King and Kitchener, 2004:7)

King and Kitchener's model refined Piaget's theory of the mechanisms of developmental change. It recognised that individuals may have an operational and functional level within a range, finding that development in reasoning about ill-structured problems 'has stage-like properties, but not that it evolves in a lock-step, one-at-a-time fashion' (2004:9) They suggested that 'the developmental movement is better described as the changing shape of the wave, rather than a pattern of uniform steps interspersed with plateaus' (1994:140). Their work paralleled wider theoretical

developments recognising independent dimensions of knowing (Schommer-Aikens, 1990.) and was also influential on Baxter Magolda's (2004b) development of self-authorship theory.

Baxter Magolda – Ways of Knowing

Baxter Magolda is the theorist that I draw on most in this inquiry, and I explore her ideas in more detail in this section. I have already identified her conception of 'ways of knowing' as connected to cognitive knowing but also to knowing in the context of relationships and identity. Her focus on the connections between knowledge, learners, lecturers and learning environments aligns most closely with my own interest in exploring the experience of learning law and its impact on law students' wider development. Baxter Magolda built on the work of Perry (1970), Belenky *et al. (*1986*)* and King and Kitchener (1981), exploring the role of gender in knowing, in a study which brought together 103 participants, of almost equal gender balance, in an (initial) five-year study which extended to become a 32 year longitudinal study. Baxter Magolda called her developmental scheme 'the epistemological reflection model', so designated 'because it is based on students' perceptions of the nature of knowledge.' (1992:xii).

> Students interpret, or make meanings of, their educational experience as a result of their assumptions about the nature, limits, and certainty of knowledge. Such assumptions, referred to by researchers as epistemic assumptions (Kitchener, 1983), collectively form "ways of knowing". (Baxter Magolda, 1992:2)

Baxter Magolda's developmental scheme includes four ways of knowing. Within these she also identified gender related reasoning patterns which are different dependent upon sex, but 'equal in complexity' (1992:xiii

She is careful to emphasise that these differences do not map to all participants, but reflect more general trends within the data of her study (1992:xiv). The four ways of knowing she identified are:

- absolute;
- transitional;

- independent

- contextual.

Exploring these in turn;

Absolute Knowers

> view knowledge as certain. They believe that absolute answers exist in all areas
> of knowledge. Uncertainty is a factor only because students do not have access
> at the time to absolute knowledge. (1992:36)

For absolute knowers knowledge is certain, either right or wrong. Any difference in opinion arises from misapplication or misunderstanding, not differences in the knowledge itself (Lucas and Tan, 2007:18)   Students who are absolute knowers focus on external authorities as sources of knowledge. They believe that tutors have all the answers and that the student's role is to obtain that knowledge from the tutors. The learning focus is on acquiring and remembering information and reproducing it for assessment. The role of peers in the learning process is limited as they are not seen as authorities, and do not have access to the knowledge.

For absolute knowers the reasoning patterns Baxter Madolda identified were a focus on receiving knowledge, a pattern she found to be more common in women, and a focus on mastering knowledge, a pattern more common in men.

Transitional knowers'

> still believe that absolute knowledge exists in some areas, they have concluded
> that uncertainty exists in others. Discrepancies among authorities in these
> uncertain areas are viewed as a result of the answers being unknown. (1992:47)

For transitional knowers 'learning is more complex in the uncertain areas' (1992:48). Understanding now takes precedence over acquiring knowledge. Tutors are expected to focus on understanding and application of knowledge.

The two reasoning patterns Baxter Magolda identified within transitional knowing are interpersonal and impersonal. An interpersonal approach was more common amongst women who wanted rapport with tutors and valued resolving uncertainty by personal judgment, taking individual differences into account. An impersonal pattern was more

common to male learners who wanted to exchange views and peers in debate, be challenged and resolve uncertainty by logic and research (1992:48)

Independent knowers

> The basic assumption of uncertainty changes both the process and source of knowing substantially. Differences amongst authorities represent the variety of views possible in an uncertain world. (1992:137)

This is a subjective stage of knowing. For independent knowers different opinions can hold equal value. Evidence is not regarded as significant in weighing up the value of knowledge, everyone is free to believe what they will. Tutors are valued for their promotion of independent thinking and facilitation of the exchange of opinions in class, providing the context in which to explore knowledge.

The two reasoning patterns Baxter Magolda identified within independent knowing are interindividual and individual. She found Interindividual-pattern knowers were more common amongst women, believing:

> that different perspectives resulted from each person's bringing her or his own interpretation, or in some cases bias, to a particular knowledge claim. (1992:147)

They expected instructors to facilitate an exchange of opinions and perceived evaluation as 'a joint process occurring between student and instructor'. They were less concerned about what other students thought about them.

Individual pattern knowers were identified as more common amongst men:

> Their primary focus is on their own independent thinking. They emphasise thinking for themselves (and ways to think), expect peers to think independently, prefer instructors who allow students to define their own learning goals and view evaluation as based on independent thinking. (1992:56)

Contextual Knowers

> The nature of knowledge remains uncertain in contextual knowing, but the "everything goes' perspective is replaced with the belief that some knowledge claims are better than others in particular context. Judgments of what to believe are possible, although not absolute, based on reviewing the evidence. (1992:69)

This way of knowing requires a shift in approach within the learner, knowledge is still relative, but now it must be evaluated in its context and in light of supporting evidence:

> When all perspectives are no longer equal, learning changes from thinking independently to thinking through problems and integrating and applying knowledge in context. Although the student still creates a point of view, it must be supported by evidence (1992:69)

The role of the lecturer changes and becomes facilitative, creating a learning environment which promotes 'application of knowledge in a context, evaluative discussion of perspectives, and opportunities for the student and teacher to critique each other' (1992:69). Baxter Magolda does not identify different reasoning patterns for contextual knowers, the ways of knowing appear to converge at this highest level of knowing.

Critiques and limitations of Baxter Magolda's model

A criticism made of Baxter Magolda's early work is that the definition of epistemology is limited to students' perceptions of their learning experience (Hofer and Pintrich, 1997). For the purposes of this inquiry this is not really problematic. as the focus is on using her model as a lens to support interpretation of students' experiences, rather than a study of the nature of the nature of personal epistemology itself. A further limitation of Baxter Magolda's study is that, as with Perry's work, the sample is drawn from one student population, Miami University. The issue of gender is addressed in the balancing of participants, but the pool is limited in other ways by its make-up of white (97%), largely middle-class students of traditional college age. Baxter Magolda sought to address this limitation by providing thick description about the context of her study, recognising that 'A social constructivist perspective requires that the reader be given as much information about context as possible to use in judging whether her findings can be transferred to other situations' (1992:393). This is an approach which I adopt in my own narrative inquiry, where 'thick, rich' description (Geertz, 1973) about context is regarded as a significant element within the data (Clandinin and Connelly, 2000).

An issue not explicitly picked up in the criticism of Baxter Magolda's model, is the nature of the educational setting in terms of disciplinary knowledge. Her participants were undertaking a US liberal arts degree, and were exposed to a range of disciplinary approaches. In my own inquiry the focus is on the single disciplinary area of law, intensifying the experience of the participants' exposure to particular approaches to knowing.

Further development of Baxter Magolda's epistemological reflection model

Baxter Magolda continued her initial study over a 32 year period, and continued to develop her theoretical approach to personal epistemology. In 2004 she outlined her approach in her initial study as what she described as a 'constructivist conceptualization of epistemological reflection (ER)'. She uses the term '*epistemological reflection* to refer to assumptions about the nature, limits and certainty of knowledge and how those epistemological assumptions evolve' (2004a: 31).   As her longitudinal study continued, with her participants moving beyond their university years. Baxter Magolda became more interested in the holistic development of her participants. She began to draw on Robert Kegan's concept of self-authorship,

Robert Kegan and Self-Authorship

Robert Kegan's work was in the wider field of developmental psychology. He developed what he describes as a 'constructive-developmental framework' by which he means 'the study of the *development* of our *constructing* or meaning-making activity' as applied to the individual throughout their lifespan. (1980:373). He described his work as 'neo-Piagetian' in its move from a focus on cognition to inclusion of the emotions, and extension of the Piagetian model to address adulthood and also to recognise the importance of social context in development.

He developed the concept of 'self-authorship', which he defined as:

> A whole new ideology, an internal identity, a self-authorship that can coordinate, integrate, act upon, or invent values, beliefs, convictions, generalizations, ideals, abstractions, interpersonal loyalties, and intrapersonal states. (1994:185)

Baxter Magolda and Self-authorship

As Baxter Magolda expanded the focus of her study to on explore Kegan's concept of self-authorship her inquiry moved away from its original educational context, into the wider developmental experiences of her participants. The 'intertwining of the cognitive, intrapersonal and interpersonal developmental dimensions' (2004b:38) informed her revised interpretation of her own original developmental theory. Key questions that she found her participants were wrestling with became 'How do I know, who am I and what kind of relationships do I want?' (2004b:39).

> The complex interplay of participants' assumptions about themselves and their worlds, the assumptions they encountered and the contexts in which these encounters took place shaped their particular meaning-making (2004b:39)

This next, extended, stage in her study led Baxter Magolda away from her original theoretical assumption that epistemic development was a gradual, logically sequenced, process, towards an understanding of 'developmental models as descriptions of how contexts have shaped young adults'. Her shift away from a unitarist, developmental approach to a more nuanced approach related to context, was in line with theoretical developments occurring elsewhere in the personal epistemology field (as discussed below). Whilst the cognitive development of her participants remained an important dimension, she now focused on a wider framework which included 'participants' sense of their identity and their relationship with others' (2004b: xvii). She became attentive to:

> the central role internal self-definition plays in self-authorship. Internal definition is crucial to balancing external and internal forces in knowing and relating to others (2004b:xvii)

Through her continuing study she identified a self-authorship model based on four developmental stages (2004b:xviii-xix):

Following External Formulas: Following formulas for knowing the world drawn from the external world around. External influences are dominant.
The Cross-roads: Individuals experience dissatisfaction that arises from ignoring internal needs and perspectives and identify the need to begin looking inwards for self-definition. Individuals recognise they need to move away from reliance on external influences, but have yet to achieve this.
Self-authorship – becoming the author of one's own life: Individuals are now deciding what to believe, how to define their identity and how to interact with others. They are shifting away from reliance on external influences and are able to construct their own approaches to knowing, identity and relationships.
Achieving Internal Foundation: A stage of grounding. Individuals are able to manage external influences rather than being controlled by them. Their stance is not selfish, their approach is contextually aware, taking into account consideration of external perspectives and others' needs.

Her study and subsequent work in the field have suggested that university students may be moving towards self-authorship as they reach graduation. However, they are most likely to be at the 'cross-roads', as they begin to make choices about where to go and what to do in the world. (Barber *at al,* 2013; Pizzolato and Olson, 2016). Baxter Magolda found that the stage of internal foundation was not often achieved by before the age of 30 and not consistently across her participants. However, this was not necessarily because her participants lacked capacity for development, but more a consequence of a university education where:

> How we know or decide what to believe - or the *epistemological dimension,* is often the primary focus of college. How we view ourselves, or the *intrapersonal dimension*, is viewed as important but not the central focus of a college education. How we construct relationships with others, or the *interpersonal dimension,* is often viewed as the beyond the purview of educators. (2004b:xix)

Effective self-authorship requires development across all three dimensions. Cognitive ways of knowing alone are inadequate, because 'without an internal sense of self, participants' beliefs, identity and relationships were defined by external others' (2004b:xix). A sense of self is needed in order to be able to choose what to believe. She concluded that whilst higher education focused on knowledge acquisition had trained students to be transitional knowers, more complex meaning-making might be possible at earlier stages than she had encountered within an education context where self-authorship was more advanced.

Her suggestion is supported by subsequent work, which has identified that individuals who have experienced what can be described as a 'provocative moment' (Pizzolato, 2005) may be triggered to reflect and move forwards in their self-authoring journey as they are prompted to make internal sense of external situations. Experiences such as discrimination (Torres, 2010, Torres and Hernandez, 2007) may trigger such a reflective mechanism. Pizzolato (2003, 2004) found evidence to suggest that high school students who were perceived as being at risk of dropping out due to challenging personal circumstances may move to self-authoring more quickly in order to find ways of coping. By contrast Baxter Magolda's participants, who were predominantly white and from more affluent backgrounds, were less likely to encounter such triggering experiences before or during their university years.

Asynchronous development of self-authorship dimensions

Pizzolato *et al.* argue that the dimensions of self-authorship are 'rarely equally challenged' which leads to development that is 'asynchronous' (2016:414). This means that at any given time the three dimensions may vary in significance, and this variation will have an impact on overall development. Baxter Magolda (2010) originally suggested that there may be a 'home' dimension which would lead development. King proposed the cognitive dimension as a 'strong' partner' (2010:174)

rather than a home dimension, with a role in supporting development in the other dimensions. Pizzolato and Olson *(2016)* conclude that 'the leading dimension appears to change as a function of the environment, instead of the individual choosing or preferring a lead dimension' (2016:421). In their study conducted in 2011-12 they interpreted a gradual shift from the interpersonal to the intrapersonal dimension as the leading dimension.   It appears that the significance of any particular dimension is therefore likely to be contextually led and will depend on the prominence of that dimension in an individual's experiences at a given time. This is of significance to this inquiry and my interest in the way in which focusing on cognitive development through the LLB might support or hinder development of the intrapersonal and interpersonal dimensions of self-authorship in my participants.

Wider developments in the field of personal epistemology

Schommer-Aikins – development of independent and distinct dimensions of epistemic belief

Schommer-Aikins' work has developed in parallel with that of Baxter Magolda. She reconceptualised personal epistemology as 'a system of more-or-less independent beliefs' (Schommer-Aikins, 1990), challenging Perry's conclusion (as broadly followed by the other developmental theorists) that personal epistemology developed in fixed stages, and was unidimensional.   She proposed instead that development was based upon a number of independent, and distinct dimensions, which could develop asynchronously. She categorised thinking about personal epistemology as 'beliefs' rather than 'knowing', suggesting that that epistemic beliefs related to:

> the structure of knowledge (ranging from simple to complex), the stability of knowledge (certain to uncertain), the source of knowledge (omniscient authority to reason and evidence), the speed of learning (quick to gradual) and the ability to learn (fixed to improvable). (Schommer-Aikins and Duell, 2013:318)

She proposed the elements of 'belief' as 'affect, limited adherence to logic, difficulty in changing and a powerful influence on thinking' (2004:21), adopting Pajares' (1992) categorisation of the construct of belief as messy, disputable, more inflexible and less dynamic than knowledge systems. She suggested that the process of belief change, and

therefore development, was not easily achieved. Her inclusion of beliefs about learning was based on the work of Dweck and Leggett (1988) about the nature of intelligence, and the influence of beliefs on the fixed or changeable nature of mindsets in relation to learning and the speed of learning.

The inclusion of these latter dimensions aspect of her work has been criticised (Hofer and Pintrich, 1997) as standing outside the construct of epistemological beliefs, relating more to the nature of intelligence as a psychological trait, rather than a dimension of the nature of knowledge, and as relating to beliefs about learning rather than knowing (Merk *et al.*, 2018). However, her theory of the independent dimensions of epistemic beliefs has been widely accepted (Merk *at al*, 2018). She has subsequently refined her approach as her work has developed, becoming more interested in the significance of domain specificity, (Schommer-Aikins and Duell, 2013).

Integrated perspectives of personal epistemology

To address the criticisms levelled at the developmental and multidimensional models of personal epistemology a number of researchers have suggested integrative models (Barzilai and Eshet- Alkalai, 2015; Bendixen and Rule, 2004; Greene *et al.*, 2008; Peter *et al.*, 2016).

Bendixen and Rule (2004) - the Integrated Personal Epistemology Model

Bendixen and Rule (2004) theorised the process of changes in beliefs, viewing the development of personal epistemology as a 'dynamic process, driven by many factors, including context, affect and environment' (2004:73). They proposed an 'Integrative Personal Epistemology Model' (IPEM) which makes connections between environment and affect in the formation of, and process of shifting, between epistemic beliefs. They proposed that change of beliefs is generated in conditions where an individual is confronted firstly with a situation creating 'epistemic doubt' in existing beliefs. However, suggested that doubt alone is not enough to trigger change, doubt must lead to action in the form of 'epistemic volition', a construct they connect with literature on motivation and conceptual change. The process involves a focus on

metacognitive awareness (Hofer, 2004a) and on individuals taking 'responsibility' for their epistemic beliefs (Baxter Magolda, 2004b:73).   Individuals experiencing doubt progress through the finding of 'resolution strategies', which may 'include reflection and social interaction', including the use of argument. Engagement with resolution strategies can then lead to a shift towards more advanced beliefs. This is not guaranteed, reversion back to existing beliefs is possible.

The IPEM model has been used to research in qualitative research to explore the influence of pedgagogical approaches on students' formation of epistemic beliefs in a higher education setting, suggesting that it is possible to influence the advancement of epistemological beliefs at an early stage in university studies (Lahtinen and Pehkonen, 2013). Wider research suggests that mechanisms for change may be either explicit or implicit (Brownlee *et al.,* 2016; Lunn Brownlee *et al.,* 2017*)* arising from direct confrontation of existing beliefs, for example through pedagogic approaches which create situations in which students are faced with conflicting views, or change may occur implicitly through more subtle experiences with the underlying epistemic assumptions within a classroom, for example through engaging in learning activities that encourage self -direction and personal construction of knowledge (Barger *et al.*, 2018).

The concept of a moment of epistemic doubt which triggers a shift in epistemic beliefs is echoed across the personal epistemology and self-authorship literature, for example in Pizzolato's (2005) identification of the 'provocative' moment which requires a decision, which in turn pushes the individual towards a confrontation with internal/external influences and can activate a move towards a more advanced self-authorship dimension.

Muis *et al.* (2006) Theory of Integrated Domains in Epistemology (TIDE)

Muis *et al.* (2006) proposed a 'Theory of Integrated Domains in Epistemology' (TIDE) which integrated the concepts of general and domain specific epistemic beliefs within a sociocultural context. They suggested the framework to provide a theoretical basis 'from which to discuss broader relations among epistemic beliefs and various facets of

cognition, motivation and achievement' (2006:30). Their model draws on the work of

Baxter Magolda (2004b); Belenky *et al.* (1986); Bendixen and Rule (2004); and Hofer

and Pintrich, (1997). It is situated in a sociocultural perspective which recognises that:

> personal epistemology is complex and socially constructed; that is individuals
> actively construct or make meaning of their experiences, and development
> occurs as a function of one's interactions with the social world (2006:30)

They identify both domain general and specific beliefs as 'socially constructed and

context bound' (2006:31) suggesting that there is a 'reciprocally influential'

relationship between the impact of an academic setting, leading to development of

academic, domain specific, understandings and the wider sociocultural world

experience of the individual, which leads to general beliefs. Overall, they suggest that

the process of developing epistemological thinking is multi-dimensional and recursive.

'Life experiences and educational experiences fine-tune individual's beliefs upward

through time' through developmental levels (2006:31), but development may loop

between levels depending on sociocultural experiences.   In subsequent research the

TIDE model has been used to explore specific beliefs in relation to a topic within an

academic domain, with researchers suggesting the adding of topic specificity as a

fourth level to the three existing domains of socio-cultural academic and instructional

contexts (Merk *et al.*, 2018)

Baxter Magolda refined her original developmental approach, describing her ER model

as 'socially constructed and context bound' (2004a:31). Her approach broadly aligns

with that of Muis *et al.* (2004) and the TIDE model:

> Beliefs about self, learning, classroom instruction, and domain-specific beliefs
> are part of personal epistemology. I regard these latter concepts as intertwined
> with epistemological assumptions rather than as independent beliefs or
> resources. Thus epistemological transformation is a shift to a more complex set
> of epistemological assumptions rather than the acquisition of particular
> learning strategies or skills. (Baxter Magolda, 2004a:31)

Domain specific approaches to knowing

Schommer-Aikins (1990, 2002)'s initial challenge to personal epistemology as

involving epistemic understanding as general and one dimensional, has been

developed by other researchers. Hammer and Elby (2002) suggested that epistemic understanding must logically vary depending on context, and that therefore the attempt to presume that students' epistemologies existed in stable form was 'to presume a consistency across contexts' (2002:170) which was not sustainable. They also expressed concern that in outlining a constructivist approach 'current perspectives on epistemology offered no account of what may be the raw materials from which students could develop new structures' (2002:170) to move between naïve and sophisticated beliefs. They suggested that there was a lack of explanation in the literature of the mechanisms for changes in beliefs.   This is a concern relevant in the context of this inquiry, which is interested in how law students develop ways of knowing through learning law as a specific discipline

The 2006 study by Muis, Bendixen and Haerle, in which they set out their TIDE model, critically synthesised the available literature in the field and determined that epistemic beliefs could vary, relating to beliefs about knowledge more generally (domain general) or in relation to particular areas of knowledge (domain specific). The subsequent literature around personal epistemology/epistemic cognition reflects increasing interest in the characterisation of conceptions of knowledge and 'sense-making practices' in specific domains (Sandoval, 2016).   Specific attention has been paid to personal epistemology in the context of the domains of different academic disciplines. For example, the nature of science (Elby, Macrander and Hammer, 2016); mathematics (Depaepe, De Corte and Versachaffel, 2016; Muis, 2004); history (Vansledright and Maggioni, 2016); literary reasoning (Lee *et al.*, 2016) and accounting (Lucas and Tan, 2013). It appears however, as explained in Chapter One, that there is little literature in relation to personal epistemology and law as a discipline.

Knowing in the disciplinary domain of law

Muis *et al.* (2006) suggested that the need to establish '*academic domain* knowledge' is paramount to the discussion of domain specific personal epistemology. This inquiry focuses on knowing in the context of the experience of studying law. As identified above, contextually the setting is different to that of the work of the developmental

theorists, including Baxter Magolda, as the learning environment is specific to one discipline rather than the experience of learning across a US liberal arts degree, comprising a number of disciplines.

Muis *et al.* propose (referencing Paris *et al.,* 1983*)* that domain knowledge should be seen as comprising:

> conditional knowing (where and when), procedural knowing (knowing how), and declarative (knowing that) knowledge (2006:10)

They draw on Biglan's 1973 study, which established a classification scheme for academic disciplines, based on academic's judgements about the similarities of subject matter in different academic areas. Biglan's study explored 36 disciplines (including law, although he did not include law in his classification scheme) and identified three dimensions to academic knowledge domains, namely hard/soft, pure/applied and life/non-life:

> The dimensions involve *(a)* the degree to which a paradigm exists, (6) the degree of concern with application, and (c) concern with life systems. (1993b:202)

Biglan's distinction of hard/soft aligns with disciplines characterised by existence/ lack of paradigms:

> Kuhn has argued that the physical sciences are characterized by the existence of paradigms that specify the appropriate problems for study and the appropriate methods to be used. It appears that the social sciences and nonscience areas such as history do not have such clearly delineated paradigms. (1973a:195)

The designation of a discipline as applied/pure – depends on the level of 'practical application', for example, Biglan identifies education and engineering as applied, chemistry as pure. The third dimension is life/non-life, distinguishing ' biological and social areas from those that deal with inanimate objects.' (1973a:202). Stoecker (1993) added eight new disciplines, including professional law, into her US, study, which built on the work of Biglan. Her research findings in a US, post-graduate, professional context did not lead to conclusive findings. However, she suggested that law could be classified law as 'SANL', soft, applied and non-life (1993:460). More recently Simpson

(2017) has explored how the Biglan classification system might be applied in a UK setting, using 'key information set' (KIS) data drawn from the Higher Education Statistics Agency (HESA) to carry out a study using correspondence analysis. He concluded that the classification system continues to have credibility as a means of understanding the structuring and spread of disciplines across the UK university sector.

Simpson's analysis classifies the undergraduate law degree as soft and pure, meaning it does not align to one established paradigm and is academic in focus (he does not address the life/non-life dimension). Simpson notes the discrepancy between his classification of law and that of Stoecker, suggesting this is evidence that the classification is not always clear.   However, he does not take into account the difference between academic undergraduate law study in the UK and post-graduate, professionally oriented study of law in the US, which is likely to explain the classification of 'applied' in the US and 'pure' as the dominant classification in the UK. Simpson's finding of supports Cownie's assertion that the doctrinal approach to law may now be lessening its hold on the LLB, but raises questions about what the 'soft' approach now means for students who are trying to align to law as a discipline.

Research elsewhere suggests that epistemic cognition may vary according to academic domain because there is variation in 'epistemic content' (Hallett, Chandler and Krettenauer, 2002:293). The move towards more sophisticated epistemic beliefs may occur later, or at a higher level of education in science domains, which are classified as hard/pure under Biglan's classification system. These are disciplines which are underpinned by more content than domains such as social sciences (Kuhn *et al.*, 2000).   This point ties back to Elby and Hammer's (2002) question about how learners can take a constructivist approach to creation of knowledge structures for themselves from the raw disciplinary material they are presented with. Where that raw material is conceptually 'hard' it might be assumed that there is less scope for learners to develop more complex ways of knowing until they have learnt to work within the structured requirements of a specific discipline.   This issue resonates both in terms of how difficult law students find law to grasp conceptually and therefore how challenging it is to not lose sight of the underpinning disciplinary material

required but at the same time support a move towards a more individual, complex, approach to knowing law.

Ways of knowing and the significance of argument

Whilst ability to argue is not specific to the domain of legal knowledge, the role of argument can be recognised as a particular feature of law as a discipline. Kuhn suggests that the ability to engage in argument is linked to the 'metacognitive ability to be reflective about one's own thinking' (1992:105) and is connected with the holding of more sophisticated epistemological beliefs.

Kuhn (1991) researched the ways in which individuals use argumentative reasoning in everyday life to approach ill structured problems. Her work explored how participants in their 20s, 30s and 40s used reasoning in dealing with complex, real world phenomena (Hofer and Pintrich, 1997:103). Kuhn suggests that it is through argument that the 'most significant way in which higher order thinking and reasoning figure in the lives of most people'. (1992:156). She connects the ability to engage in argument with sophistication of epistemological beliefs. She distinguishes between two kinds of arguments; *rhetorical,* which focuses on reasoning aimed at a specific question and *dialogic* 'as a dialogue in which two people hold opposing views' (1992:157). Both these forms of argument are relevant in the context of legal education.

, building on the work of Perry (1970), including that of Belenky *et al.,* 1986; Kitchener and King, 1981; and Baxter Magolda (1992). She identified a trajectory of epistemic understanding that advanced from an absolutist view, towards multiplist and evaluative positioning, concluding that 'it is primarily the emergence of the evaluative epistemology that is related to argumentative skill development' (1991:195). She advocates use of teaching methods that use argument as a way of engaging students in the practice of thinking. In her later work she has researched the metacognitive, epistemological and social dimensions involved in the process of dialogical argument (Kuhn *et al.,* 2013). She proposes that argumentive discourse competence is a more sophisticated process than the development of skills, also requiring engagement with individuals' 'dispositions and values', in relation to which the 'social context and group

norms become powerful' (2013: 484). As with Baxter Magolda, and Muis *et al.,* she also recognises the impact of context on development.

Rhetorical argument can be seen to underpin much of academic study in law, in particular in the context of research based assessment work. Dialogic argument has been a focus important in my own classroom in the context of teaching negotiation, mediation and advocacy. Arguably, it is not something that law students will encounter so frequently, unless embedded as a pedagogical approach in academic learning (use of debates or a specific focus on critical reasoning skills for example) or through modules which focus on development of professional skills (for example, advocacy, dispute resolution methods, law clinic).

Nussbaum and Bendixen (2003) proposed that the disposition of students to engage in argument may be related to cognitive dispositions, specifically an individual's disposition to engage in reflective thinking. (2003:574). Their initial hypothesis was that students with strong beliefs in simple knowledge might not value arguing, because they did not value the complex justification of knowledge. Alternatively, they proposed that an unquestioning belief in the omniscience of experts might encourage the process of argument to justify student beliefs. However, their study made a different finding, drawing a connection between the holding of less sophisticated epistemological beliefs, that knowledge is simple and certain, and a disposition to avoid argument because of a discomforting sense of 'epistemic doubt'.

An earlier study by Bendixen (2002) had indicated that where students experience 'epistemic doubt' it 'can be discomforting because it challenges a stable world view' (2002:591). Students wishing to avoid feelings of discomfort and anxiety were more likely to avoid engaging in argument (2002:591).

Schommer-Aikins and Easter (2009) took as their starting point a recognition of argument as a cognitive and social activity, suggesting that the process of persuasion, involving presentation of perspectives on the basis of rational, objective evidence, could be seen as a form of what Belenky *et al.* (1986) and Clinchy (2002) identified as *separate knowing'* (2009:120). Separate knowers will place emphasis on doubt and will

challenge and question assertions. By contrast *connected knowing* puts greater emphasis on empathy as knowers choose to 'walk in another person's shoes or attempt to understand an assertion from someone else's perspective first' (2009:120). Both approaches require objectivity, but in different ways, and both can support higher order, critical forms of thinking. Sophisticated knowers will employ both approaches, using metacognitive skills to adapt their approach to the setting (Clinchy, 2002). Both approaches have been linked to higher levels of academic performance (Schommer-Aikins and Easter, 2009). They argue that teaching classroom skills that encourage debate and justification of reasoning can help to support critical thinking, building capacity to understand and seek credibility of knowledge (2009:130).

Hofer also suggests that the capacity for metacognition (Flavell, 1979), which she suggests should include 'not only "thinking about thinking" but also "knowing about knowing"' (2004:48), is important in supporting effective learning.   She proposes that:

> learners benefit from a fluid understanding of the underlying epistemological assumptions of the disciplines, which involves a recognition of differences in domains, sub-fields, and topics. Learners with such flexibility might also adapt their beliefs to new tasks and to learning in new areas (2010:119).

Drawing the theoretical threads together

Personal epistemology is a deepening and widening field. This review has aimed to capture those elements that became iteratively significant in framing and conducting my own inquiry.   My reading into the personal epistemology literature has helped me to gradually refine my areas of interest as defined in my research questions.   I see that, whilst the literature is diverging and becoming more complex, it can be synthesised to provide a holistic perspective. It provides important accounts of how development occurs across cognitive ways of knowing through developmental theories.   It provides a framing which brings together wider developmental dimensions through the concept of self-authorship. It can also be read at a micro level, to explore aspects of cognitive knowing in very specific disciplinary learning contexts.   Development (or lack of) can be recognised as dependent on context, asynchronous in its individual elements, but holistically interconnected. The literature suggests the importance of metacognitive capacity in supporting learners to 'think about thinking 'but also in 'knowing about knowing', enhancing both the

'development of rich, flexible, generative knowledge' and of 'rich, flexible, generative beliefs' (Hofer, 2010:119). This point brings me back to Lucas and Tan's (2013) connection between complex ways of knowing and critical reflection, a capacity for which would appear to be important in enabling learners to step back from their immediate learning contexts and consider knowing at a metacognitive level.

Chapter Four: Aligning to Narrative Inquiry

> a *personal* narrative is a distinct form of *communication*: it is meaning making through the shaping of experience; a way of understanding one's own or others' actions; of organizing events, objects, *feelings or thoughts in relation to each other;* of connecting and seeing the consequences of actions events, *feelings, or thoughts,* over time (*in the past, present, and /or future)* (Chase, 2018:549 - her italics)

My inquiry began with 'an interest in life experiences as narrated by those who live them' (Chase, 2011:421) I wanted to explore the holistic perspectives of my participants, opening up their perceptions of the influences, events and relationships that impacted on their experiences of learning. Clandinin and Rosiek propose that 'Describing the way people go about making sense of their experience within particular contexts' and 'contributing to that ongoing sensemaking, is the purpose of narrative inquiry.' (2007:45).

Narrative inquiry as a fit with my research puzzle

I could see connections between a narrative methodology and Baxter Magolda's epistemological reflection and self-authorship models (1992,2004b) (discussed in Chapter Three), which draw on a constructivist approach to the process of 'sensemaking' from experience. Naturalistic methods were used by the early developmental theorists (Perry, 1970; Belenky *et al.*, 1986) and I found a later call for more qualitative approaches, in light of a developing focus on the impact of context as an aspect of epistemic belief formation (Hofer, 2004b). The literature on personal epistemology has increasingly identified the role of learning and wider sociocultural contexts in formation of epistemic beliefs as opposed to assuming a developmental trajectory detached from context (Baxter Magolda, 2004a; 2004b; Muis *et al., 2006).* Through her work on a constructive-developmental theory Baxter Magolda (2004a) identified her own shift from an initial positivist positioning, towards a constructivist paradigm, where 'realities are multiple, context-bound and mutually shaped by interaction of the knower and known' (Lincoln and Guba, 2000, in Baxter Magolda, 2004a:35).

As mentioned in Chapter Three, she adopted a qualitative approach, with a narrative focus, which 'placed participants stories in the foreground' and moved theoretical frameworks to the background (2004a:36), drawing on the work of Clandinin and Connelly (2000). This approach fitted well with my interests, although as suggested in Chapter Three I have not moved the theoretical ideas quite so far to the back of the inquiry .

Zilber *et al.,* suggest that narratives are rooted within three contextual spheres:

> the immediate intersubjective relationships in which a narrative is produced, the collective social field in which one's life and story evolved; and the broad cultural meaning systems or meta-narratives that underlie and give sense to any particular story (2008:1047)

This was the methodological fit I wanted to explore students' ways of knowing arising from their study of law, situating the participants' experiences within the wider contextual frameworks of legal education in England and Wales as discussed in Chapter Two.

Previous experience of narrative

I came to the inquiry with previous experience of narrative in educational and professional settings. Narrative crosses disciplinary boundaries, it is significant to professions including including 'psychotherapy, social work, education, counseling, mediation, organizational transformation, law, medicine, occupational therapy and conflict resolution' (Spector-Mersel, 2010:205). I had explored a love of fictional narrative during my undergraduate degree in English Literature. This had given me experience of interpreting texts through a process of close reading, a skill Charon (2006) recommends as important for narrative inquirers, aiding the inquirer to pay attention:

> not only to the words and the plot but to all aspects of the literary apparatus of a text...[including] ambiguity, irony, paradox, and 'tone' contained within the words themselves (2006:113)

I had respect for the power of literary narrative and its power to illuminate experience. I also had practical experience of working with narratives in my professional life as a dispute resolution solicitor. When drafting witness statements for civil court cases I

had worked with the subjective, interpretive nature of narrative construction and experienced co-construction of narratives with witnesses. I was also aware of the ethical responsibility that creating narrative brings, through my need to balance obligations to both client and court. In my lecturing role I had used my training as a civil and commercial mediator to teach students about how to work with conflicting narratives, moving parties to a place where agreement about settling a dispute becomes possible. These approaches to narrative were 'strategic, functional and purposeful' (Riessman,2008:8), pointing to the way in which in narrative 'knowledge and truth are created rather than discovered' (Savin-Baden and Major Howell, 2013:23).

The field of narrative research

Narrative as a methodology in qualitative research proved a complex field to navigate as a novice researcher. '[M]ost scholars point to the ubiquity of narrative in Western societies' (Chase, 1995:273), a view famously expressed by Roland Barthes, who suggests that 'Like life itself, it is there international, transhistorical, transcultural.' (Barthes 1975:237). This ubiquity has led to as a 'narrative revolution' in social science research 'that has been made possible by the decline of an exclusively positivist paradigm for social science research' (Lieblich, Tuval- Mashiach, and Zilber 1998:1). The increasing popularity of narrative is reflected in the identification of a 'narrative turn' in the social sciences, which is evident across disciplines including: psychology (Bamberg, 2008; Bruner, 2002; Coles, 1989; Josselson, 2013; Lieblich *at al, 2003;* Mishler, 1991; Polkinghorne, 1998); sociolinguistics (Barthes, 1975; Labov and Waltezky, 1967); philosophy (Lyotard, 1984; Ricoeur, 1983) and, most relevant to my own study, education research (Clandinin and Connelly, 2000).

Chase characterises the variety within contemporary narrative inquiry as offering:

> an amalgam of interdisciplinary analytic lenses, diverse disciplinary approaches, and both traditional and innovative methods – all revolving around an interest in biographical particulars as narrated by the one who lives them. (2005:651)

Narrative as a research methodology can be dated back to the exploration of life history in the work of the Chicago School sociologists in the 1920s and 30s (Riessman, 2008) and the use of narrative to explore life history has continued to be important to the present day as a way of connecting individual lives with their wider social and historical contexts (Bathmaker and Harnett, 2010). Arguably, narrative began a serious growth in popularity as a research methodology with Labov and Waletzky's (1967) highly influential work on the theory of oral narrative, which focused on analysis of the structure of narratives drawn from everyday lives. Linguists, such as Ochs and Capps (2001), went on to apply linguistic theory to examine the language used in narratives, focusing on narrative representation of experience as text, drawing on traditions from the analysis of literature.   The occurrence of 'the narrative turn' has seen narrative move away from a focus on 'factist' approaches in which 'narrative was believed to reflect an objectified essence, located either within the narrator or outside him' (Specter-Mersel, 2010:207) to an approach which can be termed *'discursive, constructivist* or *postmodern'* (2010:207)

> according to current perceptions narratives do not *mirror* that seeming entity but *construct* it. Instead of a real, essential and objective reality *reflected* in narratives, it proposes a subjective and relativist reality, largely *invented* by narratives. By telling stories we impart meaning to ourselves and the world (Bruner, 1986; Polkinghorne, 1988)' (Spector-Mersel, 2010:208)

More recent interest has focused on narrative's role as a social practice, exploring the ways in which 'individuals construct social meaning and their own shared realities through interacting with each other' (Savin-Baden and Major Howell, 2013:28). Bamberg and Georgakopoulou work at the edges of narrative, focusing on the concept of 'small stories', a term they use to describe moments within narrative tellings that are 'not particularly interesting or tellable" and 'not even necessarily recognized as stories' (Bamberg, 2006:63). Their approach recognises the tiny moments in narrative tellings that can be 'easily missed out by an analytical lens which only looks out for fully-fledged stories' (Georgakopoulou, 2007:146).

Narrative inquiry's place shifts in the qualitative research spectrum from characterisation as a research method (Denzin and Lincoln, 2018); to that of

methodology which has an implicit epistemological and ontological basis (Clandinin and Connelly, 2000) to representing a paradigm in its own right (Spector-Mersel, 2010). Riessman and Speedy note that 'the field has 'realist', 'postmodern', and constructionist strands' (2007, in Caine *at al,* 2013:575). Clandinin and Rosiek (2007) use the metaphor of 'mapping a landscape' across the theoretical and philosophical 'Borderland spaces and tensions' (2007:35), recognising that boundaries between narrative inquiry and other forms of qualitative research can be difficult to navigate.

Clandinin and Connelly (2000) - the three-dimensional inquiry space

Where to start? I knew that I was interested in the narratives of my participants as experiences arising from life within the contextual setting of a particular university law programme, situated within the wider context of legal and higher education in England at a particular point in time. My research questions also implicitly introduced the significance of experience occurring over time, through their focus on the development of ways of knowing during a period of study.

Clandinin and Connelly's (2000) influential approach to narrative inquiry in education research provided a way into the process of inquiry. They propose that:

> Narrative inquiry is a way of understanding experience. It is collaboration between researcher and participants, over time, in a place or series of places, and in social interaction with milieus. (Clandinin and Connelly, 2000:20)

They ground the process of conducting narrative inquiry within the concept of a three-dimensional inquiry space. Drawing on the pragmatist philosophy of Dewey as their 'imaginative touchstone', they seek to balance the '*personal* and *social* (*interaction); past, present and future (*continuity), combined with the notion of *place* (*situation)' (2000:50). In their own work they have:

> learned to move back and forth between the personal and the social, simultaneously thinking about the past, present and future and to do so in ever-expanding social milieus' (2000:3)

They do this through an ongoing engagement between the researcher as 'inquirer' and the stories encountered in the 'matrix' of the inquiry setting, where the inquirer:

progresses in the same spirit, concluding the inquiry still in the midst of living and telling, reliving and retelling, the stories of the experiences that make up people's lives, both individual and social. (2000:20)

Ontological and epistemological implications of adopting a narrative inquiry methodology

Clandinin and Connelly (2000) utilise Dewey's conception of experience to provide a pragmatic, philosophical basis for their three-dimensional model.   For them Dewey transforms experience 'into an inquiry term' (2000:2).   Narrative inquiry 'proceeds from an ontological position, a curiosity about how people are living and the constituents of their experience.' (Caine *et al.,* 2013:576)   Metaphorically Dewey sees experience as 'a changing stream that is characterised by continuous interaction of human thought with our personal, social, and material environment' (Clandinin and Rosiek, 2007:39).   Living involves a constant process of immersion in the stream, 'inquiry is an act within a stream of experience that generates new relations that then become a part of future experience' (Clandinin and Rosiek, 2007:41).   This approach to experience arises from a view of reality that is transactional, not transcendental. This approach gives ontological significance to the dimensions of 'experience as lived in the midst, as always unfolding over time' (Caine *et al.,* 2013:575) and to the significance of a temporal sense of continuity:

> the idea that experiences grow out of other experiences, and experiences lead to further experiences. Wherever one positions oneself in that continuum—the imagined now, some imagined past, or some imagined future—each point has a past experiential base and leads to an experiential future. (Clandinin and Connelly, 2000:2)

The dimensions are completed with a focus on the social aspects of experience, 'stories are the result of a confluence of social influences on a person's inner life, social influences on their environment, and their unique personal history'. (Clandinin and Rosiek, 2007:41).   Together these ontological perspectives create a framework which connect the dimensions of individual experience, context, the movement of time and the relationships of participants within social settings.

The researcher is present at the heart of the inquiry, working with participants through field work, moving into the creation of 'field texts' Clandinin and Connelly (2000) and then into the final stage of writing research texts. The epistemological focus for narrative inquiry conceived in this way is 'not to generate an exclusively faithful representation of a reality independent of the knower' but to 'generate a new relation between a human being and her environment... that makes possible a new way of dealing' with that environment (Clandinin and Rosiek, 2007:39).

> [T]he question of 'so what' always lives within our studies. The question sharpens our focus on what is important, what we may want to share with diverse audiences and the ways in which we can do this. (O'Grady; Clandinin and O'Toole, 2018:156)

This is ultimately a pragmatist project, intended to generate positive change for those involved in an inquiry, in my own case a rethinking of the LLB programme at UNI.

My approach to narrative in the inquiry

Clandinin and Connelly see 'narrative as both phenomena under study *and* method of study' (2000:4). They define their concept of narrative inquiry in detail, they do not, however, explicitly define what they mean by narrative itself, appearing to use it as an interchangeable term with 'story, which in itself is expressed in places as interchangeable with experience. The idea of living through stories is threaded through their work:

> Experience is the stories people live. People live stories, and in the telling of these stories, affirm them, reaffirm them, modify them, and create new ones (2000:xxvi)

A narrative methodology explicitly acknowledges the issues and challenges of representation in research texts. 'Etymology warns that 'to narrate' derives from both "telling' (*narrare*) and 'knowing in some particular way' (*gnarus*) – the two tangled beyond sorting' (Bruner, 2002:27), providing a way of knowing experience which is accessed through the process of representing the narrative through the telling. '[T]here needs to be a narrator, a teller, and there needs to be a listener or reader, a told' (Bruner, 2002:17). Here I would be first the audience to my participants then become the teller in the presentation of their narratives.

> [S]tories are not just told and have a text, but are told to others, which bears on the shape and content of what is conveyed and how, in turn, stories are understood and re-communicated.' (Gubrium, 2010:389)

The process explicitly raised questions about my understanding of narrative, and the ways in which it could be constructed and represented in the context of an inquiry. Acknowledgment of the telling and told recognises a distinction between experience, that continuous, Deweyan, stream of living, and the concept of a narrated 'story' which interprets meaning from that experience. A year of studying the modern novel with the aim of reflecting the actuality of lived experience as a continuous stream, without obvious narrative structure, has left its mark on me (Virginia Woolf's *The Waves* and James Joyce's *Finnegan's Wake* offer challenging examples). The concept of 'Narrative knowing' (Bruner, 2002; Polkinghorne, 1998) has an epistemological function to enable us to come to terms with how we know our experiences, precisely because in its lived, unmediated, immediacy, experience does not make sense without application of a meaning making process:

> Our lives are ceaselessly intertwined with narrative, with the stories that we tell and hear told, with the stories that we dream, or imagine or would like to tell. All these stories are reworked in that story of our own lives where we narrate to ourselves in an episodic, sometimes semiconscious, virtually uninterrupted monologue' (Polkinghorne, 1988:160)

We may construct narratives for ourselves through our internal, reflexive, voice (Archer, 2007), or we may come to narrative through the process of constructing and telling our experiences to or with others. As we do so should recognise a distinction between raw experience and the interpretation of experience through narrative:

> Narratives do not establish the truth of ...such events, nor does narrative reflect the truth of experience. Narratives create the very events they reflect upon. In this sense, narratives are reflections *on* not *of* - the world as it is known (Denzin, 2000:xii-xiii, in Riessman, 2008:188)

Savin-Baden and Van Niekerk suggest that 'narratives do not necessarily have a plot or structured storyline but are interruptions of reflection in a storied life.' (2007:464), a viewpoint that foregrounds the sensemaking role of narrative through the process of reflection. Within this inquiry a significant function of narrative was as a mechanism for my participants to reflect, and in doing so create some sense of coherence as they

looked back on their experiences and looked forward to interpret the world ahead. Clandinin and Connelly (2000) emphasise that this is an ongoing process, stories are told and re-told continuously as time moves forward, new events intervene and our positionings and understandings adapt to accommodate new experiences.

Co-construction of narrative through the inquiry

> Stories are not just told and have a text, but are told to others, which bears on the shape and content of what is conveyed and how, in turn, stories are understood and re-communicated. Stories are constructed with an audience in view.' (Gubrium, 2010:389)

In this inquiry the audience was initially me, as researcher. Seeing narrative as a social practice means that 'the researcher does not *find* narratives but instead participates in their creation' (Neander and Shott, 1996, in Riessman, 2008:21). The narratives that are told are shaped by the social settings of the experiences they recount (as recognised by Clandinin and Connelly's (2000) three-dimensional inquiry space), they are also shaped by the situated nature of the telling. In consequence Riessman suggests 'All narratives are, in a fundamental sense, co-constructed.' (2008:31). The nature of the narrative occasion, and the approach of the researcher and participants, all impact the process of co-construction.

My role in the process

The relational dimension of narrative inquiry has significant implications for the role of the researcher, involving 'retelling stories not only those of participants but those of researchers as well' (Clandinin and Connelly, 2000:xiv). It involves a relational commitment between researcher and participants (Caine *et al*). Connelly and Clandinin tell us that:

> Inquirers must deepen the sense of what it means to live in relation in an ethical way...Ethical considerations permeate narrative inquiries from start to finish: at the outset as ends-in-view are imagined; as inquirer-participant relationships unfold and as participants are represented in research texts. (2006:483, in Clandinin, 2013:198)

There is an emphasis on the idea of inquiring with, not researching on, participants. Ultimately however, it is the researcher who takes responsibility for the way in which

the participants' narratives are presented and interpreted in the research text. This raises important questions about issues of power, and ethical responsibility. Clarity about these issues involves reflexive recognition of the researchers' own positioning in the process (Riessman, 2008). In this inquiry I have aimed to be transparent in describing and reflecting upon the ways in which I have made and justified the choices involved. I have experienced a sense of ethical responsibility to participants throughout the inquiry and I discuss this further below.

The process of inquiry

In this section I present the stages of planning and conducting field work, including consideration of ethical issues. I discuss the stages of transcribing, analysing and presenting my findings using a form of poetic representation.

Planning the Inquiry

Choice of inquiry setting

My inquiry was conducted at a single site, the post-1992 university where I am employed. This was a natural inquiry 'field' (Clandinin and Connelly, 2000) providing access to student perspectives that are directly relevant to my own practice. It was also a practical choice, as it assured that I could access participants for recruitment and conduct interviews at times that would fit with working and study timetables. Research at a single site can be advantageous in enabling the researcher 'to gain deeper information about a single institution'. However, findings will be limited to a 'single snapshot' (Savin-Baden and Howell Major, 2013:307) which impacts on the knowledge claims which may be credibly made. It also has ethical implications as discussed below.

Choice of method - narrative interviewing

I wanted to work in a confidential setting in which I could create the conditions to facilitate exploration of the participants' individual narratives through 'conversation to construct meaning' (Baxter Magolda and Kitchener, 2007:496). Interviews offered a

method which could enable inquiry 'in a conversational relation' that is 'contextual, linguistic, narrative and pragmatic' (Kvale and Brinkmann, 2015:21).

My aim was to gather narrative accounts of each participant's experiences from the point in time their interest in studying law arose, through to their reflections on their future, once the LLB was completed.   I wanted the participants to identify the narratives relevant to them, but at the same time to introduce an element of consistency in making space for inquiry into experiences relevant to my research questions. I saw narrative interviewing as 'by design open-ended and unprescribed', but working best where the interview was 'unstructured *and* bounded' (Josselson, 2013:35). I aimed to have 'just "enough structure" so that we learn something new' (Josselson, 2013:xi) focusing on the whole person in relation to the research questions.

The two stage interview design

First Interview

To achieve this I designed a two-stage interview process. The first interview was designed to be more lightly structured, creating space for the participant to lead as much as possible, with minimal prompting, creating the material to develop an overall outline chronology. I adapted Wengraf's (2001) use of a 'single question aimed at inducing narrative' or 'SQUIN' in ''lightly-structured' biographic-narrative, depth, interviews (2001:111). Wengraf advocates a three-session model. The first interview is split into two, with a pause where the interviewer reviews notes and designs further questions after an initial interview based on a single question. I felt the encounters would be uncomfortably disrupted using this full design. It did not sit comfortably with my view of the relational nature of the interview encounter (Josselson, 2013), which is emotional, embodied and performative (Ezzy, 2010); conversational in nature (Kvale and Brinkmann, 2015); and empathetic in approach (Ashworth and Lucas, 2000; Josselson, 2013). I regarded the interview encounter as a site for building trust and rapport (Baxter Magolda and Kitchener, 2007) and in order to help participants articulate themes and stories, I considered it more appropriate to follow the initial interview question with prompts as needed to lightly guide the participant around the chronological narrative. I aimed to use the participant's own choice of words, or

suggestion of areas to discuss, as the basis of further prompts, only returning to the overall chronology when the points at hand had been explored.   I would then conduct a review between the first and second interviews to identify areas I wanted to return to or pick up in the second interview.

Second interview

The second interview was designed to create a space for participants to reflect upon the transcribed narratives. The second purpose was to create opportunity to discuss further themes or questions that were important in addressing the research questions, which had not yet emerged.   I anticipated that the second interview would require more structure than the first, although still remaining as open as possible. I planned to achieve this using a 'guide, that may or may not be useful' rather than a specific schedule of questions (Chase, 2011:423) in order to enable the emergence of differing individual narratives to continue whilst steering discussion towards further topics that were relevant to my research questions. I formulated a set of prompts during pre-planning (Appendix Four), which I submitted with my application for ethical approval. I 'thematised' areas of interest (Kvale and Brinkmann, 2015:128) identifying 'what it is [I] want to hear about', (Chase, 2003:83) so that I could prompt if necessary, but keep the prompts in my metaphorical pocket (Chase, 2003) if the interview flowed.

Use of a purposeful sample of participants

To be able to capture the fullest narratives of the participants, I wanted to work with third year students who had experience of studying the same LLB programme. I aimed for a homogenous sample of participants, 'chosen for their similarity, which could then be used for contrastive analysis' (Cohen *et al.*, 2011:157) in terms of their varying individual experiences. The choice of narrative inquiry involved creating a study in which 'in depth' understanding of the phenomenon could be achieved, working with 'information-rich cases' (Patton, 2002:45) which had the potential to reveal differences and similarities across participants' experiences. (what Clandinin and Connelly (2000) describe as 'threads' rather than categorised themes). I was looking for variation amongst the sample, such that the participants 'possess or exhibit a very wide range of characteristics' (Cohen *et al.*, 2011:157). My aim was therefore to

recruit participants who reflected as widely as possible differences in gender; age; ethnic background, and experience of disability. One characteristic all the participants did share was their willingness to speak to take part in the inquiry, putting themselves forward to share their experiences.

Number of participants in sample

The literature about qualitative research discusses at length, but without clear conclusions, what an appropriate sample size might be (see amongst others Beitin, 2012; Charmaz, 2014; Cohen *et al.*, 2000; Corbin and Strauss, 2015; Cresswell, 2013; Stake, 2006; Yin, 2014).   I needed to be able to recruit participants and progress the field work within a specific time frame (one academic year) before the participants graduated. Most important was the choice to use narrative inquiry. 'The detail and richness of narrative we seek in qualitative research mean that it is inevitable that qualitative samples are small.' (Emmel, 2013:137). I was also mindful that '[the sample does have to be of a size that can be managed in practical terms.' (Emmel, 2013:137). I was seeking to gather rich, thick data (Geertz, 1973) from the participants. Josselson and Lieblich suggest that in narrative inquiry;

> Relatively few deep, long intensive interviews observed in highly detailed, multilayered ways will yield about as much material as many shorter, less intensive texts. (2003:268)

A sample size of 8-10 participants seemed a sensible number to give me depth within the individual stories, but also offering a wider perspective across their varied experiences of the LLB.

Ethical issues -Formal requirements and in the field

> Ethical matters shift and change as we move through an inquiry. They are never far from the heart of our inquiries no matter where we are in the inquiry process. (Clandinin and Connelly, 2000:170)

The procedural stage - ethics approval

 The process of making an application to the relevant faculty ethics committee was useful in requiring me to think through the practical processes involved in the design

of the study. I remained aware that the 'procedural ethics' involved in gaining institutional approval could not be regarded as a tick box exercise which could be set aside once completed (Guillemin and Gillam 2004:261).

Data Management

I used my university OneDrive account to store data electronically, downloading recordings as soon as interviews were completed. I used a dedicated voice recorder to conduct interviews and deleted recordings once they had been transcribed. In the meantime they, and the small amount of associated paperwork relating to participants were kept in a locked drawer in my office, which is itself locked when I am not using it. I brought these home when lockdown was announced in March 2020 and stored them in a locked drawer in my home office. I created and supplied a data management plan in accordance with university requirements.

Obtaining informed consent

Narrative inquiry makes the process of gaining informed consent problematic. It is not possible for participants to grant fully informed consent at the outset when the 'contingent and unfolding' nature of the inquiry means that 'we cannot anticipate or guarantee' (Chase, 1996:57) what participants may say and therefore what they are consenting to. I provided participants with their transcripts after each interview, which gave them opportunity to reflect upon, but also to identify any elements of the interviews that they did not want included for analysis or representation. I designed a post-interview consent form (Kaiser, 2009) offering participants the opportunity to amend or ask for sections of the transcript to be removed once they could see what they had actually said during the interviews. (Appendix Five) This was consistent with the letter, but also the spirit, of the BERA guidelines (2018), which make clear at the outset that an ethic of respect and trust (2018:5) must underpin the process of research and inform all steps and decisions taken.

I designed a participant information document, in the form of questions and answers about the study, and what taking part would involve, thinking about what would be important from the perspective of a participant (Appendix Three).

My insider/outsider status as a researcher

The choice to situate the study within my own university setting, working with participants who are students on the LLB programme on which I lead modules and teach, raised ethical issues which permeated the study and impacted upon my own role as researcher. Mercer (2007), discussing Labaree (2002), suggests that books on research methodology:

> tend to gloss over the intricacies of insider research conducted at one's place of work, and researchers in such a position are not well-supported in their attempts to navigate the 'hidden ethical and methodological dilemmas of insiderness' (Labaree, 2002, p. 109). (Mercer, 2007:1)

For me this manifested as an ongoing sense of alert discomfort throughout the research process. Mercer (2007) identifies that the insider/outsider roles exist on a continuum where the boundaries are:

> both 'permeable' (Merton, 1972, p. 37) and 'highly unstable' (Mullings, 1999, p. 338), with the result that we are all 'multiple insiders and outsiders' (Deutsch, 1981, p. 174), moving 'back and forth across different boundaries' (Griffith, 1998, p. 368), (Mercer, 2007:4)

I regarded myself as both an insider and outsider. I was embedded in the research field with my participants, but experiencing it from a different perspective because of my role as a lecturer. As discussed in Chapter One, I also regarded myself as an outsider as I knew the LLB through my teaching, but not through my own experience of learning.

> Being an insider means being embedded in a shared setting (Smyth and Holian 2008), emotionally connected to the research participants (Sikes 2008), with a 'feel for the game and the hidden rules' (Bourdieu 1988, pg 27). (Floyd and Arthur, 2012:173)

During the interviews my participants suggested that they did view me as sharing with them a 'feel for the game and hidden rules'. They drew on an expectation of a shared

understanding of acronyms, contexts, and references to particular teaching staff. (A sizeable number made wry jokes about their struggles with land law).

The process of working through the procedural requirements for formal ethical approval helped me to consider the issues of 'ethics in practice' (Guillemin and Gillam, 2004). The ethics application did not explicitly require engagement with the more challenging issues inherent in the process of conducting research as an insider, unable to avoid importing a particular power dynamic into the process because of my role as a lecturer:

> insider research is inherently sensitive and, therefore, potentially dodgy in both ethical and career development terms. People considering embarking on insider research have to think very carefully about what taking on the role and identity of researcher can mean and involve in a setting where they are normally seen as someone else with particular responsibilities and powers. (Sikes, 2006:110)

Sikes' term 'dodgy' sits helpfully for me alongside Guillemin and Gillams' concept of 'ethically important moments' (2004:265). In the here and now of the interview encounters there were revelations from participants in relation to which I had to make immediate decisions. I was conscious that 'the moment of response is an ethically important moment for there is the possibility that a wrong could be done' (Guillemin and Gillam, 2004:254). For example, when a participant (Bea) linked a question about the source of her interest in studying law to childhood experiences of domestic abuse in her family. My response was to pause, attend, and take my lead from the participant as to how much they wanted to say, reframing their words to express recognition of what they had chosen to tell me. This involved reflecting in action (Schön, 1983). I was conscious of adapting a mediation technique where the mediator respects, recognises and reflects back what is being said as part of the empathic, relational dynamic of the process.

I recognise that my insider status may have influenced the choices of participants to put themselves forward for the inquiry, although I cannot know in what ways.

> Insider status may confer privileged access and information, but the researcher's position in an organization may also act as a constraint, limiting who is willing to participate and what is revealed. (Floyd and Arthur, 2012:173)

I know that my previous relationship with some participants were influential in their decision to take part, but I cannot know who chose not to participate. Judgements on influence over 'what is revealed' are also difficult to make. I found my participants open and comfortable in discussing personal experiences. At times participants reflected that the questions I asked were 'hard' to answer, because they raised aspects of learning experiences that they had not previously reflected upon, but they remained engaged in the process and willing to attempt to articulate their thinking and feeling. Two participants cried during their first interviews, both when talking about family. Both went on to say that they had expected this to happen (they had not warned me!). I paused for them, and then checked they were happy to continue, which they both were. My interpretation was that these moments were therapeutic and cathartic for the participants, but not distressing.

Planning entry into the inquiry field

Recruitment of participants

I recruited two students who graduated in July 2018 as pilot participants. I interviewed one of them twice in July 2018 as an initial pilot and the second in the Autumn, with the intention of including their interview data in the inquiry. In early October 2018 I posted a request for participants on the LLB main programme's VLE site). One participant responded by email and went on to join the inquiry. I attended a year three lecture and explained my study during the break. I provided participant information sheets and a short questionnaire to students who were interested (Appendix Two). I was able to recruit six further participants through this process. A ninth participant, whom I had previously taught and who was now undertaking professional, post-graduate, study joined in late 2018. I discussed the inquiry with her informally at a chance meeting on campus, she followed up with an email, reminding me to invite her to participate.

Three further students provided questionnaires, but did not respond to invitations to arrange interviews. One participant arranged an interview but did not attend and did not respond to a follow up email.   I did not pursue these students further. Two further students offered to participate. However, I had by then been asked to take over leadership of a module that they were both studying, and therefore declined their offers. I considered it would be ethically incompatible to include them whilst I was responsible for supervision of their learning and assessment outcomes for the module. This provided me with nine participants, all of whom participated fully, attending two interviews, which took place between July 2018 and March 2019.

The profiles of the participants were (the names used are pseudonyms):

Participant	Gender	Race (as identified by participant in initial questionnaire)	UK/International	Age	Disability?
Jon	Male	Black British	UK	Early 20s	N/A
Ana	Female	White British	UK	Early 20s	Depression
Chloe	Female	Malaysian, Chinese	Malaysia	Early 20s	N/A
Mia	Female	Mixed race, British	UK	Mid 20s	Post-natal depression and ongoing anxiety
Bea	Female	White British	UK (but US as a child)	Early 20s	Dyspraxia. anxiety
Zoe	Female	Black – originally from Angola, now British	UK	Early 20s	N/A
Kit	Male	Mixed race English/Pakistani	UK	Early 20s	N/A
Ed	Male	White British	UK	Early 20s	Epilepsy/ bilateral-perthes
Cara	Female	Black	International - British Virgin Islands	40s	Hypertension, anxiety

Pre-interview meetings

I suggested to participants that we should meet briefly before the first interview. These short meetings took place in my office. It seemed appropriate to enable the

participants to meet me in my work setting, so that they could gain some sense of who I was, if they did not already know me. Observant students could pick up quite a lot about me from looking at the cards, photos etc pinned to my notice board, for example that I have children. This decision was not conscious, but on reflection it was important to me to share something of myself when I was going to ask them to open up to me during the interviews.   During the short meetings I explained the study and chatted to the potential participant about what interested them in taking part. I shared little new information, but enabling questions and putting a human face to the process was important in establishing the relational nature of the interview method I was using (Josselson, 2013). It felt ethically important (Clandinin, 2013) to give the participants opportunity to learn a little about me and to begin building rapport before the first interview. I found that the participants were very happy to begin sharing their stories at these short meetings.

Practical arrangements for interviews

All the formal interviews were held in my faculty building, in either a classroom or meeting room booked for the purpose.   The locations were convenient for participants and myself, allowing interviews to be scheduled between other activities. I favoured use of classrooms used by the post-graduate professional law courses which were light and quiet. I asked participants to allow a (flexible) hour for each interview. In the event each interview lasted between 50 minutes and two hours. I brought water and cups and offered to buy tea or coffee. Generally the participants arrived with their own drinks and did not accept my offers.

Into the field - the experience of interviewing

At the beginning of the first interview I used the following question, following discussion of the informed consent form and an opportunity for the participant to ask any questions:

> In my study I am interested in finding out about different aspects of students' experiences of learning law. Today I would like to ask you to tell me your 'story' of learning law, starting as far back as seems relevant to you and talking me through your experiences up until today.

I planned to adopt Josselson's approach (2013) of asking the participants to draw a timeline or 'map' of their educational journey, as an informal tool to support the development of participants' narratives. I designed the following question;

> To help me understand it would be helpful if you could draw a 'map' or timeline of your story as you go along. You can use it to note any themes, events, people and experiences or anything else that is important to you in responding to my question. You can do this in any way that makes sense to you, it does not matter what it looks like.

However, I dropped this after trialling it in the first pilot interview and discussing it with the second participant. Both were comfortable to talk, and using paper and pens felt like an intrusion into the interview process rather than an enhancement.

Before each second interview, I reviewed the first interview transcript, and adapted the schedule, highlighting those areas that I might need to prompt and adding any specific questions that I wanted to ask.

'The research interview is not a conversation between equal partners, because the researcher 'defines and controls the situation' (Kvale and Brinkmann, 2015:3). Ultimately it is the interviewer who is controlling the material generated in the interview itself and who also has influence over its final form in the transcribing and selection process for presentation for a particular purpose. One of my reasons for choosing narrative inquiry as a methodology was discomfort with the idea of the 'bracketing' out of the perspectives of the researcher/interviewer required by phenomenological or phenomenographic research approaches (Lucas and Ashworth, 2000).

> Holstein and Gubrium (2003, p. 13) suggest that 'Interviewers are generally expected to keep their 'selves' out of the interview process. *Neutrality* is the byword'. According to Powney and Watts (1987, p. 42), the interviewer who reveals his or her personal viewpoint distracts the interviewee, encourages acquiescence, and even sets up a self-fulfiling prophecy. (Mercer, 2007: 10)

Narrative interviewing can be approached in this way, Goodson, refers to a 'vow of silence' (2013:37) on the part of the interviewer, but (as discussed above) I approached the inquiry with a view that narrative would arise through a form of co-construction

with my participants. I was not looking to push myself forward in the interview process, but I regarded it as dialogic (Riessman, 2008) and whilst the focus was on the participant and what they had to say, it was a conversational process (Kvale and Brinkman, 2015). During the process of interviewing it felt at times as if I was on an ethical tight-rope. I was conscious of trying to keep as much in the background as possible, using chronological prompts to move around, within an overall temporally organised narrative, but encouraging the participants to lead (Josselson, 2013). In the second interviews, focusing more on encouraging reflections to fill in narrative gaps from the first interview, I found that I relaxed more and the process was more conversational overall.

Baxter Magolda and Kitchener suggest that 'encouraging the interviewee to explore issues deeply means that the interviewer must occasionally refine, or reframe questions' and that this approach is most likely to be successful where 'there is sufficient rapport to sustain the challenge of not being 'let off the hook' by giving a superficial answer' (2007:499). The skill gained from my experience of mediation training of listening actively, but not pushing a point, allowing a story to unfold, proved valuable. I had prior experience of being highly attentive in interview settings, and also of not being afraid of silence, which I had learned was often important as moments of reflection emerged. In line with mediation good practice, I did not take notes, but relied on mental note-taking to return to key points across the interview. After the first two or three interviews I stopped worrying about potentially missing points to return to, as I knew I would be able to tailor them into the second interview.

Moving between the field and the creation of interim texts

Clandinin and Connelly (2000) outline a process of moving from the field of inquiry into the process of creating 'interim texts' which in turn are used to create research texts. For me the interim texts were transcriptions of the interviews.

Approaching transcription

> '[T]ranscription is not merely a technical practice but an interpretive practice' (Mishler, 1991:259).

I transcribed the interviews from the recordings, creating a file for each interview and storing them in my university Onedrive account. I was confronted with a raft of decisions as to how to represent the written speech recordings on the page.   Through exemplars of different of transcriptions of a child's story, 'Leona's puppy', Mishler demonstrates how:

> Their analyses should put to rest any notion that there is one standard, ideal and comprehensive mode of transcription - a singular and true re-presentation of written discourse (1991:271)

The transcription is used to 'reflexively document and affirm theoretical assumption and to allow us to explore their implications' recognising also that they have a 'rhetorical function that locates them within a larger political and ideological context' (1991:271).   Mishler goes on to say that making choices about transcription 'bring the analyst/interpreter into the field of study' and require an 'inescapable' practical as well as theoretical approach to 'the problematic relation between reality and representation, and between meaning and language' (1991:278).

Riessman, discussing Mishler, suggests that:

> in constructing a transcript, we do not stand outside in a neutral objective position, merely representing "what was said." Rather investigators are implicated at every step along the way in constituting the narratives we then analyse (2008:28).

For Riessman the process of transcription as 'deeply interpretative as the process is inseparable from language theory', the same talk can be transcribed in very different ways depending on the 'theoretical perspective, methodological orientation and substantive interest.' (2008:29).

My transcription process

I transcribed the interviews myself. I recognised that 'Much is lost and key features slip away' (Riessman, 2008:29). In the initial process of reducing the interview encounter to an audio recording the visual elements of the interview encounter were already lost. The process of creating a text transcript involves inevitable further reduction meaning that 'Transcriptions are by definition incomplete, partial, and

selective' (Riessman, 2008:50). Undertaking this process enabled me to be aware of how I was reflecting the interview, and to make choices about para-linguistic features which I wanted to preserve in the text. It also allowed me to familiarise myself with the narratives as a first stage in analysis/interpretation. I adopted Riessman's perspective of recognising the 'co-constructed "self" produced dialogically' through the 'act of storytelling in dialogue' which '*constitutes* the autobiographical self, that is how the speaker wants to be known in the interaction' (2008:29). I recorded both the participants' speech and my own across the transcriptions to make explicit the interaction in dialogue between the participants and myself as researcher.

I regarded the initial transcription process as a stage in the process, creating a working transcript as a field text, but not a final form of representation (Clandinin and Connelly, 2000). I created prose texts that I could share with my participants for review and (subject to any changes they made) work from during the next interpretative stage. I was attentive to, but not sophisticated, in recording para-linguistic features. I used ellipses to record pauses (...). I left in the 'hmm's and 'errs' of the participants but did not always record my own, which were usually used as verbal 'nods' of encouragement to the participant to continue speaking. I recorded laughter and crying (I explored my interpretation of how laughter was used in the interviews in a conference presentation (Wood, 2019a)). I made choices about sentence structures which were based on my interpretation of hearing natural breaking points in speech. I found that often these did not sit tidily with written speech conventions, sentences often began with 'and'.

I sent each participant the transcript of their first interview and invited them to review and identify any points they wished to discuss further, amend, or remove. No participants picked up on any points at this stage. In the event none wanted to discuss their transcripts further at the second interview, although we did return to some of the topics they had raised.

Following the second interviews I sent copies of both first and second interview transcripts out to the participants, with the post-interview consent form. (Kaiser, 2009). I invited the participants to complete the form, identifying any sections of the

transcripts they wanted excluded in analysis and reporting. I indicated the date when I was planning to begin analysis and made clear that if I did not hear further I would proceed, and assume that they did not wish anything to be changed or removed. I also asked if they would like to see a copy of the final thesis. Five participants responded to say they were happy with the transcripts and did not want to change anything. One raised a concern about being identified from one aspect of their second interview. I have therefore not used this section. Those who responded provide an email address for me to forward the final thesis. The remainder did not respond. Two responded with their reflections on the experience of participating in the interviews (see Appendix Seven).

Leaving the field and carrying the narratives forward

As I embarked on a more structured approach to analysis, interpretation and representation, I took over responsibility for the narratives that had been entrusted to me by my participants.   Had I followed Clandinin and Connelly (2000) fully I would have continued to work with my participants through the next stages of the research process, negotiating the creation of meanings through the process of writing the research text (the thesis) from the field texts (interview transcripts). Savin-Baden describes the process of spending time with participants in a study 'deconstructing and reconstructing the data in order to help them to be reflexive and critique my interpretations' (2004:371). This is an aspect of my research design that I would approach differently if I were to conduct a similar inquiry. I felt very aware from this point that:

> the final shift of power between the researcher and the respondent is balanced in favor of the researcher, for it is she who eventually walks away (Cotterill, 1992:604).

The ethical implications of this continued with me throughout the next stages of the research process. Josselson suggests that:

> While the person storying his or her life is interpreting experience in constructing the account, the researchers' task is hermeneutic and reconstructive' (2004:3)

Drawing on Ricoeur, she suggests the process involves 'a disciplined form of moving from text to meaning' (2004:2-3) which can be conducted by the researcher within either a 'hermeneutics of faith' or a 'hermeneutics of suspicion'. Adopting a perspective that is based on a hermeneutics of faith focuses on '*restoration*' of meaning. Its aim is to 're-present, explore and/or understand the subjective world of the participants and/or the social and historical world they feel themselves to be living in.' (2004:5)

> "The imprint of this faith is a care or concern for the object and a wish to describe and not to reduce it" (Ricoeur, 1970:28 in Josselson, 2004:5-6)

This process requires empathy on the part of the researcher, arising from 'a genuine personal encounter'. The process explores the process of meaning making of the participant and can explore explicit, but also tacit knowledge:

> aspects of taken-for-granted experience that are not directly stated are still part of the hermeneutics of restoration since the process of interpretation involves understanding the person from their own point of view. (Josselson,2004:8)

This approach has ethical implications. The meanings can never be fully known, however, attending to the process in this spirit of a hermeneutic of faith is ethically respectful of the participants' stories (Clandinin, 2013). This was my intention throughout the analysis and representation stages of the inquiry. This was important as part of an overall reflexive approach towards the conduct of the inquiry whereby I aimed to remain aware of my own positionality and its impact on the process and outcomes through a process of internal, critical self-evaluation (Guillemin and Gillam, 2004; Pillow, 2003).

Approach to analysis/ interpretation of the narratives

Pillow asks: 'How do I do representation knowing that I can never quite get it right? (2003.176) and this question has stayed with me throughout the inquiry process not just in relation to the question of representation, but in relation to the overlapping

processes of analysis, interpretation and representation involved in writing this thesis using narrative inquiry.

Narrative analysis is a 'family of methods for interpreting texts that have in common a storied form' (Riessman, 2008:11). Features which can be recognised as common across the general field include a focus on the assembling of 'a fuller' picture of the individual or group' (2008:11); a focus on particular actors, settings and times (echoing Clandinin and Connelly's (2000) concept of the three-dimensional inquiry space) and an interest in the way in which a speaker 'assembles and sequences events and uses language' (2008:11) exploring:

> *how* and *why* incidents are storied, not simply the language to which the story refers. For *whom* was this story constructed, and for what purpose' (2008:11)

Clandinin and Connelly (2000) conceptualise analysis as starting with an iterative revisiting of field texts (in my case interview transcripts). The process then becomes 'increasingly complex' as the inquirer moves from an initial focus on narrative features in the field texts to what they describe as a process of 'narrative coding' which identifies characters, places and storylines that 'interweave and interconnect, gaps or silences that become apparent, tensions that emerge...' (2000:131). They gradually move the inquiry from the research field, to 'field texts', which have a 'recording quality' to them, to 'research texts'. These are constructed with reflective intent and bring the narratives into relation with theoretical literature in a final text, which they describe as a metaphorical 'soup'. The process is an iterative one, which gradually moves the researcher away from immersion in the site of the inquiry, and the participant experiences which are gathered there, towards the creation of a research text which balances the representation of gathered narratives with 'questions of meaning and social significance' (2000:131). In composing the research text the researcher can eventually look for:

> the patterns, narrative threads, tension and themes either within or across an individual's experience and in the social setting (2000:132)

This approach makes it possible to find a way to 'hold different field texts in relation to other field texts' (2000:131), identifying shared 'threads' (2000:132) or 'storylines' (Baxter Magolda, 1992). Such 'threads' or 'storylines' are different to the concept of

themes arising from a formal process of coding applied when conducting thematic analysis (Braun and Clarke, 2006), which can separate people's words and stories from their context, focusing on themes and potentially risking 'loss of the individual's experience and the context of that experience' (McCormack, 2000:284).

Conceptually this was all enlightening, but Clandinin and Connelly steer away from more explicit guidance on how this process is accomplished in a practical sense. What they do make clear is that in writing narrative texts a range of choices may be made about forms of narrative representation, but the extent to which 'anything goes' has to be balanced with the 'particularities' of the three-dimensional narrative inquiry space (2000:154). Early on in my reflection about how to approach analysis I had explored McCormack's writing on storying of narrative (2004). This was also helpful, but her particular approach focused on re-constituting narratives around structural features, drawing on the work of Labov and Waletzky (1967) which was not my focus. The approach of Ollerenshaw and Cresswell (2002) offered a clearer way of approaching the idea of storying using Clandinin and Connelly's three-dimensional inquiry space as a structuring tool for the analysis.   They propose that the researcher might structure their analysis using the framework set out in the table:

Interaction		Continuity			
Personal	*Social*	*Past*	*Present*	*Future*	*Situation/Place*
Look inward to internal conditions, feelings, hopes, aesthetic reactions, moral dispositions	Look outward to existential conditions in the environment with other people and their intentions, purposes, assumptions and points of view	Look backwards to remembered experiences, feelings, and stories from earlier times	Look at current experiences, feelings, and stories relating to actions of an event	Look forward to implied and possible experiences and plot lines	Look at context, time, and place situated in a physical landscape ore setting with topological and spatial boundaries with character's intentions, purposes and different points of view.

Adapted from Ollerenshaw and Cresswell (2002:340)

My analytical process

I revisited the original transcripts a number of times, familiarising myself with the overall narratives for each participant. I read across the narratives in different ways,

looking initially at the individual stories in the context of Clandinin and Connelly's (2000) three-dimensional inquiry space, then reading again, framing my readings with the three strands of my core research question, in light of my understanding of the theoretical literature, specifically Baxter Magolda's epistemological reflection model (1992) and her theory of self-authorship (2004b). I was mindful of Clandinin and Connelly's reference to a 'conversation between theory and life" (2000:146). I was using the theory framing as a lens and looked for touching and divergent points, interested in where the experiences of my participants suggested differences in the contextual setting of my own inquiry. Whilst not using traditional thematic analysis, I was influenced by Braun and Clarke's reminder that finding patterns in data is a reflexive, interpretative process, threads do not 'emerge', they are drawn out by the researcher (Braun and Clarke:2019).

I created a short, background, cameo for each participant (See Appendix Eight). I then created texts which gathered together the extracts which I identified as relevant to my research questions and my theoretical framing. I read across these texts and identified 'threads' and differences between the narratives, colour coding them in the texts. I used these to select the extracts which I wanted to present and discuss.

This process sounds clear cut as written here, but proved anything but. I revisited my approach a number of times over a period of months, finding this one of the hardest and slowest parts of the inquiry process to resolve. It was particularly challenging to set aside much of the narrative data, which was so rich in the telling, and to which I wanted to do justice for my participants.

Moving from field to research text – presenting the narratives

The next stage of the process was representing my analysis of the narratives in the thesis. I wanted to maintain as far as I could a sense of the narratives as a whole, but I also needed to focus on the 'threads' that I had identified during analysis which would

lead into a discussion of my findings. Again, it took some time to settle on an approach, but eventually I decided that to do justice to both these aims I needed to present my findings from the narratives across two chapters. In Chapter Five I set out the narratives of three participants. It was a difficult decision who to include. I eventually selected Ed, Mia and Zoe, because balanced across their narratives I could see a sweep of contrasting experiences. In Chapter Six I then pull together threads drawn from across all the narratives.

Positioning the voices

Approaching the process of representation through a hermeneutic of faith (Josselson, 2004) influenced the approach I took to decisions about representation of my participants' narratives. I remained very conscious of my own position of power within the research process. My participants had met with me in the university setting, understanding they were meeting me as researcher, but knowing me in my established role as an experienced lecturer. This combined uncomfortably with my sense of myself as a novice, inside researcher, inexperienced in all aspects of the process (Darra, 2008). An awareness of this dual positioning was ethically important throughout.

In the decisions I made about representation I chose to foreground the participants' voices, not disguising my voice completely, but only allowing it to come through where it mingled with the parts of the transcripts I was choosing to put forward in the thesis. Had I moved forward the process of full co-construction with my participants into the interpretive stage of working with the transcripts, then I anticipate I would have approached the placing of my voice differently, As it was it felt ethically appropriate to focus on the participants' voices and not to interpose my own. In the context of this study it was their perspectives which I wanted to present to the reader, making clear the role of my hand behind the presentation so a reader could make their own judgment on how to interpret the text.

I now recognise in this approach another element at play, the influence of my previous legal practice. As mentioned earlier, as a solicitor I had prepared witness statements for use in court proceedings, and in this context had focused on presenting witness' narratives, framing them to meet the legal elements of a claim, creating statements which were as far as practicable 'in the intended witness's own words' and drafted in their own language' (Civil Procedure Rules, 1998, PD32, 18.1). Any sense of my own voice would have been inappropriate. I prepared the narratives to be as credible as possible, then handed them over to the court process and judge for adjudication of their meaning and weight in specific legal contexts. I now recognise parallels in my thinking about presenting my participants' voices to the reader. I explain my interpretation of their narratives, but I also hope to create space for the reader to respond with their own assessment of the meaning of what my participants say.

Poetic Representation - laying bare the artificial trope of prose

I became interested early on in the process in exploring use of a form of poetic transcription to represent narrative extracts. 'A deep and totally unnoticed trope used by social researchers is the reporting of interview material in prose' (Richardson, 2001:878). The speech used by participants in interview is very different to speech written on a page. This creates challenges in relation to transcription of interviews (as discussed above) and for interpretation and representation of speech in the research text. The common approach of translating spoken speech into prose on the page disguises this difference. Poetry is more explicit in signalling its construction. It is obvious that choices have been made by the author in relation to subject, form, meter, punctuation, imagery, metaphor and so on:

> Constructing interview material as poems does not delude the researcher, listener, or readers into thinking that the one and only true story has been written, which is a temptation attached to the prose trope, especially in a research context. Rather, the facticity of the findings as constructed is ever present.' (Richardson, 2001:878)

Therefore, although choosing to use poetry to represent data might appear at first instance to add an additional and artificial layer to the text, I considered it would actually achieve the reverse:

> transforming data into poetry actually displays the role of the prose trope in constituting knowledge, and is a continual reminder to the reader or listener that the text has been artfully constructed (Sparkes and Douglas, 2007:172)

The reader cannot ignore the process of construction and must engage with it through the reading. This approach appeared ethical to me in its transparency.

Richardson suggests this approach comes closer to natural speech:

> when people talk, whether as conversants, storytellers, informants, or interviewees, their speech is closer to poetry than it is to prose. Nobody talks in prose' (2003:189).

Kendall and Murray reflect on the link between poetry and speech, suggesting that 'The common meters of English poetry echo and reflect our natural breathing patterns.' (2005:745). Gee identifies the use of stanzas as '' the basic building blocks of extended pieces of discursive language' (1991:22). Poetic representation offers a method to expose these elements on the page in a way that enables the reader to come closer to a sense of the original speech pattern than is possible with prose

Readers recognise a different reading experience when approaching poetry, and expect to respond in a different way:

> Reading and listening are not passive processes. By transcribing the stories into poetry, people respond differently to them, because we are conditioned to respond differently to poetry than to prose (Kendall and Murray, 2005:745)

Prose can be read quickly, skimmed to glean meaning directly from content. Poetry requires more focus, it demands a different kind of attention. Readers of poems:

> approach them more slowly, expecting to hear them in their heads and being more alert to their patterns of sound, image, and ideas and more willing to engage emotionally with what is being said (Kendall and Murray, 2005:746).

If an aim of interpretation and representation of narrative is to focus on both the 'told' and the 'telling' (Bruner, 2002), then poetry can provide emphasis on the telling through its use of form and its ability to draw attention to aspects of language used by participants. Use of poetic transcription has capacity to create what I describe as 'slow data'. It requires the reader to pace their reading, in order to absorb fully what is being

communicated, not to take anything for granted, and therefore engage more fully with the participant's perspective (Miller, Donoghue and Holland-Batt, 2015).

Becoming *'poemish'*

Grasping the reasons for poetic representation is one thing, creating the poetry is another. I am not a poet, and I did not aim to write great poetry. I aimed for re-presentation of words spoken to me in interview on the page, written in a way that aimed to achieve the possibilities outlined above. I hoped to frame words more naturally to speech patterns, foreground language as well as content and slow the reader down, creating time for the reader to become aware of potential meanings emerging from their reading. Lahman *et al.* identify this aim to write 'good enough' poetry as the creation of 'poemish' representations, which:

> may be said to be research representations characterized by features of poetry and an effort to blend the aesthetics of poetry and science of research into something which may be said to be poem-like, a resemblance of a poem, ish, or poemish. (2019:215).

An important feature or poetic representation is its ability to engage the reader emotionally (Carr, 2003; Faulkner, 2009; Lahman *et al.,* 2019; Kendall and Murray, 2005):

> Short poems focus and concretize emotions, feelings, and moods—the most private kind of feelings—in order to recreate moments of experience. The poem "shows" another person how it is to feel something. (Richardson, 2003:190)

Lahman *et al. (*2019:216*)* identify two particular purposes which I found relevant, capturing nuances of phenomena (González, 2002) and honoring and preserving participants words, voices, and perspectives (Nichols, Biederman and Gringle, 2015).

I created 'data poems' (Glesne, 1997) using extracts from the prose transcripts. I began constructing examples of poetic representation early on in the transcription process, at times recording the transcription firstly as prose, and in some cases immediately transcribing the spoken word into a poetic form on the page. Certain moments stood out in the interviews because of the specific ways in which the participants used language. They demonstrated elements of distillation through use of poetic features

such as repetition, alliteration and rhythm.   The choices I made were not deliberately aesthetic, rather I identified that a tendency towards poetic language arose at points in the narration which were meaningful to the participants. The poetic aspects of the narration appeared to be an integral part of the dialogic performance of the narrative to me as researcher/audience. (Riessman, 2008).   I aimed to keep the transcription as close to the original words of the participants as possible. I maintained the original words and order of the participants' speech intact. I removed the occasional 'hmm' or 'err'. I also removed some co-ordinating conjunctions (so, because, but) to distil the language further, letting the structure of the words on the page carry the conjunctive intention. I maintained silent pauses in speech as '…'. I did not add words.   My choice to approach the process as I did was determined in part by an ethical concern not to create interpretations of the language used by participants which I was not able to discuss with all of them. The representations on the page were my interpretations through selection and transcription of their direct spoken language. I include a worked example from Zoe's story at Appendix Nine.

In a seminar delivered at UNI in June 2022, Katrina Douglas suggested that one way of judging validity of poetic representation is to evaluate it against the response it evokes in participants and wider audiences. Whilst I did not share and discuss my representations with all participants, during the second interviews I showed two participants (Mia and Jon) examples of poetic transcription which I had created from their first interviews. Mia was particularly interested to see her words presented in this way onto the page and asked if she could keep the transcript to show her partner. Jon was also interested. I subsequently received his consent to use the extract I had shown him (a vignette about his encounter with a taxi driver which appears in Chapter Six) as part of a conference presentation (Wood, 2019b). Following that conference his extract was tweeted by a delegate interested in my approach, and an academic at another university contacted me to ask if he could have Jon's permission (which Jon was happy to give) to use the extract in a session with his first-year law students.   This suggested to me that other law lecturers would see resonance and relevance to their own fields in my approach.

Chapter Five: Three Stories of Law

Chapters Five and Six address my main research question, which divides into three strands:

In the context of this inquiry:

- o **Ways of beginning**: What are the motivations that led students to study an LLB?

- o **Ways of knowing**: What epistemic understandings, assumptions and beliefs, develop through students' experiences of an LLB programme?

- o **Ways of becoming:** What impact does the experience of studying law have upon the capacity of students to determine their future professional trajectories as they approach graduation?

Below in Chapter Five I present individual narratives for Ed, Mia and Zoe, drawing on Clandinin and Connelly's (2000) three-dimensional inquiry space to provide a holistic presentation of their experiences.   In Chapter Six I step back to present a wider perspective of all nine narratives, identifying and reflecting on the threads that appeared most significant during my analysis. In framing my presentation and discussion in both chapters I draw on the dimensions of Baxter Magolda's (1992; 2004a; 2004b) 'epistemological reflection' (ER) and self-authorship models, exploring the relationship between knowing and being, and recognising that:

> Developmental transformation stems from the interaction of internal (e.g., assumptions) and external (e.g., experiences) factors. Personal epistemology is intertwined with other dimensions of development, namely identity and relationships (2004a:31).

Ed's Story

> *I think I'm a bit relaxed for London.*
> *I don't walk quickly,*
> *I don't walk in a straight line.*
> *I slalem.*
> *I'm all over the shop.*
> *I'm taking people out.*
> *I'm a bull in a china shop in London.*

Ed attended a city state school in the North Midlands. He identified as having type one diabetes and bilateral perthes disease, a rare condition affecting the hips, which had led to him spending several years in a wheelchair during primary school, and again when he was 14. This left him with the walking style he describes in the initial extract, an image which I also saw as metaphorical in its expression of Ed's confidence in taking his own path, a thread that came through strongly in his interviews.

Ed came to the LLB after a year of working and travelling following A levels (he studied sociology, English, biology and chemistry). He switched his original choice of degree from pharmacology to law following his A levels, prompted by an experience on prom night:

> *Prom night*
> *I got picked up by the police.*
> *Then my Dad's actually in prison*
> *I guess it's loads of different things,*
> *I guess maybe a feeling of helplessness with the law?*
> *You don't understand the law unless you know a lawyer*
> *I think that's where a part of me got into it,*
> *.......*
> *That ... and me being arrested.*
> *I sat in the cell*
> *being in a cell was not that nice,*
> *I guess that makes sense.*
> *I didn't really know what was going to happen,*
> *I guess a sense of helplessness.*
>
> *I think most things you can google and find out,*
> *if your bike broke you can watch a movie on YouTube how to fix it.*
> *With law you can't do that,*
> *I guess that kind of inspired me.*

Initially the connection Ed made between being arrested and changing discipline did not make sense to me. What I gradually came to see was a narrative coherence in Ed's story, overlapping the background story of his father being in prison (a long sentence for a very serious tax offence, which also led to the breakdown of his parents' marriage), the disempowering experience of being arrested and his wider perception of the inaccessibility of law as a discipline. As explained by Ed, studying law offered him a way of taking control by mastering an area of knowledge not accessible to

everyone.   Ed also measured himself against professional characteristics perceived by those around him as important for lawyers,

> *I've always been a smart-ass,*
> *and people have said*
> *'Oh, you're like the son of a lawyer.'*
> *(Rachel laughs)*
> *I guess I just fell into it.*

His decision to study law blurred his views of law as an academic discipline and the potential it might hold as a future professional career. Ed knew nothing about the LLB course at UNI when he picked it, choosing it for location and his experience of attending an infamous student party. Having arrived, straight from the airport after months of travelling:

> *I was kind of the opinion*
> *that if I didn't pick up law within a year*
> *I would go back to being a chef.*

However, by his second year he had fully committed to his academic performance and set himself the goal of achieving a first class award.

> *I want a first.*
> *I know I'm worth a first,*
> *I know I've put the effort in for a first.*
> *I do turn up to everything,*
> *I do as much pre-reading as I can.*
> *I work hard enough for a first.*
>
> *I want a first.*
> *If I don't get a first I will be upset*
> *because I could do a lot less work*
> *and get 60%.*

Ways of knowing

The starting point for Ed's approach to knowledge and learning was his sense of curiosity,

> *I think I'm naturally inquisitive*
> *I like to learn,*
> *read*
> *understand what's going on.*
>
> *But that deeper level of analysis for science*

I just never got to grips with.
With English and sociology I found them quite easy,
I think that's the way I learn.

Rachel: what's the way you learn? What worked there?

In sociology you're taught a concept,
say feminism,
then the teacher goes 'this is how it works'
and you're taught how you're going to be assessed on it

then it's about forming your opinion on it,
for me
being opinionated
it's really quite easy.

Ed expressed a general interest in commercial subjects but his narrative was more about his approach to learning and academic achievement, rather than an interest in a particular area of law or legal approach, His approach to knowing law adapted according to context:

You go to a lecture
and that teaches you 'the law'.

In this context Ed accepted the authority of the lecturer to communicate knowledge of 'the law' as a fixed body of knowledge. He preferred to sit alone so that he could focus on absorbing and mastering the content. Peers did not offer knowledge and were a distraction to his learning process at this stage.

In workshop environments Ed expected to approach the law as flexible, informed by different potential perspectives and arguments, and without expectation of a clear-cut 'correct' answer. However, his knowing was boundaried by his purpose in studying, which ultimately was to achieve a first-class degree award. Ed adopted a strategic approach towards the process of balancing opinions, looking to the lecturer for confirmation:

In workshops I always try to get involved in the conversation.
If I say my opinion,
and someone else says their opinion,
and there is a difference.
the person taking the workshop can weigh both of those up
and then feed back to you,

Then you've got that,
and you can talk about that in the exam.

That is the analysis part,
that's where you get the higher marks.

He valued the role of peers in this setting to help him to develop his independent thinking, providing perspectives against which he could hone his own approach, but ultimately he needed to attend to views expressed by the lecturer, who was the gatekeeper to academic success in the assessments:

Do you know when lecturers say
there isn't a right answer?
There clearly is.
You're marking it
so there's going to be.

There can be more than one right answer,
but there's also a wrong answer.
There's no right answer,
but there is a wrong answer,
and people are scared of getting the wrong answer.

Ed's approach to lecturers as authority figures was strategic, he took a cheerfully consumerist approach to their role:

As a lecturer
you teach everything that is needed,
which is basically what you're paid to do.

I also see uni,
as I'm paying £9,000,
as a service,
it's part of the service industry.

I know probably as a lecturer
it's not what you want to hear,
but I do see...

If I have a question
I will go to a lecturer
I've got no fear in lecturers.

For Ed reflection in relation to learning involved accessing lecturers to get their feedback on his performance which he could then adapt to, rather than an internal process of sense-making:

Whenever I get a piece of work back,
I always try and find whoever marked it,

because I think it's really important to get the feedback.

Ed was the only participant who expressed a preference for exams as a form of assessment. He did not fully trust himself as an independent knower. He was confident of his ability to form opinions, but less confident that they would be appropriate to gain him high marks. He felt safer within the constraints of exam questions where he found it easier to match his approach to knowing with what he identified as required to achieve a good grade.

Through studying law Ed was gradually learning to value the perspectives of peers in helping to shape his own approaches to knowing. He was, however, frustrated by the lack of contribution by his peers in workshop settings:

> *It really frustrates me when people don't answer questions.*
> *It really annoys me when you go into a workshop,*
> *and the lecturer is trying to get people engaged with the question,*
> *and no-one does it.*
> *I went into an EU one*
> *and I answered every single question*
> *because no-one else was willing to.*
>
> *I'd sit there and they'd ask the question,*
> *they'd ask it again,*
> *then I'd answer again*
> *you feel like such a tool when you're the person just doing that.*

He put this down to confidence:

> *Some people aren't confident.*
> *I am,*
> *I think that's quite abundantly clear.*
> *......*
> *It's not about confidence, it's about…*
> *the worse thing you can be is wrong,*
> *then you get corrected.*
> *If you say nothing,*
> *you don't.*
>
> *People are really scared of being embarrassed...*
> *100%*
> *people are scared.*

Ed saw development of the ability to argue academically with others, taking on perspectives from his peers, as a skill that he had developed as he matured and became more open to hearing other people's views to help him form his own:

> *I like discussion,*
> *I don't like arguments,*
> *but I like arguments.*
>
> *I like it if someone has a different opinion to me,*
> *as long as they don't go down the route of being uber defensive about an opinion.*
>
> *I'm willing to play devil's advocate,*
> *because it's interesting to me.*
> *That's how I want to engage,*
> *I don't want someone to be abusive…*

Rachel: did you bring that way of thinking into university, or has that developed?

> *It has definitely developed.*
> *When I came into university I was always right,*
> *everyone was always wrong,*
> *I'm 19 years old*
> *everyone else is 18 years old,*
> *I've been travelling.*
> *I know everything*
> *I've got elephant trousers …*

Beyond academic settings, Ed identified the influence of learning law as impacting on his ways of thinking and communicating with others. He identified in particular in his approach to argument where he now saw the need for justification, not just assertion of a point of view:

> *After three years of studying law*
> *I do consider myself a legal mind.*
> *The way I look at things is definitely different.*

Rachel: Can you pull it out a bit more?

> *I reckon I'm probably more argumentative now.*
> *That's from law,*
> *I'm rational in the way that I argue.*

Rachel: Tell me what you mean by being rational?

> *Say there's an argument in the house about people not doing the dishes.*
> *I'll be like*
> *'Well, I do everybody's dishes.*

I'm the one that cleans the kitchen.
I don't see why I should have to hoover the landing'.

I know that other people would go
'I've not got time for it,
* I can't do it.'*
But they've not explained why they've not got time for it.
It's not a rational argument.

Transition from the LLB

In his second year Ed decided to pursue a career as a solicitor, and committed significant time outside his academic studies to exploring his options through work experience, and recruitment events. He was the only participant who applied for a training contract as a solicitor in his second year. Of the participants he appeared the most aware of the competitive nature of access to training contracts:

Someone told me the stat
and I kind of panicked
I was like
I need to stand out.

However, he had turned down the offer of a training contract in a high street firm in his home city, offered by a friend's father because 'I didn't feel like I'd earned it and I don't want to go back'.   He had reached the interview stage for recruitment at a 'magic circle' city of London law firm:

That was horrible.
The guy there basically said
'If you don't get a first from UNI,
nobody will look at you'
in that kind of law firm.

He was critical of, but not deterred, by the recruitment process. Along with Jon he expressed the strongest sense of potential social barriers to successfully gaining legal work. Ed had deliberately chosen to lose his regional accent on the advice of a solicitor he met during work experience:

It won't stop you getting a job,

but why would you take that risk?
I knew I could lose the 'ees' and the 'aas' from my voice,
and I have.

It's the same with
the whole thing of being white, male, straight
it makes me more employable.
It shouldn't.
It's completely unfair,
but it does.

He had attended a number of recruitment events at commercial law firms and was critical of the fact that 'you don't see people of diversity at them at all actually.'

Reflection on Ed's story

As a learner of law Ed aligned most closely to Baxter Magolda's (1992) concept of a transitional knower in relation to his academic studies, where his decision to aim for a first-class award had led him to adopt a strategic approach to learning, focusing his attention on identifying approaches to knowledge that would enable him to achieve high marks in assessments.   To this end he was strategically attentive to lecturers in their roles as academic authorities, gatekeepers to the achievement of his academic goals, but not as authority figures in themselves ('I've got no fear in lecturers'). Ed's strategic limitation of his approach to knowing appeared in part to be due to self-awareness of his wider capacity for independent knowing, which he did not fully trust in a high-stakes, academic, setting.   He appeared to be deliberately curbing his more independent and curious approaches to ways of knowing in order to ensure the best academic results.

Beyond his academic studies his narrative suggested that his capacity for self-authorship was developing. He was open to new knowledge and learning in different contexts. His sense of his own personal values was strong, as evidenced by his responses to his experiences of law firm recruitment approaches, including his discomfort at being offered a training contract because of a contact, rather than earning it through merit. Ed's narrative suggested that he already had an inner voice and that it was an inner listener that he was cultivating, as he became more open to wider perspectives.

Mia's story

I've told this story a lot....
I first became interested in law
'This is what I want to do for my career'
when I was in year eight.
......
It's that deeper understanding that I love.
I love, I love it.
It's great...

Mia's interest in law was originally sparked by an event in London at the Inns of Court, which her Mum had taken her to when she was twelve. Her first engagement with law was therefore to see it in a professional context. Her school later sent her on a course as part of a 'gifted and talented' programme, which introduced her to the concept of legal rules in criminal law.   She enjoyed this hugely and determined then that she wanted to study law at university. Her interest, like Ed's, was generated by exposure to law as both a potential profession and as a discipline.

Mia was in her mid-twenties at the time of our interview meetings, slightly older than most of the participants. Her narrative was built around her personal commitment to seeing through an LLB, despite challenges which had previously interrupted her studies. During a gap year after A levels (in law, sociology and psychology) she had undertaken a business apprenticeship working in a solicitor's office. There she had gained experience of mental health and immigration law and affirmed her childhood interest. She began an LLB at another university, but dropped out after the first year (despite achieving 2:1 grades) because she became unexpectedly pregnant. After having her son Mia worked for two years in a local council children's department, before re-applying for the LLB at UNI.   After the birth of her son she was diagnosed with post-natal depression and she had continued to experience anxiety and depression during her LLB. With medication and a carefully structured approach to her lifestyle she was balancing the considerable demands of study, part-time work and parenting her four year old son with her partner.

Ways of Knowing Law

Of all the participants Mia expressed the strongest intrinsic interest in law as a subject for study, this interest created a strong motivation to learn which informed her epistemic approach. The LLB was having a profound impact on her, transforming how she saw and interpreted the world around her. She now saw law everywhere in the context of her everyday life:

> *I love it,*
> *I absolutely love it as a subject.*
> *It's not just the subject like some other university degrees, or other subjects,*
> *it's everywhere.*
>
> *It applies to everything*
> *I just love that about learning it*
> *because it just opens,*
> *it kind of opens my eyes to different aspects of the outside world?*
> *…*
> *Any law that I learn as a module,*
> *I don't just leave it in that year and it's done.*
> *I continue to think about it,*
> *because all of the things that I've learnt,*
> *it's present all the time.*
> *I feel that for me it's not just about learning it for a degree,*
> *it's about learning it for life.*
>
> *I'll look around and look at*
> *'Oh, that's going to be regulated under some sort of regulation*
> *or that is controlled under that law*
> *or they committed this crime.'*
>
> *It's now a constant thing in my brain when I look at things,*
> *it's become a part of life.*

Mia's love of law was not directed towards one particular area, although her description of her learning focused more on doctrinal subjects, framed around a core of legal rules, rather than socio-legal approaches.

Mia's view of the world was now framed by her disciplinary understanding of legal structures and the application of legal rules:

> *It's all those rules*
> *it can sometimes feel disorganised*
> *but it has a structure,*
> *it has rules,*

> *I find it really easy to …*
> *think of things in rules*
> *and when they're organised*
> *it makes my less organised brain feel better (laughs).*

Seeing the world and thinking in this way was a positive and empowering experience for Mia. She described an experience of a robbery at her work, after which she had sat and thought about the rules of theft as a way of calming herself. 'Thinking like a lawyer' applying legal doctrine, gave her a sense of control and order which she experienced as beneficial and at times therapeutic.

Whilst legal rules provided Mia with an identifiable structure in the world, Mia did not see this legal framework as fixed or static, but rather as 'constantly changing' and open to interpretation and different perspectives:

> *With things like law, where it's so complex*
> *and it feeds into so many different things.*
> *It's important to see how different viewpoints*
> *and different situations can sit…*

Study for Mia had involved a developing process of refining her use of evidence to support her thinking, an approach she had gradually developed through the different iterations of study she had undertaken. She described her approach in her third year of developing and weighing up evidence to come to a viewpoint in coursework assessments:

> *When I have a point,*
> *I'll make the point,*
> *I'll find the evidence for it*
> *I'll look at how that evidence refers back to what I'm answering.*
>
> *Then not just having one piece of evidence,*
> *having a counter argument*
> *'Despite this, it's…',*
> *it still leads to that first argument.*
>
> *I think it's about seeing more than one side in one point,*
> *still coming to the same conclusion.*
> *It's acknowledging that*
> *other points*
> *other evidence*
> *other viewpoints are available.*
> *Still linking it back to the question I'm appraising.*

> *I think throughout my studies,*
> *I think I've been more analysing.*

Mia's process involved working through a form of internal argument with herself, expecting to form her own opinions, acknowledging and addressing other, possible perspectives in her approach. For Mia this was the culmination of her gradual development of ways of thinking about law over a number of years,

In developing ways of knowing lecturers played an important role for Mia in modelling how different perspectives could be held and argued, and also in the support they provided, supporting her ability to engage in critical exploration of legal knowledge:

> *Lecturers will say that they personally don't agree with this and things like that.*
> *I think that's really interesting*
> *whenever I hear lecturers' opinions on things,*
> *you're not just teaching me the content.*
> *You're teaching me that critical analysis,*
> *that other side of that.*
>
> *You don't agree with it because of 'this'.*
> *Even though it was a Supreme Court decision,*
> *they're learned judges*
> *but you see it this way.*
> *I'm like,*
> *'You know, actually that makes sense'.*
>
> *It's a lot of piecemeal learning*
> *but in a good way.*
> *You're able to pull a lot of resources from different places.*
> *It's a lot more supportive here.*
>
> *Yeah,*
> *the deep*
> *like the deeper learning*
> *and the lecturers that are amazing in the fields that they're in.*

Whilst lecturers provided support and inspiration to develop wider perspectives and critical thinking, Mia found other students were more of a potential barrier to her learning.   In workshop settings she expressed frustration with the unwillingness of other students to contribute:

> *Someone, please say something,*
> *'Cause I have the answer*
> *but I don't want to have to say it,*
> *I said the last one.' (laughs)*

But then when no one does,
I put my hand up.
Although I feel anxiety about it,
I push past it,
because it's beneficial for my own learning as well.

If people don't prepare,
or they don't want to speak,
that's fine.
But I can't let other people affect how I'm learning.

'Cause at the end of the day
I'm getting my degree,
it's not dependent on anyone else.

Her description of a process of answer and response suggested a narrowing down to a focus on 'the answer', rather than an opening up of discussion and opinion from around the room, limiting the opportunity to gain a more nuanced perspective. She identified some peers as supportive in approach to learning, she had a study group who would book rooms and meet up to work together at times, but more widely she did not see the law students around her as valuable to her learning and expansion of her knowledge and perspectives.

I often don't put myself in social situations
I was bullied as a child.
and early teenager as well.
I have a hard time reaching out to people.

But once I find a few people that I can sort of bring into a circle,
it's great.
Then we are more of a close knit...
rather than loads of people.

It's like a few people that will sit down
and we'll go through things like
'Yeah, that makes sense'

Her description suggested that peers were therefore supportive in relation to preparing for exam assessments, working together to ensure they had clear understanding of module content, but her most developed ways of knowing came through her experience of studying and preparing for coursework assessments on her own.

I think UNI has been a lot more supportive
than previous education institutions that I've been to. ....
I think that's more about the independent learning
than being dependent on others telling us things.

Rachel: More supported but more independent ....?

Because we're treated like adults as well.
We're responsible for our own learning.
We are made responsible for it.
We have to take responsibility for it,
But you lot are here whenever we need some support.

Assessment grades were important to Mia, but were also connected to her desire to develop her capacity for critical thinking. She engaged with feedback on her assessment performances to support this process, identifying where she could extend her analysis of different perspectives further:

I try... well, my grades have been good,
so I'm hoping that is...
I've had some feedback where it's like,
'Yeah, you had a really good analysis point here.
If you would have just said this,
you would have got great points for it'.

'Ooh, yeah, I could've said that there,
I still would have come to the same conclusion about this point.'
It's showing to the reader that you're aware of this viewpoint,
you're aware that this exists

You haven't ignored it to come to your viewpoint.
You've essentially had this discussion in your head,
but you still come to this logical conclusion.
Just breaking into the critical bit has helped me think better...

She made connections with her development of reflective capacity beyond her studies, 'I'm definitely more reflective now than I was when I started because I've seen how beneficial it has been'. For her this involved speaking with other people, her manager at work and her partner, rather than an individual process, working with them to address issues in other areas of her life.

Transition from the LLB

I'm always excited about law
but it made me sort of more excited about my future around law

especially now my studies are coming to an end.

So far it's been
'I've got to the end of my degree,
I've got to get to the end of my degree'
that's what I've got to focus on,
especially with my mental health issues.

It's hard for me to think of everything.
I have to break it down into
'It's fine,
you've just got to get to the end of this stage,
the end of that stage'

Mia was looking forward to graduating and taking her love of law into a career. She wanted to work in an area where the law underpinned the activity, distinguishing this from practising law as a professional and applying the law retrospectively to a situation to provide advice. In her first interview Mia spoke about applying for the civil service fast track, with the potential to work on policy development within the Houses of Parliament. In her second interview she was considering other opportunities working for government agencies:

I'd love to work in a government agency
just sort of seeing the application of it.

Rachel: So it's kind of using the law, but using it in a different way?

I think that's what I need right now.
Just to see it,
how it operates,
how it <u>actually</u> operates.

I've learned so much about it.
Even going down the solicitor or barrister route is still…
You're looking at the legal rules
around what's happened
rather than dealing with
what's happening.

Mia's love of law was not therefore not centred on becoming a solicitor or barrister (although these were still under consideration for the future). She wanted to work with the law in action, as it was 'happening' rather than lawyer 'what's happened'.

Reflection on Mia's narrative

Mia's narrative suggested that her ways of knowing law had developed around her understanding of law as a way of interpreting the world, rather than through a specific desire to develop the professional characteristics of a lawyer. Law as a discipline had been transformative in providing her with a framework to interpret her day to day experiences. In terms of Baxter Magolda's (1992) epistemological reflection model Mia's ways of knowing aligned most closely with the highest level of contextual knowing. As a knower she was able to articulate an understanding of law as changing, subject to different perspectives which required independent thinking and justification through use of evidence, and the ability to address evidence put forward by others in reaching a conclusion. Assessment provided her opportunity to demonstrate her ability to advance critical argument. Lecturers were important to her as experts who could inspire and support her capacity to understand and evaluate knowledge. Peers were less useful because they were not generally participating in a process of discussion or critique and could be a barrier to her individual development (1992:69). Mia's narrative told of a gradual development of her capacity for critical thinking and reflection, built up over a number of years of interspersed periods of study and work and bringing together her experience of working with law in professional settings with her approach towards law as an academic discipline.

Mia's narrative suggested that she had reached the stage of self-authorship (Baxter Magolda, 2004b). Although she had not yet made a firm decision about a future career path, she had a secure sense of her desire for a career that would enable her to see law operating in action and she had identified examples of roles where she could achieve this. She evidenced a clear sense of her internal values, key to which was her perception of her need to be a strong role model for her son through success in completing her studies and in moving forwards into a professional role. Her sense of self-awareness had been gradually built through her adaptation to the challenges she had faced and continued to face in managing her mental health issues.

Zoe's story

My Dad likes to tell a funny,
(it's not funny at all,
it's been overtold)
but he likes to tell a story.

Zoe's law story began as part of a wider family narrative. Zoe's parents had moved to England from Angola when Zoe and her older brothers were very small, in order to provide them with an education in a society where they considered their 'morals and principles' could align. They had settled in a small, country town, where her father obtained factory work. They were the only black, 'immigrant family' in the community. A visit from a family friend who was a lawyer when she was very young had prompted a family narrative around Zoe wanting to study law:

I never considered anything else.

It wasn't until sixth form
that I ever considered doing anything but law.
I always knew I was going to end up doing law

I think it's partly because immigrant parents,
they want you to become a lawyer or a doctor,
you know, some sort of profession,

I guess you could say it was that.
It wasn't like a pressurising thing,
they didn't say 'You have to do this'
You sort of know what the deal is.

I never considered anything else.

Zoe attended a state school in the town where her 'sassiness' was labelled as troublemaking in her early teens. After GCSEs Zoe persuaded her parents to move to a much bigger coastal town, which was more culturally diverse. She described this as a move away from 'small town mentalities' and being the 'only black kid in the classroom', to a sixth form setting where:

I have no opinions to hold back
Because I know
Someone in that room
Is going to understand where I'm coming from

Zoe studied English, history and psychology A levels. Sixth form was a time when she 'fell in love with learning'. However, she did not perform strongly at A level, identifying this as due to her failure to adopt a 'tick box' approach towards studying and assessment. She was not deterred and independently researched foundation courses (her college was unaware of these). She undertook a foundation year in law 'which was formative' and 'the year that I was able to make mistakes', allowing her to 'learn about learning law' at a northern post-1992 university before moving to UNI for the LLB.

Family aspiration towards a professional career for Zoe underpinned her thinking. However, her narrative in relation to her school years focused on her desire to study law, rather than ambition to enter professional practice. She did not undertake legal work experience before university. As for Ed and Mia, there was a blurring in her motivations to choose law between an interest in disciplinary knowledge and the potential for professional opportunity.

Ways of knowing during the LLB

Arriving at UNI Zoe was mindful of making the most of her learning opportunities. Building on her foundation year, she turned up to everything, to 'just be present'. She chose to broaden outwards from doctrinal law subjects in her options choices in second and third year, including Dispute Resolution Skills in second year, globalisation and a dissertation on the fashion industry in third year. She identified socio-legal subjects as suiting her 'perspective' better than doctrinal law.
She explained how she visualised the discipline of law and the approach to knowledge it entailed:

> *I like the traditionalness of studying law.*
> *I like the principles,*
> *The guidelines,*
> *The straight and narrow of it.*
>
> *I like the strictness of studying law,*
> *but I also like the malleableness of it?*
> *...*
> *So I've always had the view that knowledge,*
> *the knowledge that I get*

> *is interchangeable*
> *and I can see it from all these perspectives.*
>
> *You do get some people who are,*
> *(this is not in any way negative at all),*
> *narrow minded in a sense*
> *who are like,*
> *'I love law because it's so .... absolute.'*
> *And there can only be one answer to the problem question.*
>
> *So they would have a completely different experience of*
> *or understanding of the knowledge that they're getting from law than I do.*

Like Ed, Zoe identified ways in which she adopted different approaches to disciplinary knowledge, depending on context. Lectures for her were about communicating specific, fixed, understandings of 'the law':

> *When you're in a lecture,*
> *you're definitely getting one perspective.*
> *You're definitely getting*
> *'this is it,*
> *right,*
> *here's the law'.*
>
> *But then when you go and do tackle your own problem question,*
> *and you're doing your own independent thinking,*
> *that's when you're to apply it to different scenarios.*

Workshops offered her the opportunity to apply knowledge, but Zoe was critical of the limits to what was sometimes asked of students. She described her experience in a third year compulsory module as an example:

> *Everyone's got a piece of the puzzle*
> *and they put it together.*
> *And that's,*
> *that's the question.*
>
> *I think for a lot of groups*
> *you get people who haven't got anything to contribute,*
> *and they just sit there silently.*
> *They're almost like mute.*

Zoe's 'puzzle' metaphor suggested that workshop discussion involved a fixed knowledge structure, in pre-set pieces to be fitted together. She suggested that what was intended was shared construction of knowledge through a legal problem, but

what actually happened was a process of assembly, not creation. She was frustrated by the 'mute' students around her, but also critical of the task as not offering a genuine opportunity to explore and learn through other students' perspectives.

Studying law was a lonely pursuit for Zoe:

> *I feel like studying law is really isolating.*
> *More so than my friends outside of law*
> *who study business and marketing and whatever.*
> *Maybe it's just me, I don't know.*
>
> *But I find that studying law is really isolating.*
> *You go there*
> *(especially for equity*
> *and all the other core modules throughout the years)*
> *It's very intense*
> *you don't sit there to socialise.*
>
> *There's no debate about law*
> *because the facts...*
> *The law is the law.*
>
> *There's nothing to really speak on*

Zoe did not refer to significant relationships with or influence of lecturers on her learning. Where she did identify the value of lecturers was in contextualising the law away from pure black letter knowledge in lectures:

> *X is really, really good at talking.*
> *He's great at extending a two-hour lecture to two hours and fifteen minutes.*
>
> *In his talking he gives different perspectives,*
> *allows us,*
> *sort of encourages us,*
> *to consider things.*
>
> *He brings in a lot of social references to what he's teaching us.*
> *learning about equity,*
> *doesn't become so black letter,*
> *because he's going on about drag queens.*

Her choice of the word 'allows' was interesting, implicitly placing the lecturer in a position of power to grant permission to the accessing ways of thinking about legal

knowledge, very different to Ed's view of the lecturer as being on tap as part of the university service.

Zoe favoured assessment methods which she perceived as encouraging a more independent approach to knowledge:

> *Exams,*
> *not so good.*
> *Coursework,*
> *brilliant.*
> *Presentation, oral speaking,*
> *amazing.*

Assessment, in the form of coursework, was where Zoe identified the opportunity to work with what she saw as the 'malleableness' of the law and develop her ability to think about law contextually and critically:

> *When I'm in the lectures,*
> *when I'm in the workshops*
> *learning the black letter law,*
> *it doesn't...*
>
> *it's not until it comes to writing the coursework*
> *I've realised that this is actually quite malleable.*
> *.....*
> *Public law,*
> *something as rigid as constitutional law and how the country is run,*
> *something as rigid as that,*
> *if you turn it into an essay question,*
> *well then you can do anything with that essay question,*
>
> *That essay question is based on such rigid rules,*
> *it's that strictness,*
> *taking from that that malleableness and going*
> *'Well this applies to this, and this goes to…'*
> *being able to take it anywhere*
> *outside of the boxes that it is*

Zoe identified herself as reflective in her approach to study and life:

> *I think I'm innately really reflective in everything.*
> *I don't think I can learn if I haven't understood what's happened*
> *if I haven't understood my mistakes*
> *haven't understood my successes.*
>
> *I'm very good at going back for more feedback if I need it.*

I'm very good at trying to understand how that went well,
how that didn't go well.
Isn't that the whole point of humanity?
Like studying history is just one big reflective exercise.

Yeah.

You can't move on if you're not reflecting.
I mean not effectively, in my opinion anyway.

Rachel: So for you that's a life skill...?

When it comes to studying it's definitely a more conscious reflection
looking back at previous essays and going
'That lecturer thought I should develop my critical analysis more
so I should do it here for this essay'.
That's definitely a more conscious thing.

But in my personal life, it's not,
it's not so conscious ...
that's just...what I've always been like,
very reflective.

Yeah....lovely (in a sing song)

Zoe described the impact of the LLB as aligning to, rather than transforming, her approach to knowledge, bringing her wider ways of knowing beyond the discipline of law to her way of approaching knowledge in her legal studies:

I'm not sure if it's a perspective that I've always had
or one that's been influenced by the law?

My perspective has always been quite widely focused.
I've always never stuck to one side of the fence.
I've always sat on the fence.
I've always been understanding of both sides of an argument.
Do you know what I mean?

That's something that you learn from studying law,
being able to see both sides of the view of the argument.
Being able to understand how the law could apply in different situations,
and different scenarios.

Zoe's interest in law was inspired by the way it was informed by other disciplines and areas of experience to provide a wider perspective:

There's something about law,
I'm fascinated by it,

because it relates to every aspect of,
every aspect of life,

You can relate something to some theory,
some principle of law
in a sense you are studying society
studying business
kind of psychology
but not really.
I suppose psychology of law is a topic somewhere out there...?

The most significant impact of the LLB for Zoe was in relation to her ways of being, in particular her sense of personal growth through surviving the challenges of undertaking the LLB:

I've gained great strength from studying law,
the challenges I have faced in terms of just getting to grips with things,
or prioritising and whatever else it is,
those have been really beneficial to my development as a person,
it has taught me perseverance,
commitment to myself,
to my education.

Commitment.
I'm such a quitter in everything else in my life.

But knowing that
I'm still here,
I'm still saying afloat,
that's great development,
that's growth.

Zoe did not see herself as falling into the 'stereotype' of being a law student that she perceived students around her striving towards:

Everyone's very much trying to be this perfect law student,
spending hours at the library
turning up to everything.

there's definitely... a stereotype
there is definitely a box,
and everyone is trying to fit into that in the first year
when they're trying to figure out who they are

You can get bogged down
that can be your only identity.
But once you find your feet
you get to know yourself a bit more,
you understand other interests that have led on from law,

independent from law

you know law is just another thing that's a part of who you are,
not your entire identity.
I think that's healthy for me.

Preparing to transition

As Zoe came to the end of the LLB she had yet to make decisions about a professional direction after graduation. Other interests were surfacing and she was experiencing conflict between the need to focus on the challenges of successfully completing the LLB and looking further ahead:

On my way here on the bus
I was thinking about how third year for me
is really a balancing act
putting my blinders on,
but also trying to see the bigger picture.

It's the balancing act,
really concentrating in the moment,
really concentrating,
making sure I'm sat in that lecture
really listening,
really observing,
really being the best student that I can be.

Then taking that a step back
really making sure that outside of this lecture
I'm doing the prep for my workshops
and taking it further out,
and further out
and further out
so far out that you go
'Right,
now I've got to make sure that
I'm setting the stones for what happens after university'

Applying for things,
going to events,
'networking' (laughs),
meeting people,
exploring different options,
different avenues.

I almost make myself laugh when I'm sat in lectures
thinking of the bigger picture,
because I should be zooming in right now
because you can't get there

if you can't get through this.

So that's what third year is for me
that balancing act.

Zoe's 'blinders' metaphor clearly captured the struggle she was experiencing of balancing successful completion of the LLB, with the need to make decisions and take action to establish her next course of action.

I think I've almost done myself in,
because now I've got too many interests,
too many options,
so much that I can do,
so much that I want to do
and I want to do at all.

I think for me it will definitely be a case of
I will go for which opportunity comes my way first.
Which opportunity I think,
I feel more comfortable in doing first,
then just sort of branch out from there.

Zoe saw herself as an independent thinker, 'I'm only twenty-one, but all the big life decisions I've made for myself'. She had experience of finding opportunities for herself. She had gained employment in a contract drafting role for a large commercial law firm during her second year. Between second and third year she had funded herself to attend a summer school on fashion law in New York. Although she had enjoyed and valued her time with the law firm, she was now questioning her childhood ambition towards professional practice:

Doing the nine to five,
I learnt so much
the biggest thing that I learnt
is that I'm not sure if I want to be a solicitor,
I'm not sure if I want to be in the legal world at all.

Which is weird because I've spent twenty-one years of my life going
'I'm going to be a solicitor or barrister.'
Literally since six months old that decision had already been made.
So I'm at a point where I'm like
'…OK, not sure if this will make me happy.
I know that I would do well,
I know that I would do well in the legal world.
But is it going to make me happy?
Am I going to go to work every day feeling fulfilled and challenged?'

Or will it become a sense of where I've gotten to with my role right now
I've learnt all there is to learn,
I've reached my glass ceiling
I'm bored.

She was still interested in law as a discipline, and was considering further study for a masters degree, 'the study of law itself, I find that so fascinating and so interesting'. However, in terms of a career she was exploring the potential for a wider business role, concerned that 'that sense of building and creating something isn't there for law'.

Reflection on Zoe's narrative

Zoe's experiences during her childhood, negative in relation to her treatment as a black student at school and positive in relation to the support of her family, had fostered a sense of independent thinking in Zoe. The aspirations and support of her parents in relation to what she called the 'golden ticket' of education manifested in a sense of confidence and independence. Her narrative suggested that her response to the 'provocative moments' (Pizzolato, 2005) of experiencing racism in her teens had led her to begin the process of authoring an independent 'inner voice' (Baxter Magolda, 2004b), establishing a sense of inner values which she needed to succeed in her school environment. As a learner, whilst she wanted to achieve a good degree award, she was not interested in strategically trying to please others or gain high grades as an end point in themselves. Her focus was on developing the ability to think independently within the 'weirdly creative' discipline of law. In terms of Baxter Magolda's (1992) epistemological reflection model Zoe was unusual amongst the participants, her reasoning patterns were individualistic, suggesting she was an 'independent knower' whose primary focus was on thinking for herself.

In her journey of self-authorship Zoe's narrative suggested she was at Baxter Magolda's (2004b) cross-roads. Her experiences during the LLB, in relation to learning law and her exposure to professional work experience, were now leading her to question her long held, aspirations, which had not materialised into a firm sense of the professional direction she wanted to follow. The process of completing the academic requirements of the LLB were conflicting with her desire to explore professional options beyond the

degree. Most important to her was finding a career where she could learn and grow, finding the work fulfilling. She did not have time to reflect on what this meant for her, which she was finding stressful. Her strong inner voice was leading her towards a change in direction, but she had yet to settle into full self-authorship.

Chapter Six: Drawing out the threads. Presentation and discussion of the wider narratives

> *It was just these moments,*
> *small moments,*
> *the whole way through the degree.*
>
> *That for me is what it's made up of,*
> *small moments*
> *where you learn about yourself,*
> *as well as the black letter law.*
> **Ana**

As explained at the beginning of Chapter Five, in this chapter I pull back from the individual presentation of my participants' narratives and draw from across the experiences of all nine participants to address my main research question.

In the context of this inquiry:

- **Ways of beginning**: What are the motivations that led students to study an LLB?

- **Ways of knowing**: What epistemic understandings, assumptions and beliefs, develop through students' experiences of an LLB programme?

- **Ways of becoming:** What impact does the experience of studying law have upon the capacity of students to determine their future professional trajectories as they approach graduation?

Ways of beginning

The opening question in the first interview with my participants invited them to tell their stories of learning law, starting as far back in time as seemed relevant to them. This question prompted narratives which were individually and collectively complex, drawing out threads of motivations and influences which were interwoven and sometimes blurred. Whilst presented in individual ways, the threads which occurred most frequently were:

- Experience of law in personal and professional settings;
- personal alignment with the perceived characteristics of lawyers;
- the significance of timing;

o   the influence of family.

Exposure to/ experiences of law in personal and professional settings

All of the participants, except Kit, had at least one experience of engaging with law in either their personal lives or in professional settings which had been important in attracting them to law. Ed's personal experience of the criminal justice system (being arrested after school prom) was echoed by Bea in a different form. As a child she had lived through the legal consequences of domestic abuse within her family in the US:

> *My Mum had gone through a really bad divorce when I was younger*
> *It was an abusive household.*
> *I'd seen police cars come to our house.*
> *I'd seen my Mum have a domestic violence officer come and speak to her.*
> *I'd been questioned by psychologists.*
> *I'd gone through all this stuff at a really young age.*
>
> *I started looking at the law*
> *Realising how much it was actually on my side.*
> *They didn't necessarily listen to me as a child,*
> *a lot of stuff was spun by outside sources, psychologists.*
> *But now I know that if I'd said something to a police officer*
> *or I'd said something to a solicitor,*
> *they'd listen to me*
> *they'd take my word as it is.*
> *Even as a child if I'd said something they would have listened.*

Her identification of the importance of legal mechanisms to protect the vulnerable, including children, was a strong motivation for choosing law initially at A level and then the law degree.   Ana gained insight into and interest in criminal law through dinner table conversations about cases her parents were involved with in their work for the policed became interested initially in criminal law.

Some participants had experienced law through access to forms of work experience in legal settings. These included short work experience opportunities in solicitors' offices (Ed; Jon); shadowing in court (Bea); in an academic environment at a Sutton Trust university summer school (Jon). Chloe was able to undertake longer (two months) work experience with a criminal lawyer in her home country, Malaysia, after she completed A levels. This experience had significant influence on her choice, bringing her realisation of the potential to have impact on people's lives:

I joined him for the court cases and the paperwork.
It was a death penalty case,
obviously at that time I was like
'Oh, this is insane,
if you do that job he's going to hang.'

And that's when I really enjoyed the work,
I felt that
(it sounds so clichéd)
my work was making a difference,
do you know what I mean?

It sounds so clichéd you know
'Oh, I'm going to make a difference in the world.'
But it was more like,
I really felt the work that we were doing would impact at least his life,
even if it's one guy.

As explored in Chapter Five, Mia, had reality tested her childhood dreams through more lengthy professional experiences prior to the LLB. Cara was exposed to commercial legal work some years into a twenty year professional career in finance.

Personal alignment with perceived characteristics of lawyers

Seeing their own characteristics as aligning with their perceptions of the characteristics of lawyers was a factor for Ed, Jon, Kit, Ana and Cara. For Jon this came from his own reflection that:

I did a lot of drama at school
which really helped with my confidence,
public speaking,
things like that,
that's when I started to realise
law might be an option.

For others it was external influences, other people's perceptions of them as having what they regarded as lawyer-like attributes, that were identified Ed remembered how others saw him as like a 'smart-ass son of a lawyer'. Ana described how as a teenager:

Whenever I said
'I want to be a solicitor'
everyone said
'Oh, you'll be good for arguing then' (both laugh)
'That's what you do
you argue every side of everything'

For Cara influence came from colleagues in her professional life, and was based on more developed exposure to the type of work that the in-house lawyers undertook within her financial organisation:

> *I was not the favourite among the lawyers*
> *because I took their work from them.*
> *They would be asked questions,*
> *legal questions from the clients,*
> *I would give the answers …*
> *then the lawyers would not have to produce these legal opinions.*
>
> *They would be like*
> *'Come on Cara, you're taking the work' (Rachel laughs)*
> *And then one said to me, she said*
> *'Why don't you go and study law' (laughs)*
> *'because you have it,*
> *you know you have the mind for it.'*

Cara was the only participant who talked about legal practice in terms of transactional legal work. The other participants based their perceptions of lawyers primarily on the role of a barrister, someone good at public speaking and arguing cases on their feet in an adversarial setting. Altruistic motives (an important factor in a study by Hardee (2014)) were mentioned as important by three participants, Bea, Chloe and Jon.   It was notable that none of the participants mentioned the influence of careers advice from their school at all, let alone as playing a significant part in their decision.

The significance of timing in coming to law

> *I was in year seven when I decided*
> *'I'm going to be a solicitor'*
> *I was eleven*
> *I stuck to my guns.*
> *I was too stubborn,*
> *Didn't really think about anything else?*
> *This is what I was going to be,*
> *there was no alternative for me?*
>   **Ana**

Cavenagh *et al.* (2000) found that law students were likely to form the intention to study law later in time than those choosing medicine, and suggested this was because students would be exposed more to doctors as potential role models than lawyers

during their childhood and teens. However, a number of participants had formed an interest in studying law, linked to an aspiration to become a lawyer, as a child (Ana, Zoe, Mia, Cara and to a certain extent Jon). Several had developed a strong ('stubborn' Ana) attachment to the idea of law, whether or not they had explored what studying and practising law actually involved. The aspiration towards law had become an important part of their intrapersonal perception (Baxter Magolda, 2004b), significant to how they viewed themselves, at an early stage in their development.

For Zoe and Ana in particular, law had assumed meaning as more than a disciplinary or vocational choice, it had blurred into a developing sense of self.   Ed, as explored in Chapter Five, had moved away from science subjects, towards law, after A levels For Chloe the choice was part of a quiet rebellion, which began at A level, against the predominant science stream she described within the Malaysian education system. Like Ed, her decision built in part on a personal defining of herself as a particular type of disciplinary learner and knower, focused on 'arts' subjects. Jon was interested but more committed to the idea of university, rather than law as a discipline 'law was always kind of a background, more of a background, thing amongst loads of other things that were going on'. Kit had decided to study law a week into beginning an English degree, after becoming quickly disillusioned with his initial ambition to become a teacher, finding the initial approach mundane. He therefore had very little immediate understanding of what would be involved, but saw study of law as a 'challenge' and the possibility of a professional career as 'a glamourous choice'.

The influence of family

Zoe's description of an expectation ('deal') that she would pursue a profession, which she understood implicitly, but not as a 'pressuring thing', was echoed by other participants.   None of my participants had lawyers in their immediate families and none cited family pressure to study law explicitly. The participants expressed their choice as being made independently. However, family approval of law as a suitable choice sat subtly behind the decision for most of the participants (only Ed and Kit did not refer to this at all). Jon had initially thought parental approval was unrelated to

his choice of subject. He was surprised when his parents proved less supportive of his brother's desire to study film:

> *When I said I wanted to do law*
> *my parents were like*
> *'Go, go'.*
>
> *My brother wanted to do film and more creative stuff.*
> *My Dad was like*
> *'You need to do a proper degree.'*
> *Then he kind of came round*
> *'Actually that was a bit harsh, maybe do film'*
>
> *Then my other brother was like*
> *'I don't want to go to university'*
> *They had a whole back and forth.*
>
> *For me*
> *I knew what was going to happen,*
> *I've always done everything by the books really.*
>
> *I think if they would have written down my life story when I was born*
> *It's happened.*
> *All they would have wanted,*
> *I've hit all those checkpoints,*

Hardee (2014) found that having a lawyer in the family and a desire by family that the student study law, came very low in the list of reasons motivating the choice of the LLB in her study. External formulas (Baxter Magolda, 2004b), in the shape of the influence of the family in the participants' interpersonal relationships, played a more influential role for my participants. At the same time, because no family members were lawyers, this influence did not enhance the participants' access to role models or information to help them understand what study or legal practice would actually involve.

At the outset family approval was experienced as positive and supportive by the participants. Later, as they reached the stage of transition from the LLB, the issue of family support became more problematic for some participants, as the possibility of asserting an independent stance, and moving away from a future in legal professional practice, raised itself. Ana, Chloe, Zoe in particular expressed concern at this stage about the consequences of such a choice on family relationships. Ana was questioning:

How can I leave what I've worked so hard for?
Invested so much money,
it's not just my student finance,
Mum and Dad have invested so much money into me going to university.

How can I, pause this path
I've worked so hard for.
invested so much into,
mentally, emotionally,
with time, with money,
and go off and travel?

How can I do that?

These participants felt responsibility towards their families, who had had provided emotional and financial support, at a cost to themselves (for example, Chloe's parents had used money from their pension savings to send her to the UK).

Reflection on the participants' ways of beginning

The narratives echoed previous findings in English (Halpern, 1994; Hardee, 2014) and Australian (Skead *et al.*, 2020) studies about the range of motivations for studying law. A potential future career was part of the rationale for all my participants, however, its importance varied considerably in significance. What stood out as significant was the complex and ambiguous interplay between different motivations in the participants' choices, blurring epistemic motivations between seeing law as a future professional career and/or as a separate academic discipline which was suited to disciplinary interests and ways of thinking. To varying degrees all the participants were imagining a professional future as a potential outcome of studying law. External authorities were exerting influence over the decisions of most of the participants (with the exception of the mature students, Cara and Mia) through the perceptions of others of their perceived lawyerly attributes and a lens of approval from their families. It appeared that the predominant self-authorship stage was 'following external formulas' (Baxter Magolda, 2004:81).   The participants had yet to develop enough experience and understanding of law and the legal sector to form their own internally formed views. They were sense-making on the basis of external influences. This process involved the imagining of becoming a lawyer as what Markus and Nurius (1986) defined as a 'possible self', a type of psychological self-knowledge that:

pertains to how individuals think about their potential and about their future. Possible selves are the ideal selves that we would very much like to become. They are also the selves we could become, and the selves we are afraid of becoming (1986:954)

I suggest this form of self-knowledge is an aspect of the development of the intrapersonal self-authorship dimension (Baxter Magolda, 2004b). The 'Who am I' question incorporates the question 'Who could I be?'. Markus and Nurius identified that:

> The content of the working self-concept depends on what self-conceptions have been active just before, on what has been elicited or made dominant by the particular social environment, and on what has been more purposefully invoked by the individual in response to a given experience, event, or situation. (1986:957).

For the participants (with the exception of Mia and Cara) the purposeful invocation of a decision to study law occurred against a backdrop in which their social environments had offered limited opportunities to explore the realities of professional legal practice. None of them mentioned awareness of or interest in the types of careers predicted to grow within the legal sector (Susskind, 2017) or the shift towards skills such as project management or the ability to create solutions using technology, now growing in importance, particularly in the commercial legal sector (Ching *et al.*, 2018). The external authorities (family) influential on their decision making were themselves not experienced in the legal sector. The participants' narratives were more consistent with Onoyeyan and Bamgbose's findings in Nigeria, that law 'students rely on accidental career information and on chance to guide their career paths' (2019:134).

The narratives were also consistent with Cavenagh *et al.'s* (2000) findings that law students were less likely than medical students to be locked into a professional identity, because a law degree opens up possibilities beyond a professional legal career, offering alternative exit points on conclusion of the degree. Study of law can be seen as a choice for 'the uncommitted, as it preserves options' rather than requiring 'a decision to pursue particular employment goals' (Daicoff, 1997:1356). For some participants (Jon, Ed, Kit, Zoe) the initial choice was conditional. It 'could' take them

in a particular professional direction, or it could remain as a disciplinary subject choice, they were not yet fully committed. They were playing with possibilities and holding themselves open to the emergence of other future selves emerging during the course of the LLB. As discussed in Chapter One, Huxley-Binns (2016) proposes that navigating disciplinary liminality in law should be understood as a threshold concept (Meyer and Land, 2003), but it is possible to see the experience of becoming a student in itself as involving entry into a liminal space. Students entering higher education are likely to 'experience ontological shifts and identity transformations that may be akin to 'passing though a portal and opening up of a new and inaccessible ways of thinking about something' (Meyer and Land, 2005)' (Rutherford and Pickup, 2015:708) as they adjust to university. I suggest that for law students this process may be experienced as troublesome, due to their need to navigate towards or away from their early formation of legal professional aspiration. It may mean divesting themselves of a partially formed concept of a future self as a lawyer, before being able to re-imagine themselves in a different future role. If self-authorship is not established this becomes more difficult to do. Even where self-authorship has been achieved the narratives suggested that this is a process that takes time. There is a tension here with the pressures on law departments to evidence that their students are progressing quickly into professional roles or further study to meet KPIs (in particular the Graduate Outcomes Survey).

Developing ways of knowing during the LLB.

> We expect students to acquire knowledge, learn how to analyze it, and learn the process of judging what to believe for themselves - what development theorists call complex ways of knowing (Baxter Magolda, 2004:xvi)

In this section I draw on the dimensions of Baxter Magolda's (1992; 2004a;2004b) epistemological reflection and self-authorship models to explore the participants' perceptions of experiencing law as a discipline; their approach as learners; their relationships with lecturers and peers and the role of assessment.

Developing the cognitive dimensions of knowing

Bringing ways of knowing from other disciplines

A number of participants spoke of aligning ways of disciplinary knowing required for study of law with those they perceived themselves as gaining through other disciplines at school. There was a strong leaning towards English and social science subjects amongst all the participants' A level choices. Mia, Bea and Chloe were in the minority of having studied law. Bea explained:

> *It was almost like learning a new language.*
> *I liked the content,*
> *I liked the Latin,*
> *I liked all the different components,*
> *how everything linked together,*
> *it was kind of like math (laughs).*
>
> *I really enjoyed English literature,*
> *it was the analytical side of it,*
> *I like looking at stuff and analysing stuff,*
> *that kind of moved over into studying law.*

Chloe described the Malaysian education system as prizing science disciplines over humanities and teaching a formulaic, absolute (Baxter Magolda, 1992), approach to knowing. She had preferred the freedom of the interpretative approach she developed in English literature and had transferred it to law:

> *I come from a cookie cutter system.*
> *For my education system it was like*
> *This is what you say*
> *This is what you do*
> *This is the format*
> *De der de der de der.*
> *Follow the template and you'll do fine.*
>
> *But I came to English literature*
> *and it was completely blank.*
> *...*
> *In a way it's like...*
> *I don't know if I can understand it*
> *Let me think of a way to try to phrase it*
> *If I see a poem for the first time and I read it*
> *I can get the flow*
> *Then I can write.*
>
> *It's the same for law for me*

because if I can understand a principle
(for example negligence)
if I can understand a case

I can visualise what do you do first
De der de der de der,
You prove this and that
And this and that.

Then I can write.

Cara identified her move towards law as a mature student as a move away from ways of knowing she had previously developed through a degree in managerial economics, where she had identified knowledge as fixed, towards a more contextualised and flexible approach to knowledge in law 'because there is no right or wrong':

Assets plus liabilities
equals owner's equity.
That's always standing,
you know…

Business is business
macro-economics
micro-economics
you know...

Unemployment
goes down,
crime rate
goes up,
it stands.

Law is changing.

The participants explained using their understanding of ways of knowing in other disciplines as a way of approaching sense-making and articulation of their epistemic experiences of law as they approached it as a new discipline. They separated the process of knowing in subtle ways from the content of legal knowledge. They appeared to be aligning themselves as particular types of knower, in ways which had implications for how they then expected to approach knowing in the context of law.

Disciplinary understandings of law

The participants identified ways in which they saw domain specific (Hofer, 2010) differences in the ways of thinking they needed to approach different areas of law. For

example, contract law was referred to by a number of participants as requiring a specific structured approach to analysis which would lead to a 'right' answer. Kit used the metaphor of train tracks:

> *Do you know those old toys that children used to have?*
> *There'd be a wooden railway*
> *and you could change which way the tracks turn?*
> *It's kind of like that.*
>
> *There's a track along here and there maybe…*
> *It may change a lot,*
> *considering, depending,*
> *on which stage you get to point A,*
> *the client might have done this or this,*
> *that's just a turning point*
>
> *Once you get to that bit where do you go then?*
> *You've just got to change the signal points,*
> *That's essentially what it feels like.*

Other subjects were seen as more flexible, requiring skills of interpretation. For Jon:

> *Equity is very interpret…*
> *it's how you interpret things*
> *how you want to go about arguing it.*
>
> *Whereas with*
> *I don't know...*
> *criminal law*
> *or land law*
> *it's more strict.*
>
> *It's more*
> *'this is how the process works,*
> *if you've done this*
> *you're guilty of that'.*
> *There's less scope for argument.*

Bea saw contract in a similar way to Kit, but found more room for flexibility than Jon in criminal law:

> *With contract there was always an answer*
> *you could always come to an answer*
> *it's very mathematical in that sense.*
> *You know there was always an answer,*
> *you're just not necessarily going to get to it the same way.*
>
> *But with criminal it's kind of a grey area,*
> *it's not always going to be the same.*

Obviously there are laws that have to be followed,
but it's kind of,
I don't know,
murky.

Rachel: And does that bother you, or do you prefer that?

I kind of like the murkiness,
It's very human.

Unsurprisingly, in the context of the teaching pattern of the LLB programme experienced in this inquiry (see Appendix Eleven), the participants described the process of initial engagement with legal knowledge as occurring in the context of lectures. At this stage they described the law in declarative terms of 'knowing that' (Muis, Bendixen and Haerle, 2006:2010), seeing the knowledge to be acquired in this context as absolute ('the law is the law' Zoe). The participants did not , however, see lectures as communicating 'the law' as ultimately fixed in other contexts, rather they provided a grounding in 'the law', as required for success within the programme. The participants used listening as a way of knowing, identifying the nature and boundaries of the legal principles and concepts required for the specific module, an approach identified by Belenky *et al.,* (1997) as 'received knowing'. In their study they found this to be common as a dimension of women's knowing amongst those who may be 'more apt to think of authorities, not friends, as sources of truth'. Women relying on this form of knowing equated 'receiving, retaining and returning the words of authorities with learning' (1997:39). The participants identified this process of receiving knowledge as a first stage of knowing, which they recognised as necessary for initial knowledge acquisition. They expected to focus, at this first stage, on the law as 'a body of rules, 'ordering a corpus of knowledge' (Becher and Trowler, 2001:31) in line with a doctrinal or 'black letter' approach.

Beyond the lecture theatre the participants described working with both declarative knowledge 'knowing that' and procedural knowledge, 'knowing how' (Muis, Bendixen and Haerle, 2006:10), suggesting as a minimum transitional knowing, categorised as:

more complex in the uncertain areas, a situation that prompts students to believe that understanding takes precedence over acquiring and remembering information. (Baxter Magolda, 1992:48)

Knowing law involved working with a process, a way of approaching and manipulating legal concepts, which went beyond mastering content and basic application of legal rules. The participants recognised law as a knowledge domain containing a spectrum of different types of knowledge, requiring differing approaches to procedural knowing, 'In 'knowing how' the participants expected to demonstrate how legal rules and principles could be understood and applied in response in different situations (e.g. through use of problem questions based on constructed fact patterns, or researched essay questions). The participants suggested that they recognised the law as flexible. It was 'malleable', and 'weirdly creative' to work with (Zoe). It involved a process of 'flow' in its analysis and application (Chloe). Even Kit, arguably the most strategic of the participants in his approach to study, suggested that his learning involved a way of thinking, even if that was confined to a 'formula', he still had to 'apply to the situation...so it flows together'.

Several participants articulated an understanding of law as requiring ways of knowing which recognised legal knowledge as a mix of certain/uncertain. Although elements of the law could be seen as absolute, law as a body of knowledge was not seen as a static or fixed, 'law, it changes' (Cara); 'law isn't certain' (Bea).   Jon echoed Zoe's view of law (See Chapter Five) as creative when he explained how:

> *I ended up proof-reading my friend's coursework for this module*.*
> *She included all these statements*
> *that from a legal perspective didn't make sense?*
> *She said something about 'the global jurisdiction'.*
>
> *I said,*
> *'There's no such thing, that doesn't exist'.*
> *But she still ended up...*
> *she got 78 for that coursework?*
> *And she didn't change that sentence.*
>
> *I was like*
> *maybe I did the wrong degree?*
> *Because that seems really straightforward.*
> *You don't have to think about things as specialised*

you don't have to...

...you're a little bit more restricted,
but at the same time
I like that you have to be more creative about how you write things,
how you give yourself a bit more of an edge.

*the module was for a business and finance degree

Bea identified her process of building her thinking around the uncertainty of law:

I feel like law isn't certain.,
People always have something different to say about something,
they always have a different opinion.

I guess when you're reading a case note,
some judges agree that this is what it is.
But others will say
'No, that's not, not how it works.'

I guess that's kind of how the law works
at least as far as teaching goes.
So my...(sighs) trying to explain it, it's difficult...
I feel like the structure that they give here,
it gives you the basics and the principles.

Part of being at university,
you go away and come up with your own ideas.
As long as you support it,
when you're trying to come up with,
present those ideas,
I don't see anything wrong with it
as long as they're backed up.

Bea advocated independent thinking, but like Jon recognised this as arising out of a 'structure' of the 'basics and principles', which she needed to evidence to support her ideas, it was not a subjective process.

I would describe the participants' perceptions of this stage of knowing as reflecting a 'diluted' doctrinal (Cownie, 2004:56) view of law. Whilst primarily describing the application of legal rules and principles, the participants referred to contextualisation in the way that they were taught and understood how legal principles operated in social contexts. This suggested they were experiencing a blurring in the approach adopted by lecturers between strictly doctrinal approaches to the law and a more contextualised approach, addressing 'social, political [and]economic' issues (Cownie,

2004:55). For example, Zoe's reference to a lecturer bringing 'drag queens' into a lecture about equity. Context assisted understanding and enabled participants to make important connections between abstract legal knowledge and the living world in which it was applied.

Approaches to knowing - argument and critical thinking

Critical thinking and argument were two approaches to knowing that were explicitly raised by the narratives. The concept of legal reasoning was not explicitly mentioned by any participant, although it was implied by a number of participants in the way they described their thinking processes, for example in Chloe's analytical 'flow'. Ana identified the ability to use argument to consider different points of view as a relief, reflecting a way of thinking which she felt had previously been suppressed by rote learning approaches at school:

> *I didn't have to have one opinion*
> *and stick to that side of the argument and just argue that side*
> *I was allowed to suddenly think*
> *'Well there's this idea, but actually there's also this idea.'*
>
> *And I was able to write that,*
> *and I was able to explain that*
> *and it was...*
> *it fit my mental state of that was what I'd always done.*

Bea, who had identified independent learning as a key feature of university study from the outset, aligned critical thinking to the freedom to form her own views:

> *For me it's analysing,*
> *it's looking at things from both sides*
> *and finding another way to look at it.*
> *It's being to look at something and see*
> *numerous meanings*
> *and being able to link it*
> *and build upon it with your own ideas.*
> *I feel like that's really important.*
>
> *I like it,*
> *I like being able to use my brain,*
> *I like being independent*
> *I like being able to look at different things.*
> *I just like learning new things in general,*

Being able to look at a subject
look at a topic
have my way at it,
have a crack at it,
is really really good.

Her narrative suggested that, like Mia, she was moving towards a more complex way, of knowing, recognising law as 'uncertain' and developing evaluative reasoning skills to form her own contextualised views.

Across the narratives the importance of developing multiple perspectives through argument was raised; 'looking at things from both sides' (Bea); 'I didn't have to have one opinion' (Ana); 'acknowledging that other points...and other viewpoints are available' (Mia). As discussed in Chapter Three use of argument is recognised as requiring evaluative positioning, which aligns with development of contextual knowing (Kuhn, 1992). The nature of argument was largely described as rhetorical, not dialogic (Kuhn, 1992:157). The context for argument was generally identified in relation to independent work done for coursework assessments, not in the interpersonal learning environment of the classroom. The opportunity to explore argumentative discourse competence, a more sophisticated approach than the honing of argument skills alone (Kuhn *et al.*, 2013), was therefore not consistently being developed. Arguably this was because of a failure of classroom settings to generate genuine debate and discussion. The participants described learning settings which echoed Nussbaum and Bendixen's (2003) finding that students may avoid argument due to a discomforting sense of 'epistemic doubt'. This thread is picked up below in discussion about the interpersonal dimension of learning.

'Thinking like a lawyer'

It was nice and calm   **Ana**
I realised within a month of being here
that law is what I want,
it was a sense of peace.

Once I started studying law   **Bea**
I started to understand more.
I found it kind of calming,
I don't know how else to put it.

I was interested to see how the narratives reflected the wider findings in the legal education literature identified in Chapter Two of the negative impact of 'thinking like a lawyer' and studying law on law students' psychological wellbeing. None of the participants provided explicit evidence of a negative impact of learning how to 'think like a lawyer' in the doctrinal sense, as suggested by the US literature (e.g. Hess, 2002; Mertz, 2007). Zoe and Jon's identification of working with law as a creative process suggested that for them it could be a difficult, but pleasurable, way of thinking. For Mia, Bea and Ana (who all identified as having issues with their mental health) the cognitive process of learning to organise their thinking using legal principles and rules was a consciously positive and empowering experience. It appeared to provide these participants with a valuable way to take control and interpret structure in the world around them.

Knowing and showing – the role of assessment

> *In law school we deal with advice*   ***Chloe***
> *'Advise Henry, 25 marks'.*
> *In real life. It's like*
> *'Advise Henry'.*

Achievement in assessment was identified as a key marker of success by all the participants, often sitting at the heart of their approaches to knowing. Ed's strategic alignment of ways of cognitive knowing with assessment was echoed by other participants, both in terms of their own approaches and in their perceptions of approaches adopted by students around them. Chloe explained:

> *I think honestly, for the most part,*
> *for the last two years for my exams,*
> *I figure out what they want.*
> *I figure out my lecturer wants a discussion of 'this'*
> *they expect 'this'.*
>
> *You can pick it up in classes*
> *in revision classes,*
> *what they want.*
>
> *They want 'this and this'.*
> *So I just kind of give them what they want (laughs).*

Jon described his perception of students around him who took this approach to a level of 'box ticking' in their fear of getting their approach to assessment 'wrong':

> *I know that there are people who,*
> *the way that they approach a piece of coursework is so different to me.*
> *They get so consumed by it*
> *that they're not actually helping themselves in any way at all.*
>
> *They're probably doing more damage*
> *'cos they get so worried about*
> *'Have I got the right answer?*
> *Have I got the right answer?'*
>
> *Am I writing it in the right way so this lecturer likes it?*
> *If so and so marks it then I'll do really well.*
> *If this person marks it then I won't'*
> *Things like that.*
> *......*
> *It becomes less about them as a student,*
> *more about 'If I tick that box'.*
> *I hate box ticking.*

Jon's description of other students as 'box ticking' reflected a wider thread that focusing on strategic knowing for assessment was recognised as a constraint, holding students back from developing more sophisticated epistemic understanding through fear that they might not get good marks in an assessment. Kit expressed this view bluntly, making a specific distinction between 'education' and assessment suggesting his was a view shared by other students:

> *I think a lot of students don't see education as education,*
> *they just see it as going to pass an exam*
> *so don't give us stuff that we don't need to know,*
> *because we won't remember it.*

Lucas and Tan (2013) had found that their accounting students viewed assessment as being of central importance, but did not take a critical view of its forms. In contrast, the participants in my inquiry were ready to critique the perceived value of the different ways in which they were assessed. Except by Ed, exams were generally not favoured. They were experienced as a significant source of stress (Bea, Mia, Ana, Zoe), which lacked utility and authenticity (Gulikers, Bastiaens and Kirschner 2005) in terms of real world relevance. or as a useful preparation for professional practice.

They were not perceived as offering a meaningful opportunity to demonstrate the construction of the participants' learning; to 'show what I know' (Zoe). Instead, they were seen as hovering between requiring strategically applied absolute and transitional ways of knowing in the ways that they required demonstration of content knowledge, with contained opportunities for individual analysis/application to 'access the higher marks' (Ed).

Ana explained:

> *When I am working towards doing an exam*
> *my mentality is*
> *'Why am I doing this?'*
> *In reality*
> *I am never going to have to know these things off the top of my head.*
>
> *When I'm doing my coursework*
> *I am thinking*
> *'This is research based.*
> *I'm going to have a problem,*
> *I am going to have to know all around it.*
> *I'm going to have to be able to research and reference and find things'.*
> *In my mind I'm much more positive.*

Of all the participants Ana struggled the most to align her ways of knowing between her wider learning of law and the approach to knowing she saw as required in order to succeed in exams. For her this involved a laborious process of memorising and regurgitating, a fall back to absolute knowing (Baxter Magolda, 1992), whilst elsewhere she articulated much more sophisticated approaches, valuing argument and the ability to explore different perspectives.

Bea shared similar views about the limitations of what she perceived as the memory test required for exams, compared to the freedom to explore her own ideas that she found in coursework assessments.

> *It's difficult to take the broad approach to thinking*   *if we're doing assessment.*
>
> *If we're talking coursework*
> *yes, that's amazing*
> *perfect time to show everything*
> *that you've done*
> *learned*
> *genuinely believe about something.*

But with exams...
it's a lot more difficult to be able to do that
because they're expecting you to put a set of facts
towards the question that they've asked.
...
I don't think exams are the best way to judge someone's knowledge.
I feel like it's a test of how much you can remember
I don't agree with that.
If I was going into practice,
that's not how you're judged.

Interestingly Kit, whilst highly strategic, did not describe the process of learning the necessary 'stuff' for exams purely as memorisation, but instead identified a process of analysis and application, albeit using a formula:

I'd find a formula in every course,
in every topic and every question.
As long as I knew the formula
I could apply it to the situation.
...
So it flows together,
So it's all connected,
logically connected.

His narrative suggested that he was developing a form of legal reasoning he could adjust to apply across modules. However, this was limited in scope to meeting the perceived requirements of the specific assessments, narrowing his way of knowing to fit with this strategic goal. In this he echoed Ed's focus on developing analytical skills to access 'the higher marks'.

Chloe, explicitly strategic in her academic approach, identified the limitation of exams for her personal learning, identifying as more valuable an extra-curricular experience of mooting which allowed her to 'fail if I want to' taking risks in a way not possible in high stakes, academic assessments:

When I'm studying something in class
I tell myself subconsciously
'This is for an exam,
 I'll just do what I need to do.'
Whereas for the moot
I'm learning it for myself.

I think for me it's because, deep down,

for moot it's like
what happens if it goes wrong?
I have the room to fail.

I don't know
this is something I'm still discovering for myself.
I feel like, growing up
I never really had a chance to fail.

Maybe because of that I've always felt like
OK's it's an exam,
the pressure is that
I cannot fail

But I feel like actually
maybe I enjoy it more
because I tell myself if I fail
'So what, it's just a competition'
It's never been about winning.'

We do win,
we've won multiple times,
but it's not about that, it's more
I can fail if I want to.

Schommer-Aikins' (2002) finding that sophisticated learners will balance their epistemic beliefs, changing them in accordance with what is required by a specific context, came through most strongly in relation to assessment. It was evident that in this context the participants 'valorise[d] epistemic certainty' (Harrison and Luckett, 2019:264) and demonstrated 'epistemic dependency' (Bhatt and Mackenzie, 2019). However, the ways in which they did so manifested across a spectrum, which reflected different levels of, and motivations for knowing. These ranged from elements of absolute knowing (Ana and rote memorisation for exams), transitional knowing (Ed, Kit, Chloe, Cara) to contextual knowing (Mia, Bea). Kit was the most strategic in his approach, describing a reluctance to engage with learning beyond the 'stuff' he needed to know, suggesting he was focusing instrumentally on assimilation of 'packaged knowledge' (Bhatt and Mackenzie, 2019). It was notable that the participants who had decided upon a professional law career (Ed and Chloe in particular) were the most 'credential' driven (Thornton, 2012),deliberately strategic in aligning their ways of knowing what they perceived as being required to achieve high grades ('there is no right answer but there is a wrong answer' - Ed). However, these participants evidenced

more developed ways of knowing in other settings, e.g. Kit in describing his work as a paralegal, Chloe in relation to mooting, Ed through his experiences of pro bono projects. They appeared to deliberately constrain their approach to knowing in order to ensure assessment success.

The participants who demonstrated a more intrinsic interest in law as a discipline (Mia, Bea, Zoe), approached assessment differently. Whilst they were attentive to understanding of what was required to achieved good grades, they expected to develop their use of argument and to identify and evaluate evidence in support of their points of view, using assessment as a vehicle to challenge and extend their knowing. Ana sat uncomfortably between the two poles, focusing on memorisation and absolute knowing for exams, but identifying a more inquiring approach in relation to coursework, where she had more confidence. Assessment methods that rewarded demonstration of more sophisticated ways of knowing, including independent working, and the opportunity to research and write critically in relation to a legal problem or issue, were generally more favoured (Zoe, Ana, Mia, Bea and Jon) It was here, not in classroom settings, that the narratives suggested the participants engaged most consistently with rhetorical legal argument and critical reasoning (Kuhn, 1992). In this context the participants were more willing to accept a greater degree of challenge, provided they were confident in their understanding of the epistemic approach required by the assessment method and context. They expected to use their interaction with lecturers in order to work out what the epistemic requirements or 'target understanding' (Entwistle and Smith, 2002) required were in order to minimise risk. Whilst lecturers might not be seen as the primary authority in terms of legal knowledge itself, they were the authority on what knowledge and what approach to knowing was required for assessment success.

Capacity for Reflection

As discussed in Chapter Four, the inquiry was in itself an exercise in discursive self-reflection with the participants. Collectively they demonstrated significant capacity to reflect meaningfully on their experiences when offered this specific opportunity.

During the interviews however, their understanding of their capacity for reflection in the context of learning law was expressed along a spectrum. Chloe was at one end, for her reflection was confined to a process of obtaining feedback on assessment performances, relying on external authorities to tell her how to improve in future assessments:

> *I don't think I can really self-reflect as much myself.*
> *I need the help of my lecturers,*
> *That's when I know*
> *I should have done this, and I have done that.*
>
> *It's only after I meet the lecturers then I can reflect*
> *'Oh, sure, yeah. OK'.*

Rachel: So, it's a two-way street?

> *I don't think I can just sit down and reflect myself.*
> *I'm not,*
> *I don't have,*
> *I don't do that.*

Ed (as explored in his story in Chapter Five) also had a view of reflection as meaning obtaining feedback on assessment, but in addition he recognised how he reflected more widely on his development in life beyond assessment, for example in relation to his experiences of pro bono work, making connections between experiences. Zoe (as explored in her story in Chapter Five) was at the other end of the spectrum, seeing herself as 'innately reflective' in life and in relation to her studies, for her this was a positive capacity. Kit saw reflection as something he did beyond his studies, but articulated how he could find it difficult to move through a reflective process towards a resolution of next steps:

> *I'm definitely reflective,*
> *maybe overly reflective.*
> *I can spend too much time reflecting*
> *when I need to start changing and moving on.*
> *Yeah, I definitely reflect on a lot of the work I do.*
>
> *I think overall it's positive.*
> *I think it's a relatively unique feature in a young man,*
> *I don't think many young men, are reflective at all.*
> *They're just like 'Oh well you know…'.*
> *I feel like I fully address everything that happens.*
>
> *I acknowledge it and try and learn from it.*

But then I may go on so long that I won't be able to close the chapter.
And I will continue to reflect on something that's happened years ago.
It will still eat away at my mind.

I think it has overall positives,
but there's little things that are the side effects of it
that come back and bite me.

He was engaging with a process of sense-making, but struggling to achieve it.

Like Mia (see Chapter Five) Ana saw herself as developing reflective capacity in her studies that was extending outwards into her wider life experiences, enabling her to try new approaches:

I'm questioning my methods more
'OK, what about this is working for me,
let's query why it's working,
let's take what's not working for me and query why it's not working
let's take that away and substitute something else and just try it.
It doesn't matter if it doesn't work'.

Ana was developing an internal voice that could help her generate new approaches to tackling challenging situations and emotions.

What about me doesn't feel good.
Why am I feeling low about this whole thing?
Let's do that reflection thing into why I'm feeling…

The diversity of approach across the narratives suggested that development of reflective capacity was occurring as result of individual levels of recognition of its importance. A wider sense of the relevance and importance of reflection, and metacognitive awareness of the processes involved in learning and wider development, were not consistently expressed.

Knowing and relating to others - the interpersonal dimension

I think law has always been seen,   **Kit**
in my view,
and from my observation,
in other people's views
like a study on your own.

You go to the library on your own,
You go to lectures,
You need to learn information.

That's all you need to do.
Get it in there
so you can regurgitate it out.

The interpersonal influence between students, their peers and lecturers (instructors) is the dimension within Baxter Magolda's (1992) epistemological reflection framework where ways of knowing intersected most with ways of being, as it required students to engage in interaction with others as learners in social learning environments, modelling identities as learners.

The lecture hall as learning environment

Zoe and Ed's stories explored their experience of lectures as a lone activity. This approach was echoed by Kit (above), Chloe and Bea, all of whom identified that they deliberately chose to sit alone in lectures so they could focus on assimilating the content. They did not want or expect to interact with their peers in this setting. The narratives suggested limits to how far lecturers should go beyond 'the law' in this setting. Jon's view was that:

I much prefer lecturers who go off on little tangents
as long as they're not going too far,
and tell anecdotes and stuff,
because it helps you to remember,

Students who get het up in this stuff,
they often, from my experience,
don't like those lecturers who go off on tangents
They much prefer those who read from power-points
everything more rigid and structured,
as a learner they find that easier.

Beyond the lecture theatre there was significant variation in how the knowledge derived from lectures was assimilated into the wider learning schemes of the participants. Kit, describing his first-year approach, took his knowledge no further:

Never read.

Bought the text-books.
Never opened them.
Literally worked off lectures
that's all I did.

It actually worked.

> *I felt like I was learning.*
> *I got all the information.*
>
> *The key points.*

In contrast, for Bea lectures were, from the outset, a starting point for her own independent inquiry:

> *You learn stuff in lectures.*
> *But I found personally that I learnt more*
> *sitting in my room*
> *reading my text-book*
> *reading journal articles*
> *than I did sitting in a lecture theatre for two hours.*

In Chapter Two I noted the pejorative view of legal pedagogy based upon Freire's (1970) 'banking' model of passive knowledge transmission. What my participants showed me was the impact of experiencing a new discipline and the ways in which this had transformational potential for their ways of seeing the world (see discussion below). Choosing to sit alone in a lecture was for some participants a way of ensuring the ability to attend actively to the process of achieving internal understanding and sense-making of the conceptual knowledge being explored. What the participants valued during this stage of learning was the capacity of the lecturers to reveal, explain and contextualise that knowledge for them, not just to transmit 'stuff'. Seen in this way lecturers were potential gateways to, not guardians of knowledge. In the context of a discipline which was conceptually challenging, and for many students a new way of approaching knowledge, this was a stage of learning which was an important precursor to more explicitly active and complex forms of knowing.

Engaging with the lecturer

The role of lecturers was perceived as highly significant to developing knowing. Across the narratives it was possible to see lecturers being aligned to four, overlapping, roles: knowledge resource (Ed, Kit, Chloe); audience for assessment performance (Ed, Kit, Chloe); source of support (Mia, Bea) and as role model/inspiration (Mia, Bea, Zoe, Cara).

Ed liked to get on well with lecturers. However, (as shown in Chapter Five) he saw lecturers as knowledge banks, part of the paid for university service, accessible to students at a time to suit them. Kit echoed this view, suggesting:

> *No-one is bringing anything to me.*
> *<u>Maybe</u> the lecturer is,*
> *but I could see the lecturer in my spare time if I have questions.*

Jon narrated an incident which took the concept of access to the lecturer as source of knowledge one step further, confirming Kit's view of law students as competitive rather than collaborative:

> *This year with equity, there were loads of bits people didn't understand.*
> *At the end of lectures they would say*
> *'Does anyone have any questions?'*
> *No-one would put their hand up.*
>
> *I would always hang around,*
> *because people would instantly go and ask questions?*
> *I would just eavesdrop on those questions.*
>
> *One time the lecturer asked*
> *'Why did you not ask these questions two minutes ago*
> *when I said put your hand up?*
> *Everyone would have benefitted from these questions.'*
>
> *One of my friends said,*
> *'I didn't want to share the answer,*
> *my answer, with everyone'*
> *I looked at him in a new light.*
>
> *I would never do that.*
> *If I can I'd do anything to help everyone.*

It was notable that Jon was the only participant to specifically refer to learning from deliberately engaging with lecturers, but also seeking out the perspectives of other students:

> *There's a lot to be learnt from the lecturers*
> *but there's also a lot to be learnt from other students ...*
> *...international students...*
> *I love mature students.*
> *They've gone away*
> *had a career and come back.*
> *They take it a lot more seriously.*

It was possible to see alignment between the way participants perceived the role of lecturers in relation to knowing and the approach adopted towards assessment. Those who regarded lecturers as providing inspiration and support (Mia, Bea) were more comfortable with assessment as a way of challenging their knowing. They recognised that their relationship with lecturers helped them develop their ability to become more critical. Those participants who viewed lecturers as a resource (Kit, Ed) or an authority to be fed 'what they want' (Chloe) took a more strategic and restricted epistemic approach to assessment.

Learning with and from peers

The narrating of their experiences with peers in workshop settings, was the thread where the participants' narratives interwove most. The thickest thread was a perception of the reluctance of students around the participants to collaborate, or even to speak, in workshop settings. Ana related her experience in first year, starting with her initial, absolute, ways of knowing:

> *Very black and white at the beginning.*
> *That was my thinking*
> *it was 'OK. It's this, this, this'*
> *I wasn't really questioning*
>
> *I don't know if it was the environment I was in,*
> *the workshops and the people I was with?*
> *I didn't quite gel with them.*
> *I wasn't engaging in the same way that would have allowed my thinking*
> *to take on other forms of thinking,*
> *and other viewpoints.*
>
> *I was very much,*
> *' this is just what it is',*
> *because this is what I'd come up with.*
>
> *You need...*
> *I don't want to use combative,*
> *I don't know the word for it is,*
> *argumentative people*
> *that will go*
> *'Yeah, but why are you thinking that?'*
>
> *That can force, it can force you*
> *to perfect your argument*

> *have a better understanding,*
> *in terms of thinking,*
>
> *In first year I didn't have that.*
> *The people I was with were just so quiet.*
> *No one really talked,*
> *no one really gelled together.*
> *it was kind of stagnant.*

Jon picked up the thread in relation to his experience in second year:

> *The lecturer said*
> *'If you want to hone your debate skills,*
> *this is going to be more socio-legal,*
> *you don't have to stick just to law,*
> *you can bring in social issues'*
>
> *He was like*
> *'All your workshops are going to be debate based'*
> *I was like,*
> *'Yeah!',*
> *I was sold.*
>
> *Then they really weren't,*
> *because people wouldn't talk.*
> *.....*
> *I was like,*
> *I want to ask about this,*
> *see what other people think about this thing in the recommended reading*
> *and no-one had done it*
> *or people had done it and didn't want to talk about it,*
>
> *It would end up a few times,*
> *(a lot of the time)*
> *just me and the lecturer*
> *having a back and forth conversation*
> *with fifteen other people watching.*
>
> *A few times I felt really,*
> *really censored in the classroom.*
> *It got to a point where he gave me a look like*
> *'Can you let someone else speak?'*
> *But no-one else wanted to.*

Ana, Jon and Ed suggested they saw themselves as unrepresentative amongst the student cohort in wanting interaction with peers. They valued the process of conversation, exchange of opinions and debate as important in exploring different views and using other people's perspectives to inform and develop their own way of thinking and were frustrated by other students who did not want to engage. For Ana

interaction was important to move her thinking forward at all, without it her way of knowing was 'stagnant'. She aligned to Baxter Magolda's reasoning pattern of interpersonal, transitional knowing wanting to collect 'other's ideas, expect interaction with peers to hear their views and provide exposure to new ones' (1992:48). She referred several times to enjoying 'conversational' settings, for example in the module Dispute Resolution Skills. Ed (as shown in Chapter Five) reflected a more impersonal, transitional approach to knowing. He wanted to 'be forced to think' to exchange views with peers and instructors via debate, expecting 'to be challenged by instructors' and to 'resolve uncertainty by logic and research' (1992:48), developing the analytical reasoning needed to access 'the higher marks' in assessment. All three were thwarted and frustrated by the silence around them and Jon was left feeling 'censored' by both peers and lecturer.

Kit also suggested that the process reduced communication of ideas to providing the answer 'written down' to the lecturer:

> I'd prepare for the workshop,
> go in and they would be
> 'OK, so what is 'this'?'
> And no-one will say anything
>
> And because I've got it written down,
> I can't be bothered to wait any longer.
> I'll answer, and then
> it will just end up being a one to one with me and the lecturer.

Chloe saw things differently, for her workshops were 'fun':

> I enjoy workshops.
> I think with some subjects
> they have three students, four students
> in a workshop,
> because most of them don't attend workshops.
>
> It's so personalised.
> In a way I feel more relaxed,
> because then it's like a conversation with a lecturer.
> It's fun,
> I enjoy workshops.

Chloe's focus was on taking advantage of other students' lack of attendance and engagement to open up a more personal 'conversation' with the lecturer to access knowledge, not as an opportunity to learn from other students.

The participants suggested that there was a reluctance amongst students to speak/engage because they did not want to give 'the wrong answer' (Ed) in front of others. Focus on fear of a 'wrong' answer suggested that students were perceiving knowledge as absolute in this setting. The participants' themselves suggested a falling back on a focus on absolute knowing, through exchange of 'the answer' (Mia) between the lecturer and individual students who were willing to speak. Zoe's 'puzzle' metaphor further suggested a pre-constructed limiting on the nature of the knowledge to be explored through the workshop tasks, which also impacted on students' willingness to prepare, and then to speak. The implication being that the lecturer, as the recognised source of authority, would pick up the puzzle and complete it if the students did not.

Confidence

Lack of preparation was mentioned, but the main reason why students were reluctant to speak was identified by the participants as lack of confidence. Kit suggested:

> *I know a lot of people are afraid to engage*
> *because they say something to their seminar leader,*
> *and they say*
> *'OK, what do you think about this then?'*
> *So they go*
> *'I'm not going to say one word in case they ask for another ten'*
> *That kind of thing.*
> *No-one wants to be shamed in front of their class.*
>
> *Law's competitive as well.*
> *You don't want to be seen as the weak one,*
> *especially as you might be thinking*
> *'Oh, I'm going to be against him*
> *when we go for a training contract or the LPC.'*

Ed, Jon and Cara took a different view, they were not afraid to speak in front of others. In Jon and Cara's case they were happy to create the opportunity to access knowing for

themselves, but also for others.   To this end they were prepared to appear 'stupid' or 'dumb'.

Rachel to Jon: So you weren't frightened to make mistakes in front of other people?

I would rather make myself look stupid,
then at least we are all going to move in the right direction,
than sit there in silence,
and join the crowd.

Cara took this further and was prepared to ask other people's questions:

You know, students are free to ask questions.
They'll ask me, thinking that I won't mind
(which I don't,
I mean it's a question,
no question is a dumb question).
I think they're afraid to ask,
maybe embarrassed to ask a question?

I would ask the question.
I always say to students,
'You have the question,
someone else might have that same question.
don't be afraid to ask.'

I don't believe a question is a dumb question.
I'm all about education.

The narratives raised the issue of confidence as highly significant in its impact on the ways in which students were prepared to open themselves up to knowing by working with peers. The student behaviour described indicated characteristics of a fixed mind set (Dweck and Leggett, 1998) as discussed by Webley (2017), with students unprepared to risk being wrong in front of peers and lecturers. The suggestion was that this would indicate weakness and be experienced as 'embarrassing' (Kit). A feature of the participants themselves was their ability to 'push past' (Mia), look 'stupid' (Jon) or ask 'dumb' questions (Cara), overcoming concerns about being wrong in front of others, if they wanted to learn. As discussed in Chapter Three, Harrison and Luckett describe an increase in recent years in students who:

> valorise epistemic certainty and avoid the uncertainties associated with liminal learning spaces where they are both learner and knowledge creator (2019:264)

This shift has been associated with a move towards students viewing themselves as consumers, and expecting to take a more passive approach to learning (Bunce and Baird and Jones, 2017: Bunce and Bennett, 2021). This type of student is more likely to see learning situations as an opportunity to gather knowledge than to construct or challenge it.   The narratives did not explicitly suggest a consumer approach (other than that expressed by Ed), but implicitly the need for 'epistemic validity' did come through. The behaviour described in workshops suggested that beyond lectures the participants saw many students who continued to prefer receiving knowledge, using listening as a way of knowing (Belenky *et al.*, 1986) and relying heavily on lecturers as external authorities.

Building on the work of Belenky *et al.* (1986), Baxter Magolda had identified within her own inquiry a storyline of the importance of the 'ability to develop a distinctive voice', an ability 'stemming from defining learning as constructing meaning with others' (1992:xiv). As ways of knowing developed, so did the ability of her students to move away from echoing authority and create their own perspectives in conjunction with other learners (1992:123).   As shown above, the storyline in my own inquiry was rather different. The reported collective experience was that for their cohort learning with and from other students was not valued as a means of developing knowing, suggesting that students did not recognise peers as potential sources of knowledge. At times the impact of this stifled the voices of the participants.

'Who am I?: Intrapersonal development

When it came to articulating a wider impact of the law degree it became apparent that law had exerted a significant influence on their ways of seeing and being which extended beyond academic achievement and professional aspirations. I drew out three particular threads:

- the impact being seen as a law student by others (Mia, Zoe, Jon, Ana)
- transformation of ways of seeing/experiencing the world (Mia, Cara, Bea, Kit);
- transformation of an aspect of self (Ed, Jon, Cara)

Being seen as a law student by others

A sense of identity as a law student often appeared to be shaped by other people's perceptions of what it meant to study law. This impacted in both positive and negative ways on the participants. Jon had a positive experience. He was troubled by negative experiences he had experienced of being perceived by others as a young black man. For example, he described how older people had crossed the road to avoid him; how other students wanted to know him to have a 'cool, black, friend'; and how a student in a bar had become fearful that Jon would hit him when a drink was accidentally spilled. Jon then recounted a positive story of a conversation with a taxi driver:

> *Doing a law degree,*
> *everyone knows law is hard.*
> *People's eyes pop out when I say I do law.*
>
> *A taxi driver said to me recently*
> *'Do you feel powerful?'*
> *I was like 'Whoah!'*
> *He was like 'Knowledge is power'*
>
> *I was like 'Yeah, I know that'*
> *He was like 'You know the law, it's prestigious'*
> *It was really nice.*
>
> *He was like,*
> *'Do you feel powerful?? I want this for my children.'*
> *I was like,*
> *'Oh, this is great.'*

Jon's experience fed into his desire to act as a role model for other students as a student ambassador and mentor in a widening participation programme.

Ana had a more complex experience, valuing but also recognising the pressure a law student identity placed upon her:

> *Law is one of the hardest degrees.*
> *Every degree is hard, I know that,*
> *but there some that are just harder,*
> *medicine, veterinary science,*
> *the sciences a lot of the time*
> *… and law.*
>
> *You compare that to say*
> *… a media degree?*
> *I kinda go*

'I'm, I'm just different'

Rachel: And how do people respond to you when you say that you're studying law?

> *'Oh, that's so hard.*
> *I can't believe,*
> *you must be so smart.*
> *You must be really hard working.'*
> *......*
> *It's an ego thing.*
> *It really is self-righteous almost.*
> *It's like*
> *'Yeah, this is what I'm going to do,*
> *what I'm going to be'*
> *You have all of these grand plans,*
> *'This is where I'm going to be*
> *hopefully'*
>
> *Forgetting the fact that there's a process*
> *and you might not get there.*
> *You might go in a different direction*
> *because of what's available to you,*
>
> *They don't necessarily understand the process,*
> *they just see the glamour of it.*
> *It's one of the hardest degrees*
> *A big sense of my identity*
> *is what other people say about me as a law student.*

Ana's focus was on being perceived as 'smart'. In differing ways other participants picked up this strand, suggesting that how they were perceived by others was important. This could exert a negative impact, particularly in interactions with peers, where students appeared to experience pressure to maintain an external image conforming to the messages they received from external authorities about what it meant to be a law student.

Knowing and seeing

Cara's shift from a background in managerial economics had been profound in influencing her way of seeing the world:

> *The knowledge.*
> *Everything is law now.*
> *Everything is law.*
> *Before I never thought of law as in depth as I am now.*

You know,
I go down the road,
I see someone or something about the law.
You know,
I see someone driving over the speed limit... law.
You know,
I see someone drinking something in the store without paying for it...law.
You know,
before I would just look at it and say, 'Oh, okay'.
But now,
Everything is law.

For Bea the impact of studying law was helping her to develop empathetic awareness of the impact of law and its significance with understanding diversity in society:

When you're studying law
you have to have a greater sense of the world around you.
You have to understand
there are people that come
from different places,
different backgrounds.
You have to be able to be sympathetic towards them.

I feel like that's not something that everybody has to have.
I feel like there's always going to be this level of awareness
you have people coming from different places
there are different kinds of people in the world.
That is something that's universal
throughout all the topics.

Kit, who arguably approached the law in the most strategic and absolute way of all the participants, identified a new contextual understanding as an enhancement to his perspective of the world:

I think my approach is very different.
Seeing things
in an additional way I think.

It's not like I ignore the perspective I once had
or someone else has.
I just go,
'Well, how about this too.'

I think that's huge.
I mean that's definitely grown me as an adult.
I think if I'd carried on with the English,
I would have just been the same guy.

Knowing and being – personal transformation

Ed's story refers to the way in which he recognised he had changed to become more rational in his outlook, articulating a sense of gaining a critical grasp on the world which he applied in everyday situations. Jon also identified experiencing transformation in his ability to frame critical argument, drawing together academic legal thinking with his experience of professional work environments:

> *In some people's eyes*
> *you're always going to be right,*
> *you're always going to be closer to the right answer,*
> *you're going to be more aware*
> *of what the different arguments could be?*
>
> *I don't know how you learn,*
> *I don't know how I learnt it*
> *'cos you're not actually...*
> *Maybe through critical analysis?*
> *Where you think what could knock down that point?*
>
> *And there's a lawyer-like...*
> *I don't know, from doing legal workshops*
> *or work experience or whatever,*
> *they always say*
> *'You need to know what your opponent's going to argue*
> *then you can combat that*
> *as well as arguing what you want to'*

As well as seeing the world differently, Cara connected legal thinking with positive changes to her emotional intelligence. She narrated an incident with her nephew who had an exam to study for but wanted to go out and play basketball:

> *'Let's have a discussion.*
> *When is your exam?*
> *Have you studied today for your exam?'*
> *'No'*
> *'Have you studied yesterday?'*
> *'No',*
> *'You want to answer your own question then?' (laughs)*
> *...*
> *I'm not as aggressive as I once used to be.*
> *I take time to listen as opposed to…*
> *I would interject my thoughts…*

Rachel: So being involved in making arguments hasn't made you more aggressive?

> *It's made me less aggressive,*

because I find I get more from people when I listen.
You are able then to put forward constructive suggestions or answers,
as opposed to continuously talking,
talking,
talking.
.....
I think before I would just jump to conclusions.
Now I realise that's not safe to do.
You need to understand what people are saying to you first
before you actually respond.

These perspective shifts in both seeing and being were narrated as positive and significant. At its most developed, understanding of the context in which law operated offered a way of seeing through law, which the participants experienced as experientially powerful and transformational as their ways of knowing overlapped with ways of being.

Reflection on ways of knowing

The significance of strategic, transitional knowing

The narratives presented the participants' ways of knowing as contextualised in different settings , often consciously strategic and overall varied along a spectrum, reflecting the findings of Barber and King that the 'links between student learning, development, and contextual experience are intricate and vary widely across individual and contextual characteristics' (2014:558) It was possible to identify transitional knowing as the most frequent way of knowing described across the narratives. However, in line with the wider personal epistemology literature, the participants showed themselves to be epistemically adaptable in different disciplinary contexts, rather than wedded to a specific way of knowing (Shommer Aikins, 2002) The participants' response to the process of showing that they knew in assessment, was the strongest factor in determining the most complex level of knowing demonstrated. It appeared that the study of law at undergraduate level could support the development of complex, contextual knowing. However, it was possible to achieve 'credential' success (Thornton, 2012) in the form of high grades with a strategically adopted, transitional approach to knowing. The requirements of study and assessment experienced by the participants were demanding, but did not of

themselves appear to encourage or reward strategic and/or risk averse learners sufficiently to support them in pushing past a transitional approach. Where more complex levels of knowing were achieved they were motivated by the internal drive of the particular participants and their intrinsic interest in law as a discipline.

Absence of independent knowing

What was striking was the absence of Baxter Magolda's dimension of independent knowing. As discussed in Chapter Three, for independent knowers there is an acceptance of the existence of uncertainty:

> The basic assumption of uncertainty changes both the process and source of knowing substantially. Differences amongst authorities represent the variety of views possible in an uncertain world. (1992:137)

At the developmental stage of independent knowing knowers become comfortable with ambiguity and uncertainty. They will form and express their own opinions and expect others to do the same. However, the knower will not yet expect to evaluate opinion using contextualised evidence, all opinions can hold equal value. This approach to knowing aligns to Belenky *et al.'s* form of 'subjective' knowing in women and is important developmentally as it is the stage at which knowing shifts from reliance on external authorities towards the possibility of an inner authority. It represents a:

> major developmental transition ... that has repercussions in her relationships, self-concept and self-esteem, morality and behavior (1997:54)

Arguably, this way of knowing is antithetical to a doctrinal approach to law, the dominant approach for much of the LLB. Students are taught that legal arguments should draw on legal principles, statutory and case law sources 'using the same techniques of precedent and statutory interpretation that are used by judges in court' (Cownie, 2004:49). Other approaches to law, for example a socio-legal approach, which focuses on the role of law as a social institution rather than as a body of rules, also require a 'good grasp of the law' (Cownie, 2004:455) and use of supporting evidential sources. Whilst students may be encouraged to be critical (and the participants were well aware of this) they must usually do so within a clearly defined

and structured approach, (e.g. 'ILAC' - issue, law, application, conclusion). There is less obvious scope for exploring untethered, independent ways of knowing.

Several participants referred to forms of independent thinking. Zoe captures this in her description of working with the 'strictness' but also the 'malleable' nature of law (echoing Weresh's (2014) focus on malleability of law as a threshold concept). There is freedom to development argument 'outside of the boxes' which are 'rigid', but the 'boxes' must form part of the argument. Bea described being able to look at a topic and 'have my way at it', but this was expressed as occurring through her use of a critically argued and contextually evidenced approach. The narratives suggested however, that the participants emerging as more complex knowers were moving from Baxter Magolda's dimension of transitional knowing to contextual knowing, a significant leap in epistemic sophistication. For Mia and Bea, who evidenced the most developed ways of knowing, this was supported by a gradual and self-reflective process of development, slowly building confidence with support from lecturers.

Beyond the classroom the participants described informal learning environments in which they were prepared to take a more independent and constructivist approach. For Chloe, highly strategic in class and assessments because 'I cannot fail', this came from her experience of mooting competitions and her perception that in that context it was acceptable to fail. For Chloe mooting was about 'learning it for myself', which was more meaningful to her than learning for an exam where 'I'll just do what I need to do'. For Ed and Jon this came from pro bono experiences and for Kit in the context of a para-legal role. Here the participants were able to focus on internal self-development as a process rather than on achieving external measurable outcomes.

Independent knowing has an important part to play in supporting development of the ability for individuals to self-author effectively, reflecting a shift between reliance on knowledge received from external authorities, to the ability to construct knowledge internally using an inner voice (Belenky et al,. 1986; Baxter Magolda, 1992; 2004b). Contextual knowing is underpinned by the ability to balance the internal construction of knowledge using contextualised forms of evidence which are evaluated and

selected. Knowing at this level requires self-awareness and also confidence drawn from a secure grasp of the forms of knowledge and the ability to work with them effectively. Independent knowing aligns with Huxley-Binns' concept of a threshold concept (Meyer and Land, 2003) for law students being their ability to exist 'in the liminal space between legal knowledge and know-how' (2016:5) rather than being situated in development of intellectual understanding of a particular body of knowledge. To achieve this students need the confidence to pull away from external authorities and find their own internal voices. Perry (1970), Belenky *et al.* (1986) and Baxter Magolda (1992) had identified versions of independent knowing in students undertaking a US liberal arts degree. Perry (1970) (who called this stage 'multiplicity') suggested it was connected to the process and impact of a liberal education, involving exposure to cultural pluralism and to diversity of opinion. These are not elements that appeared to arise naturally in the context of the doctrinally focused (even if in diluted, contextualised, form) LLB undertaken in this inquiry.

Knowing and the capacity for becoming

> We expect students to develop an internal sense of identity - an understanding of how they view themselves and what they value...We expect them to integrate these ways of knowing, being and interacting with others into the capacity for self-authorship - the capacity to internally define their own beliefs, identity and relationships. This self-authorship, this internal capacity, is the necessary foundation for mutual, collaborative participation with others in adult life. (Baxter Magolda, 2004:xvi).

When I met with the participants for the second time they were at a point of transition. The importance of the capacity for self-authorship was coming to the fore as they were confronting the need to take independent decisions about their next professional or educational steps. To transition successfully they needed clarity around the 'Who am I?' question, in order to address the 'Where do I fit?' question in choosing a path and facing the potentially tough realities involved in achieving their aspiration, particularly if they were looking towards the highly competitive legal sector. It was notable that no participants had definite arrangements in place for what would follow the LLB (or the LPC for Ana and BPTC for Cara). The narratives split into identification of three potential future directions:

- Professional legal practice (Ed, Ana, Chloe)
- Working with/studying law but not in context of legal practice (Mia, Bea, Cara)
- Uncertain of direction, considering options beyond law (Zoe, Jon, Kit)

These directions did not, however, neatly align with my interpretation of the participants' development of the dimensions of self-authorship (Baxter Magolda, 2004b) (See table of analysis at Appendix Thirteen).

Planning for professional practice

As explored in Chapter Five, Ed presented himself as a deliberately strategic learner. However, He approached the task of establishing a professional future in a more independent way. He had invested considerable time on his intrapersonal development, critically exploring the legal sector during his LLB to work out what career options were available and what he wanted to pursue. Chloe and Ana, who also wished to progress to professional practice, were less independent in this regard. They had not invested significant time during the LLB to wider exploration beyond the academic sphere. Whilst they remained fundamentally committed to a career in professional law they were now experiencing varying levels of uncertainty and anxiety in facing the realities of their decision. Chloe, having determined before beginning the LLB that she wanted to become a criminal advocate, was now applying for the BPTC and pupillages with barristers' chambers. Her inner values, which had led her towards a potential career at the criminal bar where she could help people, had not changed. However, she was finding it difficult to take the independent steps required to make her choice into a reality. She had relied on external authorities and forms of transitional knowing throughout her studies. She now expressed concern that the competitive nature of the process of becoming a barrister had not been impressed upon her more by her lecturers:

> *The realities of pupillages,*
> *that should be highlighted more,*
> *because …it's,*

> *it's really tough.*
>
> *It took me going through the process, to really realise that.*
> *that's why I'm still feeling like 'wow,'*
> *It's a huge blow to my confidence*
> *.....*
> *I don't know*
> *what's the point of a law degree?*
> *Sometimes I wonder what am I doing?*
>
>
> *Should I just,*
> *should I do a business degree?*
>
> *It's too late to quit.*

Ana, having 'stubbornly' held on to the dream of becoming a solicitor since the age of eleven, was experiencing tension in relation to a new-found desire to explore new opportunities beyond the law:

> *It's reconciling this desire to see culture*
> *to be culturally educated around the world.*
>
> *To want to see more than my little corner,*
> *my little office*
> *that I'll be in for the rest of my life … (sigh)…*
>
> *It's a difficult thing to do*
> *I don't know what I'm going to do.*

Like Zoe (as shown in Chapter Five) Ana's inner priorities and values were shifting. She was having to reconcile the influence of family but also of her own younger self in determining if she still wanted to pursue her original goal of becoming a solicitor. She wanted to travel (during the LLB she had spent a summer in Africa with a charity and a second summer travelling alone in Italy). However, she had 'a big guilt complex' about how this might be received by her parents, who had supported her through university. She was pulling away from external authorities towards her own emerging inner voice, but finding it emotionally difficult to reconcile.

Law beyond professional practice

Mia, Cara and Bea all wanted to work or study in the field of law, but not necessarily to practise professionally. They appeared to have achieved the most highly developed

stages of self-authorship amongst the participants. Their capacity to determine their professional futures had been enhanced by their experience of studying law academically. Their internal values aligned with their potential future aims. Mia's plans to apply to government agencies (as shown in Chapter Five) were an extension of her long-standing commitment to law as a discipline leading to a career, and were supported by her desire to be a role model for her young son. Bea and Cara were considering exploring their love of law through study for a PhD. Having determined early in first year that professional practice was not for her Bea saw the potential for helping people through planned future legal research in the field of criminal justice, the subject she had enjoyed most during her LLB:

> *I like being able to help people.*
>
> *I feel like the law is the best subject for me to be able to do that.*
> *No matter what area of law I go into,*
> *I know that at the end of the day*
>
> *I'm always doing something that is going to benefit people.*
>
> *Either now directly,*
> *or in the future*
> *with the area that I am interested in,*
>
> *I know that my research could help people.*

As with Mia, her plan aligned with her internal sense of values and a well developed epistemic approach to law as a discipline. Cara, whose experience of learning law had proved transformational on her way of seeing the world, also had a strong internal sense of her own values. In addition, she had an established position as an educational role model within her extended family. She was not reliant on external authorities, she had become the voice of authority, guiding others. The possibility of further study for a PhD had practical implications, her chosen area of financial crime was sought after in her home country, offering career opportunities. However, it was also an option driven by her desire to be 'happy' in her professional life, making choices to suit herself after years of being a mother and financial support within her family. Mia, Bea and Cara had a clear answer to the 'who am I? Where do I fit?' questions at this stage of transition.

Uncertain over future direction

Zoe, Kit and Jon did not yet have a decided plan. Kit echoed Zoe's identification of the challenge of finding balance in the need to achieve a a good degree award, but also to work out and plan for the future.   He was struggling to manage advice from a range of external authorities that were pulling him in different directions:

> *Balance is definitely the hardest thing for third year.*
> *You've got to balance.*
> *Obviously the degree,*
> *which is meant to be our priority.*
>
> *Extra-curricular,*
> *which everyone tells you should be our priority too.*
>
> *Graduate schemes*
> *or whatever you're going to do afterwards,*
> *whichever ones…*
>
> *All the specialists in those areas always say,*
> *'This is what you need to prioritise'*
>
> *So how do I balance?*
> *if you're the best in your field and you're saying*
> *'This is what you need to do'*
> *that's three different things.*
>
> *I think that's definitely the hardest.*

For Kit and Zoe the challenge of balance came through as the most stressful and challenging aspect of the final year, a thread that was echoed across the narratives of other participants, including those who knew what they wanted to do (Mia, Bea). For Kit and Zoe the demands of academic study for the LLB were now in conflict with the need to make decisions about the future.   They had both undertaken para-legal roles at a commercial firm during the LLB, had enjoyed the experience, but were now questioning whether legal practice was what they wanted to pursue.   Study of the LLB had led them to develop a potential interest in further academic study. However, the demands of the LLB were distracting from their capacity to focus on their intrapersonal and interpersonal dimensions of development, making it more difficult

for them to take decisions. They were still tackling the 'Who am I?' question and could not yet decide 'Where do I fit?'.

Jon had also not formed a plan. At the time of his second interview he was working as a summer researcher in the UNI law department and was considering the option of further study in a new disciplinary area, possibly anthropology or race studies. Having attended university straight after A levels, he was comfortable with the idea of taking time to work in an interim role, whilst deciding what he wanted to do. He had used his time during the LLB to work on his intrapersonal development, establishing a strong internal sense of his values (in particular around race and equality issues) and exploring potential professional settings. Work experience with a city law firm had shown him that he did not want to work in a commercial law environment.   Whilst his future professional direction remained uncertain, he was developing towards self-authorship and comfortable with the 'Who am I?' question. He still needed an answer to the question 'Where do I fit?' but could see viable options ahead of him.

Reflections on the participants' capacity for becoming

Influences on self-authorship from beyond the LLB

For some participants the dimension of cognitive development was supported by greater development in the other dimensions of self-authorship, which arose from experiences beyond the LLB.   Pizzolato (2003, 2005) suggests that students who are subject to experiences of dissonance may engage in internal reflection which then acts as a mechanism for a change in self-authorship development at a younger age. Experiences such as discrimination (Torres and Hernandez, 2007; Torres, 2010) can trigger such a reflective mechanism. This appeared to be the case for some participants. Jon and Zoe's need to cope with experiences of racism had led them to reflect and develop their internal values before arriving at university. Ed, in a wheelchair for two years during school, had navigated how to manage his experience of being physically disabled. Bea had adjusted to a major cultural and educational change moving from the US to the UK in her GCSE year. Mia and Cara had become mothers. In the intrapersonal domain these participants demonstrated a higher level

of self-awareness and ability to critically evaluate social settings (for example Ed and Jon's critique of a lack of diversity in the recruitment processes of commercial law firms). These experiences did not however, translate uniformly into a higher level of development in the cognitive dimension of knowing. Whilst Mia and Bea did demonstrate development of complex knowing, Ed, as previously discussed, deliberately adopted a strategically limited approach to knowing in order to ensure higher academic grades. Zoe, whose internal voice was undergoing a significant shift towards the end of her degree, struggled with finding time to reflect and process external and internal tensions in order to identify what she now wanted to do professionally.

Congruence, dissonance and the participants' capacity to determine their future professional trajectories

The process of navigating the dimensions of self-authorship impacted upon the participants throughout the LLB as they aligned themselves initially to what it meant to be a law student and then gradually towards what they wanted to do after graduation. The extent to which the self-authorship dimensions were congruent or dissonant affected how challenging the participants were finding the process of preparing for transition from the LLB. The narratives suggested that the participants' development across the self-authorship dimensions were asynchronous (Pizzolato *et al.*, 2016). Where the dimensions existed in tension with one another, there was dissonance and the potential for stress. The exacting demands of the LLB meant that the cognitive dimension was taking a dominant role for the participants because of the amount of time and mental energy that had to be dedicated to study and assessment (Mia described third year as landing on her like 'a ton of bricks'). This had a potentially negative impact on the participants' capacity to explore their intrapersonal and interpersonal development in a way that would support their capacity to make decisions about the future.

The participants whose ways of knowing (Mia and Bea) were most complex were also the most aligned in development across the dimensions of self-authorship. Their more sophisticated ways of cognitive knowing were congruent with their intrinsic

engagement with law as a discipline, supporting their capacity to determine their choices for the future. Ed, by taking a strategic approach to study and assessment, had freed up capacity to pursue his intrapersonal and interpersonal development during the LLB. Chloe had also been strategic, but had only woken up to the need to take independent action towards the end of the third year.

Zoe and Kit were experiencing significant dissonance between focus on cognitive ways of knowing to achieve academic success and finding time for intrapersonal and interpersonal development. Whilst both had previous experience of making important decisions for themselves, including their initial decision to study law, their internal voices were changing direction and signalling the potential desire for a move away from a career in law. Zoe's 'blinkers' metaphor clearly expressed her experience of being at the self-authorship crossroads (Baxter Magolda, 2004b), managing internal tension and conflict she struggled to reflect on and resolve the questions raised by her inner voice with the power of external influences. Zoe and Kit were both trying to adjust and refine a sense of their personal values, working out an answer to the 'Who am I?' and "Where do I fit?' questions at the same time. To a lesser extent this was also the case for Ana, questioning whether her long held aspiration to become a solicitor was what she now wanted as her self-perception shifted and a new inner voice was emerging.

Chapter Seven: Pulling the threads together, conclusions, recommendations and reflective evaluation.

In this final chapter my perspective shifts from that of the student participants to that of law lecturer as I address my second research question:

> **Impact on professional practice:** What implications do students' experiences of ways of beginning, knowing and being, as understood through this inquiry, have for the pedagogic design and delivery of the LLB?

I set out conclusions, drawn from the presentation and analysis of the participants' narratives in Chapters Five and Six. I make recommendations for practice and comment on its influence on my own practice. I evaluate the methodological and theoretical approaches used for the inquiry and comment on my claim of an original contribution to knowledge. I conclude with a reflection on my own learning, gained through experience of the doctoral process.

Conclusions

> *Law is society.*
> *You can't run from it.*
> *No matter which jurisdiction you're going to,*
> *you can't run from it.*
>
> *It's a*
> *whole*
> *new*
> *different*
> *world.*　　　　　　**Cara**

The narratives shared by the participants provided a rich and complex picture of the experience of learning law. Their expressions of the transformational impact on their ways of seeing, and interpreting the world around them, were an important and moving reminder of the reach of education, and its role in enabling students to 'engage with, and thus come into the world' (Biesta, 2016:5). It was notable that the most powerful evocations of the impact of studying law were also arguably the least

tangible or susceptible to easy capture and measurement by the types of performance indicators now prevalent in higher education.

Ways of beginning: What are the motivations that led students to study an LLB?

The participants expressed their motivations for studying an LLB as multiple, complex and overlapping. The pull between the attraction of law, purely as an academic discipline for study, or as a first step towards professional practice, was present for all participants, but varied in strength. Their perceptions of what it meant to be a lawyer, sometimes formed in childhood, from those around them or from limited access to experiences of the legal sector were limited. All participants had some sense of a future possible lawyer self (Markus and Nurius, 1986) but their commitment to this was not necessarily firm (Cavenagh *et al.*, 2000). External authorities, particularly family, exerted influence over the participants, but not from an informed perspective. A number of the participants had started the LLB with a passion for the idea of law but with a gap (Yau *et al.*, 2020) in their understanding of what law and lawyering could actually entail amongst the realities of a rapidly changing legal sector.

Liminality and the challenge of identifying a possible future

An experience of 'liminality' is recognised as common to students entering higher education (Rutherford and Pickup, 2015). The narratives suggested that the participants experienced liminality in a different way to students entering higher education to study pure academic subjects, or fully vocational subjects such as medicine (Cavenagh *et al.*,2000). Law was attractive because, at the point of choice to study, it held open a possible professional future (Markus and Nurius, 1986), but also offered an interesting, academic degree with perceived, transferable, value for other career paths. Students could therefore enter the LLB in neither a state of full openness to possibilities for the future, nor fully committed to a professional future in law. This experience of liminality could create challenges as the participants navigated the academic demands of the LLB, whilst having to determine whether they were going to commit to professional law, or pull away and navigate another path. This process

could involve the need to let go of a nascent sense of identity as a lawyer and establish a new direction which would require considerable time and energy to navigate. The road to 'making their own way' (Baxter Magolda, 2004b) was a complex one which involved significant developmental work.

Ways of knowing: What are the epistemic understandings, assumptions and beliefs, which develop through students' experiences of studying an LLB programme?

The narrative interviews drew out rich reflections on the ways in which the participants conceptualised law as a discipline and their own navigation of ways of knowing in relation to law. How far the participants extended towards more complex ways of knowing in their academic studies depended on how confident they were in managing the balance between locating law as a 'strict' body of rules and principles, and identification of the spaces in which law could be approached as 'malleable' (Zoe), open to creativity which the participants were confident to bring to their studies.

For some participants study of the LLB had supported development of complex, contextual, ways of cognitive knowing (Baxter Magolda, 1992). However, this was not consistent. The desire for assessment success could act as a developmental curb, as it was possible to achieve good grades with a strategically adopted, transitional, approach to knowing, remaining dependent on the external authority of lecturers to guide what needed to be done. The perceived reluctance of law students to engage in shared learning experiences, coupled with an apparent failure of the cohort to value peers as sources of knowledge within a learning community was problematic. The absence of opportunities to explore independent knowing, as a stepping-stone towards contextualised knowing, was also a barrier to development.

The impact of a continuing reliance on external authorities for guidance on how knowledge should be viewed could limit the opportunity for students to take independent steps to shift their perspectives and to 'construct or make meaning' through development 'as a function of one's interaction with the social world' (Muis *et al.*, 2006:30). Bringing students together in smaller groups and asking them to engage

in shared learning activities in workshops was not, in itself, effective in creating environments where they had the motivation and confidence to interact. There was a perception of a general reluctance amongst the law student cohort to get things 'wrong' in front of others, indicative of a 'fixed' mindset (Dweck, 1998; Webley, 2017). The narratives implicitly suggested that this may be impacting on the activities that were taking place in workshop settings, as students expected there to be a 'right' answer, suggesting an absolute approach to knowing. Adoption of an identity as a 'smart' law student also appeared to hinder the willingness of some students to engage with peers and risk losing face.

Assessment played a central role in determining the extent to which participants developed more complex ways of knowing.   The narratives suggested that students amongst the wider cohort were reluctant to engage with situations which involved recognition of 'epistemic doubt' and motivation to towards the 'epistemic volition' identified by Bendixen and Rule (2004) in their IPEM model as necessary to trigger a shift to more sophisticated ways of knowing.   A focus on strategically meeting assessment requirements, where success was perceived as achievable through adoption of a transitional approach to knowing, could suppress motivation. This could be the case even where a participant's ways of knowing or self-authorship dimensions were more developed in other settings.

Ways of becoming: What impact does the experience of studying law have upon the capacity of students to determine their future professional trajectories as they approach graduation?

LLB study, in itself, did not contribute to intrapersonal or interpersonal development for most of the participants. It was more often the opposite, participants who were already more developed in the wider self-authorship dimensions, of intrapersonal and interpersonal development (Baxter Magolda, 2004b), drew on their inner resources (Pizzolato, 2005) to manage the demands of the LLB.   The time requirement and pressure of academic study could hinder opportunity for development of self-authorship, and become a cause of psychological stress. This was particularly the case where participants were pulling back from the possibility of professional legal practice

and needed to establish new routes for their future. A number of participants still needed to better address the 'Who am I?' question before they were ready to consider 'Where do I fit?'.

Development does not occur in a vacuum:

> [P]ersonal epistemology is complex and socially constructed; that is individuals actively construct or make meaning of their experiences, and development occurs as a function of one's interactions with the social world (Muis *et al.*, 2006:30)

Whilst some participants had been adept at exploring experiences and professional opportunities beyond the curriculum, this was not consistent. The information gap (Yau *et al.,* 2020) in relation to the legal sector, which existed when the participants began the LLB, continued for some, as they chose to focus on academic success. For other participants access to experiences of the legal sector had raised difficult questions about their commitment to a future career as a lawyer, which they needed the capacity to process before making decisions.

The participants who evidenced more complex ways of knowing and self-authorship also demonstrated more effective reflective capacities, which were helping to support their transition from the LLB, even where they had not yet formed a clear plan.   It was notable that none of the participants had secured employment before graduation, including those for whom self-authorship was more developed.   Where self-authorship was not yet established, the ability of participants to make decisions about their professional futures was inhibited. They were more likely to be at the 'crossroads' (Baxter Magolda, 2004b), experiencing difficulty in managing their transition.

Drawing the threads together - the need for a holistic approach to knowing and being in the LLB

> If education in general and legal education in particular is to meet the needs and demands of contemporary society and serve the career aspirations of those concerned then knowledge, skills and values, together, are needed to form a holistic framework for learning (Grimes, 2020:93)

I began with reference to Barnett's call for a focus on '*being*', for it is being that is fundamentally challenged in and by a world of supercomplexity' (Barnett, 2009:439). What I drew from the participants' narratives was the need to take a more holistic approach to design and delivery of the LLB to support better development of students across the cognitive, intrapersonal and interpersonal dimensions (Baxter Magolda, 1992, 2004b). This is becoming more important as students face the realities of a highly competitive, fragmented and rapidly changing legal sector (Sanders, 2015; Susskind, 2017), or the alternative challenge of navigating entry into another professional sector in increasingly difficult economic conditions. Acquisition of academic knowledge and vocational skills alone will not equip our students for the world, without cultivation of a sense of internal purpose and external sense of where and what they want to be in that world.

Recommendations

In this inquiry I have used Baxter Magolda's epistemological reflection model (1992, 2004a), and her dimensions of self-authorship (2004b) as a guiding framework to explore the learning experiences of my participants on an LLB programme. I now see potential in using her theoretical approaches to support conceptualisation of design principles to enhance delivery of the LLB.

My general recommendations have a common theme in supporting a more explicit focus on supporting student development of ways of knowing and being through:

o **Adoption of a more holistic approach to curriculum design which can support development of complex ways of knowing and the dimensions of self-authorship**:   By supporting development of all three dimensions students could be better supported in developing complex ways of cognitive knowing. They could also be better prepared to meet the challenges of transitioning from the LLB into professional life with a clearer idea of who they want to be and where they want to go.

- **Cultivation of clearer metacognitive, epistemic, awareness amongst lecturers and students:**

This might be achieved through a number of measures such as:

Encouraging students to recognise differences between disciplinary approaches to legal study, as well as different legal subjects, and to make epistemic connections between different approaches.

For example exploring with students how:

- socio-legal approaches (including jurisprudence and legal theory) can provide ways for students to explore an interdisciplinary and '*external* perspective on law' confronting them with 'different types of questions and hence, different answers about how to look at law and how to understand law' (Guth and Ashford, 2014; De Vries, 2020:48).

- experiential pedagogy, in particular clinical legal education, can offer developmental potential beyond acquisition of professional legal skills through the opportunities it offers to engage with issues of legal ethics; exploration of different models of lawyering (Evans, 2014); space to consider professional identity formation (Field, Duffy and Huggins, 2014) and the chance to work in Schön's (1983) 'swamp' of unstructured problems arising in professional practice.

- use of simulation (for example in the context of mediation, negotiation or mooting), can reflect real world settings and create opportunities for students to act with 'spontaneity' (Grimes, 2014:1), and take risks in a safe setting.

- interdisciplinary opportunities, for example in the context of criminology or technology, can open up new disciplinary approaches to seeing and knowing.

Creating spaces to encourage development of independent knowing.

Opportunities for enhancement of independent knowing should be designed into the curriculum at different levels, encouraging students to

evolve a more confident inner voice. This will involve inclusion of learning activities where conceptual understanding of law and the possible existence of a 'right' answer cannot be seen as the end-game by students.

Creating opportunity for 'provocative moments'

Exposing students to learning situations which can provide 'provocative' moments (Pizzolato, 2005), or engender 'epistemic doubt' (Bendixen and Rule, 2004) as triggers for change, in conjunction with opportunity to explore 'resolution strategies' through individual reflection and social interaction, promoting a shift in epistemic beliefs.

- **The Role of Lecturers**: Lecturers should be encouraged to share with students and model how they conceptualise (and where they struggle with) their own ways of knowing law, through their research or professional practice and their teaching and how they embody ways of being through their own development of professional identities (Wood, 2022).

- **Assessment design should explicitly support development of more complex ways of knowing:** As a key driver in determining the approach to ways of knowing cultivated by students, assessment needs to reward more complex ways of knowing. Assessment methods should be recognised as learning opportunities, minimising the 'show and tell' element of the assessment regime described by the participants which focused them back into seeing the process of assessment as one of pleasing external authorities (lecturers).

Use of 'authentic' (Gulikers, Bastiaens and Kirschner, 2004) assessments which can encourage more indvidualised approaches in realistic settings should be considered. Other potential fruitful ground, which I already explore in my own teaching, is production of creative work by students as a vehicle to communicate their views on and experiences of learning about legal issues.

The legal education literature contains interesting exemplars, see for example De Vries, 2020; Flint, 2021. (See Appendix Fourteen for an example of the creative assessment I use in the *Lawyering in Practice* clinic module.)

Programmatic design of assessment, utilising a range of assessment methods across levels which build complexity cohesively and developmentally, could help to achieve this aim, although this is approach is unlikely to be realistic, however, without opportunity for wholesale programme re-design.

o **Creation of opportunities for students to explore how to reflect critically on their academic learning, but also on their intrapersonal and interpersonal development:** Students should be supported to explore their relationship with law as a discipline on an ongoing basis, reflecting upon how it fits with their wider experiences beyond the curriculum which will inform their thinking about possible professional direction. Whilst this process will support students in deciding upon a future career it should not be confused with the acquisition of 'employability' or 'enterprise' skills perceived as required by employers (although these may be a by-product). It should be seen as a necessary enabler for the development of 'being' not 'performativity', helping students to answer the intrapersonal 'Who am I?' question, as a precursor to taking focused action towards the achievement of professional goals. Supporting students to develop reflective capacity should be addressed as a programmatic aim, not left to individual approaches within modules, in order to ensure consistency and to support a metacognitive approach. This recommendation links to the final one below.

o **Explicit consideration of how the LLB integrates opportunities to develop self-reflexivity through engagement with the world beyond the academic sphere.** Curriculum design needs to integrate opportunities for interaction with the social world, both within and beyond the university with the purpose of answering the 'Who am I?' and 'Where do I fit?' questions as a precursor to 'What knowledge and skills do I need to develop in order to

achieve my aspiration?'. A facet of this is to provide students with opportunity to take a more critically informed view of the legal sector, and more opportunity to engage with other sectors, bridging the 'information gap' (Yau *et al*, 2020) and encouraging development of:

> self-reflexivity, the development of understanding of how the past has shaped the present and how one's own situation is related to the larger social world, as well as entertaining and probing possible models of identity (Sullivan *et al.*,2007:32)

Hiding vegetables in the sauce: Impact on my own professional practice, redesigning the LLB at UNI.

Since beginning the EdD I have taken on the role of Director of our university Business and Law Clinic. This has meant a refocusing of my pedagogic practice towards clinical legal education. It has also given me more strategic influence on the development of the LLB curriculum.   As I complete thesis writing in the Summer of 2022 I am joint lead for the revalidation of our LLB programme. This process has provided timely opportunity to test how far the recommendations above can be enacted.   This work involves a different language to that used in my thesis. The process is driven externally by impetus to address the disciplinary challenges posed by the introduction of the SQE, together with a push to align with university wide strategy to be implemented by 2030. Cynically put, the curriculum design must pass muster against the criteria of the current strategic, neoliberal higher education world of 'learnification' (Biesta 2016). It must be based on measurable learning outcomes and map to agendas including promotion of inclusivity, reduction of awarding gaps, inculcation of enterprise and employability, embedding of a set of values established by our university strategy.   I acknowledge the importance of these agendas (the need to promote inclusivity and reduce awarding gaps in particular). However, I struggle with the reductive and atomising influence that having to think using this language promotes. Without care it is possible to see the metrics, not what lies behind them. As mentioned at the beginning of this chapter my participants showed me the value of their experience of law through their narratives in ways which are not tangible, or easily measured, and therefore potentially not valued. Yet these were often the most

transformational aspects of their learning. I want our new programme to open up more space for such experiences. To an extent I am therefore 'hiding vegetables in the sauce' of the LLB design, in the same way as I once did when making meals for my children.

With that in mind, and in line with the recommendations above, the emerging LLB design is much more holistic than our current LLB. Disciplinary knowledge retains a central place in the design (drawing on the QAA framework (2018) and the QAA Benchmark for Law (2019). However, the design also reflects the importance to students of development of 'being', although not worded in that way (promoting 'being' is my biggest vegetable).

A key element in our design is the creation of new space in the curriculum for students to recognise their experiences of liminality, as discussed above, and to address professional identity formation. We will be asking our students to shift their identity from law student to that of 'Student Lawyer'.   The concept behind this approach aims to create space for the meaning of 'being' for students. It recognises students' need to integrate development of cognitive ways of knowing the discipline of law with wider development in the intrapersonal and interpersonal dimensions of self-authorship, in a way that some of the participants in my inquiry were not easily able to do.   Students will be encouraged to make the definition their own, recognising that whilst each student will share the experience of study of law as an academic discipline, they will differ in their individual interpretation of what being a 'Student Lawyer' means to them. They may regard themselves as future professional lawyers, or as academic law students for the duration of the LLB, with other ambitions and aspirations following graduation. Their sense of identity may shift as they move through the LLB., the term is intended to accommodate these possibilities flexibly. Its introduction will involve reflecting with students on their personal interpretations of what this identity might mean to them.

A 'Student Lawyer Project' will form a light touch spine throughout the LLB. Twice in each year students will work come together in small groups to work for a week on

projects, engaging with external organisations drawn from the legal, business and social justice sectors.   The aim is to create opportunity for all students to make connections between their learning and the wider world, developing new capacities and skills (in particular working together), but in settings that enable formation of critical perspectives, beyond acquisition of vocational /employability skills.

Our students' capacity for reflection, self-reflexivity and evaluation will be supported through work on a reflective portfolio which students will build across the three years of the LLB. Reflective work will begin at the outset of the first year when students will undertake a period of orientation that will support them to establish their expectations about what it means to learn law, unpacking understandings already in place from previous educational experiences and exploring epistemic expectations.

I do not underestimate the work that will be involved in delivering this in a way that is meaningful for our students (I know from 12 years experience of using portfolios the challenge of supporting student to develop the capacity for reflection) but I am optimistic that our new LLB will give our students greater opportunity to thrive, achieve more complex ways of knowing and grow towards self-authorship.

Reflective Evaluation of the inquiry and my own development as a doctoral researcher

I hope that I have been able to communicate a sense of the richness and diversity of the participants' narratives in this thesis. Their stories have stayed with me, teaching me far more than I have had space to show or discuss here. Deciding how to approach analysis and representation was one of the most challenging aspects of conducting the inquiry. The position I eventually reached was hard fought for, involving a number of false starts and some long periods of reflection and uncertainty. I have tried throughout to find a balance between representing the participants' individual voices, exploring the telling of their narratives as embodied through their approach to telling, with the need to identify a larger narrative story for the research, connecting the individual narratives to their wider legal educational setting, without straying into

generalisable claims that I cannot sustain. As mentioned in Chapter Four, I regret not building in space to negotiate meanings of the final analysis of the field texts with my participants as part of my original design. I would welcome the opportunity to do this in future inquiries, where I want to work more directly with participants at the stage of constructing the transcription and negotiating the meanings which might be interpreted (Savin-Baden, 2004).

The role of theory in the inquiry proved challenging to negotiate. Clandinin and Connelly's metaphor of the 'conversation between theory and life' (2000:46) was helpful as a reminder that with narrative inquiry (in their approach) theory should not lead, it should sit with and inform understanding of the participants narratives. I struggled to find balance initially. I came to see the role of theory (both Clandinin and Connelly's (2000) methodological design of the three-dimensional inquiry space, and Baxter Magolda's epistemological reflection and self-authorship models (1992; 2004)) not so much as lenses, but as metaphorical acetate sheets. Each sheet carried a theoretical structure as a diagram on a translucent background which overlaid onto the narratives. Analysis and interpretation began with each participant's individual narrative. I then took a bigger perspective, identifying where I could see the narratives aligning and diverging across the frameworks, reflecting on specific narrative moments that resonated with my research questions. The theory was therefore present, but not dominant, I could still see the narratives clearly noting where they touched and diverged from the theoretical perspectives.

Validity of the inquiry

Riessman tells us that 'Narrative truths are always partial – committed and incomplete' (2008:186). For Clandinin and Connelly 'In narrative thinking, interpretations of events can always be otherwise. There is a sense of tentativeness' (2000:31). The purpose of narrative inquiry can be seen as:

> more often intended to be the creation of a new sense of meaning and significance with respect to the research topic than it is to yield a set of knowledge claims (Clandinin and Connelly, 2000:42)

There can be no claims to a generalisable version of factual truth, in the first instance validity is contingent upon credibility of process and presentation which requires transparency for the reader. Riessman proposes that where field work is conducted by a single researcher 'two levels of validity are important – the story told by a research participant and the validity of the analysis, or story told by the researcher' (2008:184). As discussed in Chapter Four, in conducting and writing this thesis I have remained mindful of her advice to students using narrative research methodologies to demonstrate how they developed their methods as appropriate to their research questions; epistemologies and situated perspectives; how they document their sources and 'bring the reader along with them' as they evaluate each element and 'construct an interpretive account' (2008:188-189).

Baxter Magolda, drawing on the influential work of Lincoln and Guba (1985) suggests the importance of transferability, which:

> is possible only when the researcher describes the context that produced the working hypotheses sufficiently for readers to judge its similarity to the contexts in which they wish to use the information (1992:191).

I have endeavoured to be transparent about the context in which this inquiry was conducted to enable a reader to make relevant comparisons with their own setting.

In putting forward the outcomes of an inquiry it is important that the reader is convinced that the narrative researcher 'didn't simply make up the stories they claim to have collected' and that 'they followed a methodical path, guided by ethical considerations and theory, to story their findings' (Riessman, 2008:186). The researcher must remain aware that 'writing about and re-presenting lives always carries a heavy ethical burden' (Sikes, 2010:152), creating a 'site of moral responsibility' (Richardson, 1990:131). In Chapter Four I discussed how I approached this task with a 'hermeneutics of faith' (Josselson, 2004). I would add to that Clandinin and Connelly's idea of a thoughtful 'wakefulness' (2000:184), which necessitates ongoing reflection and with respect to all aspects of conduct of the inquiry. My intention throughout has been to approach the inquiry ethically and reflexively, presenting the lives of others respectfully (Sikes, 2010).

Clandinin and Connelly propose that:

> The narrative inquirer does not prescribe general applications and uses but rather creates texts that, when well done, offer readers a place to imagine their own uses and applications' (2000:42).

Their proposition aligns with Biesta's submission that social and educational research ' provides us with different ways to see, understand and interpret the situations we work in. (2020:20) playing a role in 'alert[ing] us to problems that we may not have encountered before' and 'provid[ing] us with a wider range of possibilities for action, based on a wider range of understandings' (2020:20).   A pragmatic approach to narrative research focuses on the concept of truth as interpreted through 'the practical effects of what is believed, and in particular the usefulness of these effects' (Savin-Baden and Howell Major, 2013:60).   The purpose of this inquiry was to gain a deeper understanding of the experiences of law students with a view to framing professional recommendations, linking theory and practice in rethinking pedagogy in the context of design and delivery of the LLB.   My intention throughout has been to make clear the process I have used and how this has led me to the outcomes of my inquiry

Clandinin and Connelly suggest that the criteria for judging narrative will regard 'good narrative as having an *explanatory, invitational quality*, as having authenticity, as having *adequacy* and *plausibility*' (2000:185, their italics).   I have endeavoured to achieve this through my approach to presenting the narratives using poetic representation, which are 'poemish' (Lahman *et al.,* 20189:215) enough to resonate with and engage readers, encouraging them to reflect on the telling and the told of my participants' experiences and to draw comparisons with their own educational settings.

Contribution to knowledge

I claim an original contribution to knowledge on three, linked, grounds.   My holistic, narrative, approach explores students' experiences of learning law from a new perspective.   My use of narrative inquiry, combined with poetic transcription to present my findings, bring a new methodological approach to the field of legal

education research. My use of theoretical models drawn from the field of personal epistemology and self-authorship is also original in the field of legal education literature. Taken together this thesis offers original insights into the experience of learning law which I suggest offer different understandings of the educational realities of law students studying the LLB which are of value in reconsidering aspects of legal pedagogy, in particular design of the LLB.

The narrative of 'beoming doctor'

> *Law is not a comfortable thing for me.*
> *Law is hard to study,*
> *it's so hard.*
>
> *The thing that keeps me going is that,*
> *there's this mountain,*
> *I'm climbing it,*
> *it's sunny,*
> *I feel like I'm on holiday,*
> *I'm enjoying it,*
> *but I'm still climbing this mountain.*
>
> **Zoe**

Researching for a doctorate in education is 'not a comfortable thing'. It is an 'emotional, social and intellectual process' (Mantai, 2017:636) which has proved an affecting, personally significant and challenging experience., It is helpful to remember that whilst the public outcome of the work (this thesis) is to present a coherent and rigorous account of the inquiry, which can meet established doctoral criteria, it represents one aspect of a deeper apprenticeship into the process of 'becoming doctor' (Barnacle and Mewburn, 2010). I recognise the experience as a 'fluid and gradual process, composed of discrete instances and activities and events' (Mantai, 2017:636). Alongside doctoral study the temporal aspect of my personal narrative has taken me deep into the teenage years of my children, experience of a global pandemic and the disorientation of menopause. All these experiences have impacted on my doctoral narrative and have been personally transformative, and I appreciate that I am not there yet (I still can't quite say 'epistemology' unselfconsciously (Hall, 2019)).

Throughout the inquiry I have had to manage my own ways of knowing, which have often been in conflict.   As I gradually familiarised myself with a new disciplinary field

I had to learn how to manage the influence of external authorities in my own work, in particular the challenge of working with theory. My appreciation of narrative approaches as a means of approaching understanding of experience, had to compete with my own ingrained professional approach to 'thinking like a lawyer'. This led to internal tensions around questions relating to representation, validity and knowledge claims.   At times I experienced Perry's position of deflective escape and retreat as I felt 'unprepared, resentful, alienated or overwhelmed' (1970:65). Ultimately, I made peace with some of these tensions, particularly as I began to recognise a positive impact of my doctoral experience on my professional practice.

Having reached the point of thesis submission, I feel as if I have completed a practice run, learning what it means to conduct research. I have acquired tools to take forward, and ideas about how to now refine my approach, addressing aspects of this inquiry that I recognise could have been approached differently. For example, I would now welcome opportunity to engage in a more fully collaborative narrative inquiry with students, exploring with them how they can be supported to develop metacognitive approaches to their development across our new LLB programme.

More widely I recognise a shift in my own intrapersonal and interpersonal professional positioning as I have reflexively evaluated my own values and relationships and developed new ways of knowing and being.

Like Zoe, I'm still climbing this mountain.

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Appendices

Appendix One: Announcement posted on VLE LLB Programme Site in October 2018

Third Year LLB Students - What is your experience of learning law at UNI? Volunteers needed for Doctoral Study

During 2018/19 Rachel Wood is running a study into the experience of third year UNI Law Students.   She will be carrying out research exploring the different ways in which students approach their study and develop ways of thinking about law and legal learning.   The results will form part of her thesis for a Doctorate in Education, but more importantly she aims to use the results of the study to inform thinking about curriculum development and other ways in which we can understand and support law students' learning during their degree programmes.

Rachel is looking for volunteers in their third year of study to participate and is looking to reflect the wonderful diversity of our law students as widely as possible. If you participate she will interview you twice during the year, once before Christmas and once after.   She isn't able to offer payment, but will provide coffee/ tea/ cake as required…. If you might be interested in taking part please email Rachel.wood@UNI.ac.uk and she can answer questions and send you more information.

Appendix Two: Participant Expression of Interest and Participant Information Sheet

PARTICIPANT EXPRESSION OF INTEREST
Doctoral Study into LLB Students' Experience of Learning Law
at UNI

I am interested in being a participant in this doctoral study which is being conducted by Rachel Wood in her capacity as a candidate for a Professional Doctorate in Education at UNI.

I have read the participant information sheet about the study. I understand that the participants in the study will be chosen to represent a diverse, cross-section of the LLB cohort. I agree to provide the following information to assist in the selection process:

Gender:
Age:
Ethnic origin:

Educational background before attending UNI:
(for example did you attend a state or private school; did you study in the UK or abroad; did you study for 'A' levels or other qualifications?)

I am a UK/ International student
(Please circle the answer that applies. If you are an international student please indicate your home country below)

Is there any other information about you that you think is significant to your experience of learning law?
(for example a disability which impacts upon your learning; caring responsibilities or other commitments outside university)

I understand that this information is being collected only for the purposes of selection of participants and that it will be destroyed once the research process has been completed.

If you have further queries about this request that you would like to discuss please contact Rachel Wood at Rachel.wood@UNI.ac.uk.

You may also contact Rachel's Director of Studies, Dr Richard Waller, at Richard.waller@UNI.ac.uk.

Name: **Date:**

Preferred email address for contact:

Appendix Three: Participant Information Sheet

PARTICIPANT INFORMATION SHEET – INTERVIEW

**Doctoral Study into LLB Students' Experience of Learning Law
at UNI**

You are being invited to take part in a research study. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Please ask me if there is anything that is not clear or if you would like more information.

Who is conducting the research and what is it about?
My name is Rachel Wood, I am a senior lecturer at the UNI. I am undertaking a Professional Doctorate in Education. My research is supervised by Dr Richard Waller and Dr Catherine Rosenberg who are the Director of Studies and Supervisor for my thesis.

I am interested in knowing more about how students at UNI experience and develop approaches to learning law during their LLB studies. It is my aim that this study will lead to new understanding of the student experience of studying law, which can be used to inform teaching and course design within undergraduate law programmes at UNI.

What will be involved if I take part?
I wish to conduct interviews with LLB students. If you volunteer and are selected to participate in this study, I shall ask you to take part in two interviews during the academic year 2018/19.

The approach I am taking in conducting this research is called 'narrative inquiry'.   This means that I am interested in hearing the story of your experience of becoming and being a law student. During the first interview I will ask you to talk to me about your experiences of learning law, setting them in context in a way that makes sense to you.

Both interviews will be digitally recorded and I will prepare a transcript of what you say.

I will make a copy of the transcript of the first interview available to you and invite you to read it through and think about what we have discussed before we meet again for the second interview.

During the second interview, if you have accepted the invitation to review your transcript we will discuss your response to the transcript and clarify any points that are unclear. We may also discuss the adding of new points which you think are important in reflecting your experiences clearly.

If you have chosen not to read the transcript then I will talk through any points that I have identified to clarify understanding and to identify if there are any further points you think it is important to include.

I may also ask you some questions to explore further themes (if they have not arisen in our earlier interview) for example asking you about your wider educational experiences; your approaches to learning and the impact that learning law is having on your plans for a future career.

Following the second interview I will amend the original transcript to reflect any changes or further points we have discussed; prepare a new transcript of the second interview and again will make a copy of the transcripts of both interviews available to you for your comments. If you would like to meet for a third interview then we will arrange this.

What will happen if I change my mind about taking part?
If you are selected it is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet and will be asked to sign a consent form. A copy of both the consent form and information form will be provided to you to keep. If you do decide to take part you are still free to withdraw at any time during the data gathering process, without giving a reason. When the transcriptions are complete (meaning you have seen them and any amendments you have requested have been made) then you will have four weeks to notify me if you do not wish your data to be used in the research.

How will the interviews be used in the research?   The material gathered from interviews in the study will be analysed to explore some of the themes discussed.   Within the thesis quotations from interviews may be included, and, if so, pseudonyms will be used to ensure your identity is kept confidential.

What are the potential benefits and risks of taking part?   The potential benefit of participating in the study is an opportunity for you to share and reflect upon your experiences as a law student which will help inform a wider understanding of how law students approach their learning. However, it is important to acknowledge that sharing information always carries the risk that it might evoke difficult feelings. If this should happen during an interview I will stop the process and discuss this with you informally. If you wish to seek further support I will refer you to the wellbeing services available at UNI.

Will my participation in this study be kept confidential?   Any information collected during the study will be kept confidential. You will be identified by a unique research number and the pseudonym that you have chosen. The unique research number that connects you to your interview data will be kept separately from the interview transcripts. I will be the only person with access to the data. Some extracts may be shared with my doctoral Director of Studies and Doctoral Supervisor during the preparation of my doctoral thesis, your pseudonym will be used.

What will happen to the data?   Audio recordings of all interviews will be destroyed once they have been downloaded and transcribed. Online files containing transcripts of interviews and any associated documentation, will be destroyed once the research process, including the thesis and preparation and submission of academic papers and conference presentations arising out of the research, have been completed.

What will happen to the results of the research study?   The findings of the research will be included in my Doctoral thesis. Some of the findings may be submitted for publication to academic journals and may be shared with colleagues at UNI involved in the development of

LLB curricula at UNI and in wider learning and teaching initiatives to support student learning.

Further information about this study can be obtained from me. Please contact me at Rachel.wood@UNI.ac.uk if you would like to discuss the study further. My Director of Studies, Dr Richard Waller,can be contacted at Richard.waller@UNI.ac.uk.

As mentioned above, a copy of this information sheet and the participant consent form will be provided for you to keep.

Thank you for reading!   October 2018

Appendix Four: Indicative Interview Protocol, submitted with ethics application

INDICATIVE INTERVIEW PROTOCOL

Rachel Wood – Doctorate of Education research

Reason, Reflection and Affect: A narrative inquiry into undergraduate students' experience of learning law at a post 1992 university.

Interview One – Autumn Semester 2018

Introduction and set up

I will explain the following things to the participant at the outset:

- the purpose and nature of my study to the participant.
- the two stage interview process.
- that I will be providing copies of the transcript of the interview to the participant for him/her to review in between the first and second interview and after the second interview.
- how confidentiality will be approached and the process for confirming how the data gathered may be reported in the research.
- How data will be stored (and ultimately destroyed)

I will check that the participant is able to stay for the duration of the interview an explain that I expect the interview to last at least one hour.

I will ask for permission to record the interview using a digital recorder and explain how the recording will be used to create the transcription which will be sent to the participant.

Stage One

During the first stage I will ask a question and will also ask the participant to use the paper and pens provided to create a 'map' as they answer that question, the question will be asked as set out below. I will ask permission to take notes during this stage.

Interview One – Stage One Question

In my study I am interested in finding out about different aspects of students' experiences of learning law. Today I would like to ask you to tell me your 'story' of learning law, starting as far back as seems relevant to you and talking me through your experiences up until today.

To help me understand it would be helpful if you could draw a 'map' or timeline of your story as you go along. You can use it to note any themes, events, people and experiences or anything else that is important to you in responding to my question. You can do this in any way that makes sense to you, it does not matter what it looks like.

Stage Two

I will use the notes taken during stage one to prompt elicit further narrative from the participant using the themes and the words the participant has used to describe their experiences.

My aim will be to use the language and focus of the participant to explore the narrative in more detail without suggesting new themes at this stage.

Questions will be framed using open language, for example if the participant has mentioned a particular event or person that directed their interest towards studying law I will ask a question such as ' You mentioned……tell me more about ….'.; 'Can I take you back and ask you to talk in a bit more detail about….'; 'On your map you gave particular significance to …., can you explain more about this event/ person/ experience/….and what it means to you'

Close of interview

I will thank the participant and explain that I will be in touch with a copy of the transcription of their interview. I will give an indication of time scale for this and discuss with the participant a suitable time for a second interview which will allow realistic time for transcription and review. I will check that I have up to date contact details for the participant.

Interview Two – Spring Semester 2019

Introduction and Set up

I will thank the participant for attending. I will again ask permission to record the interview digitally.
I will explain the two stage format of the interview to the participant and check that they are able to stay for at least an hour. I will ask permission to take notes.

Stage One

I will ask the participant to discuss their review of the transcription and identify any points which they would like to change/ clarify. This will be done by working through the transcript chronologically. I anticipate that this process may generate further exploration questions prompted by the participants own responses and these will be asked as open questions, again using the langauge of the participant to frame the wording.

Stage Two

In advance of the interview I will map back the data in the transcription of the participant's first interview against the list of themes that I wish to explore in relation to my research questions. I will take a version of that list into the interview and make notes against it briefly during the first stage of the second interview if a participant raises a relevant theme during the review of the transcript.

In the second stage of this interview I will use a semi-structured approach which will be guided by the list of themes set out below. I anticipate that the focus will be different with

different participants depending on the themes that have already arisen in construction of their original narrative transcript, many of which may already have been raised and explored.

Questions will be framed using open language but in this final stage I may raise new themes which have not been suggested by participants to elicit their responses.

Semi- structured interview – themes for possible questions

(note from the explanation on the previous page that it is anticipated that many of these issues will have been covered in the first interview and therefore the second interview will focus on issues that have not been raised and therefore will include a shorter list of possible questions.)

Pre-university experiences of learning
- Educational background and experiences prior to university
- Influences on attitudes towards education family/ school/ wider social setting
- Experiences of learning at school
- Perception of self as a learner before university

Becoming a law student
- Decision to study at university
- Decision to study law
- Decision to study law at UNI
- Thoughts about potential future career before starting university
- Expectations of learning at university

Developing experiences of studying law at UNI
- Settling in as a law student
- Initial perceptions as compared to expectations about learning law
- Experiences of being part of a law cohort and studying alongside other law students
- Experience of approaching learning in different modules
- Experience of different earning environments (lectures/ workshops/ online resources/teaching approaches)
- Experiences of studying as an individual and as a part of a group
- Perceptions of what skills are needed to best approach learning law – have these developed across the study period?
- Development of personal learning approaches
- Impact of assessment on learning
- Challenges faced in learning
- Perceptions of learning success
- Experiences of disappointment or failure
- Perceptions of connections between learning experiences
- Approach to reflecting on learning (this may be asked as an explicit question but will also inform questions on other themes)
- Strategies used in taking learning forward

- Significant learning experiences within the curriculum
- Significant learning experiences beyond the curriculum
- Perceptions of development as a learner across the degree programme
- Changes experienced in moving from level one of study to level two and then into level three
- Expectations of final stages of degree study
- Learning approach in final stages of degree study
- Future career plans in light of experience of learning law

Wider issues
- Perceptions of law as a subject , how it might differ or be seen as similar to other subjects
- Perceptions of what is most important in the experience of learning law
- Perception of what attributes law students need for learning
- Perception of what attributes law students need in their future careers
- Impact that learning law has had on participant:
  - as a learner
  - and more widely (e.g in perceptions of others towards the participant, decisions about future career)

Emotional responses to learning experiences

This theme will pervade the approach to questioning across themes.

I may ask questions such as;

'How did that make you feel';

' You identified that you felt angry/ sad/ proud tell me more about that';

'How did feeling angry/ sad/ proud affect……..'.

Anything else that the participant thinks it is important to share that has not arisen elsewhere in the research process

This will be the final question with each participant.

Close of Interview

I will thank the participant and explain that I will send them a transcript contining both interviews for their review, indicating a realistic timescale to allow for further transcription.

I will remind them that they will be able to review their data and indicate any parts that they do not wish to be included in the research and that they will have four weeks to decide this once the transcript is provided.

I will check that I have up to date contact details for the participant.

Appendix Five: Post-interview consent form - sent after second interview

**Doctoral Study into LLB Students' Experience of Learning Law
at the UNI**

Post-interview Consent Form

Dear Participant,

Thank you for your participation in this study. Your involvement has been of great value and I very much appreciate you giving up your time to meet with me for the interviews and in being so willing to share your experiences with me.

It is my goal and responsibility as a researcher to use the information that you have shared responsibly. As I hope you will recall you kindly gave your informed consent to use of the material generated through the interviews at the beginning of the process. Now that you have completed the interview process, I would like to give you a further opportunity to review the material in the transcripts created from your interviews before I begin the formal process of analysis and reporting in my thesis.

Please can I ask you to complete the following form, to confirm the nature of the consent you are giving.

I consent to the use of my information as set out below:

a) You may share the information I have provided (subject to any comments I make in the boxes for b) and c) below); however, please do not use my real name, change it to a pseudonym.

b) I wish to make the following changes or additions to the material in the transcripts which have been shared with me:

> **Additions or Changes:**
>
> *Please describe the material in the space below, identifying the interview transcript, page numbers and paragraph on page as relevant – leave blank if you have no additions or changes.*

c) It is my wish that the following specific pieces of the material in my transcripts not be shared.

> **Data I do not wish to be shared:**

> *Please describe the material in the space below, identifying the interview transcript, page numbers and paragraph on page as relevant – leave blank if you have no additions or changes.*

Future Contact Information

You may contact me if you have any further questions about sharing my data with others. The best way to reach me is:

> *Please provide an email address or telephone number which you expect to continue to use during the next 24 months.*

Please sign and date the form to confirm that you consent to use of your data as outlined above (electronic signature is fine if the form is being returned by email).

Participant's signature_____   Date_____

If you have further queries about this request I can be contacted at Rachel.wood@UNI.ac.uk and my Director of Studies, Dr Richard Waller can be contacted at Richard.waller@UNI.ac.uk)

Appendix Six: Example of email sent to participant with post-interview consent form

Hi ……..

I hope things have settled a bit for you since we last met and that you have had a lovely break over Easter (and have actually had a break!). Firstly I want to say a huge thank you for giving up your time, and being so willing to share your experiences with me so openly as a participant. It has been a real pleasure working with you.

I have finally managed to complete transcription of our second interview and attach it here. For ease I am also resending the first transcript in case you want to reread it.

As I explained at the beginning of the interview process, although you signed an informed consent form at the start, we could not foresee at the beginning exactly what you would share during the interviews and I therefore wanted to give you opportunity to review what you did say to make sure you are happy for the content of our transcribed conversations to be included in the analysis and reporting stages of the thesis. Any specific identifiers of names or places still in the versions I have sent will be removed in the final reporting - your own name has not been included and will be replaced with a pseudonym.

I attach a post-interview consent form, so that if there are any sections of our discussions which you would like to amend or which you do not wish me to use, you can identify these.

If you do not wish to make any changes, or request removal of any material, please could I ask you to confirm that by replying to this email within the next 28 days (by end of May 2019). I will be starting work on analysis in June. If I don't hear anything from you I will go ahead with the transcripts as provided.

If you would like a copy of the final thesis, then please let me have a contact email (this won't be soon! I hope to submit in December 2020 if all goes well and my final viva will probably then be in the Spring of 2021). I would very much like to hear how you are getting on as well, so please keep in touch.

Sorry this has been such a long message! Thank you again,

Very best wishes,
Rachel

Appendix Seven: Email feedback received following sharing of transcripts

Zoe said:

Thank you so much for involving me in your project. As I might have mentioned it was just as beneficial for me as it gave me a chance to reflect on my whole 'educational career'. Thank you for making me feel comfortable throughout both the interviews and thank you for being patient with me. I don't wish to change, remove or take back anything. I completely trust that you will use my account to best suit your research.

Kit said:

I have enjoyed our discussions and I think I learnt a lot about myself - not dissimilar to therapy, I imagine! It actually was quite like an in-depth supervision meeting that you may have at work. I think more students would benefit and mature their work ethic and direction if they had their education history, influences and drive picked at a bit more. It certainly feels like the maybe senseless / robot-like approach to my degree will not continue - - - I hope!

Appendix Eight: Cameos the of six participants not represented in Chapter Five.

Jon

Jon came to the LLB the year he completed A Levels. His family lived in London and he had attended a state, boys school. His father was Caribbean. His mother was also black, but had been adopted by a white, highly educated, family

> *I always felt like as a child I grew up with the best of both worlds,*
> *I could understand both worlds*

Jon was the oldest of three boys. Jon's father was a senior social worker, his mother worked as a classroom assistant. Jon had experienced a significant learning experience at the end of his first year of sixth form. After being one of the highest performing pupils at GCSE he unexpectedly failed his AS Levels. This had had a significant impact on him, leading to a refocusing in his final sixth form year from expected applications to Russell group universities, to choosing post-1992 options. He completed A levels in government and politics, history and economics.

As he had gone through sixth form race had begun to surface as an issue he had to navigate in his interactions with other people, taking him outside the 'London bubble'. Coming into university he had already developed a strong sense of wanting to help people understand different perspectives, in particular in relation to race but also in relation to educational choices. In first year he had applied for a scholarship offered to black, male students at a city law firm and had undertaken work experience. He did not feel akin to the 'fifty hungry black guys' involved in the process and was critical of the approach to diversity he experienced in the firm, deciding that corporate law was not his focus. Across his time at UNI he participated in outreach work as a student ambassador and was involved in pro bono activities, including elder-law, where he deliberately chose to help older people, after experiences where he was aware of older people crossing the road, apparently nervous of him in the street.

Ana

> *Something could be interpreted in so many different ways*
> *and picked apart*
> *it was fascinating and it drew me in*
> *it was like 'This is what I want to do'*
> *whenever I said 'I want to be a solicitor'*
> *everyone said 'Oh, you'll be good for arguing then' (both laugh) '*
> *That's what you do, you argue every side of everything'*
> *and I was like 'Yeah, it's great'*
> *So that was, yeah, that's what drew me.*

Ana came to the LLB the year she completed A Levels. She had started her education at a private school, but when she was in primary school her family's business

collapsed, finances became tight and she was moved to a state school. She described education and particularly 'academics' as being very important to her parents. She completed A levels in politics, modern history and English Language. Ana suffered exam anxiety at school and 'had a complete meltdown' during A Levels which had impacted her grades. However, she had kept her LLB place at UNI through the clearing process. She was the eldest of two daughters. Both her parents had worked as officers for the police force during her later childhood. Ana was the first person in her immediate family to complete a university degree. Her mother had started a polytechnic course, but had not completed. During university Ana participated in extra-curricular activity, successfully competing in a national competition for mediation.   She progressed to the LPC immediately following graduation.   She had not yet applied for legal work.

Chloe

> If I see a poem for the first time
> and I read it
> I can get the flow
> and then I can write.
> It's the same for law for me
>
> So I just do it my style.

Chloe was one of two international students who participated in the inquiry. She identified as Chinese Malaysian and had attended a Chinese school in Malaysia, which was 'public', the equivalent of a state school in the UK. Her parents (both graduates) were of Chinese, Malaysian, background. The family spoke English as a first language. She had completed A Levels in English literature, law, economics and maths, identifying that in doing so she had moved away from what she described as a Malaysian focus on the 'science stream' towards 'arts', not a standard choice in the 'cookie-cutter' Malaysian education system.

She had studied the first two years of her LLB in Malaysia and came to the university as a direct entrant into the LLB programme at the beginning of year three. She was planning to stay a second year to undertake the BPTC with a view to becoming a criminal lawyer in Malaysia, or a barrister in England. She had a scholarship which was helping to pay for her fees, which was important to her as her parents were funding the rest of the cost from their pension investments.

She was the eldest of two children, her younger brother was studying engineering at university in Malaysia.   Her parents had both studied at university after working for a period of time, but Chloe was the first in her family to go from school into university.

During her year at UNI she had made a deliberate choice to share housing with students from other countries, not with Malaysian students, as a way of accessing a wider experience to UK and other cultures.

Bea

I came to university with my heart set on practice, I
thought that's the one thing I wanted to do,
I thought it was absolutely amazing.
I thought I'd probably be a solicitor

Then when I had my work experience I thought
'That's really cool'
there were people there that were solicitor advocates
'That's amazing, they're doing what a barrister does
but they don't have to go to the bar
and they still have all the opportunities that a barrister does.'

I had my heart set on that
and sort of planned out what I wanted to do.
'I'll go to university and do my undergrad
and then I'll do the LPC
and then I'll go on to do my higher rights of audience.'

And then I got into first year
and then I soon found I didn't want to practise anymore.

Bea came to the LLB upon completion of A levels. She attended a state school in the UK and a further education college for A levels where she studied law, religion, philosophy and ethics and English literature. She was the first person in her immediate family to study at university.

Bea had lived in the US on a military base for much of her childhood, until she was fifteen, when she had moved back to the UK to live with her grandparents. This followed a difficult divorce between her parents. Her mother and younger brother had subsequently moved back as well. She identified as having anxiety, and dyspraxia, which had not been diagnosed until she started at university. She was appreciative of the support she received from UNI after her diagnosis, and was self-aware in how she managed her studies.

Kit

I was walking down the street with my friend and his Dad,
and there was a guy tap-dancing on cardboard,
we were watching him and thought he was pretty cool
the Dad said
'I bet you can't do that.'
I was like
'OK, bet I can.'
...
Everything I've done has always been about building myself as something,

Just getting a bit of something else.

Kit had come to UNI to study English language, but switched to law after his first week. He was the participant who came latest to choosing law as a discipline. He had not accessed any experiences relating to law as either a professional role or discipline at the point when he began the LLB. He had attended the Royal Ballet School on a full scholarship until the age of sixteen, when injury had meant he could not continue with ballet.

He had studied maths, chemistry, biology (and music technology AS) at A level, originally planning for medicine. His father was a doctor and his mother a nurse with a degree, 'everyone goes to university' in his family.

After a year travelling, he took further A levels in politics, creative writing and English language before beginning university. He was an only child.

Cara

> *The law is not fixed.*
> *You have to change up and see what suits you.*

Cara was the second international student in the inquiry. Home was the British Virgin Islands. She was in her forties and the most mature student who participated in the study. Cara had worked for a finance company for more than twenty years in the British Virgin Islands and had undertaken a first degree in managerial economics during that time. She was the second participant who was a parent, her son had also been studying in the UK, at another university, while Cara was on the LLB programme, graduating in the same year. She was divorced, remaining on good terms with her ex-husband.

She came from a large family, who remained a significant part of her life despite studying abroad. Her siblings were also graduates, and she had nephews who had also come over to the university to undertake degrees in other faculties at UNI, and were living with her at the time of our interview meetings. She had completed her LLB during the summer of 2018 and was studying the BPTC, with the intention of becoming a barrister on her return home. She identified as having hypertension and anxiety.

Appendix Nine: Poetic transcription, worked example taken from Zoe's story

Initial prose transcription	Working the poetic transcription
Mm, and then I never considered anything else, like it wasn't until sixth form that I ever considered doing anything but law. Like I always knew I was going to end up doing law and I think it's partly because immigrant parents, they want you to become a lawyer or a doctor, you know, some sort of profession, so I guess you could say it was that. But it wasn't like a pressurising thing, they didn't say 'You have to do this' you sort of know what the deal is. So I never considered anything else	~~Mm, and then~~ I never considered anything else, ~~like~~ it wasn't until sixth form that I ever considered doing anything but law. ~~Like~~ I always knew I was going to end up doing law ~~And~~ I think it's partly because immigrant parents, they want you to become a lawyer or a doctor, you know, some sort of profession, ~~So~~ I guess you could say it was that. ~~But~~ it wasn't like a pressurising thing, they didn't say 'You have to do this' you sort of know what the deal is. I never considered anything else

Final version

I never considered anything else.

It wasn't until sixth form
that I ever considered doing anything but law.
I always knew I was going to end up doing law

I think it's partly because immigrant parents,
they want you to become a lawyer or a doctor,
you know, some sort of profession,

I guess you could say it was that.
It wasn't like a pressurising thing,
they didn't say 'You have to do this'
You sort of know what the deal is.

I never considered anything else.

Appendix Ten: Table of Analysis for Zoe's story

Continuity *Past/Present Future*	Interaction *Personal*	Interaction *Social*	Situation *Place*
Coming to Law *past*			
	Early interest in law - story her father tells - set in her mind that this is what she will do - on basis of family friend visiting who is a lawyer – external influences Strong sense of education as growth 'in love with education' in 6th form - not interested in 'box ticking' that is required to meet assessment requirements - does not do well in A level - but not disheartened - finds foundation year for Law independently - thinking for herself and making decisions from post GCSE (driving family move). Less influenced by external formulas in her learning approach . **Storyline-** coming into law study at university with experience of navigating identity/ perspectives of others	Family very supportive of education - move from Angola to access education for all the children - older brothers attend university ahead of her - family have given her 'the golden ticket' which she must run with - expectation understood but not experienced as 'pressuring thing' that she will do well in education. Older brothers attend university ahead of her Tension between home/school environment - culture clash - she visited friends' houses but did not ask friends home often. School setting - difficult until towards end of GCSEs when moved into new class - seen as 'sassy' troublemaking black girl before that - angry with the world New friends in Sixth form - from different ethnic backgrounds - range of voices in classroom	Original birthplace in Angola - Home/school in country town where only 'immigrant family' in the town- her choice of word - personal and family experiences of racism across her childhood Move to coastal big town for A Level - persuades family to move for her education Foundation year at another University following A levels
ER dimensions	**ER - Role of Learner/ assessment/ nature of knowledge**	**ER - role of peers/instructors**	
	Interested in interpretive approaches in English - affective need to be engaged/challenged - if too easy loses interest - has independent approach - separate from assessment - 'tick box' that needed to get into university - not strategic	Lacks role models who are black at school - one mixed race teacher during GCSEs is important for her English teacher - gives her her first A and inspires her that she is 'clever'	Learning environment at school difficult until moved into a higher set before GCSEs . Challenges of being one of only a small number of BAME students - labelled as 'sassy'

	- not highly successful at GCSEs (has not passed maths) or A levels - but not at all deterred from her goal of studying aw		Foundation year - provided positive environment to learn about learning law

LLB - environment is competitive - chooses to pursue opportunities for wider development outside the university - working for commercial law firm |
| Moving through LLB | | | |
| | Law is hard, but enjoyable to study - metaphor of climbing a mountain in sunshine

Storyline - perseverance - independence, enabled by support of family | Family continue to be supportive - and she is close to extended family - becoming a mentor for younger family members who are considering choices for university

Avoids peers in co-curricular activities and seeks opportunities outside - sees them as competitive and again 'box ticking' for the CV rather than authentically interested in pro bono or other opportunities | Commercial Law Firm in Bristol - contract drafting role in second year into third year

Outside UNI - week in New York - summer school in fashion law |
| ER dimensions | | | |
| | Simple - Complex - Law is 'Hard'
Prefers socio-legal subjects - likes context - struggles with doctrinal approach in land law
Is writing a dissertation on fashion law - enjoying process of independent research and writing

Finds legal thinking 'strict' but 'malleable' and 'weirdly creative'

Sees her view of law as involving (multiple perspectives as something she has brought into the LLB (arising out of her earlier experiences of racism) | No significant relationships with lecturers or peers at UNI

Avoids competitive environment she perceives within the law school.

During LLB appreciates lecturers who contextualise knowledge away from pure black letter (Trusts example – lecturer making it about 'drag queens') | |

Transition from LLB			
	Very independent approach throughout - passion for law has sustained - although not across all subjects (not land law) At point of second interview talking about doing a masters in law - and developing an interest in fashion law following a week's summer school in New York - but her interest in practising law has changed - after her role with a commercial firm as a contract drafter she was seeing a 'glass ceiling' in terms of the learning and motivation of a legal career and shifting her thinking towards a career in business which she sees as potentially more 'creative'. **Shared Storyline** - (with Kit and Jon) challenge of finding balance, managing time, challenges of looking outwards and zooming inwards to manage need to decide what is next and to manage existing demands of academic completion. At self-authorship crossroads in terms of professional direction – further along in her intrapersonal development of wider values – not clear where this takes her professionally '**blinders**' - her metaphor for the challenge of balance	Deliberately not engaging with activities offered by UNI - pro bono etc... seeing as competitive and box-ticking	Commercial Law Firm in Bristol - contract drafting role in second year into third year Experience of studying fashion law in New York at a summer school
ER dimensions			
	Frame of reference - Recognises and values different perspectives - sees both sides of arguments		Future place not yet determined - 'open to everything' and will go with

			what opportunity presents itself first
	Storyline – cross-roads - finding her own voice - bringing from earlier experiences -but challenged in making choices Critical of education as 'box ticking' - looking for much more Independent in her decision making before UNI - able to appreciate different perspectives - a frame of reference that she brings into the LLB - does not develop during - comes from her experience of overcoming experiences of racism as a child - making decisions from a young age - persuading her parents to move for sixth form/ finding a foundation year after A levels She identifies growth in her perseverance to complete and succeed in her LLB - previously 'such a quitter' but not in this		

Appendix Eleven: Context of the LLB/QLD at UNI

The LLB is the largest law programme offered at UNI.   Each year approximately 250 students join the programme to undertake an LLB/QLD. Further students undertake a number of the modules offered as part of joint honours programmes in Business and Law and Law and Criminology. Students also join as direct entrants in the second and third years from institutional partner institutions. At the time of the inquiry these students were most commonly from Malaysia. The number of students on core modules (including at the time of the inquiry) was approximately 400.

The entry tariff for the LLB programme was 120 UCAS point (3 Bs at A level or equivalent gained through other qualifications at Level 3). Some students were accepted onto the programme through clearing with a lower tariff.

The LLB programme was structured around four x 30 credit modules in each year. The subjects were organised as follows:

Year One: Law of Contract, Criminal Law, Constitutional and Administrative Law (all QLD core modules) and Foundations for Law (which includes legal methods and systems). All modules were compulsory

Year Two: Land Law and Law of Torts (QLD modules) then two choices of optional modules which included: employment; environmental law; dispute resolution skills; sexual offences and offending; forensic evidence; migration law and policy; public international law; sports law; criminal procedure and punishment; commercial law; IT law.

Year Three: Equity and Trusts and European Union Law (QLD modules) then choices of optional modules which included: intellectual property; company law; international trade; globalisation, trade and natural resources; European human rights; family; media and entertainment; financial crime and regulation; gender and the law; Law in Action (short placement module); organised crime; dissertation.

This outline shows that alongside the QLD modules the optional offer, that made up one third of the programme, was predominantly doctrinal with a socio-legal strand. The programme did not include jurisprudence or any modules explicitly exploring legal theory. Dispute Resolution Skills and Law in Action were the only two professional practice focused modules offered.

For most modules the teaching pattern was a weekly two-hour lecture for the full cohort (delivered twice as the cohort could not fit into one lecture theatre) and a bi-weekly two-hour workshop, taught in a group of up to 25 students.

The assessment regime for the core QLD modules was largely based on a combination of unseen exams and assignments based on essay or problem questions, with some smaller assessments elements such as MCQ questions. Contract law included a group-work assignment. Optional modules offered variation in assessment methods including presentations, although exams and assignments were also commonly used.

Beyond the curriculum students had opportunity to participate in a range of pro-bono projects through an active pro-bono unit. The student Law Society organised mooting activities and there was also extra-curricular training in mediation skills, with an internal competition. There was an annual law fair, attended by a range of organisations in the legal sector drawn from the local region. Students also had access to advice and access to opportunities through the university Careers and Enterprise service.

Appendix Twelve: The Solicitors' Qualifying Examination

From September 2021 onwards the SRA's requirements to demonstrate competency to practise as a solicitor are achieved through successful completion of:

- o two stages of assessments (SQE1 and SQE2);
- o completion of a two-year period of 'Qualifying Work Experience' (QWE) completed at up to four organisations;
- o the meeting of character and suitability to practice standards, which requires a screening process by the Disclosure and Barring Service..

To be eligible to sit the SQE candidates require a degree in any subject, or equivalent qualification or work experience (essentially a qualification recognised at level 6 or above under the various frameworks for higher education, for example a level 6 or 7 apprenticeship).

The knowledge base for the SQE is contained in the Statement of Solicitor Competence (SRA, 2019b) which provides a statement of 'day one' knowledge and competence which solicitors are expected to demonstrate at the point of qualification.

The assessments are centrally set. Candidates take the assessments for SQE 1 and 2 at assessment centres in England and Wales (currently in London, Manchester and Cardiff).

The cost of the assessments (from June 2022) is:

- o SQE1 - £1622
- o SQE2 - £2493

Resits require payment of further fees. The fees do not cover the cost of preparatory courses.

SQE 1

Understanding of foundational law knowledge, previously demonstrated by completion of a QLD, is assessed bySQE1. The assessment comprises two, five hour (split across two sessions), 180, single best answer multiple choice questions. The knowledge tested is described as 'functioning legal knowledge'. It comprises the following subject areas:

Functioning Legal Knowledge 1

Business Law and Practice; Dispute Resolution; Contract, Tort; Legal System of England and Wales; Constitutional and Administrative law and EU Law and Administrative Services

Functioning Legal Knowledge 2

Property Practice; Wills and Administration of Estates; Solicitors Accounts; Land Law; Trusts; Criminal Law and Practice

Ethics and Professional Conduct are examined pervasively across the two assessments

SQE2

The assessment comprises a suite of written and oral skills assessments, sat over two and a half days. These comprise professional legal skills in: client interview and attendance note/legal analysis; advocacy, case and matter analysis; legal research; legal writing and legal drafting. At least one assessment in interviewing, case analysis or legal writing includes an element of negotiation.

Assessments are set in the context of practice areas comprising: criminal litigation (including advising clients at the police station); dispute resolution; property practice; wills and intestacy, probate administration and practice; business organisations, rules and procedures (including money laundering and financial services). Questions on ethics are pervasive throughout the assessments. The oral assessments are conducted in the contexts of interviewing and advocacy.

Appendix Thirteen: Table recording analysis of the participants' stages of self-authorship

Participant	Stage of self-authorship	
Ana	Following formulas/ crossroads	Absolute in her approach to exams, which she struggled with, more complex in her wider approach to learning. Some questioning of her chosen path, wider experiences of travel are challenging her commitment to law. She had not tested her plan to become a solicitor yet - assuming it will happen - refers to 'my training contract'. Concerned about impact on her family if she changes direction. Experiencing some dissonance in her interpersonal and intrapersonal development due to emerging desire to challenge external formulas and take a different direction although probably still committed to a career as a solicitor..
Chloe	Following formulas/ crossroads	Strategically transitional as a learner - assessment focused. Remained committed to career at the criminal bar in Malaysia or the UK. Her internal values in terms of using law as a way of helping others remained intact. Waking up to reality of successfully achieving a career at the bar - concerned that she had not been made aware by university of how competitive it would be to achieve pupillage. Experiencing dissonance because recognises cannot continue to rely on external formulas and finding it stressful to move to an independent approach.
Kit	Following formulas/ Crossroads?	Strategically transitional as a learner. Influenced by external formulas, looking for 'glamour' and 'excitement' to keep his interest - focus on extrinsic aspects of a professional role - strategic as a law student - internal values emerging but not clearly established. Commitment to law passing and looking for a new challenge (repeating previous patterns). Significant dissonance, pressure from external formulas.
Zoe	Crossroads	The most independent of the participants in her approach as a learner. Establishing professional beliefs and values - identifying importance of fulfilling work, questioning previous commitment to career in law on basis of legal work experience. Had made independent decisions since teens, with support of family - experiences of racism had forced her to find her own voice - now internal voice changing direction. Experiencing dissonance, struggling to balance dimensions and find way with pressure of external formulas.
Ed	Crossroads/ self-authorship	Strategically transitional as a learner, but more developed in internal identification. Committed to career as a solicitor, strong values had led him to challenge external formulas and be critical of the legal sector recruitment process and lack of diversity. Holding dimensions in balance - in part by limiting epistemic knowing to manage learning and allow time for focus on external development.
Bea	Crossroads/ self-authorship	Developing towards contextual knowing in her learning. Strong internal sense of values - wants to help people- has rejected professional practice and aligned to path to enable her to embody her values through further study, sees her future research as impacting and helping others. Holding dimensions in balance.
Jon	Crossroads/ self-authorship	Developing towards contextual ways of knowing in his learning. Strong internal sense of values - his ability for positive role-modelling and supporting others to change perspectives in relation

		to race issues important - values relationships with others where he can learn. Interested in social justice, critical of box-ticking diversity. in law firms - still deciding on professional path on basis of internal values using external formulas critically to support decisions. Holding dimensions in balance.
Mia	Self-authorship	Demonstrating contextual knowing in her role as a learner. Strong sense of internal values, commitments to relationships, particularly role modelling for her son. Determined to convert her passion for studying law into a career - grounded in contextual understanding of professional possibilities drawn from her substantial previous experience. Holding dimensions in balance.
Cara	Internal Foundation	Transitional in her approach to learning law although moving towards more contextual knowing. Transformed view of world through law - had added to her existing, self-determined belief system, following her interests, values - integrating with possibilities available to her for a career in BVI following further study - strong relationships with family where she is role model for younger family in education. Holding dimensions in balance.

Appendix Fourteen: Creative assessment, the 'thing and the chat' in a clinic module, Lawyering in Practice

I have introduced a new clinic module for third year LLB students, Lawyering in Practice, structured around a framework drawn from the work of Field, Duffy and Huggins (2014), exploring personal/ professional and contextual (legal sector) dimensions. The main assessment is a reflective portfolio, built around these dimensions which I am developing to support students in developing their reflective and reflexive capacities through reflection on their own experiences but also research into issues and aspects relating to the legal sector.

For the second assessment element students create an Artefact (the thing) which they then discuss at a short viva (the chat), reflecting on their choices and process of creation (the chat). Students choose a topic, audience and format (the thing). They are encouraged to be as creative as they wish in their approach. In 2021 the 'things' included a leaflet about legal rights for Ukranian refugees (now being disseminated to families arriving in the UK), a card game to support families going through breakdown and a video for small business owners (which is being discussed by our local CAFCASS team) and a highly recommended comedic video about unfair dismissal aimed at small businesses
(which can be accessed at:https://www.youtube.com/watch?v=ZywQLFZZfJs&t=56s